



Town of Hampden  
Planning Board Meeting  
Wednesday June 13, 2017, 7:00 pm  
Council Chambers

## Minutes

In Attendance:

Planning Board

Peter Weatherbee  
Jake Armstrong  
Jennifer Austin  
Tom Dorrity

Staff

Karen Cullen, AICP, Town Planner  
Myles Block, Code Enforcement Officer  
Ben Smith, Contract Planner

Public

Angie Potter (for John Jones)  
Rochelle and Mark Webb  
Chuck Lawrence (Tradewinds)

Peter Weatherbee served as Acting Chairman in the absence of Chairman Gene Weldon. The meeting was called to order at 7:03 pm.

1. Administrative: Minutes of May 9 and May 15, 2018. **Motion** by Member Austin to approve both sets of minutes as submitted; second by Member Armstrong; carried 4/0/0.
2. Old Business: None.
3. New Business:
  - a. Conditional use application for John Jones to convert an existing residential structure located at 569 Back Winterport Road (parcel 02-0-085) into a home for adults with intellectual disabilities, classified by the Town as "nursing home." Acting Chair Weatherbee read the public notice into the record and confirmed with staff that proper notice had been given, then opened the public hearing at 7:06 pm. [Ed. note: John Jones is the Division Manager for the Bangor branch of Maine Vocational and Rehabilitation Associates (MVRA).]

Angie Potter, representative for the applicant, stated the property is currently a two unit home with two residents enrolled in a mental health program for the state, and this request is to increase the number of residents to three. This requires a change to a "Level 3" (state regulations).

Rochelle and Mark Webb, abutters, had the following questions/concerns:

- what is the classification of the home?
- concern about public safety in light of the presence of a sex offender living there
- will there be changes to the site?
- what are the setbacks; the driveway is very close to the property line
- since they live in Winterport they have to call the Sherriff for enforcement and this creates delays in response time
- would like to know more about the qualifications of the people operating the home
- will the clients ever re-enter the general population?

In response, the following comments were provided:

- classification: Ben Smith stated it is an existing duplex and the addition of another resident changes the classification to “nursing home” which is broadly defined in Hampden’s zoning ordinance.
- Angie Potter stated that person is under 24/7 supervision.
- Ben Smith said there are no changes to the site.
- Ben Smith said that setbacks only apply to new structures, and do not apply to driveways.
- Acting Chair Weatherbee stated the Planning Board does not get involved with the operations or management of the site, such issues would be the purview of the state.
- Angie Potter stated all employees are certified.
- Angie Potter said that residents would re-enter the general population if MaineCare no longer paid for their care.

Acting Chair Weatherbee closed the public hearing at 7:26 pm.

Ben Smith reported that this is a conditional use review and the Board is to consider the nine criteria listed in §4.2.3 of the zoning ordinance. These deal with issues such as the building and site, noise, trash removal, light, traffic, etc. Based on his review, Ben finds the application meets the standards and he recommends approval of the application as submitted.

Acting Chair Weatherbee noted the Board is limited in what authority they have regarding operation of the facility.

Member Austin said she understands the concerns of the abutters and feels for them; she also commends MVRA for what they are doing to help this population.

**Motion** by Member Austin to approve the application as submitted; second by Member Dorrity; carried 4/0/0 by roll call vote.

- b. Minor revision to the approved site plan for Southstreet Development Company, LLC – Tradewinds convenience store and gas station located at the intersection of Route 202 and Coldbrook Road on parcel 33-0-011-B. Acting Chair Weatherbee read the public notice into the record and confirmed with staff that proper notice had been given, then opened the public hearing at 7:30 pm.

Chuck Lawrence, owner, stated the request is to have a sign that is more than 110% larger than what is allowed in the ordinance. He said he could not get a large enough font for the sign in the allowable sign size that would be readable from Route 202 given the large setback from the roadway (since it has such a wide right-of-way). He is requesting a waiver to the sign size requirement so he can have a sign of an appropriate size to be more competitive.

Acting Chair Weatherbee closed the public hearing at 7:33 pm.

Member Dorrity questioned the location of the sign on the site; Mr. Lawrence said it was about in the middle of the site; he pointed it out on the plan. *[Ed. note: it is in the middle of the developed portion, closest to the corner of 202 & Coldbrook.]*

Ben Smith said the decision before the board is whether to grant the waiver to the size of the sign. There are no other changes to the site plan. He noted the ordinance required the Board make findings on three issues, as detailed in his report:

- character of the neighborhood – Ben’s advice is that the proposal will not change the character of the neighborhood
- use of surrounding properties – Ben’s advice is that there will be no impact on surrounding properties
- not the result of action taken by the applicant or a prior owner – not applicable since there is no existing sign on the site.

Ben stated he believes this is a reasonable waiver request.

Member Austin asked what the size of the sign at Maine Trailer was; that information was not available but it was noted that property is in the same zoning district (Commercial Service). CEO Block said he believes that sign is larger than allowed but doesn’t know the size.

**Motion** by Member Dorrity to approve the waiver as presented; second by Member Armstrong; carried 4/0/0 by roll call vote.

- c. Planning Board Bylaws: Motion by Member Dorrity to table this item until the next Planning Board meeting given the absence of three members; second by Member Austin; carried 4/0/0.
- d. Stormwater Management Presentation – Planner Cullen gave a PowerPoint presentation of the MS4 stormwater program as required under the DEP General Permit and the Town’s Stormwater Management Plan.

4. Staff Report:

- a. Planner Cullen noted that Ben Smith will be working on the town center planning project and invited members of the board to participate in the public process as much as possible.
- b. Planner Cullen noted the Town Council’s public hearing on the zoning amendments will be held on Monday (July 18), and she pointed out several additional changes made by the P&D Committee: changes to the provisions for multi-family development in the rural district, primarily having to do with the provision of public water service, allowing multi-family in cluster developments in the rural district (addressing an inconsistency), and allowing the issuance of a building permit for construction on a lot within an approved subdivision prior to acceptance of the road.

5. Planning Board comments: None.

**Motion** by Member Austin to adjourn the meeting at 8:15.