



Town of Hampden
Planning and Development Committee
Wednesday June 20, 2018, 6:00 pm
Municipal Building Council Chambers
Minutes

Attending:

Committee/Council

David Ryder - Chair
Dennis Marble
Ivan McPike
Terry McAvoy
Mark Cormier
Stephen Wilde

Staff

Karen Cullen, Town Planner
Myles Block, Code Enforcement Officer
Jim Chandler, Town Manager

Public

Chairman Ryder called the meeting to order at 6:01 pm.

1. Minutes for the June 6, 2018 meeting – **Motion** to approve as submitted made by Mayor McPike; second by Councilor McAvoy; carried 6/0/0.
2. Committee Applications: None
3. Updates:
 - a. MRC/Fiberight: CEO Block reported that construction is continuing and the next phase of construction is in the design review process with the Town's engineering consultant.

Councilor McAvoy read a letter he wrote to MRC Director Greg Louder into the record, see attached. There was discussion about recent meetings with MRC/Fiberight which provided some assurance that the project will be completed, including the "wet end." Mayor McPike said he'd heard the gas generated by the facility may be sold to UMaine. Councilor Marble said his major concern is the condition of the road; Chairman Ryder said they all share that concern which is why they have decided to not accept the road until it has been there for a year after the repairs currently underway have been completed.
 - b. Staff Report: Planner Cullen reported that nothing new has come in over the last few weeks but there will be a couple of applications submitted on Monday.
4. Old Business: None.
5. New Business:
 - a. Proposed amendments to the Fees Ordinance. Planner Cullen led a discussion on the proposed changes to account for the changes in the zoning ordinance that were adopted on June 18th, specifically to separate the conditional use fees from site plan review fees. The main points of the discussion were:

- keep the fee structure for site plans simple
- cannot leave the fee open ended by charging an hourly rate for time spent over some predetermined amount
- there are a variety of ways to determine fees for major site plans; staff had thought about other ways but decided by acre of land disturbance was the easiest and most equitable method
- if the new fees result in problems then they can be revised again later.

After discussion, the Committee took a straw poll vote and decided unanimously to support the proposed amendments and the additional change to the Fees Ordinance to include four fee levels for major site plan review, so the fee structure for site plan review will be:

- minor revision: \$75
- minor site plan: \$150
- major site plan:
 - less than 1 acre land disturbance: \$500
 - 1 to < 3 acres of land disturbance: \$750
 - 3 to < 5 acres of land disturbance: \$1,000
 - 5 or more acres of land disturbance: \$1,500

It was noted this has already been set for public hearing at Town Council for July 2, 2018.

- b. Urban Impaired Streams (UIS). Planner Cullen led a discussion about the recent listing of Sucker Brook as an urban impaired stream, and the ramifications for economic development of both Shaw Brook and Sucker Brook being listed as such. The key points of the discussion were:
- Shaw Brook has been listed as an urban impaired stream for some time
 - Sucker Brook has just been listed (May 23, 2018) by DEP
 - these two watersheds cover much of the industrial and interchange districts, and will have a dampening effect on economic development
 - state mapping of the watershed areas is thought to be accurate for the Sucker Brook watershed, but not for the Shaw Brook watershed
 - there is no provision based on the DEP rules to modify the watershed boundary; DEP says the burden of proof of whether a project is in or out of the watershed lies with the applicant, although the town could do more accurate mapping to help with that process
 - Fiberight is within the Shaw Brook watershed and it is unknown why DEP apparently did not consider the UIS situation
 - the business park is almost entirely within the Sucker Brook watershed
 - any development proposals that require a modification to the site law permit for the business park will be required to comply with the UIS regulations; this would include any lot combining to create larger lots for development
 - such sites will be required to either mitigate (remove) existing impervious surface somewhere within the watershed, or pay a compensation fee

- if (when) the town has an approved (by DEP) compensation fee plan, then those fees would go into a dedicated account that we would have control over, and we would use that money to do some sort of pollution abatement for the stream – what that would be staff hasn't figured out yet
- regarding the proposed FW Webb project in the business park, they are trying to figure out if there is any way to mitigate the estimated \$68,000 compensation fee
- there is a provision in the DEP rules to allow the granting of waivers to developments when there is an approved watershed management plan; we do not have one for either Shaw or Sucker Brook
- under the MS4 permit we will be required to have a watershed management plan completed within 5 or 6 years
- Manager Chandler said he will contact the City Manager in Bangor to discuss the need for moving forward on these watershed management plans
- we also need to move forward with preparing a compensation fee plan

6. Zoning Considerations/Discussion: None.

7. Citizen Initiatives: None.

8. Public Comments: None

9. Committee Member Comments: Councilor Marble asked the other councilors about an email from a resident regarding early morning construction noise in the area near his property. Chairman Ryder said he drove around the area trying to find any wood cutting or construction in the area and couldn't find anything that would require town permitting. Chairman Ryder mentioned he had received a message from a resident near the medical marijuana caregiver property expressing her concern about the construction of two greenhouses on that site as well as odors in the area; CEO Block said he approved them since they are not for commercial use (i.e. no customers). Discussion on odors for marijuana grow operations – buildings used for this have sophisticated filtration systems and there is no odor outside the building. Since this is for medical marijuana there is little the town can do.

10. Discussion on meeting schedule – the committee agreed to cut back to one meeting a month; for July the meeting will be on July 18 and starting in August the meeting will be the first Wednesday of each month. If we need to meet more often or to change the schedule, we can do so later.

11. Adjournment: **Motion** to adjourn the meeting at 7:11 pm made by Chairman Ryder, seconded by Councilor McAvoy; motion carried 6/0/0.

*Respectfully submitted by
Karen Cullen, Town Planner*