



Town of Hampden
Planning Board Meeting
Wednesday August 8, 2018, 7:00 pm
Council Chambers

Minutes

In Attendance:

Planning Board

Gene Weldon, Chairman
Kelley Wiltbank
Jennifer Austin
Jake Armstrong

Staff

Karen Cullen, AICP, Town Planner
Myles Block, CEO

Public

See separate sign-in sheet

The meeting was called to order at 7:00 pm.

1. Administrative: Minutes of July 11, 2018. Chairman Weldon tabled this item to the next meeting since the minutes were not in the packet.
2. Old Business: Planning Board Bylaws. Chairman Weldon left this item on the table since we have not received comments from the town attorney yet.
3. New Business:
 - a. **Conditional Use application for Macie & Bryan Day** to convert an existing single family home located at 100 Mayo Road to a Child Care Center (parcel 35-0-004). This property is in the Residential B district. Chairman Weldon read the notice and opened the public hearing at 7:02 pm.

Macie Day, the owner and applicant, presented the application:

- They are proposing to open a day care center for up to 16 children
- She has years of experience working with children
- They have had difficulty finding child care for their daughter so they decided to open one themselves.

There being no abutter or public comments, Chairman Weldon closed the hearing at 7:03 pm.

Planner Cullen summarized her report:

- The board may wish to inquire as to financial capacity as that was the only item missing in the application; however they already own the property so this information is not critical to the application.
- The outdoor play area needs to be at least 25 feet from the property lines; from the aerial imagery it appears this will be met but she recommends it be a condition of approval to ensure it is installed at the correct distance.
- The proposal requires 6 parking spaces, which can be accommodated on the site. However, during busy times with pick-up or drop-off, it may become congested and parents may want to park on Mayo Road, which is a fairly busy road. It is recommended that a condition of approval be that no parking is permitted on the road at any time.
- Chief Rogers reported no public safety concerns.
- It is in the Residential B district and child care centers must be reuse of an existing building, which this is.

Key points from Planning Board discussion were:

- Technical capacity – Macie Day stated she has years of experience working with children and the center will be properly licensed by the state.

Motion by Member Austin to grant conditional use approval in accordance with the draft Board Order and subject to the two conditions contained in that Order; second by Member Wiltbank; carried 4/0/0 by roll call vote.

- b. **Conditional Use and Site Plan applications for Zucco's Dog House.** LTZ Holdings, LLC proposes to construct a new 3,512 square foot building to house a dog daycare facility (kennel) on lot 25 of the Hampden Business Park, parcel 10-B-025, in the Industrial Park district. Chairman Weldon read the notice and opened the public hearing at 7:07 pm.

Jim Kiser presented the application on behalf of the owners, Darlene and Corey Webb.

- The 1.3 acre site is on the new road on the left side, near the church, and it is currently an open field.
- It is served by public water and sewer, which are stubbed in, and the driveway apron is also already built, which limited the design of the site to some degree.
- They are requesting two waivers: one to the stormwater requirement in §4.7.6, since the entire park has already had stormwater management approved in the DEP permit for the Site Location of Development Act; and secondly for the class 1 buffer since no site within the park has installed a buffer in compliance with this standard, and furthermore such a dense buffer is somewhat contradictory to the business park setting since it would block the view of the site.
- They have designed landscaping along the street and around the sides and back; over time these plants will grow to provide a more pleasant setting.
- The outdoor play area will be fenced all the way around, with solid fencing in the front area and chain link elsewhere.

Chairman Weldon closed the hearing at 7:12 pm.

Planner Cullen summarized her report:

- The conditional use application is complete and meets the required standards for approval.
- The site plan application is complete and, if the requested waivers are granted, meets the standards for approval.
- Both the zoning ordinance and the covenants for the park deal with landscaping, and as Mr. Kiser has stated, there are no developed sites within the park that meet the class 1 buffer requirement. Planner Cullen supports the waiver request since the proposed landscaping is consistent with or better than landscaping at other sites.
- Comments from the DPW Director and Woodard & Curran have been addressed in the revised plans which were in your packet.
- Staff recommends granting the waiver for the stormwater requirement of §4.7.6 of the zoning ordinance, since the site is within the park which has DEP approval under SLODA.

Key points from Planning Board discussion were:

- The impact of the kennel/daycare operations on abutting properties should be minimal as there are no residential uses nearby, and impact on the church will be minimal since the dog daycare business will not be open on Sunday.
- There may be some kenneling on weekends but no daycare.

Motion by Member Wiltbank to grant conditional use approval as proposed and in accordance with the draft Board Order; second by Member Austin; carried 4/0/0 by roll call vote.

Motion by Member Wiltbank to grant waivers to §4.7.6 for stormwater management, given that the site is covered by the DEP SLOD permit, and to §4.7.2.5 for the Class 1 buffer since the proposed landscaping is consistent with the landscaping at other sites within the park, and to grant major site plan approval as proposed and in accordance with the draft Board Order; second by Member Austin; carried 4/0/0 by roll call vote.

- c. **Major Site Plan application for FW Webb** to construct a new 86,288 square foot building to house a wholesale and warehouse facility on lots 33, 34, and 35 of the Hampden Business Park, parcels 10-B-033, -034, and -035, in the Industrial Park district. Chairman Weldon read the notice and opened the public hearing at 7:24 pm.

Sean Thies of CES and Andy McBeth of Green Leaf Construction presented the application on behalf of the applicant:

- FW Webb is a wholesaler of pipes and materials for the mechanical trades.
- Described the project, noted that they expanded the building by 12 feet toward the back due to interior architectural design, increasing the building space to 86,288 square feet.
- They will be connecting to the water and sewer service in the park.
- They are proposing to install all the parking for current and future needs for visitors, customers, and employees now.
- There is an outdoor storage area which is located in an area that will be the least visible from Route 202.
- The uses in the building include office, “self-serve” wholesale where customers can go through and choose their own products, and storage (warehouse).
- There are 6 loading docks on one side of the building.
- The site is designed with a circular traffic flow for trucks to drive around the back of the building and into the pipe barn or outdoor storage area.
- There are overhead cranes in the pipe barn for moving heavy loads.
- There is a mezzanine area which is for storage of bathtubs and other bulky items.
- Initially there will be around 25 employees in the office area.
- The exterior of the building is metal siding, with split-masonry along the bottom portion of the front, wrapping partially around the sides, which is similar to other buildings in the park.

Main points from discussion with Planning Board:

- In regards to consolidation of operations in the region, the warehouse in Bangor will be closed and those operations relocated to this site. The retail operation on Hammond Road will remain there, with the possibility of it being relocated here within 10 years.
- The applicant is seeking a waiver for the maximum number of parking spaces, which is being exceeded for the current condition since they want to construct all the parking now for their future expansions.
- The applicant is also seeking a waiver to the requirement that outdoor storage be in the rear two-thirds of the site. The outdoor storage area will be screened with fencing and is not very visible to the general public (on Route 202) due to the way the site is situated and designed.
- The proposed signage is in compliance with the requirements except for the “pylon” sign, which is an off-premises sign considered to be an “Industrial Park” sign under §4.7.5.8.3 of the zoning ordinance. That sign needs to include “Hampden Business & Commerce Park”, “Webb Drive”, and have four panels for the tenants – two for the site under consideration (one “FW Webb” and the other reserved for the future retail operation) and two for the other lots accessing Webb Drive. A revised drawing needs to be submitted for the pylon sign.
- Stormwater management is being approved by DEP through the application for an amendment to the SLOD permit which was issued previously for the entire business park. This

- site has been designed to handle stormwater on site, with two detention ponds, and will comply with current DEP standards.
- Water supply in regards to fire flow is currently lacking, the site has about 600 gpm and to meet the needs for fire flow they need about 17-1800 gpm. The water flows through two 4 inch meters from Bangor which are believed to be causing a significant restriction on the flow. There are three realistic options they are currently looking at to find a solution to this problem. Discussion that this should be a condition of approval, so the Board can make a positive finding regarding not overburdening the public water system. It was noted that fire flow throughout the park is very important to ensure development of this asset, thus is crucial to the Town as well as to this particular applicant.
 - Applicant needs to comply with the Town's Post-Construction Stormwater Management Ordinance, which will entail an agreement signed by the Town Manager and the site owner.

Chairman Weldon closed the public hearing at 7:58 pm.

Motion by Member Wiltbank that based on the findings outlined in the Board Order, to grant the waivers listed below and to grant approval to the site plan for FW Webb as submitted, subject to the conditions listed below.

Waivers:

1. To the Class 1 buffer requirements of §4.7.2.5 of the zoning ordinance, given the site location at the back of the park and the landscaping proposed is similar to that provided on other lots in the Business Park.
2. To the maximum amount of parking restriction in §4.7.1.2, to allow parking for future expansions to be constructed along with the rest of the paving, given that the stormwater management system has been designed to handle all stormwater runoff on-site, and is being approved by MDEP.
3. To the location of the outdoor storage within the front one-third of the site as required in §3.2.35, given that the outdoor storage area is located in an area where it will not be obviously visible from Route 202 and it will be screened from view of Webb Drive.

Conditions:

1. That the applicant will provide to the Code Enforcement Office documentation from the Hampden Water District that water capacity will serve building and fire code requirements prior to issuing the Certificate of Compliance.
2. That the applicant receive approval for all state permits, specifically the amendment to the Site Location of Development permit and the Natural Resources Protection permit.
3. That the signage meet the standards of the zoning ordinance, particularly the pylon sign, and to submit revised plans for signage.
4. That the requirements of the Post-Construction Stormwater Management Ordinance be met.

Motion seconded by Member Austin; carried 4/0/0 by roll call vote.

4. Staff Report:

- a. Planner Cullen noted that the Staff Review Committee met this afternoon and approved a site plan for JS Insulators for an addition to their building at the corner of Main Road South and Swan Ave. There are two more minor site plans in the pipeline for the SRC, one is an ice cream stand on the property at the Eagle Security building on Main Road North, and the other is for an addition at the Hampden Historical Society site on Main Road South.

- b. The abutter to the south of the FA Peabody site has contacted staff regarding a potential appeal of the Planning Board approval granted last month.
- c. Town Council has set a public hearing to modify the separation requirements in the Mobile Home Park ordinance.
- d. Town Council has adopted an emergency ordinance to prohibit medical marijuana caregiver retail stores, and has set a public hearing to adopt a moratorium on these stores. The first is effective immediately and lasts for 60 days, the second is adopted per the normal process and will become effective 30 days after adopted (after public hearing, set for Aug 20), which will be in effect until February 2, 2019. These actions were taken to protect the town and ensure such caregiver retail stores are allowed in a manner to not create problems – we are waiting for the state to complete work on the amendments to the rules to go along with the recently amended Medical Marijuana Act before we can figure out how we can and want to regulate caregivers and caregiver retail stores.
- e. Town Council has set a public hearing for Aug 20 to adopt a new ordinance called simply “Marijuana Ordinance” which will eventually contain most of the regulations pertaining to marijuana (medical and adult use) for Hampden. Initially it will contain a limit on the number of adult use mature marijuana plants that can be grown for personal use on a single property. She described the state law limitations and said the local limit is proposed to be nine mature marijuana plants plus the number permitted by state law for adults age 21 or over who are domiciled on the property. She said her concern was with someone starting what would essentially be a marijuana co-op farm in the middle of a residential area, which raises public health, safety, and welfare concerns.
- f. Planner Cullen noted the town center planning project had the first workshop last week, which was well attended and apparently resulted in good discussions and information sharing. Ben Smith is working on compiling the data gathered.
- g. The next Board meeting is scheduled for September 12, currently there is a request for determination (by the Chairman) that proposed changes to the Fiberright site plan are “insubstantial” and therefore do not require a public hearing, but will require Board action. There may also be a conditional use application for an accessory apartment.

5. Planning Board comments: None.

Motion by Member Wiltbank to adjourn the meeting at 7:55; seconded by Member Austin; carried 4/0/0.

Respectfully submitted by Karen Cullen, Town Planner

Planning Board Meeting – Aug 8, 2018

Sign-in Sheet

Name	Project you are here for
HERB SARGENT	HAMPTDEN BUSINESS PARK PROJECTS
Chp Luite	" " "
MACIE DAY	DAY'S CHILDRENS CENTER
Bryon Day	" "
Justin Gelinas	Hamptden Business Park Project - F.W. Webb
Andy McBeth	FW Webb
Julie Johnston	Hamptden Business Park
Pete Webb	" " "
TODD JOHNSTON	Hamptden Business Park
Drew Johnston	Hamptden Business Park
Camryn Bouchard	Hamptden Business Park
ROSS webb	" " "
Anthony Liberatore	Hamptden Business Park
Todd Hardy	Zucco's Dog House
Jim Kisor	Zucco's " "
Corey Webb	"
Darlen Webb	"
Sean Thies	FW Webb

Charlene Teeta

Zucco's Dog House

Marilyn Hughes

Zucco's Dog House