



Town of Hampden

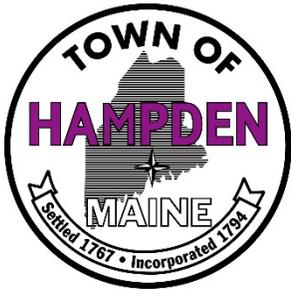
Planning Board

Wednesday September 13, 2017, 7:00 pm

Municipal Building Council Chambers

Agenda

1. Administrative
 - a. Minutes – August 9, 2017
2. Old Business – None
3. New Business
 - a. Public Hearing, Site Plan Review: Hamlin's Marina for a new boat storage building to be constructed on a portion of an existing paved boat storage area. The building is proposed on a portion of Parcel 28-0-017-A located at 100 Marina Road.
 - b. Public Meeting: Coastal Resources of Maine, LLC (formerly Fiberight) proposes "insubstantial changes" (pursuant to Condition 2 of the Board Order) to the approved Site Plan and Conditional Use Approval to construct a Solid Waste Processing Facility off the new road off Coldbrook Road (Parcel 14-0-007, Parcel 09-0-027, Parcel 09-0-035, Parcel 09-0-036, Parcel 09-0-037, Parcel 09-0-038, and Parcel 09-0-039).
 - c. Consideration of proposed amendments to Zoning Ordinance Sec. 7.2 regarding the sale of retail marijuana and retail marijuana social clubs – for referral to Planning Board public hearing or for referral to the Planning Board Ordinance Committee – *referral from Town Council*
4. Staff Report
5. Planning Board Comments
6. Adjournment



Town of Hampden

Planning Board

Wednesday August 9, 2017, 7:00 pm

Municipal Building Council Chambers

Minutes

In Attendance:

Planning Board

Kelley Wiltbank
Mort Syversen
Jim Davitt
Tom Dorrity
Jennifer Austin

Staff

Karen Cullen, AICP, Town Planner

Public

Jim Kiser
Andre Cushing
Christopher Shawley
David St. Germain
Oscar Emerson
Bruce Campbell
Wally Fraser
(Others who did not speak)

Acting Chairman Wiltbank called the meeting to order at 7:00 pm. In the absence of several regular members, he appointed Alternate Member Austin to serve as a full voting member on the business before the Board tonight.

1. Administrative

- a. Minutes of July 12, 2017 meeting: **Motion** by Member Dorrity to approve as submitted; second by Member Davitt, carried 5/0/0.

2. Old Business: None

3. New Business

- a. Final Subdivision Plan: Kiser & Kiser for The Cushing Family Trust. Proposed 11 lot subdivision with a new cul-de-sac off Constitution Ave, with the reconfiguration of two existing lots on Constitution Ave, on a portion of parcel 06-0-041-A and on parcels 06-A-056 and 06-A-058. This is Phase 3 of the Colonial Heights development.

Jim Kiser noted that the owner, Andre Cushing, was present tonight. He summarized the application:

- This expansion of the Colonial Heights subdivision involves 6.1 acres with 11 new lots and the reconfiguration of two lots on Constitution Ave.
- The new road will be named Freedom Avenue.
- All information, letters, and plans have been submitted to staff as required by the subdivision ordinance, with the exception of the improvement guarantee.

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- The applicant is requesting that the Board consider granting approval for the final plan with a condition that the improvement guarantee be submitted prior to the start of construction.

The Board noted that a public hearing had been held previously on the preliminary plan, and at that time the requested waivers were granted and the applicant directed to submit the final subdivision plan.

Motion by Member Dorrity to approve the final subdivision plan for the Colonial Heights Phase 3 subdivision along with the Board Order as submitted to the Planning Board, with the condition regarding the improvement guarantee as written in the Board Order; second by Member Davitt; carried 5/0/0 by roll call vote.

- b. Public Hearing, Conditional Use: Amy Brickle for conversion of an existing single family house located at 326 Main Road North to a two-family dwelling, under the provisions of §3.7.6 of the Hampden Zoning Ordinance, in the Residential A district. Acting Chairman Wiltbank opened the public hearing at 7:06 pm. Chris Shawley of 15 North Carpenters and Associates, representing the owner Amy Brickle, stated the apartment is a mother-in-law apartment for family use only. There were no other comments or questions from the public or from the Board. Acting Chairman Wiltbank closed the public hearing at 7:08 pm.

Motion by Member Syversen to approve the conditional use application of Amy Brickle to convert the second story of an existing garage to an accessory apartment as submitted; second by Member Davitt; carried 5/0/0 by roll call vote.

- c. Public Hearing, Conditional Use and Major Site Plan Review: Sky Villa LLC for conversion of a portion of an existing structure located at 646 Main Road North, Tax Map 28 Lots 9 and 10, to a ten bed Social Setting Detoxification Center in addition to the existing 15 residential units on the property, under the provisions of §3.4.3 (use categorized as “nursing and convalescent homes”) of the Hampden Zoning Ordinance, in the Business district.

Acting Chairman Wiltbank opened the public hearing at 7:10 pm. Oscar Emerson of Down to Earth Professional Land Services presented on behalf of the applicant, noting that David St. Germain of Sky Villa LLC was present as well. Mr. Emerson summarized the application:

- The application is for a reuse of a portion of an existing building for a ten bed social setting detoxification center.
- The property also has two existing apartment buildings with a total of 15 one- and two-bedroom apartments.
- The space to be occupied by the detox center was previously a print shop.
- There is no increase in the footprint of the building.
- The request includes a reconfiguration of the parking lot to accommodate the proposed use as well as the existing apartments. Current conditions is just a mass of pavement with no delineation of entrance/exit or of parking spaces.
- The site plan was submitted to ME DOT, who required modifications to the sidewalk and the area within the DOT right-of-way.

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- They have calculated they need 44 parking spaces under the zoning ordinance and they are providing 37, which is what they believe they will need for the 15 apartments and the detox center. The applicant is requesting a waiver for the difference.
- There is a slight decrease in impervious surface from the existing conditions, since they are removing some areas of pavement and replacing those areas with grass.
- Most of the changes to the site are striping the parking lot and interior changes to the building for the detox center.

Planner Cullen made the following comments:

- Using the ratio of 1 space per three beds for parking, she calculated the actual requirement for total parking is 34 spaces; since the project proposes 37, she does not feel there is a need for any waivers since the proposed parking exceeds the required parking.
- Otherwise the plan meets the requirements of the ordinance.
- She had requested a couple of minor modifications to the design of the parking lot, to tighten up the drive aisles where the traffic is supposed to be one-way. She noted this may not be a significant issue, it depends on the amount of traffic in the parking lot, but making the changes would improve safety.
- There is no outdoor lighting proposed, and the draft Planning Board Order includes a condition that any new outdoor lighting on the site be of residential design and full cut-off type fixtures.

Planning Board members asked questions:

- Member Dorrity asked if there would be many turning movements associated with the site; Mr. Emerson replied there shouldn't be many, and added that DOT found it was well below their thresholds for turning movement improvements to the roadway. He added that peak traffic at the site should be similar to that for residential development.
- Member Wiltbank asked for an explanation of what would be taking place at the center. Bruce Campbell, the Clinical Director of Wellspring, said this project has been in the works for many months, it is a social model detoxification center. Typically a patient will be discharged from the emergency room to this facility, after initial treatment and medical examination. They will remain at the detox center for typically five days, being monitored through the withdrawal process and receiving social services to help with other needs. The center will have a minimum of two staff at all times, providing assistance getting connected with treatment services for after they leave the center.
- Member Dorrity asked if there are other facilities in this area that do this; Mr. Campbell said this is the second of its kind in the state – the only other similar facility is a medically managed one in Portland. He added they have a contract with PCHC for medical services which are available 24/7.
- Member Dorrity said this is clearly a crisis and there is a need for this type of facility, and if Hampden can help out by having this here, he is in favor of it. Mr Campbell said

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they had a hard time finding a facility that met their needs, and this one does very well.

- Member Wiltbank asked for more information on the parking requirements, why do they need so many spaces? Mr. Campbell said the maximum number of staff on site at any one time will be five, and the patients will not have vehicles there. There will be visitors and people coming to pick patients up at the end of their stay. He added the 15 apartments also need parking.
- Senator Cushing stated that he chairs the Senate opiate task force, and this type of facility is a part of the overall comprehensive plan of dealing with the opioid crisis in the greater Bangor area. He is pleased that Hampden is considering hosting this facility, noting that it is close to other necessary parts of the treatment spectrum.
- Member Davitt noted he was also in the 127th Legislature, and his experience with the task force showed that both parties in both houses worked together to solve this issue; he thanked Senator Cushing for his continued work on it. Senator Cushing agreed and thanked Member Davitt. He added this is a good reuse of this property and noted that the sooner it is completed the faster we can provide relief to those struggling with addiction. He noted this is an important part of the treatment spectrum in this part of the state.
- Wally Fraser, resident of Hampden said he is on the RSU22 Board of Directors, and he believes it is great that Hampden is considering supporting this center as it is a real need in this area. He is in favor of the proposal. He also noted he works in the social services field and has seen the need for this type of facility and believes it is not only needed but is welcome.

No one spoke in opposition to the application. Further discussion:

- Member Dorrity asked if permitting would be required if the detox center were to cease operations at this location and the building put to another use; Planner Cullen said that would depend on the propose reuse and whether it was allowed in the zoning district.
- Member Davitt noted that addiction is a disease and it affects friends, family, and neighbors. When the bill was proposed, Wellspring and others said this type of facility would not be a cure-all, it is a step that can be taken to help people suffering from addition; to get them off the street after discharge from an emergency room and started onto the road to recovery. He added that if only one life is saved as a result of having this facility, it will be a victory. He stated the project serves all of us and serves us well, and deserves all our support.
- Member Austin expressed support for the project and thanked the attendees for coming tonight.
- Member Dorrity said he learned from Brewer Public Safety and others what they deal with in handling this crisis and is glad we, as a community, can help.

Motion by Member Davitt to grant the conditional use and approve the site plan for Sky Villa LLC for conversion of a portion of an existing structure located at 646 Main Road North, Tax Map 28 Lots 9 and 10, to a ten bed Social Setting Detoxification Center in addition to the existing 15 residential units on the property, under the provisions of §3.4.3 (use categorized

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as “nursing and convalescent homes”) of the Hampden Zoning Ordinance, in the Business district, as submitted to the Planning Board, along with the Board Order, with the condition that any new outdoor lighting to be added to the site shall be of a residential character and shall be full cut-off fixtures; second by Member Dorrity; carried 5/0/0 by roll call vote.

4. Staff report: Planner Cullen had nothing further to report tonight.
5. Planning Board Comments: None.

The meeting was adjourned at 7:38 pm by motion of Member Austin with second by Member Davitt; motion carried 5/0/0.

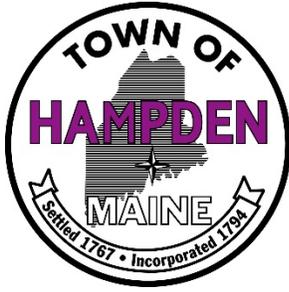
Respectfully submitted by Karen Cullen, Town Planner

Materials reviewed or handed out at the meeting:

- Board Order for Colonial Heights Phase 3
- Board Order for Amy Brickle Accessory Apartment
- Letter from Senator Cushing re: Sky Villa LLC application
- Board Order for Sky Villa LLC 10 bed social setting detoxification center (convalescent facility)

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Town of Hampden
Land & Building Services



Report on Application
Site Plan

Hamlin's Marina, Marina Road

To: Planning Board
From: Karen Cullen, AICP, Town Planner and Angus Jennings, AICP, Town Manager
Date: September 7, 2017
RE: Report on Site Plan Application for Hamlin's Marina

Project Information

Applicant: Dan Higgins, Hamlin's Marina
Site Location: 100 Marina Road; Parcel 28-0-017-A1
Zoning District: W – Waterfront 1
Proposal: Construct a 10,000 square foot boat storage building on a paved boat storage area.

The Town Planner reviewed this application and determined it to be in compliance with the requirements of Section 4.1, Site Plan Review, of the Zoning Ordinance. Staff reports from Public Safety and Public Works are attached, along with a report from Woodard & Curran.

The application and plans are attached to this report for your review. In addition, a draft Order (decision) is also attached for your review.

The only substantive issue that arose during review is the location of the building. While it meets the requirements of the Zoning Ordinance, it has raised concerns for both Public Safety and Public Works in regard to visibility of traffic entering and exiting the building on the Turtle Head Park side and with vehicles, including those with boats in tow, turning the corner by the building.

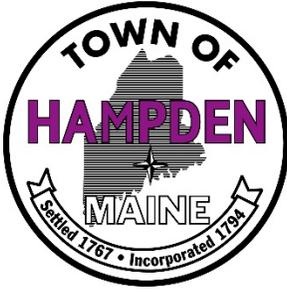
The applicant's engineer has been apprised of these concerns and has advised that, in practice, the boats will be removed from and returned to the building during narrow and predictable time windows in the fall and spring, and they do not anticipate conflicts. However, the applicant's engineer is looking at whether an adjustment to the building location in order to mitigate any potential visibility concerns may be feasible without impacting other site features. The applicant's engineer will be present and can speak to this at the public hearing.

If moving the building does not prove feasible, and the Board feels that there may be a significant public safety issue here, potential mitigation could include posting speed limit and warning signs.

On the stormwater, the project falls under the thresholds for a stormwater permit. The impervious area of the site will be increased by only 594 square feet; pre- and post- development runoff will be essentially the same.

The peer review engineer has recommended the following additional items, which are reflected in the draft Board Order:

1. Snow storage. We recommend that the Applicant clarify how snow is managed on the site and how this revision will affect intended snow storage and capacity within the plans.
2. Utilities, esp. electric and gas. We recommend that the Applicant clarify whether there will be any changes in use and demonstrate applicable utility capacity for those changes, if any.
3. Stormwater. Because the proposal would affect the existing stormwater management system within the regulated MS4 Urbanized Area, the Applicant may be subject to the requirements of the Post-Construction Stormwater Management Plan and Maintenance Agreement.



Town of Hampden
Land & Building Services

Planning Board Order Hamlin's Marina Site Plan

Approval Date: September 13, 2017

Project Name: Hamlin's Marina

Location of Project: 100 Marina Road

Assessor's Reference: Map 28, Lot, 17-A1

Deed Reference: B13424/P019

Zoning District: Waterfront 1

Total Acreage: 7.66 acres

Type of Use: Boat sales, service, and storage

Building Area: 10,000 square feet (new building)

Applicant: Dan Higgins, Hamlin's Marina
581 Main Road North
Hampden, ME 04444

Owner: Same as Applicant

Plans Prepared by: CES Inc.

Plans Dated: July 21, 2017

Application Date: July 27, 2017

Public Hearing: September 13, 2017

*PB Members:*¹ Eugene Weldon, Peter Weatherbee, Michael Avery, Kelley Wiltbank,
Tom Dorrity, Morton Syversen, Jim Davitt

PB Action: _____. This Site Plan is approved under Section 4.1 of the
Hampden Zoning Ordinance.

¹ Planning Board Members who were eligible/appointed to vote on this case.

Summary Description of Application: This application is to build a 10,000 square foot boat storage building on a portion of the existing paved boat storage area.

Findings: After the public hearing duly noticed and held, the Hampden Planning Board made the following findings as required by Section 4.1.7 of the Hampden, ME Zoning Ordinance:

1. The proposed project meets the provisions of all applicable regulations and ordinances of the Town of Hampden and meets the intent of the comprehensive plan, given that it is the addition of a building with a permitted use within a commercial waterfront area.
2. The proposed project is consistent with generally acceptable design practices and is properly integrated with the terrain and existing buildings in the vicinity, given that the site is flat and the building will be located in compliance with the requirements of the zoning ordinance.
3. The proposed project, as conditioned herein, provides for safe ingress and egress for vehicles.
4. The proposed project, as conditioned herein, provides for safe on-site circulation for vehicles and pedestrians.
5. Any signage and exterior lighting for the proposed project will comply with the applicable regulations of the Zoning Ordinance and will not present a hazard due to location, glare, or other conditions that negatively impact abutting property or the travelling public. No exterior lighting is proposed for the new building.
6. The proposed building is properly integrated with the existing topography and natural features of the site, given the location of the building on an existing paved, flat area.
7. The proposed project minimizes earthmoving, erosion, tree clearance, vegetation disturbance, and the destruction of natural amenities, given that the building is located on an existing paved area.
8. The proposed project has minimal grassed areas with minimal slopes.
9. The proposed project provides adequate stormwater management to prevent adverse impacts on neighboring properties, downstream water quality, or any public or private stormwater drainage system, and prevents soil erosion. The project falls under the thresholds for a stormwater permit. The impervious area of the site will be increased by only 594 square feet; pre- and post- development runoff will be essentially the same. However, Woodard and Curran has advised that, because the proposal would affect the existing stormwater management system within the regulated MS4 Urbanized Area, the Applicant may be subject to the requirements of the Post-Construction Stormwater Management Plan and Maintenance Agreement.
10. The proposed project will not have a negative impact on existing scenic or natural beauty, rare or irreplaceable historic sites, or other features of importance to the community, given

that the area where the building is proposed is currently developed with a paved boat storage area.

11. The proposed project will not create an undue burden on utilities (e.g. sanitary sewer, stormwater drainage system, water lines), nor on municipal services (e.g. public safety, schools, open spaces, recreational facilities or programs, roads, solid waste disposal), given that the project will not create any demand on utilities, is non-residential, and is not expected to produce significant amounts of traffic or solid waste.
12. The proposed project does not include any exposed storage areas, machinery installations, service areas, truck loading areas, utility buildings, or any accessory areas and structures.
13. The proposed project will not have any unreasonable adverse impact on surface water quality, ground water quality, ground water quantity, soil quality, or air quality, given that it is below the threshold requiring MDEP stormwater permits and is designed to discharge a small amount of runoff directly into the stormwater drainage system.

Based on these findings, the Hampden Planning Board voted _____ to **approve/deny/approve with conditions** the Site Plan for Dan Higgins/Hamlin's Marina to construct a boat storage building at their property at 100 Marina Road as previously described, subject to the following condition:

1. Prior to endorsement of the approved Site Plan, the Applicant shall clarify how snow is managed on the site and how this revision will affect intended snow storage and capacity within the plans.
2. Prior to endorsement of the approved Site Plan, Erosion Control Note number 9 shall be revised to specify that straw bales shall not be used for catch basin inlet protection.
3. **[If the location of the proposed building is voluntarily shifted by the applicant, and/or the Board wishes to condition approval on the addition of posted speed limit and/or warning signs, such condition(s) or reference to updated plan set would be added here].**

For the Hampden Planning Board:

Eugene Weldon, Chairman

Date

Michael Avery

Kelley Wiltbank

Peter Weatherbee

Morton Syversen

James Davitt

Tom Dorrity

Notes:

1. *A copy of this decision is on file with the Land & Building Services Office at the Town Offices, 106 Western Avenue, Hampden, ME 04444.*
2. *This decision is subject to appeal in accordance with Article 6 of the Hampden Zoning Ordinance within 30 days after the date this decision is made by the Planning Board.*



SITE PLAN - PERMITTED/CONDITIONAL USE APPLICATION

Please note that this application must be submitted with plans in conformance with Section 4.1 and 4.2 of the Hampden Zoning Ordinance. *Incomplete applications will not be processed. All fees must be paid for application to be processed. Proper number of copies of application must be submitted in order to be processed.* All town ordinances are available at www.hampdenmaine.gov for review.

Town of Hampden
RECEIVED

JUL 27 2017

Date: 7/26/17

PB File Copy

Planning & Zoning
Office

APPLICANT:

Name: Hamlin's Marina Dan Higgins
Address: 581 Main Rd N Hampden, ME 04444
Phone: 207-907-4385 Cell: _____ Email: dan@hamlinsmarina.com

AGENT:

Name of agent or representative: Hardy Construction, Inc. - Todd Hardy
Address: 431 Odlin Rd, Bangor, ME 04401
Phone: 207-307-7158 Cell: 207-570-7237 Email: toddhardy@hardyconstruct.com

THE SITE:

Location of site: 100 Marina Reed Hampden tax map and lot number: 28-0-017-A1
Zoning district: Waterfront 1 Existing use of property: Boat Sales, Service, Storage
Legal interest in the parcel: Applicant is owner
Owner of parcel if other than applicant: _____

Owner's address: 581 Main Rd N, Hampden, ME 04444

PROPOSED PROJECT:

Proposed use of property: Boat Storage building
(Please include floor area per use, seating if applicable, and land area).

Proposed starting date: September 2017 Final completion date: March 2018

(APPLICATION CONTINUES ON REVERSE SIDE.)

Will your project result in more than one acre of disturbed land area? Yes No.

If yes, you are required to obtain either a Construction General Permit or Stormwater Permit by Rule from the Maine Department of Environmental Protection. If you are in the Urbanized Area of Town and discharge stormwater to the Municipal Separate Storm Sewer System (MS4) a Post-construction Stormwater Management Application shall be submitted to the Town pursuant to the Town of Hampden Post-construction Stormwater Management Ordinance.

FEES: Application fee is: \$75.00 for structures under 3,000 sq. ft. and total site improvements under 5,000 sq. ft.; \$150.00 for structures between 3,000 and 20,000 sq. ft. and total site improvements under 50,000 sq. ft.; and \$500.00 for structures in excess of 20,000 sq. ft. and more than 50,000 sq. ft. of site improvements.

Application fee amount: \$150.00

Draw account contribution: The Town of Hampden requires applicants to provide \$600.00 for the Town to hire an engineer to review their plans and, if necessary, \$1,000.00 for an engineer to review their traffic analysis. Draw account contribution is: \$600.00 (Any unspent portion of the draw account will be returned to applicant, however, if additional funds are required, applicant agrees to cover all costs that the Town of Hampden may incur. Complete and accurate submissions require less time to review.)

CERTIFICATION: By signing this form I certify that the information provided on these plans, text, and associated testimony is true and correct. I certify that all site improvements will be constructed in strict conformance with Planning Board approved plans. Furthermore, I acknowledge that if the constructed site improvements are not built in accordance with the zoning ordinance and Planning Board approved plans that I am obliged to take corrective action that may include obtaining a revised Planning Board approval or the removal of non-conforming uses and structures and site improvements. (Agents that lack authority to certify said items should not sign this form.)

Signature: Todd A. Holy Date: 7/26/17

OFFICE USE ONLY

Date received: _____ Date complete: _____

Fees paid: Amount/Date: _____ Draw paid: Amount/Date: _____

Conditional Use determination: _____

Planning Board action: _____ Date: _____

Conditions: _____

ARTICLE 4 - GENERAL REGULATIONS

SECTION 4.1.6 REQUIRED INFORMATION ON PLANS

Please refer to attached Sheet C-101 for the required plan information. We are requesting a waiver from requirement 4.1.6.14-Location of trees of 12-inch diameter and over, at a point 4½-feet above ground level. The proposed development is being constructed over an existing developed area and no trees are being impacted.

SECTION 4.1.7 STANDARDS GOVERNING SITE PLAN REVIEW

4.1.7 - 1

The proposed development will include a 10,000-square foot Boat Storage Building on what is predominately a paved boat storage area and a new gravel exit drive as shown on the plan. Approximately 1,100 square feet of the paved boat storage area is being re-vegetated with 4-inches of loam and seed and the net impervious increase from the project is 594 square feet. The proposed facility will be located in the Waterfront 1 Zone off Marina Road. According to the Town of Hampden Zoning Ordinance, this facility meets the requirements of a Permitted Use in the Waterfront 1 Zone. The Proposed Site Plan has been included in this application.

4.1.7 - 2

The proposed project is located within an existing developed area and will be harmonious to other buildings within the vicinity which include a warehouse and office building, as well as a restaurant.

4.1.7 - 3

The proposed site uses the existing ingress and egress for the property as well as proposing a new gravel access which will improve movements out of the property onto Marina Road. The gravel access is exit only and provides approximately 350-feet of site distance to the southwest. It will allow traffic exiting from Hamlin's Marina to not conflict with turning movements from the neighboring restaurant. The new gravel exit will improve the safety and movement of traffic within the developed area.

4.1.7 - 4

The proposed site uses the existing vehicular and pedestrian traffic patterns for the property and maintains adequate areas for the storage of plowed snow.

4.1.7 - 5

The proposed development does not propose any additional exterior lighting. Signage is proposed to be over each garage door on the gable ends of the proposed building, and all proposed signs will be in accordance with the Ordinance requirements.

4.1.7 - 6

See 4.1.7 – 2 above

4.1.7 - 7

The site proposes to maintain the existing natural features by placing the Boat Storage Building on an existing paved boat storage pad.

4.1.7 - 8

Not applicable. There are no manufactured slopes proposed with this project.

4.1.7 - 9

The proposed project will have an insignificant increase in impervious area, and it is not expected to adversely impact drainage onto neighboring properties, downstream water quality, or soil erosion. No on-site absorption shall be required, as runoff from the site will be virtually unchanged from pre-development to post-development.

4.1.7 - 10

The proposed structure is being constructed predominately over a paved area and within an existing developed area. As such the project will not have an adverse impact to existing scenic or natural beauty, rare or irreplaceable historic site, or other features of importance to the community.

4.1.7 - 11

The proposed development will not impose an unreasonable burden on public utilities. The building is not proposing to have running water or sewer, and the storage of boats will not impact municipal services.

4.1.7 - 12

No new exposed storage, exposed machinery, service areas, loading areas, or utility buildings are proposed with this project and therefore no additional screening or buffer is required.

4.1.7 - 13

The proposed Boat Storage Building is being constructed over an impervious paved boat storage area and as such is not expected to have an unreasonable adverse effect on surface water quality, ground water quality, ground water quantity, soil quality, or air quality.

SECTION 4.4 PERFORMANCE STANDARDS

4.4.1

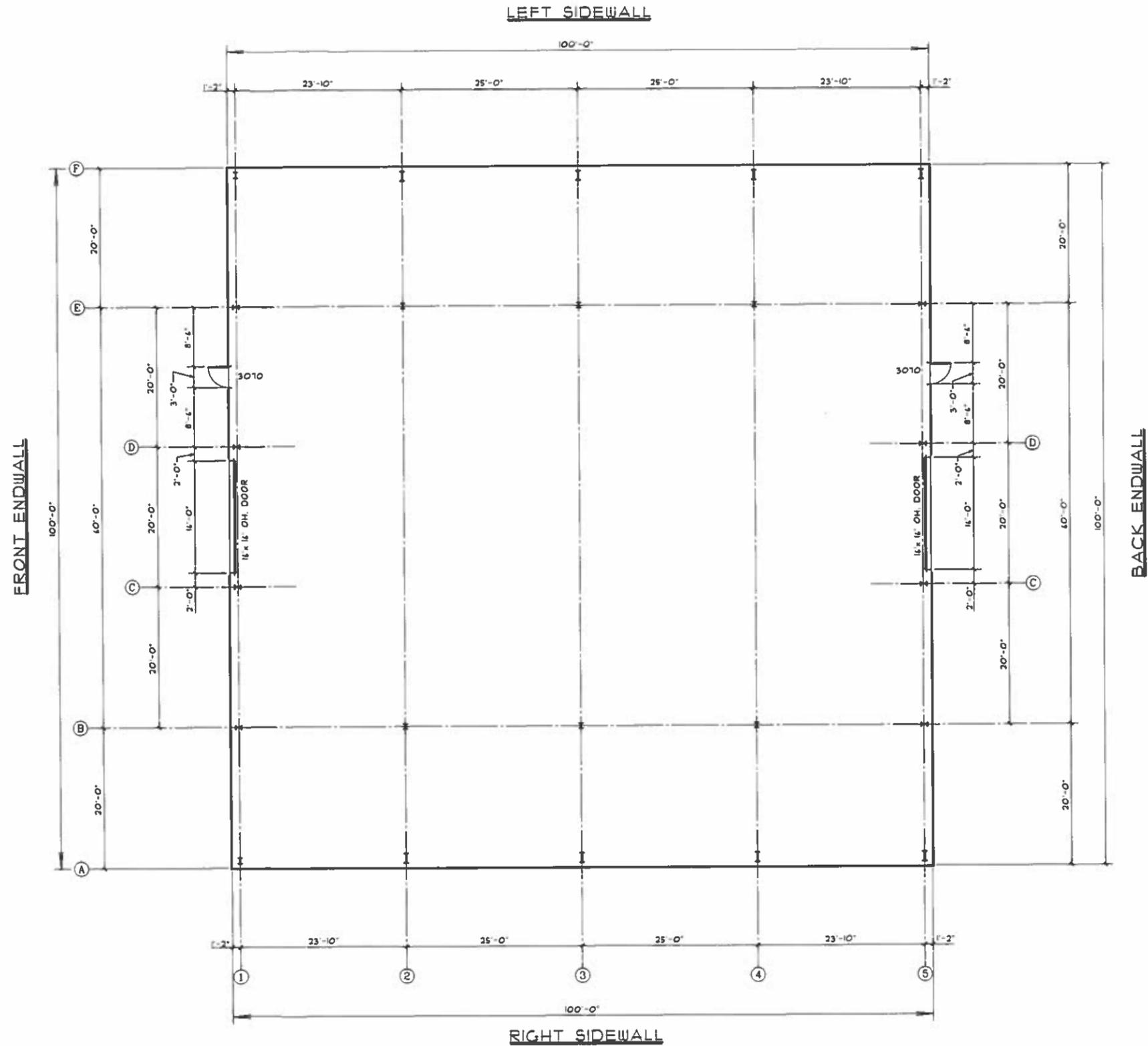
The proposed project will not produce odorous or toxic matter and therefore none would be detectable at any point along the lot lines.

4.4.2

Due to the nature of the proposed project, it will not produce any electromagnetic interference.

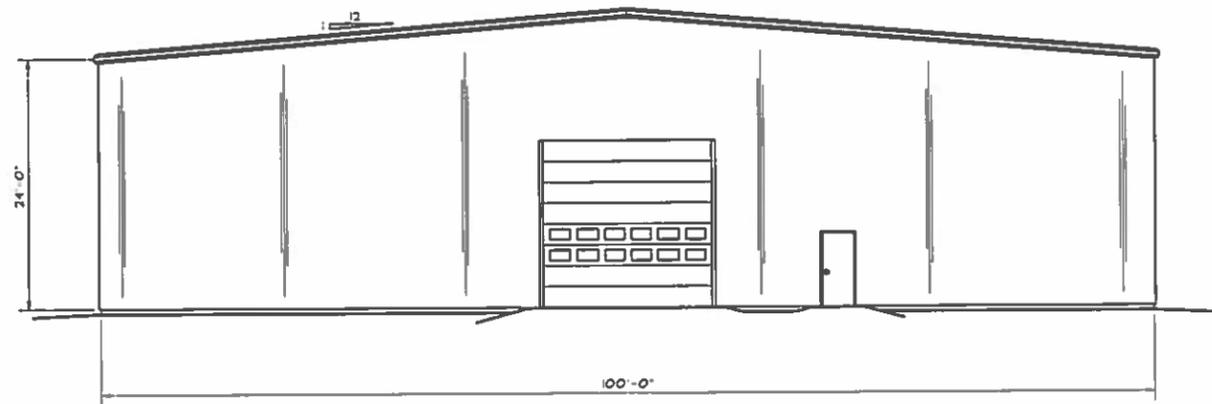
4.4.3

The proposed site and building have been designed to meet applicable Federal, State, and local fire safety standards.

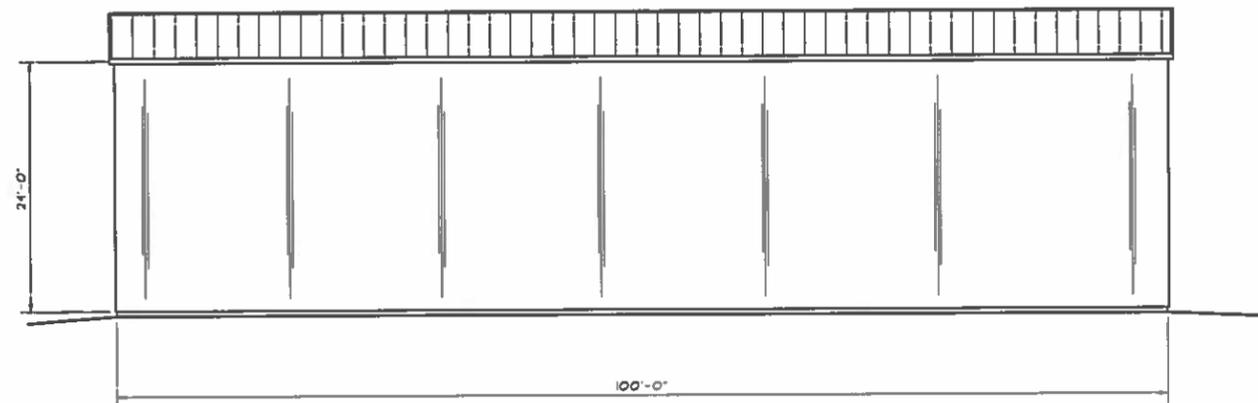


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FLOOR PLAN
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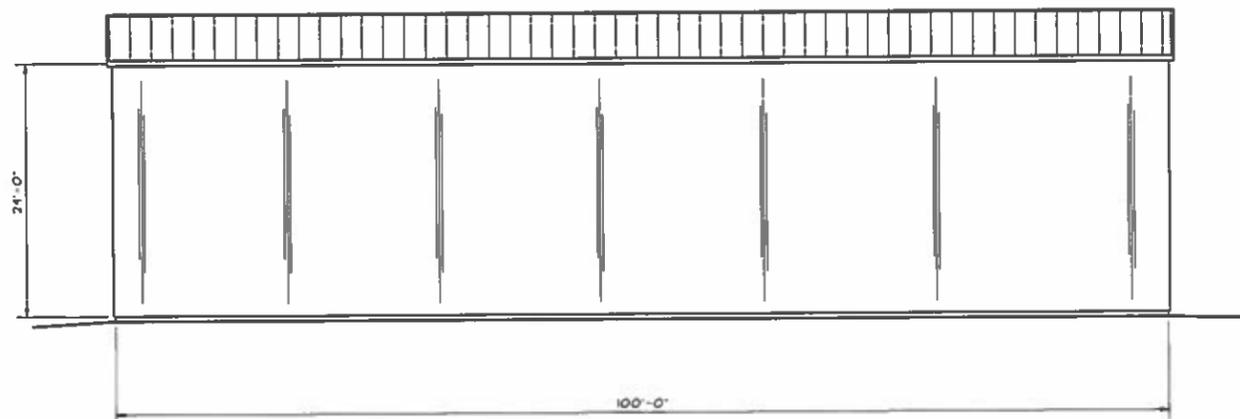
<p>SMG DRAFTING SERVICES 30 Bowdoin Rd., Bangor, ME 04401 Phone: 843-6987 Cell: 944-8230 E-mail: smgdr@smgdrafting.com</p>	REVISIONS			<p>HAMLIN MARINA BOAT STORAGE BUILDING TURTLE COVE HAMPDEN, MAINE</p>	<p>Date: 7/14/17 Drawn By: S.M.G. Scale: As Shown</p>	<p>HARDY CONSTRUCTION Inc. 431 Odlin Road Bangor, Maine 04401 Phone: 207 307-7158 Mobile: 207 570 7232 Email: info@hardyconstruction.com</p>	Sheet No. 1 Job No.
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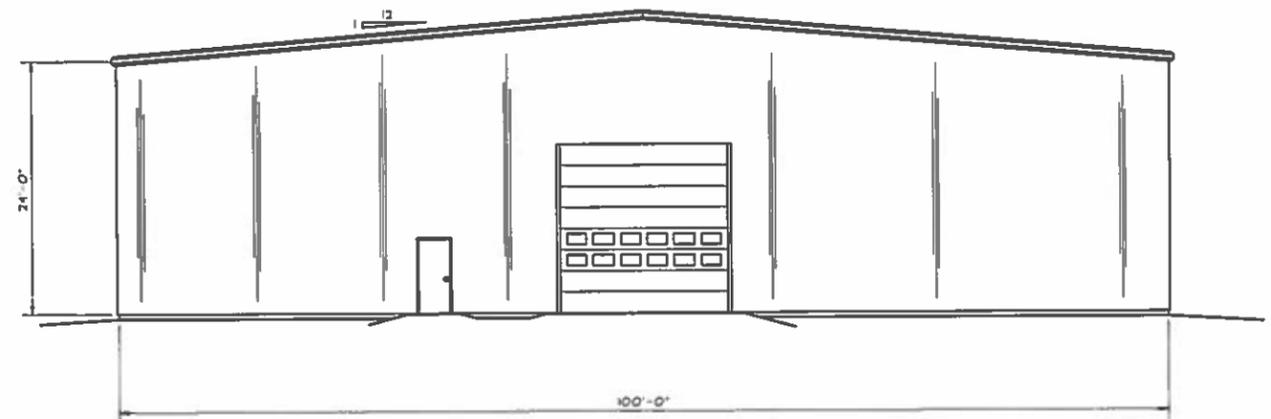
BACK ENDWALL ELEVATION
SCALE: 1/8" = 1'-0"



RIGHT SIDEWALL ELEVATION
SCALE: 1/8" = 1'-0"



LEFT SIDEWALL ELEVATION
SCALE: 1/8" = 1'-0"



FRONT ENDWALL ELEVATION
SCALE: 1/8" = 1'-0"

NOT TO SCALE

 <p>SMG DRAFTING SERVICES 88 Beulah Rd, Bangor, ME 04401 Phone: 207-527-7158 Fax: 207-527-7158 E-mail: smgdrafting@gmail.com</p>	REVISIONS			<p>HAMLIN MARINA BOAT STORAGE BUILDING TURTLE COVE HAMPDEN, MAINE</p>	Date 1/14/11	 <p>HARDY CONSTRUCTION Inc. 431 Oakin Road Bangor, Maine 04401 Phone 207 570-7158 Mobile 207 570 7232 Email: info@hardyconstruction.com</p>	Sheet No.
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	2				S.M.G.		
	3				Scale		
	4				As Shown		
5				Job No.			

August 29, 2017



Danielle Simons
Utility Billing Clerk
Town of Hampden
106 Western Avenue
Hampden, ME 04444

Town of Hampden
RECEIVED

AUG 31 2017

Planning & Zoning
Office

Re: Hamlin's Marina Site Plan Review

Dear Danielle:

We have completed a review of the Site Plan Application submitted for Hamlin's Marina (Applicant) by CES, Inc. dated July 26, 2017, for a proposed boat storage building on an existing paved parking lot area. This review is focused on conformance with Zoning Ordinance requirements, Shoreland Zoning requirements, and the applicable Post-Construction Stormwater Management Ordinance. Additionally, Maine Department of Environmental Protection (MDEP) permit regulations may apply and are also addressed.

Zoning Ordinance Review

The Applicant's proposed project is regulated by two Zoning Ordinances. The property is located within the Waterfront 1 Zoning District of the Zoning Ordinance, as well as the General Development District of the Shoreland Zoning District.

The following is a review of specific standards that are applicable to the submitted Site Plan Application.

Zoning Ordinance Standards for Waterfront 1 District (Article 3.16)

1. The Application appears to meet the standards of this article for permitted uses, minimum lot area, frontage, setbacks, maximum ground coverage, and maximum building height.

Shoreland Zoning Ordinance Standards for General Development District (Article 3.3)

1. The Application appears to meet the standards of this article for a conforming structure including minimum building setback, building height, and natural buffer strip.
2. A Shoreland permit is required to address construction methods and erosion and sedimentation control during construction activities. The application appears to specify erosion control methods that are in accordance with the Maine Erosion and Sedimentation Control Best Management Practices Handbook.

Zoning Ordinance Site Plan Standards (Article 4.1)

1. The plan does not show any designated snow storage areas. The Application states adequate snow storage will be maintained, but we recommend that the Applicant clarify for the Planning Board how snow is managed on the site and how this revision to the site will affect intended snow storage and capacity within the plans.
2. We were not able to review the application regarding adequate provisions for traffic flow, turning movements, and impacts on adjacent intersections due to a lack of information on the vehicle trip data or other traffic-related impacts of the proposed project.



3. The Application does not include information regarding any modifications to the demand placed on some utilities, particularly electric and gas. We recommend that the Applicant clarify for the Planning Board whether there will be any changes in use and demonstrate applicable utility capacity for those changes, if any.

Post-Construction Stormwater Management Ordinance

1. As the Applicant is proposing impacts to the existing stormwater management system within the MS4 Urbanized Area, it should be noted that the Applicant will be subject to the requirements of the Post-Construction Stormwater Management Ordinance, including the submission of a Post-Construction Stormwater Management Plan and Maintenance Agreement.

Maine Department of Environmental Protection

1. If the existing site has an existing stormwater permit with the Maine DEP, the Applicant should file for an amended permit because the added building would need to be reviewed for any changes it poses to the on-site stormwater management. If no existing permit exists, the Town may recommend the Applicant confirm if there is a need for a stormwater permit with the Maine DEP, as it appears this site would qualify now or in the future.

If you should have any questions or require any additional information, please do not hesitate to contact us.

Sincerely,


WOODARD & CURRAN INC.

JDW/JCM/jeh
213351.47



Hampden Public Safety

Emergency Services Working Together

106 Western Avenue
Hampden, ME 04444



Phone: 207-862-4000

Email: publicsafety@hampdenmaine.gov

<http://www.hampdenmaine.gov/>

<https://www.facebook.com/hampdenpublicsafety>

Police—Fire—EMS

Code Enforcement
Building Inspection
Fire Inspection

Local Health Office

Joseph L. Rogers
Director of Public Safety
Kandy A. McCullough
Admin. Office Manager

Police

T. Daniel Stewart
Sergeant / SRO

Scott A. Webber
Sergeant

Christian D. Bailey
Sergeant

Joel Small
Investigator

Joseph D. Burke
Patrol Officer

Benson G. Eyles
Patrol Officer

Shawn F. Devine
Patrol Officer

Marc Egan
Patrol Officer

William Miller
Patrol Officer

Jeffrey L. Rice
Patrol Officer

Fire

Jason Lundstrom
Lieutenant / Fire Inspector

Daniel Pugsley, Jr.
Lieutenant / Paramedic

Matthew St.Pierre
Lieutenant / Paramedic

Myles Block
CEO / Paramedic

Jared LeBarnes
Building Inspector / Paramedic

Joseph Dunton
Paramedic / Chaplain

Matthew Thomas
FF / Paramedic

Shawn McNally
FF / Paramedic

Matthew Roope
FF / Paramedic

Chris Liepold
FF / Paramedic

Memorandum

To: Members of the Planning Board
From: Myles M. Block, Code Enforcement Officer 
Date: August 7, 2017
Re: Hamlin's Marina Site Plan

The Code Enforcement Team has the following concern regarding the Site Plan application for Hamlin's Marina as submitted:

1. The height and location of the building appears that it will block view of vehicles turning down to the boat launch from seeing vehicles that may be coming up the road from the boat launch. The nature of vehicles pulling trailers necessitates wide turns; the location of the building will obstruct the view so oncoming vehicles cannot be seen. This produces the potential for vehicle accidents that should be avoided.



Karen Cullen <planner@hampdenmaine.gov>

Re: Hamlin's Marine Proposed Building

1 message

Sean Currier <publicworks@hampdenmaine.gov>
To: Karen Cullen <planner@hampdenmaine.gov>

Mon, Aug 7, 2017 at 3:53 PM

Items below taken from Maine Erosion and sediment control best management practices (BMPs) Manual for Designers and Engineers 2016:

straw bales should not be used for inlet protection

6. HAY BALES

Hay (or straw) bales should only be used as a sediment barrier for a small disturbance with a limited watershed. Their use may also be a simple and effective emergency measure for controlling unexpected sedimentation.

CONSTRUCTION SPECIFICATIONS

- Hay bales should be installed so that the bindings are oriented parallel to the ground to delay their deterioration (hay bales will not last through a construction season and will need to be replaced).
- The barrier should be entrenched a minimum depth of 4 inches. The gaps between bales should be chinked (filled by wedging) with hay to prevent the flow of water between the bales. For small areas or near a protected resource, trenching may not be necessary.
- At least two stakes per bale should be driven into the ground for anchoring. The first stake is driven toward the previous bale to force them together.
- After the bales are staked and chinked, the excavated soil should be backfilled and packed against the barrier to the ground level on the downhill side and 4 inches up the uphill side.



Bales should be limited to small sites or short slopes. But, in an emergency, a row of hay bales may provide an immediate but temporary line of defense.

Plan note should be revised to not accept hay bales for inlet protection.

5. STORM DRAIN INLET PROTECTION

An inlet protection (storm drain drop inlet or curb inlet) captures sediment before runoff enters a catch basin. It is not effective for silts and clays. Various types of off-the-shelf devices are acceptable if installed, used, and maintained as specified by the manufacturer.



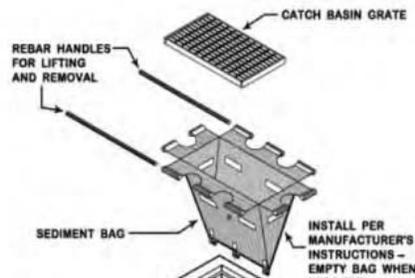
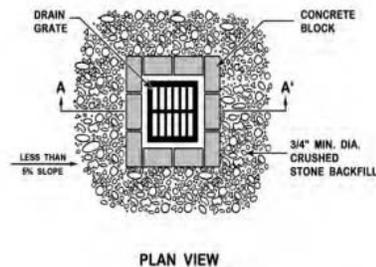
CATCH BASIN INSERTS or filter sacks made of woven geotextile are reusable. Use should follow the manufacturer's guidelines. They are suspended below the grate and have a built-in overflow for large storm flows. The insert should be removed and the catch basin cleaned at the end of the construction project.



CONCRETE BLOCKS placed on their side around the inlet and wrapped in geotextile fabric should be surrounded with crushed stone (1-2 inch diameter and clean).

SAND-FILLED BAGS butted together around the perimeter of a storm drain may be used if the bags are staggered to make a stable barrier. The berm should have a minimum height of 12 inches.

SILT FENCE WITH GRAVEL may be placed around the perimeter of a catch basin and surrounded with gravel.



Sean Currier
Public Works Director
Town of Hampden
106 Western Avenue
Hampden, ME 04444
[\(207\)862-3337](tel:(207)862-3337)

On Mon, Aug 7, 2017 at 2:55 PM, Karen Cullen <planner@hampdenmaine.gov> wrote:
so hay bales are not acceptable per the manual?

Karen M. Cullen, AICP
Town Planner
Hampden, Maine

106 Western Ave
Hampden, ME 04444

[207-862-4500 x160](tel:207-862-4500)
planner@hampdenmaine.gov

On Mon, Aug 7, 2017 at 2:50 PM, Sean Currier <publicworks@hampdenmaine.gov> wrote:

I don't know how much latitude we have but in my opinion, vehicle visibility is going to be greatly reduced if that building is sitting on the corner of a 90 degree road and there are trucks with boats (wide turns) coming and going at the same time. This will be a significant problem if a truck/trailer is coming in the Marina road and a truck or forklift is pulling a boat out of the garage door toward the park side.

This will also reduce the visibility of what is going on in the park...

There isn't much of a site plan to be reviewed so my only concern is that they protect storm water prior to it draining to any basins as the stream behind (Sucker Brook) is on the protection list. Their plans show straw bales are ok but that should not be a current bmp inlet protection solution per the manual.

Sean

Sean Currier
Public Works Director
Town of Hampden
106 Western Avenue
Hampden, ME 04444
[\(207\)862-3337](tel:(207)862-3337)

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 862-4500 ext.145
Fax: (207) 862-5067
email: danielle@hampdenmaine.gov

August 17, 2017

Dear Land Abutter,

Notice is hereby given that the Hampden Planning Board will conduct a public hearing Wednesday September 13, 2017, at 7:00 pm in the Town Council Chambers at the Town Office, 106 Western Ave, Hampden, Maine.

Under the provisions of Section 4.1, Site Plan Review, of the Hampden Zoning Ordinance on Wednesday September 13, 2017, at 7:00 pm in the Town Council Chambers at the Town Offices, 106 Western Ave, Hampden, ME. Dan Higgins of Hamlin's Marina proposes a 10,000 square foot boat storage building at Hamlin's Marina at 100 Marina Road, Tax Map 28, Lot 17-A. This parcel is in the Waterfront 1 district.

You have received this letter because you are an abutter to the above listed property. You are invited to attend the hearing to learn more about the application, ask questions, and comment on the proposal. You can view the application at the Land & Building Services department located at the Town Office.

Respectfully,


Karen Cullen
Town Planner

COPY

PB File Copy

Legal Notices

THE HAMPDEN PLANNING BOARD

will hold a public hearing under the provisions of Section 4.1, Site Plan Review, of the Hampden Zoning Ordinance on Wednesday September 13, 2017, at 7:00 pm in the Town Council Chambers at the Town Offices, 106 Western Ave. Hampden, ME. Dan Higgins of Hamlin's Marina proposes a 10,000 square foot boat storage building at Hamlin's Marina at 100 Marina Road, Tax Map 28, Lot 17-A. This parcel is in the Waterfront 1 district.

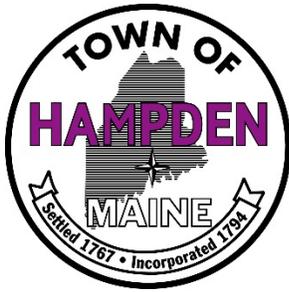
Aug. 29, 2017

Legal Notices

THE HAMPDEN PLANNING BOARD

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Aug. 29, 2017



Town of Hampden
Land & Building Services

Memorandum

To: Planning Board
From: Angus Jennings, AICP, Town Manager
Date: September 7, 2017
RE: Proposed revisions to Fiberight plan

Fiberight has proposed a series of revisions to the Site Plan approved by the Planning Board Order dated July 19, 2016 and revised (Condition 21 only) on April 12, 2017.

The proposed revisions are shown on the enclosed plan set, and summarized in the enclosed email from the Applicant's design engineer Sean Thies, P.E., of CES, Inc.

The Planning Board Order, a copy of which is enclosed, provides for Planning Board authorization of revisions within a public meeting, without public hearing, if such revisions are deemed "insubstantial."

There are therefore two actions before the Board:

1. Acting through the Chairman, the proposed revisions must be found to be "insubstantial," or not. The Planning Board Order specifies what type of plan changes may properly be considered insubstantial. It is the opinion of staff that the proposed changes are insubstantial, and properly considered within a public meeting.
2. If the changes are found to be insubstantial, the Board will be asked to consider whether to approve the proposed revisions. If the changes are approved, the only revisions that would be needed to the Board Order would be to update "Exhibit A: Plans of Record" to update the "Last Revised" date for Sheet C101. It would be recommended that the Applicant be required to submit five (5) complete updated plan sets, full sized and reduced, as well as in digital format, all as required by Condition 14(b) of the original Planning Board Order.

The Applicant will be represented at the Planning Board meeting on Wednesday in order to present the proposed revisions and respond to any questions.



Danielle Simons <danielle@hampdenmaine.gov>

Revised Fiberight Plan

1 message

Sean Thies <sthies@ces-maine.com>
To: Danielle Simons <danielle@hampdenmaine.gov>

Wed, Aug 30, 2017 at 9:31 AM

Danielle,

The following is a list of the changes that have been made to the plan since the Planning Board approval dated July 19, 2016.

- The administration building has been reduced in size and separated from the process building by 20 feet.
- Overhead doors and pavement to access the doors have been added on the north side of the building.
- The tank farm area has been revised.
- The odor control pad was moved to the north side of the building.
- The scales have been reconfigured.
- A chemical transfer containment area has been added on the north side.
- Air handling units have been added to the plan.
- Grading has been revised to accommodate the site changes indicated above.
- Additional utility information has been added including: revised electrical service, watermain loop for fire protection, and other minor changes.

There may be some other very minor changes that I've missed. We don't feel that any of these changes are "substantial" and thus require a public hearing. We look forward to reviewing the revised plan with the Planning Board at their meeting on September 13th. Please let me know if you have any questions or require additional information. I've attached a pdf of the revised plan as well as the approved plan for your reference.

Sean Thies, P.E. ♦ Senior Project Manager

P 207.989.4824 | F 207.989.4881 | C 207.341.0588

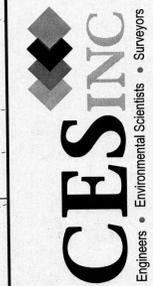
CES_{INC}

Engineers ♦ Environmental Scientists ♦ Surveyors

465 South Main St., P.O. Box 639, Brewer, Maine 04412 | www.ces-maine.com

This e-mail may be confidential and is intended solely for the use of the individual to whom it is addressed. Any views or opinions expressed are solely those of the author and do not necessarily represent those of CES, Inc. If you are not the intended recipient (or responsible for delivery of the message to such person), you may not use, copy, distribute or deliver to anyone this message (or any part of its contents) or take any action in reliance on it. In such case, you should delete this message, and notify us immediately at 207 989 4824 or by email brw@ces-maine.com.

Project: Coastal Resources of Maine, LLC, Processing Facility
 Location: Hampden, Maine
 Date: 08/29/2017
 Scale: 1"=40'
 Drawing No: C101

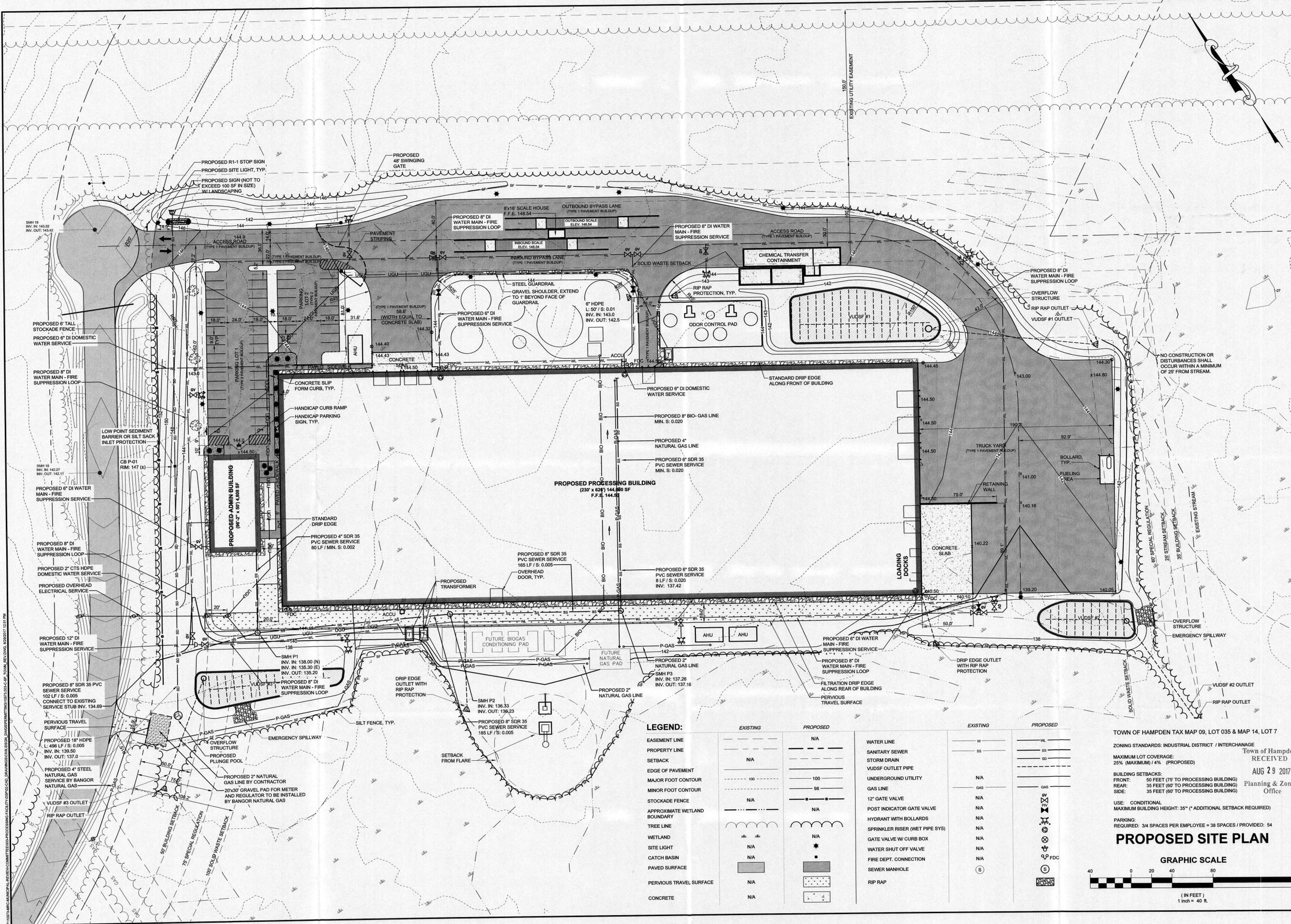


PROPOSED SITE PLAN
 PROJECT TITLE: COASTAL RESOURCES OF MAINE, LLC, PROCESSING FACILITY
 LOCATION: HAMPDEN, MAINE

NO.	DATE	BY	CHECKED BY
1	08/29/2017	BLQ	SMT
2			
3			
4			
5			

MUNICIPAL REVIEW
 TOWN OF HAMPDEN
 RECEIVED
 AUG 29 2017
 Planning & Zoning Office

SCALE: 1"=40'
 DATE: 2016-03-03
 DRAWN BY: BLQ / CHECKED BY: SMT
 DESIGNED BY: SLO/SM / APPROVED BY: SMT
 JOB NUMBER: 11293.001
 DRAWING NUMBER: **C101**



LEGEND:

EASEMENT LINE	EXISTING	PROPOSED
PROPERTY LINE		
SETBACK	N/A	
EDGE OF PAVEMENT		
MAJOR FOOT CONTOUR	100	100
MINOR FOOT CONTOUR		98
STOCKADE FENCE	N/A	
APPROXIMATE WETLAND BOUNDARY		N/A
TREE LINE		
WETLAND	N/A	N/A
SITE LIGHT		
CATCH BASIN	N/A	
PAVED SURFACE		
PERVIOUS TRAVEL SURFACE	N/A	
CONCRETE	N/A	

	EXISTING	PROPOSED
WATER LINE	W	WL
SANITARY SEWER	SS	SS
STORM DRAIN		SD
VUDSF OUTLET PIPE		
UNDERGROUND UTILITY	N/A	GAS
GAS LINE		
12" GATE VALVE	N/A	
POST INDICATOR GATE VALVE	N/A	
HYDRANT WITH BOLLARDS	N/A	
SPRINKLER RISER (WET PIPE SYS)	N/A	
GATE VALVE W/ CURB BOX	N/A	
WATER SHUT OFF VALVE	N/A	
FIRE DEPT. CONNECTION	N/A	
SEWER MANHOLE	(S)	(S)
RIP RAP		

TOWN OF HAMPDEN TAX MAP 09, LOT 035 & MAP 14, LOT 7
 ZONING STANDARDS: INDUSTRIAL DISTRICT / INTERCHANGE
 Town of Hampden RECEIVED
 AUG 29 2017
 Planning & Zoning Office

PROPOSED SITE PLAN
 GRAPHIC SCALE
 0 20 40 60 80 100
 (IN FEET)
 1 inch = 40 ft.

P:\10731\10731\MUNICIPAL REVIEW\COMMITTEE\PROCESSING FACILITY\SP\CD\10731-035-C-SP_TOWN REV.DWG_8/29/2017_12:51 PM

September 8, 2017



Gene Weldon
Planning Board Chair
Town of Hampden
106 Western Avenue
Hampden, ME 04444

Re: MRC/Fiberight Solid Waste Processing Facility Revised Site Plan Review

Dear Mr. Weldon:

We have completed a review of the Revised Site Plan Application submitted for Municipal Review Committee, Inc. & Fiberight, LLC (Applicant) by CES, Inc. (Agent) dated August 30, 2017. We have reviewed the amended site plan in relation to our previous reviews including:

- Preliminary Site Plan Review dated March 30, 2016
- Updated Site Plan Review dated April 7, 2016
- Updated Site Plan Review dated May 27, 2016

Since our previous reviews, the Applicant received planning board approval in July 2016, and is now requesting a planning board review of site plan modifications to confirm whether Zoning Ordinance 4.1.8 Minor Revisions applies to all the site plan revisions and whether the Board accepts the modified plan.

Zoning Ordinance Minor Revisions (Article 4.1.8)

As noted, this review is focused on revisions that have been added since the original plan approval in July 2016. We identified the following revisions which appear to be consistent with the intent of Zoning Ordinance 4.1.8 because the changes do not increase the area of the building footprint, decrease parking capacity, or decrease/increase screens and buffers:

- **The Administration Building** size has been reduced by approximately 5,000 SF and it is now detached from the Processing Facility. In addition to the criteria listed in the ordinance (parking, increased footprint, screens, buffers, etc.), the new location would not seem to have a significant impact on stormwater modeling that was previously reviewed and approved by the Board.
- **Reconfigured tank farm and removed identifying** notes that specified the tank heights and contents. No information was provided to suggest the tank contents or sizes have changed. The Board may wish to ask the Applicant to verify this assumption. Assuming no changes to size and chemicals, the revisions would not significantly alter the concept of the site that was previously approved.
- **Added 4 overhead doors to the North side of the Processing Facility** with approx. 4,800 SF of pavement to access the overhead doors. While this does increase the impervious surface, it does not exceed the reduction related to the Administration Building, nor does it appear to significantly alter sizing and configuration of stormwater collection systems.



- **Relocated the Odor Control Pad** to the north side of the building. The pad was shown on the south side of the building on the approved plan. Originally noted as a “skid”, it is now referred to as a “pad” and it appears the size has increased. No dimensions were provided on either plan to verify, but assuming the drawings are to scale, there is an increase in size. That said, the increase does not affect building size, parking, buffers or screens and it would not affect stormwater modeling previously accepted.

Odor has been a sensitive issue on this project. The Board may want to have the Applicant confirm that this revision has no bearing on the information previously submitted and reviewed by the Board.

- **Reconfigured truck loading and unloading scales.** As previously approved, there is still an in-bound and an out-bound scale with a scale house in the center. The alignment of the scales was adjusted, presumably so that the cab of trucks would be at or near the scale house regardless of direction of travel.
- **Grading changes.** Minor site grading modifications have been made to tie together the site. The modifications do not create any hazards or significant changes to stormwater runoff characteristics.
- **Reconfigured underground utility lines** and added underground gas lines (Natural Gas and Bio-Gas). These utilities were discussed during the original plan reviews but specific locations were not shown. There does not appear to be any issues with the locations that have been shown on this plan.

Other Revisions

As noted previously, our review of this application has focused on whether the modifications incorporated meet the standard of the Minor Revisions Ordinance (Article 4.1.8). The ordinance specifically identifies certain changes that would not be considered minor (parking changes, increased building footprint, screens, buffers, etc.). None of the changes shown on the Applicant’s revised Plan reflect changes of that nature. In fact, all the modifications are consistent with the normal course of development of the site as the process and facilities have entered the detailed design phase. Nevertheless, there are a few modifications to the Plan that the Board may wish to ask the Applicant to elaborate on further as they are new to the Plan:

- **Chemical Transfer Containment.** The Applicant has added an exterior chemical transfer containment area. It is unclear what chemicals are located in this area, including tank sizes, types, and secondary containment. During initial review, we were aware other site chemicals were necessary for facility operation, but we are unable to determine any additional effect this containment area may have on Ordinance standards such as odor, noise, or traffic flow. An explanation of the process, the materials handled, their delivery and any service requirements would seem to help the Board determine whether this addition is minor.
- **Air Handling Units.** The site plan also shows additional exterior air handling units. In our experience, these are typically non-invasive, but further clarification regarding type of units and noise may warrant further discussion. Given the nature of the site, we would assume this is minor.
- **Gas and Biogas System Impacts.** The site plan shows further development regarding on-site gas utilization. The Applicant’s previous site plan submissions show approval from Bangor



Natural Gas regarding capacity requirements, so we were aware gas would be utilized on-site. The new site plan shows the location of the gravel pad and metering site for Bangor Natural Gas in addition to a future bio-gas conditioning pad and natural gas pad. We assume this is a closed system so there is no reason to think any of the process will affect air quality. However, the Board may want to ask the Applicant to confirm this interpretation.

- **Fueling Station.** The site plan shows a fueling area on the east side of building. This is an addition to the site plan following the initial approval. The location of the tank is at the edge of the pavement so it would appear to be out of the flow of traffic. The Applicant does not specify the purpose of the station, the type of fuel, the size of the tank, or additional containment. Further explanation may be warranted.

Conclusion

Upon completion of our review, the modifications shown on the revised Plan generally seem minor in nature, and they appear to be consistent with data and testimony previously considered by the Board. Additional discussion with the Applicant on a few of these items should confirm that none of the changes would represent an operational deviation from the original concept and, therefore, not create additional noise, odor, or traffic that was previously considered. Changes of that nature would probably not be considered minor and would require a public hearing.

If you should have any questions or require any additional information, please do not hesitate to contact us.

Sincerely,

WOODARD & CURRAN INC.

A handwritten signature in blue ink that reads "James D. Wilson".

James D. Wilson, P.E.

JDW/JCM/jeh

cc: Joshua Crofton-Macdonald, Woodard & Curran
Angus Jennings, Hampden Town Manager

PN: 213351.00 040

*Town of Hampden Maine
Planning Board Order for
Site Plan/Conditional Use: MRC/Fiberight*

**TOWN OF HAMPDEN, MAINE
PLANNING BOARD ORDER**

**SITE PLAN AND CONDITIONAL USE REVIEW
SOLID WASTE PROCESSING FACILITY
PROPOSED BY MRC/FIBERIGHT**

1. Applicant/Agent Information:

Applicants

Municipal Review Committee, Inc.
c/o Greg Louder, Executive Director
395 State Street
Ellsworth, ME 04605

Fiberight, LLC
c/o Craig Stuart-Paul, CEO
1450 South Rolling Road
Baltimore, MD 21227

Agent

CES, Inc.
c/o Sean Thies, P.E.
465 South Main Street
P.O. Box 639
Brewer, ME 04412

2. Standing. The applicant (Municipal Review Committee, Inc.) has demonstrated legal interest in the property by providing a copy of its Option to Purchase agreement with H.O. Bouchard, Inc. and Hickory Development, LLC executed on December 1, 2014.
3. Zoning District. The parcels are situated on or near Coldbrook Road, Hampden, Maine on the following Assessor Tax Maps and Lots:
 - a. Tax Map 14 Lot 007 fully within the Interchange District, and
 - b. Tax Map 09 Lot 027 fully within the Rural District, and
 - c. Tax Map 09 Lot 035 split between the Interchange District and Industrial District, and
 - d. Tax Map 09 Lot 036 fully within the Industrial District, and
 - e. Tax Map 09 Lot 037 fully within the Industrial District, and
 - f. Tax Map 09 Lot 038 fully within the Industrial District, and
 - g. Tax Map 09 Lot 039 fully within the Industrial District.

*Town of Hampden Maine
Planning Board Order for
Site Plan/Conditional Use: MRC/Fiberight*

The development is proposed to occur only partially on land within the above named parcels. The portion of land on which the Solid Waste Processing Facility is proposed is located entirely within the Industrial District. The parcels are not within any Shoreland Zoning District.

4. Applicant proposes to construct extensions of existing public sewer and water infrastructure in order to serve the development site. The proposed extension of public sewer is subject to separate review and approval before the Hampden Town Council, in their capacity as Sewer Commissioners, pursuant to the Sewer Ordinance. The proposed extension of public water is subject to separate review and approval before the Hampden Water District.
5. The site currently has no buildings on the premises.
6. Applicant proposes to construct a 144,000 sq. ft. building for use as a Solid Waste Processing Facility (facility for processing) with an attached 9,800 sq. ft. building for use as an Office Building (accessory use) and also accessory parking, loading and driveway area for the proposed use. The uses require a total of 92 parking spaces, three (3) of which must be handicapped spaces, and 300 feet of loading space which shall be a minimum of ten (10) feet in width and provided in twenty-five (25') foot or fifty (50') foot increments depending on the needs of the use, and as further conditioned herein. This was determined using Article 4.7.1.1.10 and 4.7.1.1.8. Since Processing is not specifically listed as a use in Article 4.7, Article 4.7.1.1.17 is applicable to this project and used to determine minimum parking and loading area requirements. The Applicant has proposed an alternate method of calculating parking requirements, based on the number of employees per shift, which will be considered by the Board within this Order.
7. The standards of the Industrial District are as follows:
 - A. The proposed Solid Waste Processing Facility use is a conditional use in the Industrial District. The definition of processing in the Zoning Ordinance includes the collection, sorting, or handling, but not the on-site disposal, of solid waste.
 - B. The Dimensional Standards of the Industrial District are as follows:

Minimum Lot Area	-	2 acres
Minimum Road Frontage	-	150 feet
Minimum Setbacks:		
Street Yard	-	50 feet
Other Yards	-	35 feet
Maximum Ground Coverage	-	25 percent
Maximum Building Height	-	35 feet
 - C. Special District Regulations/Limitations.
 - a. In order to provide for harmonious development and preserve the rural character the Planning Board may require additional buffers beyond those required in Article 4.7.11 and shall require additional setbacks on all yards in the event buildings exceed 35 feet in height pursuant to Section 3.2.5.3 of the Zoning Ordinance.
8. Site Plan Review (Part 1)
 - A. Requirement Article 4.1 requires that the proposed use receive approval as a Conditional Use and approval by Site Plan Review.

*Town of Hampden Maine
Planning Board Order for
Site Plan/Conditional Use: MRC/Fiberight*

- B. The application was filed with the Planning Department on March 3, 2016 and copies of the application materials were provided to the Town Manager, Code Enforcement Officer, Department of Public Works, Public Safety Department and the Hampden Water District. The Code Enforcement Officer determined that the application materials were sufficient to proceed to the Planning Board review on March 30, 2016.
- C. Public Hearing requirements: The item was advertised in the Bangor Daily News on April 2, 2016. The item was posted in the required locations within the Town of Hampden on April 4, 2016. On March 30, 2016, notification was mailed to the attached list of abutters and landowners within at least 300 feet of the site. The public hearing opened on April 13, and was continued to May 11, May 25, June 8, July 13 (the July 13 hearing was opened and continued with no testimony taken), and continued to July 19, 2016. The Planning Board voted 7-0 to close the public hearing on July 19 and completed deliberations and voting.
- D. In accordance with Article 4.1.6 Required Information on Plans, the Board reviewed the plans submitted with regard to the adequacy of the submission under 4.1.6 Required Information on Plans and found that the plan and application contained all of the required elements. The plan was prepared by CES, Inc., which shows the existing and proposed elements of the proposed site development. The submission also includes traffic generation analysis and stormwater analysis.
- E. In accordance with Article 4.7 Off-street Parking, Loading, Drive-thru Design and Buffer yard Requirements the site plan indicates the location, number, size and type of parking and loading spaces as well as screening and bufferyards. The Planning Board, under Article 4.7.1.1.17, determines that the proposed number of parking spaces, as conditioned herein, is of sufficient type and placement for this facility. The proposed use does not have a drive thru element.
- F. In accordance with Article 4.8 Signs the site plan indicates the appropriate location, number, size, height, construction and design of signs contemplated in the district.
- G. In accordance with Article 4.9 Filling and Grading of Land and Stockpiling of Materials outdoor material storage is indicated on the plan in accordance with the provisions of the article.
- H. This site plan does not require review of Article 4.13 Mobile Homes because no mobile home is proposed.
- I. This site plan is wholly outside of the Shoreland Zones of the Town of Hampden and does not require review under Article 4.14 Shoreland Regulations nor the Town of Hampden Shoreland Zoning Ordinance.
- J. In accordance with Zoning Ordinance Article 4.1.7 Standards Governing Site Plan Review the Hampden Planning Board makes the following finding: The development, as planned, will conform to the requirements of the district in which it is to be located and to other pertinent requirements of this Ordinance as contained in this order.

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FINDING: The contents of the application are consistent with the information contained in items 1 through 8 above and those review standards discussed therein comprise the basis for the Planning Board review of the application and those elements are all present in the application.

MOTION 1: The Planning Board hereby adopts the findings of 1 through 8 of this Board Order and based on those findings the Board concludes that the application is complete and the Planning Board accepts the application. This motion was made by Andrew Scott and seconded by James Davitt with a vote of 6 in favor and 1 against (Michael Avery opposed).

9. Site Plan Review (Part 2): Following such determination, the board shall approve the proposed plan if it makes a positive finding based on the evidence presented that it meets all of the following standards Zoning Ordinance Article 4.1.7.1 through 13. In all cases, the burden of proof shall be upon the applicant.

A. Article 4.1.7.1. The proposed use, buildings, design and layout meets the provisions of all applicable regulations and ordinances of the Town of Hampden and meets the intent of the comprehensive plan, as amended.

FINDINGS: The proposal is consistent with all applicable zoning regulations as outlined in Items 1 through 8 above. The proposal meets the intent of the comprehensive plan, including the proposed extension of water infrastructure along Coldbrook Road and the extension of sewer infrastructure to the proposed new road within the “Triangle” area.

MOTION 2: The Planning Board hereby adopts the findings and concludes that the proposed use, buildings, design and layout, as conditioned herein, **meets the provisions** of all applicable regulations and ordinances of the Town of Hampden and meets the intent of the comprehensive plan. This motion was made by Eugene Weldon and seconded by Andrew Scott with a vote of 6 in favor and 1 against (Morten Syverson opposed).

B. Article 4.1.7.2. The proposed buildings, design, and layout shall, consistent with generally acceptable engineering and architectural design practices, be properly integrated with the terrain and the existing buildings in the vicinity which have a visual relationship to the proposed buildings. Special attention shall be paid to the bulk, location, and height of the building(s) and such natural features as soil type, slope and drainage ways.

FINDINGS: The proposed building will be fully compliant with the Maine Uniform Building and Energy Code. There are no other buildings in the vicinity in which to compare the proposed facility to, however, its remote location and its integration into the surrounding terrain provide a reasonably compatible integration of its height and bulk into the surroundings. The proposed

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improvements and the proposed drainage design have been designed by a professional engineer and were also subject to review within the Maine DEP licensing process.

MOTION 3: The Planning Board hereby adopts the findings and based on those findings and conditions contained herein the Board concludes that the proposed development **is consistent** with generally acceptable engineering and architectural practices, is properly integrated into with the terrain in the vicinity as well as the natural features of the location. This motion was made by Morten Syverson and seconded by Eugene Weldon with a vote of 7 in favor and 0 against.

C. Article 4.1.7.3. The proposed site layout shall provide for safe ingress and egress to and from public and private roads by providing adequate location, numbers, and control of access points including sight distances, turning lanes, and traffic signals, if necessary. Factors for the planning board to consider in this determination are the turning movements in relation to traffic flow, proximity to intersections, location and access of off street parking, provisions of pedestrian traffic, access by emergency vehicles, and minimization of pedestrian-vehicular contacts.

FINDINGS: The site is proposed to be located off a proposed road off the Coldbrook Road. Sight distances of more than 2000 feet to the left and 740 feet to the right are available at this location. The proposed access road is 30 ft. wide which accommodates any type of vehicle and allows them to pass by one another. The proposed traffic generation is 92 passenger car equivalents in the peak hour. The traffic generation of the proposed use **would not** require any off-site improvements to Coldbrook Road. The Project was issued a Maine DOT entrance permit on March 22, 2015, demonstrating that it has safe ingress and egress to and from the access road onto Coldbrook Road with adequate sight distances, turning lanes, and traffic signage. The proposed access road is a dead-end road terminating at the proposed facility with adequate sight distances, turning lanes, and traffic signage, with adequate access for emergency vehicles and minimal contacts between vehicles and pedestrians. The Public Safety Department has reviewed the proposed site plan and indicates that the layout is adequate for both ambulance and fire trucks. There is no sidewalk at this location and no sidewalk from the street to the buildings is proposed.

MOTION 4: The Planning Board hereby adopts the findings and based on those findings and the conditions contained herein the Board concludes that the proposed development **is consistent** with this standard and the site layout provides safe ingress and egress to and from Coldbrook Road as well as appropriate sight distances and turning radius with the condition the applicant incorporates the site plan Sheet C103 dated June 7, 2016 that provides 53 parking spaces rather than the 48 spaces shown on the initial submittal. This motion was made by Andrew Scott and seconded by Morten Syverson with a vote of 7 in favor and 0 against.

D. Article 4.1.7.4. The layout and design of on-site vehicular and pedestrian traffic patterns shall provide for safe interior circulation, access by emergency vehicles, separation of pedestrian and vehicular traffic and storage of plowed snow.

FINDINGS: The site is designed for safe maneuvering of trucks and other motor vehicles, such as passenger cars and emergency vehicles. The parking lot is separated from the truck traffic in order to minimize contacts between any vehicles and pedestrians going to and from the proposed building. There are also sufficient open areas within the development envelope to handle and stockpile snow.

MOTION 5: The Planning Board hereby adopts the findings and based on those findings and the conditions contained herein the Board concludes that the proposed development **is consistent** with this standard and the layout provides safe interior circulation, access by emergency vehicles and safe pedestrian access. This motion was made by Morten Syverson and seconded by Andrew Scott with a vote of 7 in favor and 0 against.

E. Article 4.1.7.5. Signs and exterior lighting shall be in accordance with the regulations in this Ordinance and in addition shall be so designed and located so as not to present a hazard, glare, reflection or unattractive appearance on or to adjacent properties and the traveling public.

FINDINGS: One unlit sign at the northeast side of the entrance to the Project facility is proposed, which will not exceed 100 square feet in size. This sign will also not exceed 25 feet in height, and be erected in accordance with State Law and Ordinance Section 4.8.2. The Site Lighting Photometric Plan proposes 14 LED pole mount area lights and 12 LED wall mounted fixtures. The plan demonstrates no light emissions outside the boundaries of the proposed facility.

MOTION 6: The Planning Board hereby adopts the findings and based on those findings and the conditions contained herein the Board concludes that the proposed signage and exterior lighting **is consistent** with this standard and they will not present glare, reflection, hazard or unattractive appearance to adjacent properties or the street. This motion was made by Eugene Weldon and seconded by Morten Syverson with a vote of 7 in favor and 0 against.

F. Article 4.1.7.6. Buildings shall, consistent with generally acceptable engineering and architectural design practices, be designed and located so as to be properly integrated with the existing topography, terrain, and other natural features of the site.

FINDINGS: The proposed Industrial buildings have been designed with acceptable engineering and architectural practices and are integrated into this undeveloped site in an appropriate manner. The improvements and the proposed drainage design have been designed by a professional engineer and were also subject to review within the Maine DEP licensing process.

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MOTION 7: The Planning Board hereby adopts the findings and based on those findings and conditions contained herein the Board concludes that the proposed development **is consistent** with generally acceptable engineering and architectural practices, **is properly integrated** into with the terrain and the natural features of the location. This motion was made by Andrew Scott and seconded by Morten Syverson with a vote of 7 in favor and 0 against.

G. Article 4.1.7.7. The development shall be designed and constructed to preserve the landscape in its natural state in so far as practicable by minimizing earthmoving, erosion, tree clearance, disturbance of existing vegetation, and the destruction of natural amenities.

FINDINGS: The Project is designed to minimize earthmoving, erosion, tree clearance, disturbance of vegetation, and any destruction of natural amenities. The access road is designed to follow an existing road footprint to the Project parcel. Further, the development envelope is focused on the upland area of the Project parcel, where cuts and fills are minimized. The proposed development is on a vacant parcel and includes preservation of 80+/- acres which will remain undisturbed in a conservation easement preserving adjacent natural amenities.

MOTION 8: The Planning Board hereby adopts the findings and based on those findings and conditions contained herein the Board concludes that the proposed development **is consistent** with the requirement that the landscape remain in a natural state to the extent practicable. This motion was made by James Davitt and seconded by Morten Syverson with a vote of 7 in favor and 0 against.

H. Article 4.1.7.8. All manufactured slopes, other than those constructed of stone, concrete or other impervious materials shall be planted or otherwise protected from the effects of storm runoff erosion. All graded slopes shall be of a character so as to cause the slope to blend with the surrounding terrain and development.

FINDINGS: All areas of soil disturbance are proposed for either building, paved parking area or proposed to be loamed and seeded. Standard best management practices are proposed to control soil erosion. The proposed slopes blend well with the surrounding terrain and development.

MOTION 9: The Planning Board hereby adopts the findings and based on those findings and conditions contained herein the Board concludes that the proposed development **is consistent** with generally acceptable engineering practices, **is properly integrated** into with the terrain and is protected from the effects of stormwater with the condition that the project comply with the Maine DEP requirements and permits issued on July 14, 2016. This motion was made by Andrew Scott and seconded by Morten Syverson with a vote of 7 in favor and 0 against.

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- I. Article 4.1.7.9. Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream water quality, soil erosion, or any public or private storm drainage system. Whenever possible, on-site absorption shall be utilized to minimize discharges from the site. In reviewing the adequacy of surface water drainage plans, the planning board shall emphasize protection of floodplains, reservation of stream corridors, establishment of drainage rights-of-way and the adequacy of the existing system, and the need for improvements, both on-site and off-site, to adequately control the rate, volume, and velocity of storm drainage. In addition, the planning board shall review maintenance responsibilities to determine their adequacy.**

FINDINGS: The plans and drainage analysis were prepared by CES, Inc.; Maine Licensed Professional Engineer. Post-development drainage from the site is conveyed in a quantity and pattern similar to the pre-construction analysis. Surface drainage is primarily sheet flow that leaves the paved areas of the site and crosses planted areas before exiting the site. Construction best management practices are called for on the site plan. Stormwater management for the Project site is designed and will be constructed and maintained consistent with the Chapter 500 Stormwater Management regulations of the Maine DEP that require treatment of at least 95% of impervious areas and at least 80% of developed area. Further, post-development runoff from the site is designed and will be constructed and maintained so that it does not exceed pre-development runoff conditions. The Project also utilizes natural features and vegetated underdrained soil filters to treat stormwater before it leaves the Project site. The Project's access road is also designed and will be constructed and maintained consistent with Chapter 500 Stormwater regulations of the Maine DEP. All stormwater management measures for the Project will be properly constructed and maintained. The site is not located near a floodplain. The proposed design and drainage analysis were also subject to review within the Maine DEP licensing process.

MOTION 10: The Planning Board hereby adopts the findings and based on those findings and conditions contained herein the Board concludes that adequate provisions have been made for surface drainage so that its removal of does not adversely affect neighboring properties, water quality, soil stability or any public or private drainage system, with the condition that the project comply with the Maine DEP requirements and permits issued on July 14, 2016. This motion was made by Michael Avery and seconded by James Davitt with a vote of 7 in favor and 0 against.

- J. Article 4.1.7.10. Adequate provisions shall be made to mitigate any adverse impact on existing scenic or natural beauty, rare or irreplaceable historic sites, or other features of importance to the community.**

FINDINGS: The subject location has not been identified as an area of significance for scenic or natural beauty, rare or irreplaceable historic sites or other features of importance to the

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community. In order to review this appropriate State databases were reviewed. The area is not in a Historic District of the town nor adjacent to a Local Landmark or a National Register Landmark.

MOTION 11: The Planning Board hereby adopts the findings and based on those findings and conditions contained herein the Board concludes that the proposed development **is consistent** with the standard and will not adversely affect the scenic or natural beauty of the area and no historic sites or other features of importance have been identified. This motion was made by Michael Avery and seconded by Andrew Scott with a vote of 7 in favor and 0 against.

K. Article 4.1.7.11. The development shall not impose an unreasonable burden on, nor exceed the capacity of, utilities such as sewer, sanitary and storm drains, water lines, or on municipal services such as, but not limited to, fire, police, solid waste disposal, schools, open spaces, recreational programs and facilities, roads, or other municipal services and facilities.

FINDINGS: The proposed development has a proposed maximum consumption of 432,000 gallons per day of water. The Applicant has demonstrated that there is adequate water and sewer to accommodate the needs of this development. The Hampden Water District has also provided a letter indicating adequate capacity to provide water with the proposed waterline construction. The Bangor Wastewater Treatment Plant has also provided a letter indicating adequate capacity to dispose of waste water with proposed sewer line construction. Hampden Public Safety has reviewed the plans and has not raised any issue relative to fire or police. The site will not utilize the public schools or recreation programs. The traffic anticipated from the project can be accommodated by the public street.

MOTION 12: The Planning Board hereby adopts the findings and based on those findings and conditions contained herein the Board concludes that the proposed development **is consistent** with the standard and will not place undue strain on public services. This motion was made by Andrew Scott and seconded by James Davitt with a vote of 7 in favor and 0 against.

L. Article 4.1.7.12. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall have sufficient setbacks and screening to provide an audio/visual buffer sufficient to minimize any adverse impact on other land uses within the development area and surrounding properties.

FINDINGS: There are no exposed storage areas, exposed machinery installations service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall have sufficient setbacks and screening to provide an audio/visual buffer sufficient to

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minimize any adverse impact on other land uses within the development area and surrounding properties.

MOTION 13: The Planning Board concludes that the proposed development **is consistent** with the standard and provides adequate setbacks and screening to mitigate the impacts on abutting properties. This motion was made by Morten Syverson and seconded by James Davitt with a vote of 7 in favor and 0 against.

M. Article 4.1.7.13. The proposed use, buildings, and site development shall have no unreasonable adverse effect on surface water quality ground water quality, ground water quantity, soil quality, or air quality.

FINDINGS: The Project development envelope is located in the upland area of the Project parcel and the Project facility is designed and will be constructed and maintained consistent with stormwater management regulations of the Maine DEP. The Project also proposes to extend municipal water and sewer, therefore, will not impact groundwater quality or quantity. Further, the Project is designed and will be constructed and maintained such that there will be no unreasonable adverse effect on air quality, as also required by the Maine DEP.

MOTION 13B: The Planning Board hereby adopts the findings and based on those findings and conditions contained herein the Board concludes that the proposed development **is consistent** with the standard and shall have no unreasonable adverse effect on surface water quality, ground water quality, ground water quantity, soil quality, or air quality. This motion was made by Michael Avery and seconded by Andrew Scott with a vote of 7 in favor and 0 against.

MOTION 14: Based on the Findings of Fact and Conclusions of Law, together with the background information for this application and conditions listed below, the Planning Board hereby votes on this day, June 19, 2016, in favor of approval of the MRC/Fiberight site plan pending approval of the Conditional Use. This motion was made by Morten Syverson and seconded by Andrew Scott with a vote of 7 in favor and 0 against.

CONDITIONAL USE REVIEW FOR MRC/FIBERIGHT

1. As indicated in Article 3, Industrial District Conditional Uses a conditional use approval is required for this proposed use.
2. Standards Governing Conditional Use Permits: The planning board shall approve the conditional use permit application if it makes a positive finding based on the evidence presented that the proposed use meets all of the following standards. In all cases, the burden of proof shall be upon the applicant.

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- A. Article 4.2.3.1. The proposed use is designed and sited so as to comply with all provisions of this Ordinance, and the applicant shall demonstrate that the use will be operated and maintained in compliance with the performance standards set forth in Article 4.4 of this Ordinance.**

FINDINGS: Article 4.4.1 *Odorous Matter* - The Applicant has proposed industry standard practices and protocols to ensure that the Project complies with this standard of the Ordinance.

Article 4.4.2 *Electromagnetic Interference* - There is no known electromagnetic interference that will be emanated from the site.

Article 4.4.3 *Fire Safety* - The proposed facility has been preliminarily reviewed by Fire Inspector Lt. Jason Lundstrom, CFI and will continue to be monitored by the Fire Inspector. The proposed facility will also provide proof of Maine State Fire Marshal review of the facility prior to issuance of a Building Permit.

MOTION 15: The Planning Board hereby adopts the findings and based on those findings and conditions contained herein the Board concludes that the application meets the standards for compliance with ordinances and performance standards. This motion was made by Andrew Scott and seconded by James Davitt with a vote of 7 in favor and 0 against.

- B. Article 4.2.3.2. The proposed use will provide adequate and safe provision for the collection, storage, and disposal of all wastes generated or stored on the site.**

FINDINGS: This is a solid waste processing facility and all waste generated on the site will be disposed of within the solid waste processing side of the facility or, if not processed at the facility, will be disposed of at the Norridgewock Landfill. Byproducts that are not able to be processed or are left at the end of the processing procedure will also be disposed of at the Norridgewock Landfill.

MOTION 16: The Planning Board hereby adopts the findings and based on those findings and conditions contained herein the Board concludes that the application meets the standards for compliance with adequate provision for collection, storage and disposal of waste. This motion was made by James Davitt and seconded by Michael Avery with a vote of 7 in favor and 0 against.

- C. Article 4.2.3.3. The proposed use will not significantly devalue abutting property or property located across a public or private way. In making its determination, the board shall take into consideration the following facts: the type, size, bulk, height, architecture, and use of the structure proposed, the topography of the area, the market value of the surrounding real estate, the availability of utilities, traffic conditions, and other relevant facts.**

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FINDINGS: The property abutting and located across the Project access way is undeveloped land in the Town's Industrial Zone.

MOTION 17: The Planning Board hereby adopts the findings and based on those findings and conditions contained herein the Board concludes that the application meets the standards for not creating significant devaluation of property. This motion was made by Andrew Scott and seconded by James Davitt with a vote of 7 in favor and 0 against.

D. Article 4.2.3.4. The proposed use will not cause unreasonable noise, odors, dust, gas, fumes, smoke, light or other annoying or dangerous emissions. In making its determination, the board shall require the applicant to demonstrate that none of the foregoing will interfere with the peaceful use and enjoyment of residential properties located in the area of the proposed use.

FINDINGS: The Site Lighting Photometric Plan proposes 14 LED pole mount area lights and 12 LED wall mounted fixtures. The plan demonstrates no light emissions outside the boundaries of the proposed facility. The nearest residential dwelling is approximately 3,400 feet from the proposed site. The Project facility is designed and will be constructed and maintained such that noise generating equipment and solid waste handling and processing all occur inside the proposed building. (See App. at Sheet C103; see also Project General Arrangement Process Diagram.) Moreover, the Project access road and areas surrounding the proposed building will be paved, and the Project's operations and maintenance activities require control of any dust that may be generated. The applicant has provided documentation of an Air Emission Permit approved by Maine DEP.

MOTION 18: The Planning Board hereby adopts the findings and based on those findings and conditions contained herein the Board concludes that the application meets the standards for not causing unreasonable noise, odors, dust, gas, fumes, smoke or light or other annoying or dangerous emissions, with the condition that the project comply with the Maine DEP requirements and permits issued on July 14, 2016.. This motion was made by Michael Avery and seconded by James Davitt with a vote of 7 in favor and 0 against.

E. Article 4.2.3.5. The proposed use will not cause or aggravate hazardous traffic congestion on contiguous or adjacent streets.

FINDINGS: The applicant has demonstrated compliance with Maine DOT regulations and has provided a copy of a Maine DOT Driveway/Entrance Permit issued May 22, 2015. The provided traffic study has been prepared by a professional engineer.

MOTION 19: The Planning Board hereby adopts the findings and based on those findings and conditions contained herein the Board concludes that the application meets the standards for not

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causing traffic congestion. This motion was made by Michael Avery and seconded by Andrew Scott with a vote of 7 in favor and 0 against.

F. Article 4.2.3.6. The proposed use will not deny light and air to surrounding properties.

FINDINGS: The proposed building coverage is a reasonable amount of usage for the site and will not deny light or air to surrounding properties.

MOTION 20: The Planning Board hereby adopts the findings and based on those findings and conditions contained herein the Board concludes that the application meets the standards for not denying light and air to surrounding properties. This motion was made by James Davitt and seconded by Morten Syverson; Michael Avery offered a revised motion that was seconded by Morten Syverson, with a vote of 7 in favor and 0 against.

G. Article 4.2.3.7. The proposed use will:

- a. Maintain the existing level of safe and healthful conditions.**
- b. Not cause water pollution, erosion, or sedimentation.**
- c. Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.**
- d. Conserve shore cover and visual, as well as actual, access to water bodies.**

FINDINGS: No threat to safety and healthful conditions has been identified. The proper utilization of best management practices and construction technologies will avoid water pollution, erosion and sedimentation issues. The use is not located in a spawning ground, fish, aquatic life, bird or other wildlife habitat according to Fisheries and Wildlife inventory as provided in the application. The use is not in a shoreland or water body area. The project has received approval from Maine DEP including Findings of Fact and Order pursuant to the Stormwater Management Law, Natural Resources Protection Act, Freshwater Wetland Alteration and Water Quality Certification.

MOTION 21: The Planning Board hereby adopts the findings and based on those findings and conditions contained herein the Board concludes that the application meets the standards for maintaining safe and healthful conditions, not causing water pollution, erosion or sedimentation, not locating in a wildlife area and not locating in a shoreland or water body. This motion was made by Andrew Scott and seconded by Morten Syverson with a vote of 7 in favor and 0 against.

H. Article 4.2.3.8. The applicant has adequate financial and technical capacity to meet the requirements of this Ordinance and any conditions imposed by the planning board under the provisions of Article 4.2.4.

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FINDINGS: Applicant has provided testimony that they have adequate financial capacity to complete the project and any reasonable conditions that the Board might impose and that Fiberight LLC with its financial partner(s) has adequate experience in the management and operation of the similar facilities and technologies. As a condition of the Solid Waste License issued by Maine DEP, the applicants are required to submit to the Maine DEP for review and approval, within 30 days of receipt and prior to beginning construction of the processing facility, exclusive of the access road that is funded solely by the MRC, finalized financial documents to fund design, construction, operation, maintenance and closure of the proposed processing facility.

MOTION 22: The Planning Board hereby adopts the findings and based on those findings and conditions contained herein the Board concludes that the application meets the standards for requiring adequate financial and technical capacity. This motion was made by Eugene Weldon and seconded by James Davitt with a vote of 7 in favor and 0 against.

I. Article 4.2.3.9. The proposed use, if a home occupation, shall meet the standards contained in Article 4.10 of this Ordinance.

FINDINGS: The proposed use is not a home occupation.

MOTION 23: The Planning Board hereby adopts the findings and based on those findings and conditions contained herein the Board concludes that the standards do not apply to the proposed use. This motion was made by Morten Syverson and seconded by Michael Avery with a vote of 7 in favor and 0 against.

CONDITIONS

In order to ensure compliance with applicable Ordinances, and as authorized by Article 4.2.4. Conditions Attached to Conditional Uses, the Planning Board's decision is subject to the conditions included herein. Violation of any of these conditions shall be a violation of the Zoning Ordinance.

1. The development shall be constructed in substantial conformance with the plans of record on file within the Planning Board public hearing.
2. In the event the Applicant seeks any change in this Board Order after this decision is final, all such changes must be presented to the Board for approval and for modification of this decision. Changes deemed "insubstantial" by the Board may be addressed at a public meeting of the Board. "Substantial changes or modifications to this Board Order shall only be made upon written request accompanied by redlined plans indicating the proposed changes and a statement supporting the basis for approving such changes, and upon the holding of a public hearing regarding the requested change after which the Board may approve or disapprove the requested modifications or amendments to this Board Order. If it deems necessary the Board may, at the

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Applicant's expense, retain consultants to review and advise the Board regarding any proposed changes. Insubstantial changes may include, but are not limited to:

- a. Changes in Building Footprint which will not increase the gross floor area of the building or buildings within the approved Site Plan.
- b. Changes in exterior doorways, the location or placement of doorways, entrances and windows, and the design of a building façade which otherwise conforms to the Ordinance.
- c. Minor adjustments to the alignment of parking spaces necessitated by on-site conditions when such realignment would not change the number or size of spaces or affect vehicular or pedestrian circulation.
- d. Changes in exterior stairways and loading docks which constitute a reduction in size of these building details.

The Planning Board Chairman or designee, upon consultation with professional Town Staff, if needed, will issue a written decision to the Applicant whether such request properly constitutes an insubstantial change to the approved plan or record or constitutes a substantial change which requires further review by the Planning Board.

3. All invoices generated by the Board's peer reviewers and the Town's Attorney for participation in this public hearing shall be paid within thirty days of the Board's final action on this Board Order. No post-permit reviews of documents or plans shall be conducted until such invoices have been paid in full. No building permit or certificate of compliance shall be issued until such invoices have been paid in full.
4. The Board and its agents, including the Code Enforcement Officer, shall have authority to enter the premises during construction and until as-built plans are approved to determine conformance with this Board Order. After completion of construction, the Town's inspection officials shall have the authority to enter the common areas of the property for purposes of ensuring compliance with the conditions of this Board Order and any other applicable permits, regulations, ordinances and statutes.
5. If there is any inconsistency between the plan of record for this Board Order and the plan of record as may be referenced in any license issued by the Maine DEP, if applicable, regarding this property, the Applicant shall submit an amended plan to the Planning Department in electronic (i.e. PDF) format. If the plan of record for DEP licenses differs in a way that, in the opinion of the Code Enforcement Officer, is materially significant from the plan of record for the Planning Board, the Planning Board may amend this Board Order so that all approvals are made consistent with one another. Any plan submitted to the Board with materially significant changes from the Planning Board plan of record shall be accompanied by a letter setting forth any and all changes from the submitted plan of record.

Specified sewage disposal and water supply facilities

6. Construction, installation and operation of off-site water infrastructure shall be in accordance with all applicable state and federal laws, rules and regulations, including the requirements of the Hampden Water District. During any period of time prior to acceptance of water infrastructure by

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the Hampden Water District, the water mains and hydrants shall be maintained in accordance with the requirements of the Hampden Water District.

7. Construction, installation and operation of off-site sewer infrastructure shall be in accordance with all applicable state and federal laws, rules and regulations, including the requirements of the Hampden Sewer Ordinance. During any period of time prior to acceptance of sewer infrastructure by the Town of Hampden, the sewer lines and pumping station shall be maintained in accordance with the requirements of the Town of Hampden.
8. Prior to construction, the Applicant shall complete and place on file with the Hampden Department of Public Works an Industrial User Survey available from the Pretreatment Coordinator with the City of Bangor Wastewater Treatment Facility.

Transportation Management

9. The permit holder shall establish preferred truck routes consistent with the MRC/Fiberight Truck Route Policy submitted on June 1, 2016 (“Preferred Truck Route Policy”) and the corresponding map entitled Preferred Truck Routes submitted on July 18, 2016 (“Identified Haul Routes Plan”), and shall provide this policy and map to all trucks delivering solid waste to the facility prior to commencing operations and on an annual basis as long as the facility is operating. The permit holder shall also provide, on an annual basis as long as the facility is operating, a copy of the policy and map to municipalities or other entities that send solid waste to the facility with a written request to require all contractors hauling for such municipalities or entities to incorporate and follow the Preferred Truck Route Policy and Identified Haul Routes Plan. Failure of any haulers to adhere to this policy shall result in warning by the permit holder to transporters and/or report to the Maine DEP, Maine DOT, or other appropriate authority (depending on the scope and nature of the incident). The permit holder shall impose on a hauler a penalty of a one-hour delay in off-loading upon a finding of a violation of the Preferred Truck Route Policy. Multiple and/or intentional violations of transport laws may result in suspension or prohibition of a specific hauler.

Management Protocols

10. The applicant shall provide copies to the Planning Department of those Operations and Maintenance plans required as a condition of those licenses and permits issued by Maine DEP.
11. The permit holder shall implement the Fiberight Complaint Response Protocol submitted to the Planning Board on June 1, 2016, and compliance with this Response Protocol shall be an ongoing condition during the duration of operations.
12. As provided for by the Maine DEP within its Solid Waste License, the permit holder shall, “during the first month of, and for a total of six months during, the first year of operation, [conduct] a daily inspection and odor survey around the proposed processing facility. The daily inspection period will include the summer months when waste odors are expected to be strongest.” “If after six months, including summer months, no odor issues are identified then inspections [may] be reduced to weekly.” The permit holder shall provide to the Planning Department copies of inspection reports submitted to the Maine DEP weekly unless an odor

*Town of Hampden Maine
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Site Plan/Conditional Use: MRC/Fiberight*

incident is noted in which case the Planning Department will be notified within the day. The permit holder shall provide to the Planning Department a copy of the facility's annual report that is provided to Maine DEP.

13. At the time that the facility commences operations, the Town of Hampden shall track time by its Code Enforcement personnel spent completing its responsibilities pursuant to the Fiberight Complaint Response Protocol. In the event that more than sixteen hours are spent on these responsibilities within a calendar month, the Town shall bill to permit holder and permit holder shall pay to the Town the then-current gross hourly rate of the affected Code Enforcement personnel for each hour beyond sixteen hours per calendar month. Said payment shall be made within 30 days of receipt of invoice.

Professional inspection and maintenance

14. Prior to the start of construction, the Applicant shall be required to:
 - a. Obtain all required licenses or permits from the Maine DEP and provide copies of such licenses or permits to the Planning Department.
 - b. Provide the Planning Department with five (5) sets of full sized and reduced copies of the final set of approved plans, including revisions as conditioned herein. Plans and specifications shall also be provided on electronic media (i.e. CD-ROM) with identical information as contained on the printed plans. Upon project completion a digital submission of "as-built" plans are required prior to receiving a certificate of compliance from the Code Enforcement Officer. "As-built" plans shall be provided for all roads, buildings and water and sewer infrastructure. The digital format of "as-built" plans shall be acceptable to the Town including but not limited to a format compatible with the Town's Geographic Information System (GIS).
 - c. Submit an inspection project review fee in an amount to be determined by the Town Manager in consultation with the applicant, with said fee to retain a professional engineer or other qualified professional to conduct field inspection of project construction to assure compliance with Town Ordinances, these permit conditions, and the approved Site Plans. The escrow account shall be replenished as needed through the course of construction based on work completed within the approved scope of work. The inspection project review fee shall be deposited to an escrow account maintained by the Town Treasurer. The purpose of the fee is to cover third-party engineering review of reports provided by the applicant pursuant to Condition 17 herein, on-site inspections during paving, written reports relative to inspections, and consultation and resolution of any problems arising from project construction. The foregoing services shall be rendered to the Town in connection with any necessary sign-off by the Code Enforcement Officer prior to issuance of a Certificate of Compliance. Services shall be rendered pursuant to a scope of work and budget approved in advance by both the Town Manager and the Applicant, which scope shall not be exceeded without the written approval of both the Town Manager and the Applicant.

*Town of Hampden Maine
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- d. A separate inspection project review fee shall be provided to the Town of Hampden and held in escrow to ensure field inspections of construction of off-site sewer infrastructure in accordance with the Hampden Sewer Ordinance.
- e. Attend a pre-construction meeting including the primary construction contractors, to which representatives of the Planning, Code Enforcement, Public Safety and Public Works Departments will be invited.
- f. Provide, and update as necessary, the Planning Department the name, address and 24-hour contact information for an on-site construction manager who shall have primary responsibility for the oversight of day-to-day construction activities.

Type of construction

15. Construction, installation and operation of the proposed new roadway shall be in accordance with all applicable state and federal laws, rules and regulations, including the requirements of the Hampden Town Ways Ordinance. During any period of time prior to acceptance of the roadway by the Town of Hampden, the road and associated infrastructure, including stormwater management, shall be maintained in accordance with the requirements of the Town of Hampden.
16. During construction, the Applicant shall conform to all local, state and federal laws regarding noise, odor, vibration, dust and blocking of Town roads. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area.
17. During construction, the Applicant shall undertake on-site inspection services for the road and utility installation, including full time inspection for utility installation and part time inspection during road work not involving utilities. The Applicant shall provide the Department of Public Works copies of materials testing during the road construction (including density tests, at 1 test per 100 feet per 8-inch lift of material placed), as well as daily construction reports and photo log. The Applicant's design engineer shall provide any necessary certification to the DPW Director that the road and sewer infrastructure were built in accordance with the approved plans.
18. If construction activity ceases for longer than 30 days, the Applicant shall provide written notice to the Code Enforcement Officer at least 48 hours before resuming work. The Code Enforcement Officer may require that any foundation, trench, structure, equipment or other hazard be secured as necessary, in his opinion, including but not limited to installation of fencing and/or filling of trenches.
19. All staging areas, including, without limitation, parking areas for construction personnel, portable toilets, temporary work facilities, etc., shall be on the project site. No parking shall be permitted on Town roads by personnel in connection with the construction of the project.
20. No certificate of compliance shall be issued until the Code Enforcement Officer finds that all improvements required by this Board Order and set forth on the plans of record have been constructed and installed. If the Applicant seeks a certificate of compliance before all improvements shown on the record plans are completed, the Planning Board may at its discretion authorize such issuance upon the posting of security or performance guarantee in a form approved by the Town Attorney and in an amount provided by the Code Enforcement Officer in consultation with the Department of Public Works Director.

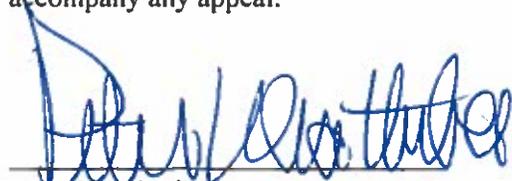
Sureties Replaced - see Addendum approved April 12, 2017

21. ~~The proposed new road to provide access to the development site is proposed to be constructed pursuant to the Town Ways Ordinance. No building permit for the proposed Solid Waste Processing Facility shall be issued until the proposed new road is either accepted by the Town of Hampden as a public way or, alternatively, is constructed through the base course of paving with the balance of work secured by a performance bond or other surety in an amount established by the Department of Public Works and in a form acceptable to the Town Attorney.~~

MOTION 24: The Planning Board hereby adopts the conditions above. This motion was made by Morten Syverson and seconded by Andrew Scott with a vote of 7 in favor and 0 against.

MOTION 25: Based on the Findings of Fact and Conclusions of Law, together with the background information for this application and conditions listed, the Planning Board hereby votes on this day, July 19, 2016, in favor of approval of the MRC/Fiberight Solid Waste Processing Facility Conditional Use. This motion was made by James Davitt and seconded by Andrew Scott with a vote of 7 in favor and 0 against.

RIGHT TO APPEAL: An aggrieved person may appeal this decision to the Board of Appeals, pursuant to Article 6 of the Zoning Ordinance of the Town of Hampden. Any appeal must be filed within 30 days of the Planning Board's decision and shall be filed on forms approved by the Board of Appeals and shall set forth the grounds for the appeal. A fee of \$250.00 payable to the Town of Hampden must accompany any appeal.



Peter Weatherbee,
Chairman, Hampden Planning Board

July 19, 2016

**Addendum to Planning Board Order for Site Plan/Conditional Use
for MRC/Fiberight**

Original Board Order issued July 19, 2016. Except as provided below, all language or this Order remains in full effect.

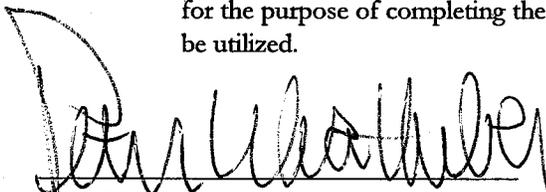
Addendum issued April 12, 2017

Addendum summary: Revise the overall property boundary for the Fiberight parcel to include the access road and a parcel on Coldbrook Road in order to provide road frontage for the site until the construction of the access road is complete and the road is accepted by the Town of Hampden. Modify condition #21 regarding the issuance of a building permit.

Plan: The boundary for the MRC/Fiberight parcel has been approved as shown on the Interim Boundary Survey Plan dated February 27, 2017, outlined in orange (Exhibit 1).

Board Order: The Planning Board has approved the deletion of Condition #21 of the original Board Order with replacement to read as follows:

21. The proposed new road to provide access to the development site is proposed to be constructed pursuant to the Town Ways Ordinance. Any building permit for the proposed Solid Waste Processing Facility shall conform to either of the following conditions (as applicable and as may be elected by the applicant(s)):
 - a. Building Permit After New Road Accepted as Public Way. No building permit for the proposed Solid Waste Processing Facility shall be issued until the proposed new road is either accepted by the Town of Hampden as a public way or, alternatively, is constructed through the base course of paving with the balance of work secured by a performance bond or other surety as required by the Town Ways Ordinance; or, alternatively,
 - b. Building Permit Prior to New Road Being Accepted as Public Way. Prior to acceptance of the new road as a public way, no building permit for the proposed Solid Waste Processing Facility shall be issued until an acceptable form of surety is provided to cover the estimated cost to complete the new road including costs to complete subsurface utilities (sewer, water, and storm drains). The estimated cost to complete the new road and subsurface utilities shall be determined on the basis of usual, customary, and reasonable costs for similar construction, and may take into account construction already completed. The applicant(s) shall provide surety in the form of cash, certified bank checks, bonds, irrevocable letters of credit, or such other forms deemed acceptable by the Town Manager and Town Attorney as to sufficiency, manner of execution, and amount, which may be reduced pursuant to satisfactory completion of phases or parts of the new road construction. The applicant(s) shall record a limited easement to provide the Town and/or a third party the right to enter the subject property and engage in construction activities therein for the purpose of completing the aforescribed construction in the event that the surety must be utilized.



Peter Weatherbee,
Acting Chairman, Hampden Planning Board

4/18/17

Date signed

*Town of Hampden Maine
Planning Board Order for
Site Plan/Conditional Use: MRC/Fiberight*

Exhibit A: Plans of Record

Drawing Title	Sheet No.	Issued	Last Revised
Overall Site Plan	C101	4/8/16	-
Site Plan	C102	2/29/16	5/2/16
Proposed Site Plan	C103	12/10/15	5/2/16
Plan and Profile STA: 0+00 to 11+50	C201	2/20/15	-
Plan and Profile STA: 11+50 to 23+50	C202	2/20/15	-
Plan and Profile STA: 23+50 to 35+00	C203	2/20/15	-
Plan and Profile STA: 35+00 to 46+50	C204	2/20/15	-
Site Details	C501	2/20/15	-
Site Details	C502	2/20/15	-
Site Details	C503	3/3/16	-
Erosion Control Details and Notes	C504	3/3/16	-

Interim Boundary Survey Plan

Sheet 1 of 1

2/27/17



Town of Hampden
Land & Building Services

Memorandum

To: Planning Board
From: Angus Jennings, AICP, Town Manager
Date: September 7, 2017
RE: Retail (Recreational) Marijuana Amendments

As directed by the Town Manager in accordance with the Resolution adopted on April 18, 2017 by Town Council regarding the legalization of recreational marijuana, the Town Planner proposed the following amendments to Section 7.2, Definitions, of the Zoning Ordinance.

The purpose of these amendments is to effectively prohibit retail sales of marijuana and social clubs for marijuana. Modifications to a number of existing definitions are proposed to be clear about how retail marijuana businesses should be interpreted – e.g. neither retail marijuana sales nor social clubs are to be considered as home businesses or customary home occupations.

The proposed amendments have been reviewed by the Town Attorney, who found them in proper form and consistent with the policy intent.

The Town Council's Planning & Development Committee reviewed the proposed amendments at their August 16 meeting and favorably recommended them to the Town Council. At their August 21 meeting, the Town Council referred the proposed amendments to the Planning Board for consideration and public hearing.

These amendments are the first phase of the expected zoning amendments dealing with retail marijuana; the second phase will deal with regulating the other three use categories – cultivation, testing, and product manufacture. Those will not be drafted until late 2017 or early 2018, since we are waiting for more information from the state on how their rules will handle the industry and what municipalities will be able to do for local regulation.

TOWN OF HAMPDEN

The Town of Hampden Hereby Ordains
Proposed Amendments to the Zoning Ordinance

Deletions are ~~Strikethrough~~ Additions are Underlined

Amend §7.2 Definitions

Agriculture: The production, keeping or maintenance of plants and/or animals including but not limited to: forages and sod crops, grains and seed crops; dairy animals and dairy products; poultry products; livestock; fruits and vegetables; and other plants. Agricultural uses shall include wholesaling, retailing and processing of agricultural products which are customary and accessory to an agricultural use. Agriculture does not include forest management, commercial nurseries, ~~and timber harvesting activities,~~ or commercial cultivation of marijuana. (Amended: 12-18-95)

Customary Rural Businesses: Shall be limited to the following uses: Retail Sales & Service; products produced on-site such as art work, pottery, quilts, needle work, baked goods and wooden furniture, antiques, farm & logging supply, feed and grain store, tack shop, grocery and convenience store, hunting & fishing supplies, taxidermy, sporting and camping equipment, Places of Assembly; diners and roadside cafes where no drive thru service is provided (not to exceed 30 seats), bed & breakfast inns (not to exceed 10 guest rooms). Retail marijuana stores, social clubs, cultivation, processing, or testing establishments shall not be categorized as Customary Rural Businesses. (Amended: 12-2-96)

Drug store or Pharmacy: An establishment engaged in the retail sales of prescription drugs, non-prescription medicines, medical equipment or supplies, with or without other consumer products for sale, but not including the sale of marijuana or products containing marijuana.

Home occupation: ~~The subordinate use of a dwelling unit or structure accessory to a dwelling unit for gainful employment involving the manufacture, provision or sale of goods and/or services.~~ See Use of Residence for Business Purposes.

Medical marijuana: ~~Marijuana shall have the definition set forth in Title 17-A M.R.S.A. Section 1101(1) and the State of Maine Rules Governing the Maine Medical Use of Marijuana Program (10-144 CMR Chapter 122, Section 1.15), as the same may be amended from time to time. (Amended 03-07-11)~~ The leaves, stems, flowers and seeds of all species of the plant genus cannabis, whether growing or not; but shall not include the resin extracted from any part of such plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin including hashish and further, shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks, fiber, oil or cake or the sterilized seed of such plant which is incapable of germination. [17-A MRSA Section 1101.1 – medical marijuana laws]

Retail marijuana: All parts of the plant of the genus Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin including cannabis concentrate. "Retail marijuana" does not include industrial hemp, fiber produced from the stalks, oil, cake made from the seeds of the plant,

sterilized seed of the plant that is incapable of germination or any ingredient combined with cannabis to prepare topical or oral administrations, food, drink or any other product. [17 MRSA Section 4224.5 – marijuana legalization act]

Retail marijuana social club: An entity licensed to sell retail marijuana and retail marijuana products to consumers for consumption on the licensed premises. [17 MRSA Section 4224.39 – marijuana legalization act]

Retail marijuana store: An entity licensed to purchase retail marijuana from a retail marijuana cultivation facility and to purchase retail marijuana products from a retail marijuana products manufacturing facility and to sell retail marijuana and retail marijuana products to consumers. [17 MRSA Section 4224.40 – marijuana legalization act]

Retail sales: The sale or rental of merchandise to the general public. Retail sales shall be limited to merchandise typically kept in stock on the premises. Retail sales shall allow accessory service unless prohibited elsewhere in this Ordinance. Retail sales shall not include the sale of marijuana or any product for human consumption that includes marijuana or any derivative of marijuana.

Service business: Any business or establishment which provides a service for hire by others, conducted through the application of some specialized knowledge, training, skill or talent, or through the employ of physical exertion or other effort in the performance of some special action or work. A service business shall include any establishment engaged in the fields of finance, insurance or real estate and any establishment providing professional, personal, or business services; a service business shall not include automobile service, outdoor recreation, manufacturing use, ~~or~~ a hotel or motel, or cultivation, harvesting, processing, testing or sales of marijuana, but may include rooming houses, boarding homes, tourist homes, and bed and breakfast establishments with six (6) or fewer rooms.

Use of Residence for Business Purposes: The subordinate use of a dwelling unit or structure accessory to a dwelling unit for gainful employment involving the manufacture, provision or sale of goods and/or services, with the exception that neither retail marijuana sales nor marijuana social clubs shall be operated under these provisions. There are three categories of such use, which are defined in §4.10 of this ordinance: home business, customary home occupation, and home based contractor. (Added 4-18-17)

David I. Ryder (Mayor, Dist. 4)
Stephen L. Wilde (1)
Dennis R. Marble (2)
Terry McAvoy (3)

TOWN OF HAMPDEN
IN THE TOWN COUNCIL

Mark S. Cormier (A/L)
Ivan P. McPike (A/L)
Gregory J. Sirois (A/L)

Resolution 2017-01

Adoption: April 18, 2017

**RESOLUTION REGARDING TOWN OF HAMPDEN POLICY INTENT
REGARDING LEGALIZATION OF RECREATIONAL MARIJUANA**

WHEREAS, by statewide referendum approved on November 8, 2016, Maine voters approved the legalization of recreational marijuana;

WHEREAS, the approved law establishes five categories of allowable commercial uses: cultivation; testing; manufacturing; retail sales; and social clubs;

WHEREAS, municipalities retain authority to exercise five classes of local powers relative to recreational marijuana establishments including prohibition, limiting the number of local licenses that may be issued, zoning, local licensure, and local non-zoning regulation (e.g. public safety, building code);

WHEREAS, the State of Maine has not yet issued regulations governing State licensure of recreational marijuana establishments, and has enacted a moratorium whereby no commercial activity related to recreational marijuana may occur until February 1, 2018;

WHEREAS, it will take time to prepare, adopt and implement local zoning, regulation, and/or licensing requirements and procedures related to potential recreational marijuana establishments in the Town of Hampden; and

WHEREAS, the Town Council wishes to make public its policy intent to proceed with certain restrictions and regulations regarding the potential future location and operation of recreational marijuana establishments in the Town of Hampden;

THEREFORE BE IT RESOLVED THAT, the Town Council hereby expresses its policy intent to proceed with certain restrictions and regulations regarding the potential future location and operation of recreational marijuana establishments in the Town of Hampden:

- The Town Council hereby directs that the Town Manager cause the Town Planner to prepare proposed zoning amendments in order to **prohibit** two categories of recreational marijuana establishments in the Town of Hampden: retail sales; and social clubs, and to bring forward such amendments for

- consideration by the Planning Board and, upon their referral, by the Town Council, each within duly noticed public hearings;
- The Town Council hereby directs that the Town Manager cause the Town Planner to prepare proposed zoning amendments in order to **regulate**, through the Zoning Ordinance, the location, performance standards, permitting process, and abutter notification requirements for three categories of recreational marijuana establishments in the Town of Hampden: cultivation; testing; and product manufacture, and to bring forward such amendments for consideration by the Town Council's Planning & Development Committee for consideration, revision as necessary, and referral to the Planning Board for consideration and, upon their referral, to the Town Council for consideration, each within duly noticed public hearings; and
 - The Town Council hereby directs that the Town Manager cause the Public Safety Director to prepare advice regarding the potential to **license**, through local regulation, three categories of recreational marijuana establishments in the Town of Hampden: cultivation; testing; and product manufacture, and if so whether and how to take into account a prospective establishment's tax and legal compliance, capital reserves, personnel, criminal background check, security plans, management experience, technical capacity, plans for odor mitigation and other issues, and local support; and to further advise the Town Council regarding whether to place limits on the number of allowable number of establishments (in each category), place limits on the hours of operation of any such establishments, establish licensing fees, and establish inspection requirements;
 - The Town Council hereby directs that the Town Manager periodically, and no less than every three months, provide updates to the Town Council's Planning & Development Committee, on progress toward satisfying this Resolution.

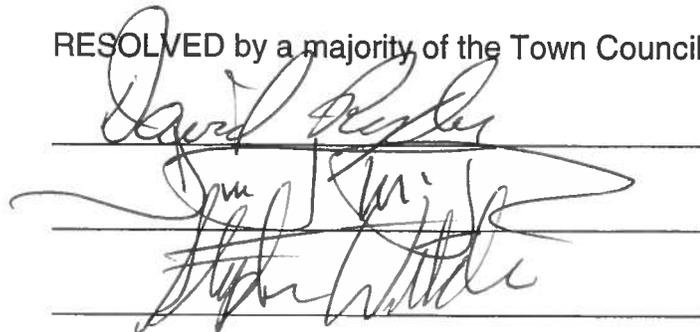
It is the intent of the Town Council that work toward these items proceed as quickly as reasonably practical, taking into account new information as it becomes available regarding the State of Maine licensing procedures, the necessity to spend enough time to ensure thorough review and informed recommendations, and the need to simultaneously maintain progress toward other responsibilities and priorities.

Town Clerk:



Paula Scott

RESOLVED by a majority of the Town Council:



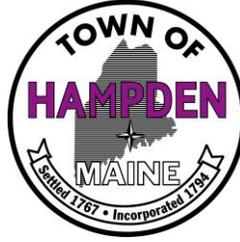
Just Mark
Mark B. Conroy
Conroy B. S.

Project List - Planning

Project Name	Location	What it is	Size ¹	PB Action/Date	Type
Fiberight	off Coldbrook	solid waste processing	153,800 sq ft	Approved	Site Plan
Hannibal Hamlin Place	Main Road N	expansion	2,800 sq ft	Approved	Site Plan
Pine Tree Food Equipment	Nadine's Way	new building/business	3,600 sq ft	Approved	Site Plan
Dennis Paper	Mecaw Rd	expansion	27,237 sq ft	Approved	Site Plan
Colonial Heights	off Constitution	phase 3 of subdivision (final plan)	11 new lots	Approved	Subdivision
Carver	Ballfield Rd	conversion of single family to two family	1 new unit	Approved	Conditional Use
Sky Villa	646 Main Road N	conversion of interior to 10 short term rehab beds	3,172 sq ft	Approved	Conditional Use
Brickle	326 Main Road N	conversion of single family to two family	1 new unit	Approved	Conditional Use
Southeast Development Co	Route 202/Coldbrook Rd	zoning map amendment; Resid A to Comm. Service	16 acres	Withdrawn	Zoning Map Amendmemt
Hamlin's Marina	Marina Road	new boat storage building	10,000 sq ft	9/13/2017	Site Plan
Fiberight	348 Coldbrook Road	Site Plan Revision	153,800 sq ft	9/13/2017	Site Plan
H.O. Bouchard	Coldbrook Road	Expanded office building	1,232 sq ft	Pending	Site Plan (anticipated; not yet filed)

¹ Size refers to square footage of building (new or addition), number of new building lots, number of new units, or acreage.

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 862-3034
Fax: (207) 862-5067
Email:
townmanager@hampdenmaine.gov

TO: Planning & Development Committee
FROM: Angus Jennings, Town Manager
DATE: September 5, 2017
RE: Update on Planning Department staffing

As was reported verbally at the August 16 meeting, due to health concerns the Town Planner will be unavailable for what could be an extended period of time, up to 12 weeks or more.

In hopes of securing a limited term contract planner, I corresponded with four organizations or firms that provide planning consulting services. Unfortunately, none of these entities are available to assist for various reasons. I have reached out to a fifth prospective vendor, based on a referral, but we have not yet connected by phone.

In order to ensure that the Department continues to timely complete its required functions, the Planner's responsibilities have been temporarily assigned to other staff in-house, and I have authorized an expanded work scope with our peer review engineer Woodard & Curran to facilitate their prompt review of pending and potential applications for site plan, conditional use, and subdivisions.

With the changes in effect and others to be finalized shortly, I am confident that we will continue to handle the Department's required permitting and inspections, as well as meeting coverage. However there are two important items to understand:

- Unless and until a contract planning resource is identified, or the Planner returns to work, I do not expect real progress on the Planner's work program – specifically, the Town Center initiative, and the many zoning amendments that have been prioritized. (The proposed zoning amendment regarding retail marijuana sales and social clubs, and the proposal to officially codify the current Zoning Map per state requirements, both of which are already in process, are expected to proceed as scheduled). The most recent prioritized list of zoning amendments is attached for your reference.
- In order to maintain the baseline Department functions, responsibilities have been temporarily reassigned to other staff including (in order of estimated time impact): Danielle; me; Kyle; Myles; Paula; and Sean. For the period of time this is in effect, this can be expected to affect these employees' productivity in other areas of their (and my) responsibilities.

Understanding that some productivity will be lost on "value added" work, my primary focus is to ensure that the Department will continue to complete its baseline functions.