



Town of Hampden

Planning Board

Wednesday September 13, 2017, 7:00 pm

Municipal Building Council Chambers

Minutes

In Attendance:

Planning Board

Gene Weldon, Chair
Peter Weatherbee
Jim Davitt
Mort Syversen
Tom Dorrity
Jennifer Austin
Kelley Wiltbank

Staff

Angus Jennings, AICP, Town Manager

Public

Sean Thies, P.E., CES, Inc.
Todd Hardy, Hardy Construction
Steve Wilde, Town Councilor

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

1. Administrative

- a. Minutes of August 9, 2017 meeting: **Motion** by Member Davitt to approve as submitted; second by Member Wiltbank, carried 7/0/0.

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.

Chairman Weldon opened the public hearing at 7:01 pm.

Sean Thies, P.E., summarized the application on behalf of the applicant:

- Proposed 100'x100' building to be located on the existing paved parking lot.
- There are no utilities to the building – no water, sewer, or electrical. Just boat storage.
- Noted comments from Town staff regarding proposed building location. Summarized the proposed revised location in order to increase setbacks from traveled way. These changes were provided to the Town office since the Board's packet was circulated last week, and were presented by the applicant tonight with copies to Board members.

Planning Board members asked questions:

- Member Wiltbank asked how many boats would fit in the building? The contractor Todd Hardy introduced himself to the Board and estimated that about 80 boats would fit, varying based on the sizes of the boats.
- Member Davitt asked about the DPW Director's reference to the use of hay bales, and Mr. Thies said that the note 9 on the plan has been revised to show the correct detail. He said that silt sacks would be used to keep erosion sediment out of the catch basins.
- Chairman Weldon called for additional comments from the public. There were none. He closed the public hearing at 7:07 pm.

Planning Board members asked additional questions:

- Member Austin asked if the revised building location had been reviewed by public safety. Manager Jennings said that the revised plan set had been circulated to the Code Enforcement Officer, DPW Director and peer review engineer upon receipt, and that no additional comments were received back. He further noted that, because the use is allowed by-right (i.e. not a conditional use), and because it met the zoning setbacks as proposed, the relocation of the building is voluntary on the applicant's behalf.
- Chairman Weldon invited the applicant to speak to the items in the memo from Woodard & Curran. Mr. Thies referred to snow storage, noting that snow isn't presently cleared from the lot in the winter.
- Member Syverson asked whether Sucker Brook is an impaired stream and advised that the applicant look into this.
- Chairman Weldon asked if a stormwater permit is required but Mr. Thies noted that less than an acre is being disturbed, and that the building site is currently a paved lot. He said there are no proposed drainage structures.
- Chairman Weldon asked about ingress and egress. Is the lot currently being used for boat storage, and now the boats will be stored in the building? Mr. Thies confirmed yes.

Motion by Member Weatherbee to approve the site plan for Hamlin's Marina along with the Board Order as submitted to the Planning Board, with no conditions since the requested changes were now reflected on the site plan; second by Member Davitt; carried 7/0/0.

The contractor Todd Hardy thanked the Board and said that construction is expected to begin next spring.

- 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).

On behalf of the applicant, Sean Thies, P.E., summarized the application materials included in the Board's meeting packet.

Member Weatherbee said that the primary concerns of the public, as expressed within last year's public hearing sessions, related to odor. He asked what consideration was given in these proposed revisions to the issue of odor. Mr. Thies said that there were no proposed changes to the approved methods for odor control.

Member Syverson asked about the role of Coastal Resources, LLC. Manager Jennings said that Fiberight had described that Coastal Resources, LLC was a single-purpose LLC and is an additional entity with a role in the project financing, but that Fiberight would still be named as a permit holder.

Member Wiltbank asked if any of the proposed changes would have any environmental impact and Mr. Thies said they would not. Chairman Weldon asked about the chemical transfer area and Mr. Thies said that there are containment areas including where trucks would be offloading solid waste in the event of any spill. Chairman Weldon asked about the capacity of the proposed fuel tank size and Mr. Thies estimated it would be in the 1,000 gallon range.

Member Wiltbank asked if any of the applicant's expectations regarding traffic had changed and Mr. Thies said they have not.

Chairman Weldon asked whether the air handling system will continue to maintain negative air pressure when the bay doors are open, as had been presented last year. Mr. Thies said that it would, and that nothing has changed in this regard.

Manager Jennings said that there are two actions needed tonight: first, the Chairman must find that the proposed changes are insubstantial (as that term is defined in Condition 2 of the Board Order); and second, if the changes are found to be insubstantial, the Board would be asked to take action regarding the proposed changes. Member Wiltbank asked Manager Jennings to read Condition 2 and Manager Jennings read the Board Order's Condition 2 into the record:

"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 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.”

Chairman Weldon said that he feels that the proposed changes are insubstantial. Manager Jennings said that the Chairman’s finding will be reduced to writing in order that it may be signed by the Chairman and added to the project file. Manager Jennings said that the Board may now consider the proposed changes. Because the proposed changes affect the site plans, not the written decision, he said that, if approved, the Appendix A: Plans of Record exhibit would be updated to reflect the dates of the approved plan set.

Motion by Member Weatherbee to approve the proposed site plan revisions as submitted and as reviewed tonight; second by Member Wiltbank; carried 6/0/1 by roll call vote. Member Austin, not having been part of the Board’s original action, abstained from the vote.

- 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*

Motion by Member Weatherbee to refer the proposed zoning amendments to the Board’s Ordinance Committee for review; second by Member Wiltbank. The Board members discussed that the issue of recreational marijuana was a hot issue and asked how the voters of Hampden had voted on the November 2016 referendum. Manager Jennings said that he didn’t have the exact tally handled but recalls that Hampden voters opposed the legalization of recreational marijuana by a nearly 60%-40% margin. Chairman Weldon asked whether the Board members would be prepared to consider the proposed amendments tonight, for referral to public hearing, rather than refer them to the Ordinance Committee. The Board members did not support considering the proposed amendments tonight. Member Weatherbee’s motion carried 7/0/0. It was agreed that Town staff would contact Board members to confirm the date and time for a meeting of the Ordinance Committee.

- 4. Staff report: Manager Jennings summarized the staff report materials included in the Board’s meeting packet. He referred to the Board’s consideration, in July 2017, of formally adopting an official Zoning Map, and asked whether there would be any objection to referring the current Zoning Map, as is, to public hearing, once ready. No objections were expressed.
- 5. Planning Board Comments: None.

The meeting was adjourned at 7:52 pm by motion of Chairman Weldon with second by Member Wiltbank; motion carried 7/0/0.

Respectfully submitted by Angus Jennings, Town Manager