

**TOWN OF HAMPDEN  
PLANNING BOARD  
MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, November 10, 2010, at the Hampden Municipal Building by Acting Chairman Michael Avery.

Attendance: Planning Board Acting Chairman Michael Avery, Members Andrew Nelson, Eugene Weldon, Peter Frazier.

Also in attendance: Town Planner Robert Osborne, Rosemary Bezanson recording secretary, and applicants for tonight's meeting.

**1. APPROVAL OF MINUTES (October 13, 2010)**

Member Weldon made a motion to approve the minutes as written. This motion was seconded by Member Nelson. The vote was unanimous.

**2. NEW BUSINESS**

**A. Site Plan Review – Angler's Inc. requests approval for construction of a 526 sq. ft. building addition to the existing 3,265 sq. ft. sit-down restaurant. The site is located at 91 Coldbrook Road in a Commercial Services District- Public Hearing**

Acting Chairman Avery asked to hear from a representative of the applicant, and opened the public hearing.

Fred Marshall, LLA of Plymouth Engineering stated he is here with the owner of Angler's Restaurant Bud Hall this evening. Mr. Marshall stated that the restaurant addition would be 526 square feet with 41 seats are being added to create a banquet room. Ten additional parking spaces will be added as well. No MDOT traffic permit is required.

Bud Hall, Owner of Angler's Restaurant spoke in favor of the application. He stated that they had been approached about a separate room for meetings or banquets by several townspeople. He stated that his business is growing and need additional room and seating.

Bob Osborne the Town Planner spoke about the project. He indicated that the addition is proposed for the river side of the building and that a creative expansion of the parking area found ten additional spaces with little new impervious surface area. He indicated that Bruce Matson, MDOT had confirmed that no traffic permit is required for this expansion. He noted that staff recommends no phosphorus based fertilizer be utilized at this location given the proximity to Souadabscook Stream. He stated that the application is complete and that it meets Article 4.1 standards governing site plan review and staff recommends approval of the application.

Member Weldon made a motion that the site plan review meets the requirements under Article 4.1, 4.7, 3.3, and to include the Town Planner's notes for the record. This motion was seconded by Member Nelson. The vote was four in favor and none against.

**B. Conditional Use/Site Plan Review – Holden LLC requests approval for reuse of portions of a 6,300 sq. ft. building for use as a single family apartment and a yoga studio. The site is located at 281 Western Ave. (DBA Hampden Natural Foods) in a Business District. – Public Hearing**

Acting Chairman Avery asked to hear from a representative of the applicant, and opened the public hearing.

Jim Kiser, PE of Kiser and Kiser spoke as a representative of Holden LLC. Mr. Kiser stated the owners of Hampden Natural Foods are looking for ways to cut cost, and add income to their business. To that end they propose to utilize existing space in the building to add an apartment and a small yoga studio. The primary exterior change proposed is the addition of three parking spaces.

Kate Farnham spoke about the proposed yoga studio and single family apartment above the Hampden Natural Foods.

As no one else wished to speak Acting Chairman Avery closed the public hearing and asked for staff comments.

Bob Osborne spoke about the application. He indicated that this is a conditional use because mixed use, that is, commercial/residential uses are conditional in the district. However in this case the introduction of a residential use really presents no impacts the Board would be concerned about. Going through the list of criteria really only the first criteria that requires site plan approval seems to apply here. Other than the two additional parking spaces there would be no external evidence of the residential use and that use would not generate much additional activity on the site. Staff recommended approval of the conditional use under Article 4.2 as well as the site plan under Article 4.1.

Lighting was discussed with Mr. Kiser, as well as screening from the residences.

Member Weldon made a motion to approve the site plan review with phasing for the paved parking lot. This motion was seconded by Member Nelson. The vote was four in favor and none against.

Member Weldon made a motion to approve the conditional use with the phasing of paving the parking lot as a subsequent phase. Member Nelson seconded the motion. The vote was four in favor and none against.

#### **4. STAFF REPORT**

Mr. Osborne told the board members about the upcoming Randall Arendt workshop on December 14<sup>th</sup> from 4 – 9, urging any board member who can attend to do so.

**5. BOARD MEMBERS CONCERNS**

**6. ADJOURNMENT**

The Planning Board meeting adjourned at 7:45 p.m.

Respectfully Submitted,

Michael Avery, Secretary

**TOWN OF HAMPDEN  
PLANNING BOARD  
MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, October 13, 2010, at the Hampden Municipal Building by Chairman Peter Weatherbee.

Attendance: Planning Board Chairman Peter Weatherbee, Members Andrew Nelson, Eugene Weldon, Thomas Blais, Peter Frazier.

Also in attendance: Town Planner Robert Osborne, Rosemary Bezanson recording secretary, and applicants for tonight's meeting.

**1. APPROVAL OF MINUTES (July 14, 2010, August 11, 2010 )**

**2. NEW BUSINESS**

- A. Home Occupation Permit – David and Brandy Webb request approval for a Home Occupation Permit for a beauty salon in a portion of their residence located at 829 Kennebec Road in a Rural District (Tax map 2, Lot 49) - Public Hearing**

Chairman Weatherbee opened the public hearing.

David Webb spoke about their proposed project. He stated that Brandy, his wife will be staying at home with their young children and doing some hairdressing in a separate portion of their home. There would be no outside employees at this time, and the salon would generate less than customer 10 trips per day.

Mr. Osborne spoke about the proposal. He stated that the property is a 32 acre lot with the residence located well off the highway and lots of available space for parking in the existing driveway. The neighbors would not see if there were customers on site. The proposed salon would utilize about 120 square feet of their home for the project.

There would be a door added to separate the residence from the salon. After some discussion it was established that the applicant would desire approval for one outside employee at this time.

Member Weldon made a motion that the application meets the Home Occupation standards of Article 10 with one outside employee and limited to 10 trips per day.

This motion was seconded by Member Nelson, the vote was five in favor and none against.

- B. Zoning Text Amendments – Town of Hampden request review of amendments to Article 3.9 Rural District to add child care center to the conditional uses and amend Article 4.19 Day Care Provisions to make a number of adjustments to those provisions including allowing day care facilities in buildings other than dwellings and clarifying the approval process – Public Hearing**

Chairman Weather opened the public hearing. He noted that the Ordinance Committee met at 6 p.m. this evening to discuss this item.

Eric Rucevice of 579 Western Avenue spoke about their desire to build a separate building for a day care facility at the location of their residence on Western Avenue. The current language did not allow for a separate dwelling unit for day care. He indicated that they could build a new building that would be better suited for day care activities than would the conversion of an existing residence.

Mr. Rucevice stated that the building would look like a barn from the outside, there would be a kitchen and bathroom and there would be one employee.

Mr. Osborne spoke about the Zoning Ordinance text amendment he stated that the ordinance committee had met at 6 p.m. this evening. The ordinance committee had some language revisions. They were grammatical and clarification and did not change the intent of the text as referred by Council.

Public hearing was closed.

Member Frazier made a motion to send the text amendment back to Town Council with an Ought to Pass recommendation with the changes recommended by Ordinance Committee. This was seconded by Member Weldon. The vote was five in favor and none against.

#### **4. STAFF REPORT**

Mr. Osborne stated that there is one item proposed for next months meeting, that is Angler's restaurant expansion.

#### **5. BOARD MEMBERS CONCERNS**

#### **6. ADJOURNMENT**

The Planning Board meeting adjourned at 7:30 p.m.

Respectfully Submitted,

Michael Avery, Secretary

**TOWN OF HAMPDEN  
PLANNING BOARD  
MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, August 11, 2010, at the Hampden Municipal Building by Chairman Peter Weatherbee.

Attendance: Planning Board Chairman Peter Weatherbee, Members Andrew Nelson, Eugene Weldon, Mort Syversen, Michael Avery, Thomas Blais. Melinda Merrill-Maguire tendered her resignation from the Board.

Also in attendance: Town Planner Robert Osborne, and applicants for tonight's meeting.

**1. APPROVAL OF MINUTES (July 14, 2010)**

Minutes were not available for tonight's meeting.

**2. NEW BUSINESS**

**A. Site Plan Review – Wight's Sporting Goods request approval for construction of a 13,212 sq. ft. building and associated parking lot for use as wholesale, warehouse and manufacturing/processing located at 14 Commerce Court in an Industrial Park District with Business Park designation (Tax Map 10B, Lot 7) - Public Hearing**

Chairman Weatherbee opened the public hearing.

Jeanna Detour of Carpenter Associates and Andy Nicholson owner of Wight Sporting Goods are present for tonight's meeting.

Ms. Detour spoke as a representative of Wight Sporting Goods. She stated that the proposed building is 13,212 sq. ft. and 27 feet in height. The building will have offices on the front of the building for 10 employees. She described the paved area as providing 19 parking spaces, one handicap space and a loading and maneuvering area. The site will be served with two inch water line, four inch sewer line and underground electric to the street. Randy Bragg of Carpenter Associates prepared the stormwater report, showing that the proposal is in keeping with the stormwater plan for the subdivision and there will be no negative impact. The lighting is pole lighting on the perimeter of the parking area and there are a few small wall sconces indicated near doors. There are wall signs proposed for the front and side of the building. The fire marshall's permit has been received. The landscaping has been designed by Steve Ribble, LA which satisfies the requirements for the zoning as well as the covenants.

Public hearing was closed and Chairman Weatherbee asked to hear from the Town Planner Bob Osborne.

Mr. Osborne discussed the proposed plan and building. He indicated that the plan meets parking standards with a mix of industrial park uses. He indicated that the plan meets submittal and approval standards and recommended that the Planning Board approve the site plan as provided.

Lighting was discussed with the applicant.

Member Avery made a motion that the application meets site plan approval with the condition that the luminary design be submitted to the Town Planner. This motion was seconded by Member Syversen. The vote was six in favor and none against.

Chairman Weatherbee stated that the Town Planner memo be made part of the record.

**B. Home Occupation Permit/Site Plan Review – William Lippincott requests approval for construction of a two-story, 576 sq. ft. footprint addition to the existing residence located at 30 Wilbur Street in a Rural District and Limited Residential Shoreland District to conduct internet book sales and limited face to face book sales. (Map 9B, lot 28) – Public Hearing**

Chairman Weather opened the public hearing.

William Lippincott spoke as the applicant stating the he owns a bookshop in Bangor that will be closing. He and his wife would like to work out of their home at 30 Wilbur Drive which is at the end of a cul de sac. The footprint of the proposed two-story building would be 576 sq. ft.

Chairman Weatherbee closed the public hearing. Chairman Weatherbee stated that a letter was received from Pat Mayo in support of this application. The public hearing was closed.

Bob Osborne spoke about the proposed home occupation. He indicated that the proposed home occupation involves construction of an addition to the residence and as such that requires that the Board review the application under the Site Plan Review criteria as well. He noted that the lot is bounded by the Souadabscook Stream and the Limited Residential Shoreland District is involved as well. He indicated the shoreland provisions require the applicant to get a certification from a land surveyor that the proposed construction is outside of the water setback area (75 feet from the shoreline). He suggested that the Board condition an approval based on receipt of the surveyor's certification. He indicated that the plan appears to meet site plan criteria. The proposed use is almost out of view to the neighboring properties and the limited daily trips would not have much impact on neighbors. He recommended the Board approve both the site plan and home occupation conditioned on the surveyor's certificate.

Member Avery had questions and concerns about the setbacks from the stream for this proposal under site plan review.

The shoreland zone was discussed in relation to this proposal.

Number of employees was discussed. One employee, Mrs. Lippincott and Bill Lippincott. Trips per day was discussed.

Member Weldon made a motion that under 4.10 Home Occupation meets the

requirements with one employee and 10 trip per day. This was seconded by Member Avery. The vote was six in favor and none against.

Member Avery made a motion that the application under 4.1.7 site plan review meets the requirements with the condition that a submittal of a surveyor opinion of the proposed construction fall outside of the setbacks of the shoreland zoning. This motion was seconded by Member Weldon. The vote was six in favor and none against.

**C. Subdivision Sketch Plan – Billington, LLC requests review of a proposed 27.7 acre, 34 lot single-family subdivision located off Main Road North on the site of the former Crestwood Trailer Park in a Residential A District. (Tax Map 10B, Lot 12) – Public Meeting**

Chairman Weatherbee opened the public meeting.

Jim Kiser spoke as a representative of Billington, LLC. He indicated that they propose an 34 lot, 27 acre cluster subdivision with a full contingent of utilities on the site that was most recently known as Crestwood Trailer Park. Much clean-up has been done since Billington purchased the former trailer park. They are looking to develop the 34 lot cluster subdivision in a residential A district under those cluster standards. The wetlands have been delineated and mapped. Billington has made application for DEP permits for stormwater and natural resources for wetland alternations but those permits are not yet issued. Soils have been mapped, but the lots will be serviced by public water and sewer so that is not as important then if they were on septic and wells. Mr. Kiser has walked the property and had conversation with the land abutters and hopes that the drainage issues will improve with the plan they have put together.

David Mahoney 17 Sophie Lane asked about the length of the construction period. He wants to know the distance between Sophie Lane and the proposed development. He asked what is the drainage plan for this development.

Jim Kiser stated that the term of the construction will be approximately 1 construction season or 3 to 4 months. They are hoping to get started on the project this fall, or early spring. The distance to Sophie Lane is around 400 feet. They propose to deed 12 acres of open space to the Town parallel to Route 202. He indicated that they propose to utilize closed storm drains in the area of their proposed street and that this will redirect a certain amount of stormwater to the Route 202 end of the parcel and away from the residences along Daisey Lane.

Nancy Foster 50 Daisey Lane asked what kinds of homes would be built, square footage of these houses, and would there be covenants on the subdivision, would the subdivision be phased, and who looks over the plans for the town?

Bob Osborne stated that Woodard and Curran are the Town's engineers and they do a peer review of all plans.

Jim Kiser stated the there would be deed restrictions, and the house sizes proposed would

be between Westbrook Terrance and Greenly Farms.

Bob Osborne stated that the subdivision would be classed as a major subdivision. Jim Kiser stated that the road would be a 20 ft. wide road. Therefore would be a minor road.

Cross connection between Daisey and the proposed road was discussed along with some waiver that Mr. Kiser may be seeking regarding the proposed off-set from Sunrise Lane located across Main Road North from the proposed subdivision.

A site visit will need to be schedule.

#### **4. STAFF REPORT**

Mr. Osborne reported to the Board that Member Melinda Merrill-Maguire has tendered her resignation from her seat on the Planning Board.

#### **5. BOARD MEMBERS CONCERNS**

#### **6. ADJOURNMENT**

The Planning Board meeting adjourned at 8:30 p.m.

Respectfully Submitted,

Michael Avery, Secretary

**TOWN OF HAMPDEN  
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MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, July 14, 2010, at the Hampden Municipal Building by Chairman Peter Weatherbee.

Attendance: Planning Board Chairman Peter Weatherbee, Members Andrew Nelson, Eugene Weldon, Mort Syversen, Michael Avery,

Also in attendance: Town Planner Robert Osborne, Recording Secretary Rosemary Bezanson, and applicants for tonight's meeting.

**1. APPROVAL OF MINUTES (April 14, 2010; June 9, 2010)**

Member Weldon made a motion to approve April's minutes with the addition of the word "distance" in the last paragraph after the word "uniform" so the sentence reads as follows: The access road shall be constructed with a uniform distance from the property line. This was seconded by Member Syversen. The vote was unanimous.

Member Weldon made a motion to approve the minutes for June 9<sup>th</sup>, 2010 as written. This motion was seconded by Member Syversen. The vote was unanimous.

**2. OLD BUSINESS**

**A. Conditional Use/Site Plan Review – Katahdin Trust Co. requests approval for construction of a 3,058 sq. ft. bank building with a drive-thru window and two remote teller units located at 57 Western Avenue in a Business B District and Village Commercial District (Portions of Tax Map 31, Lot 1 & 1-A and Map 36, Lot 31) - Public Hearing**

Chairman Weatherbee opened the public hearing stating that proponent first then opponents then anyone one with questions or comments. Come to the podium, state your name and address.

Several letters are included in the packet from neighboring land owners with concerns, these letters will be attached to the minutes.

Ed Bearor Attorney with Rudman and Winchell for Katahdin Trust spoke about the project. He asked if the Board would like him to respond to questions raised at the last meeting and the Board indicated that would be a good way to start. Mr. Bearor introduced John Preston, Bonnie Foster with Katahdin Trust, Shelly Lizotte with Ames A/E, Kevin Whalen, building designer, and Peter Hedrich traffic engineer from Gorrill Palmer.

Item number 3 of Article 4.1.7 was discussed. Mr. Bearor indicated that a draft copy of the traffic movement permit from MDOT was issued recently and made available to the Planning Board. He noted that the actual number of trips anticipated is less than what was cited in the application because of on-line banking but the MDOT requires that a somewhat dated version of the Traffic Generation Manual Seventh Edition be utilized. The higher numbers have been planned for and met nevertheless.

Peter Hendrich, traffic engineer from Gorrill Palmer, showed an exhibit that shows the entire traffic corridor from TDS to the Post Office. The site driveway and adjoining driveways are found to function as anticipated. He discussed the various improvements required in Western Avenue as part of the project as well as those for Hampden Academy and Rite Aid. He noted that a left turn has already been build in front of Rite Aid. What is proposed is a center left turn lane rather than a dedicated left turn lane. He discussed the area in front of Frosts Garage and Gilpatrick Funeral Home and added a wider shoulder (eight feet) in that location as part of the MDOT permit.

Mr. Hedrich indicated that he wished to discuss an element of the Maine Traffic Resources memorandum and its discussion that commuter hours did not recognize that the morning and afternoon peak hour volumes were near identical and needed no further review. He noted the tables showing pre and post development delays and the post development has no tangible delay on intersection operation with the additional traffic from this project. He stated that the plan and data satisfies the requirements of the zoning ordinance for traffic.

Member Syversen questioned the post development data in Appendix A as it relates to Rite Aid and the Katahdin project and how those numbers compare and how they would compare if the Eighth Edition of the manual was used. He also questioned data that was indicated for some driveways and not others. Edwards as an unsignalized driveway would not typically be directly analyzed. Mr. Hedrich indicated that this was because some of those driveways were data that was already in hand but was not necessarily required for the MDOT permit. Mr. Hedrich noted that the traffic simulation model that was brought to the scoping meeting does indicate that the driveway will function properly. Member Syversen questioned why not show this data for all driveways? Mr. Hedrich indicated that Rite Aid's driveway was looked at specifically to see how it's stacking interacted with Katahdin's.

Mr. Hedrich discussed what the Traffic Permit Draft from MDOT calls for in the three page document. They include: Widening east bound approach on Western Avenue; The eight foot shoulder across from Gilpatricks; A two way left turn lane for 180 feet; The entrance driveway is to consist of two 12 foot lanes for outbound traffic and one 14 foot lane for inbound traffic; Construct a crosswalk at the entrance drive and appropriate sidewal modifications; Construct a traffic island of stamped colored pavement; Make provisions for interconnection to adjacent properties with the Rite Aid connection proposed at this time and the Gilpatrick connection to be completed later; Proper lighting at the driveway; Appropriate driveway radiuses; Meet national standards, etc. and Preparation of construction plans for widening and striping.

Mr. Hedrich indicated that there will be some modifications needed to complete the proposed eight foot shoulder to the land in front of Frosts all completed within the right-of-way.

Charles Gilbert, III attorney representing Garry Gilpatrick and Gilpatrick Realty Trust spoke about the project's impact on his client. And noted that these two entities must be

considered. The Trust has a vacant lot with a grandfathered curb opening. The Funeral Home is a separate entity. It has served the community for 41 years. They do not wish to oppose Katahdin Trust. The oncoming development is now to the Trust's vacant lot which was originally acquired in order to add parking for the funeral home but that was not feasible given the zoning at the time. Mr. Gilbert questioned some of the findings of the traffic study as incorrect. He noted that funerals and viewings are not special events but rather occur frequently. He noted that there are hours of operation called out in the Village Commercial District. Funeral processions can be from four cars to sixty cars. Funeral Home Staff have historically been able to get processions out and stop traffic to do so. He noted that the driveway for Katahdin while being placed 150 feet from Rite Aid it squeezes the Gilpatrick Realty Trust. His client is willing to discuss access with Katahdin trust but it is not a done deal yet. His plea is to resolve this issue now without delay. He suggested that the corridor may require additional improvements and that they should be done with this application.

Debra Plowman Hampden resident spoke about the impact this project would have on the neighboring land abutters. Discussed the piece meal approach for traffic planning. She indicated that we are reviewing this application without knowing the full effect of the high school or drug store's traffic. She is not pleased with curb openings every 150 feet. She did not like that the draft permit was not available prior to today.

Todd Hardy, 4 Main Road South, indicated that he is a general contractor in the town of Hampden spoke in favor of the project. The traffic issues that were raised should be considered by the town and state and should not be solely on the Katahdin Trust project.

Tim Pellerin, 54 Western Avenue, spoke in opposition of the project and indicated that the traffic island that is there now confuses traffic and fears that he will be run over.

Nancy Hamilton, Dewey Street/Western Ave., spoke in opposition of the project. She discussed that the proliferation of signs is not good and you cannot get out easily now. She cannot turn around in her driveway and must back out. She suggests that a mix of uses other than all commercial could avoid this.

Mr. Bearor discussed the concerns raised by neighbors and indicated that much of those concerns go well beyond the traffic and development that Katahdin Trust is bringing to the table. The plan shows an access to the Gilpatrick Trust parcel if they wish to utilize it.

Peter Hedrich stated that there is a guideline for driveway separation of 125 feet and there is 125 feet provided to the Gilpatrick parcel. He indicated that it is much more equitable to assign improvements to each property owner in front of their own property than to assign an entire corridor to a single individual. He indicated that a two-way center turn lane is much safer than a four lane street.

Charles Gilbert asked the Board to attach condition to the development. He suggested that as Western Avenue narrows as it goes east it seems that costs for development will be higher seeming to suggest that Katahdin should pay for all changes needed for the subsequent improvement of other properties. As a condition any future mitigation should

be contributed to by Katahdin.

Ed Bearor did not agree with any condition that would create an open-ended cost aspect for his client. He left open the possibility that an ordinance be enacted that would treat all equally.

Chairman Weatherbee closed the public hearing and asked for staff comments.

Bob Osborne, Town Planner spoke about the project. The standards governing conditional uses 4.2.3 are primarily 3, 4 and 5 as they relate to traffic and it appears that these standards can be satisfied. The use will not devalue property and no specific evidence has been offered that it would. The site plan and the proposed on and off site improvements insure this. The proposed use can queue up the appropriate number of vehicles (24). Banks do not seem to create emissions and noise issues based on observation of other banks. The bank will not create hazardous traffic congestion. The bank would create just over one trip per minute in the peak hour and attracts 25 trips to the corridor in the peak hour. It appears that the application satisfies these standards.

The standards governing site plan review are items 3, 4, 11, and 15. Item 3 deals with access points, turning lanes and site distances. The much discussed common entrance according to Mr. Hedrich is not necessarily safer and the overall pattern of vehicular stacking and other issues must be considered. He suggested that the Board not consider a forced comingling of this and the Rite Aid site at this time because neither site development was expressly designed for this and it would be irresponsible to recommend it now. Item 4 deals with safe on-site vehicular and pedestrian traffic patterns. Item 11 the capacity of the road is not in question as it is perhaps a one percent increase. We feel that the plan appears to satisfy the conditions for site plan and conditional use although certain conditions could be placed on the plan.

Member Avery questioned the sewer easement on the second page of the deed and noted that there is an existing 20-foot wide sewer easement which differs from the width indicated on the plan and make reference to the book and page number on the plan.

Shelly Lizotte indicated that the easement does exist and the plan can be adjusted to reflect this.

Member Avery questioned the grading and drainage along the common Rite Aid and Katahdin Trust property line and suggested that this be indicated on the plan and a permanent easement. He also noted some grading at the cross connection to the Rite Aid and an easement should be had for that as well.

Shelly Lizotte indicated that their grading does not extend on to Rite Aid and the drainage is contained on their property as well. The silt fence will be installed on the property line and all grading will be on their property. A reciprocal drainage easement can be done.

Member Avery asked if the easement or right of way to Gilpatrick Trust seemed alright on the plan. It was discussed that there should be a deeded right of way for that.

Member Syversen questioned the curb cut location and separation and it was established that it needs to be at least 125 feet center to center line.

Mr. Osborne indicated that there was a supplemental letter from James Wilson indicating that Woodard and Curran now is satisfied that the plan has satisfied the issues raised in the previous letter.

Mr. Osborne indicated that the MDOT Traffic Permit calls out lane widths for inbound and outbound that differ slightly from that on the site plan and would recommend that this also be a condition of the approval.

Member Syversen questioned leaving out specific driveway traffic counts. He expressed that it appears piece meal to him. Mr. Hedrich indicated that the counts are done in 2008 and that because neither the Academy or the drug store are currently open. Member Syversen indicated he is not satisfied with the traffic analysis as presented.

Mr. Osborne indicated that this information is known by Mr. Hedrich and is in the traffic simulation model. He indicated that the Rite Aid traffic queue number was shown specifically to look if those vehicles would queue into the space needed for Katahdin. The site development is in a split zone with all of the bank elements in the Business B District and the driveway and a front interior corner of the building in Village Commercial District.

Member Avery made a motion to approve the conditional use under Article 4.2.3 with the following conditions: The site plan is to be amended to show the 20-foot wide sewer utility easement described in the deed. The site plan is amended to show the book and page. Reciprocal drainage easement and grading easement with Rite Aid to be recorded prior to issuance of a building permit. The site plan must conform to MDOT's Traffic Permit. A vehicular access easement document between Gilpatrick Realty Trust and Katahdin Trust be recorded prior to issuance of a building permit. This motion was seconded by Member Weldon. The vote was four in favor and one against the motion. Member Syversen voted against the motion based on his objections to the data of the traffic study.

Member Avery made a motion to approve the site plan meeting the standards contained in Article 4.1 governing site plan review with the conditions stated in the conditional use. Member Weldon seconded this motion. The vote was four in favor and one against this motion. Member Syversen voted against the motion.

Chairman Weatherbee requested that the staff memorandum and the correspondence be added to the public record.

- 3. A. Site Plan Review – Hampden Properties, LLC requests approval to construct an expanded outdoor equipment storage area for the service business use (Clean Harbors Environmental Services) located on the adjacent lot located at 40 Carey Circle in an Industrial Park District (with the Business Park designation). (Tax Map 10B, lot 12) – Public Hearing**

Chairman Weatherbee opened the public hearing.

Bob Gredeau Manager of Hampden Properties LLC stated the need for expanding into lot 12. Clean Harbors has grown and they envision a new building in the near future. The area will be used as a lay down area for the gear that Clean Harbors utilizes for their clean up efforts. The area will be fenced off and its visibility will be limited.

Bob Osborne, Town Planner stated that the 10,000 sq. foot of paved area is primarily for purpose of the lay down area for Clean Harbors. The site development as proposed gets its access from their existing parking lot and will not utilize a new curb opening on the street. This is a modest proposal that is fenced and screened from view to a large extent. The application meets the standards of Site Plan Review and staff recommends approval of the site plan as submitted.

Member Syversen made a motion to approve the site plan as proposed. This motion was seconded by Member Avery. The vote was five in favor and none against.

**B. Site Plan Review – NEWS of Maine, LLC requests approval to construct a 400 sq. ft. addition to the existing Landfill Gas Treatment Building associated with the Landfill Gas to Energy facility located at 358 Emerson Mill Road (behind Pinetree Landfill) in an Industrial District. (Tax Map 9, Lot 46) – Public Hearing**

Chairman Weatherbee opened the public hearing.

Todd Hardy of Hardy Construction stated that this is a 400 sq. ft. building addition. The building is going over a paved area. The new building area houses filtration equipment. The plan is ready for site plan approval.

Bob Osborne indicated that this is a modest amendment to their previously approved plan for the industrial use gas to energy facility. The proposal meets ordinance and submittal requirements and staff recommends site plan approval.

Member Syversen made a motion to approve the site plan as proposed. This motion was seconded by Member Nelson. The vote was five in favor and none against the motion to approve the site plan.

**4. STAFF REPORT**

Mr. Osborne had no staff report at this time, due to the late hour, and everyone wanting to go home.

**5. BOARD MEMBERS CONCERNS**

There were no Board Member concerns.

**6. ADJOURNMENT**

The Planning Board meeting adjourned at 9:30 p.m.

Respectfully Submitted,

Michael Avery, Secretary

**TOWN OF HAMPDEN  
PLANNING BOARD  
MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, June 9, 2010, at the Hampden Municipal Building by Chairman Peter Weatherbee.

Attendance: Planning Board Chairman Peter Weatherbee, Members Peter Frazier, Eugene Weldon, Thomas Blais, Mort Syversen and Michael Avery.

Also in attendance: Town Planner Robert Osborne, Recording Secretary Rosemary Bezanson, and applicants for tonight's meeting.

**1. APPROVAL OF MINUTES (April 14, 2010)**

The minutes were deferred until the next meeting.

**2. NEW BUSINESS**

**A. Conditional Use/Site Plan – Katahdin Trust Co. requests approval for construction of a 3,058 sq. ft. building for use as a bank with a drive through window and two remote teller units located at 57 Western Avenue in a Business B District and Village Commercial District. (Portions of Tax Map 31, Lots 1 & 1-A and Map 36, Lot 31)- Public Hearing**

Chairman Weatherbee opened the public hearing and asked for proponents, opponents and those with questions or comments.

Rayshelly Lizotte, PE of Ames A/E representing Katahdin Trust Co. described the project as a 3,058 sq. ft. one-story bank building with associated three-bay drive through and parking. The site development proposes to cross-connect with Rite Aid on the rear of the two sites. A traffic permit has been submitted to MDOT.

John Prescott, President of Katahdin Trust Co. described the company, its expansion plans in the area and this project indicating that it will add value to the community.

Gary Gilpatrick, 45 Western Avenue indicated that he does not oppose the project itself but indicated that looking at the big picture with the added traffic of the new Hampden Academy and Rite Aid which are not yet open and operational that he has public safety concerns for his clients noting the difficulty to enter and exit his site development in certain hours of the day. He proposed to wait to approve any sort of development. He has been at their current location for 22 years and the funeral home has been there 41 years. He suggested the entrance for the bank be combined with the drug store. He urged that the curb opening for his vacant lot should not be compromised by the proposed street improvements for the bank. He briefly discussed his prior issues with MDOT. He asked the Board to take some time to have a reasonable and sensible plan for the Western Avenue corridor. He indicated that this plan will not improve traffic.

Allison Berube, Main Road indicated that this two-lane road (Western Avenue) will be swamped by academy people. They will not understand common center turn lanes

particularly the younger drivers that lack experience.

Dana Edwards, Shop n Save and resident indicated that he is not in opposition to the proposal. He asked the Board to have a master plan for the corridor. He sees the same safety issues that we now have on Main Road. He has widening concerns. He noted the deletion of the dedicated right turn lane by the Shop n Save. He questioned the setback of Rite Aid and this proposal relative to the larger setbacks of the buildings such as Shop n Save, credit union, church, etc. He questioned the safety situation for school area. He cited speed and accidents as concerns.

Elvin Leyro, 43 Western Avenue discussed the current improvements in the street (done for the Rite Aid project). He agreed with the prior comments and noted that speeds are excessive.

Nancy Hamilton, Dewey Street opposed locating any sort of new entrance on Western Avenue. She encouraged co-location of the entrance with the current Rite Aid entrance.

Allison Berube, Main Road discussed the pedestrian concerns she has for senior citizens that reside in the area. She encouraged the board to take the existing businesses into consideration.

Maria Leyro, 43 Western Avenue discussed the difficulty she has getting in and out of her residence. She questioned future widening because her residence is close to the street.

Walter Cupples noted that traffic will increase with the relocation of Hampden Academy in the corridor and questioned why no shared entrance. He encouraged more planning.

Nancy Hamilton, Dewey Street questioned what is required for a traffic study.

Gary Gilpatrick stated he is not opposed to the project but he raised concern that actual traffic will differ from that found in the study because the funeral home traffic has an irregular pattern to its activity.

Dana Edwards stated that this Western Avenue location has been negatively impacted by congestion and traffic.

Hearing no further comments Chairman Weatherbee closed the public hearing and directed the board to discuss the project with the applicant's agents.

Town Planner Bob Osborne asked that the Board and Citizens be aware that the Zoning Ordinance requires that applications be acted upon in a certain number of days after the application is received and may not be indefinitely delayed by the board.

Allison Berube stated that she was not aware of such a requirement and under the circumstances strongly opposes the application.

Chairman Weatherbee indicated that the Board does not have to decide the issue tonight

but must follow the rules of the ordinance.

Maria Leyro inquired about the Planning Board process and its power to recommend changes to an application.

Bob Osborne suggested that the Board hear from Peter Hedrich, PE traffic engineer (Gorrill Palmer) to address questions that have been raised.

Peter Hedrich, PE traffic engineer (Gorrill Palmer) discussed the project. Banks are not a large generator of traffic (comparatively). His study anticipates the bank will generate 82 customers in the PM peak hour. That is those 82 customers will enter and exit the site. Of the 82 customers 25 are trips that are strictly to the bank and the remainder are trips already in the corridor or close by.

Mr. Hedrich indicated that their firm had done the analysis and design for Hampden Academy and Rite Aid (and Shop n Save) as well as this one and they are all in conjunction with one another.

Mr. Hedrich described the proposal that utilizes a common center turn lane that extends from the funeral home to the supermarket. This allows driveways on the opposite side of the street to function without traffic delays. He indicated three lanes (as proposed) is demonstratively safer than two lanes or four lanes. He discussed the peak hour of school traffic does not match the bank's peak hour of traffic which is an hour later. He estimated that proposed bank traffic adds approximately 1 percent to the overall traffic. He discussed safety and accidents. Crash data obtained from state high crash locations lists indicate that there are none in this corridor based on 2005 to 2007 data. High crash locations are at least eight accidents in three years with \$1,000 in damages or injury reported. There was one crash of at least \$1,000 damage or injury reported in the specified period. The Western Avenue/Route 202 intersection has 1,647 automobiles in the peak hour. There is 2% to 3% truck traffic. The type of cargo is not known for these trucks. He noted that for special events there can be more traffic but noted that designs are typically done for more typical daily traffic and that special events may require special traffic control by police.

Mr. Hedrich addressed the concern that as proposed the entrance is not common with Rite Aid. He noted that there is a rear cross connection that will allow customers of the two facilities to travel across and not go out on Western Avenue. He stated that as long as there is proper separation between the driveways it is reasonable to have more driveways. A combined driveway is not necessarily safer. You have to look at stacking and left turn movements.

Chairman Weatherbee noted a letter from Rite Aid stating that they will not share (combine) their entrance with the bank.

The Board asked questions to Mr. Hedrich about turns out of the property and various controls such as limiting left turns from the site.

The Board asked about the status of the MDOT traffic permit required for this project, and Mr. Hedrich indicated that the permit has been applied for but the scoping meeting has not yet happened.

Allison Berube asked: At what point will traffic get to the point where additional widening will require the taking of houses on the street?

Mr. Hedrich indicated on the plan the extent of the proposed street improvements and widening. (No widening is proposed east of the Frost Garage driveway and no additional widening is proposed on the south side of Western Avenue).

Gary Gilpatrick expressed concern over "traffic islands" and what happens when there is an island that opposes a curb cut on his property.

Rayshelly Lizotte noted that a right-of-way has been reserved to the Gilpatrick lot through the bank lot at the Town Planner's request.

Maria Leyro questioned how these traffic markings will function during snow events?

Peter Hedrich indicated that these markings (and islands) are flush to the street surface and are plowed and salted and function like any pavement marking in ice and snow.

Chairman Weatherbee asked for staff comments.

Mr. Osborne stated that staff had urged Katahdin Trust to consider a combined entrance but Rite Aid declined to combine the entrance. He noted the fact that westbound traffic on Western Avenue requires a stack length of over 300 feet extending east from the traffic light at the intersection of Western Avenue and Route 202 which will extend past the supermarket entrance. However, he suggested the new school driveway will handle traffic much better than the existing Hampden Academy's because the new driveway is quite long and can absorb a larger number of cars easily. He noted that the supermarket's dedicated right turn lane was eliminated with the school project which MDOT agreed to. He noted that the existing 8 ft. wide shoulders are narrowed to 5 feet throughout the area from Route 202 to the funeral home and all on-street parking in this area will be eliminated. He noted that several Board members had indicated that the site plan failed to depict the entire traffic corridor in a way that was easily reviewed. He encouraged Mr. Hedrich to provide an aerial photo with traffic improvements superimposed for the corridor to help Board members visualize the plan beyond the actual site development itself (as had been done for the Rite Aid project). He noted the site plan indicates a dedicated left-turn lane rather than a common turn lane proposed by Mr. Hedrich in his traffic analysis. He noted several easements that should be depicted on the plan including vehicular, drainage and utility. He noted the plan does not show a planting schedule for plants adjacent to the bank building. The plan needs to show angle parking in front of the bank building to accommodate the queue. The plan needs to show a size on the propane tank and a letter of a supplier indicating that the location is acceptable. He asked that the boundary survey be included with the plan and that certain notes on the plan be corrected.

Mr. Osborne noted that the question for the board is primarily traffic safety under Article 4.1 and Article 4.2. He encouraged applicant to repackage all of the traffic into one cohesive document.

Mr. Osborne noted that the plan includes an attractive building design that would fit right into the area. He noted the split zone nature of the parcel. The plan includes three drive-through bays (one with a service window and an ATM and two remote teller bays in the other two lanes) and each has the appropriate 8 car queue. He also noted the cross connection to Rite Aid provided at the rear of the site developments.

The Board requested that the peer engineering review be provided.

Chairman Weatherbee noted that MDOT approval is key to the traffic discussion.

The Board asked for the corridor plan as discussed.

The Board asked for the Town Planner's list as noted in the meeting and memorandum.

Chairman Weatherbee asked that the staff memo become part of the public record.

Member Avery moved to table the item with the request list. Member Syverson seconded the motion which passed unanimously.

**B. Conditional Use/Site Plan approval - Circle K requests an amendment of their to change the hours of operation Thursday through Saturday until 1:00 am of the existing gas station and convenience store located at 63 Main Road North in a Village Commercial II District. (Tax Map 36, Lot 44)**

This item was withdrawn at the written request of Circle K. The board took no action on the item.

**C. Town of Hampden requests Zoning Text Amendments to: *Article 3.9 Rural District* by increasing the types and size of buildings that could be considered accessory in this district. Currently accessory buildings must be smaller than the associated residence. (Please be advised the Board will consider this item under *Zoning Ordinance Article 1.5 Amendment*).**

Chairman Weatherbee opened the public hearing.

Mr. Osborne spoke in favor of the item. He noted that the item is a housekeeping item that attempts to address the fact that accessory use structures in rural areas can reasonably be larger than those found in urban areas. He noted that this item came from the Council Planning and Development Committee.

Robert Dunton, Carmel Road North indicated that he desires to construct a garage large enough to house his equipment and truck but given the size of his residence he cannot construct a building of sufficient size to do so.

After some discussion Member Syversen made a motion that the item be reported to the Council with an “ought to pass” recommendation. Member Blaise seconded the motion which passed unanimously.

**3. STAFF REPORT**

Mr. Osborne stated that there was no report.

**4. BOARD MEMBERS CONCERNS**

The Board questioned if the ordinance should have language to require combined curb access. They also asked about the status of the Thibodeau site plan revision.

**5. ADJOURNMENT**

The Planning Board meeting adjourned at 9:05 p.m.

Respectfully Submitted,

Michael Avery, Secretary

**TOWN OF HAMPDEN  
PLANNING BOARD  
MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, April 14, 2010, at the Hampden Municipal Building by Chairman Peter Weatherbee.

Attendance: Planning Board Chairman Peter Weatherbee, Members Peter Frazier, Andrew Nelson, Eugene Weldon, Thomas Blais, Mort Syversen, Michael Avery, and Associate Member Melinda Merrill-McGuire.

Also in attendance: Town Planner Robert Osborne, Recording Secretary Rosemary Bezanson, and applicants for tonight's meeting.

**1. APPROVAL OF MINUTES (March 10, 2010)**

Member Weldon made a motion to approve the minutes as written. This was seconded by Member Nelson. The vote was unanimous.

**2. NEW BUSINESS**

**A. Conditional Use/Site Plan approval – Circle K requests an amendment to change the hours of operation Thursday through Saturday until 1:00 am of the existing gas station and convenience store located at 63 Main Road North in a Village Commercial II District (Tax Map 36, Lot 44)- Public Hearing**

Chairman Weatherbee asked for a motion to table this application. Member Syversen made a motion to table this application this motion was seconded by Member Weldon. The vote was unanimous.

**B. Site Plan Review – Vaughn Thibodeau and Sons, Inc. request to relocate the access road for the quarry located off the north side of Ammo Drive. The current driveway goes through the Thibodeau office parking lot and the request is to move it to the adjoining parcel of land. The site is located in an Industrial 2 District. (Tax Map 10, Lots 61 and 56) – Public Hearing**

Chairman Weatherbee opened the public hearing on this application asking for anyone wishing to speak in favor of the application.

David Lakeman, owner of Vaughn Thibodeau & Sons spoke about the access road to the quarry being relocated for safety reason.

Public hearing was closed.

Bob Osborne spoke about the application.

Member Weldon asked about whether they are reviewing this application under 4.23 or 4.1 site plan standards.

Member Avery raised some issues with the lack of details on the plan.

Mr. Lakeman explained that the plan was drawn up in house by Thibodeau & Sons.

After some discussion on which section of the ordinance the application would be reviewed under, it was determined that both site plan review 4.1, and 4.23 should be used.

Member Weldon abstained from voting on this item.

Member Avery made a motion: The site plan meets the standards of Article 4.23 and Article 4.1 with the following conditions. The site plan shall be amended to indicate the zoning district of the subject land parcel. All erosion control measures indicated on the previously approved plans shall be adhered to on this revision. In addition all erosion control measures and Best Management Practices shall be in place prior to issuance of a building permit. The access road shall be constructed with a uniform from the property line (rather than converging near the street).

Member Syversen seconded the motion. The vote was unanimously to approve the motion with conditions.

**3. STAFF REPORT**

Mr. Osborne reminded everyone that the stream clean up is scheduled for the first Saturday in May. This is sponsored by Bangor area stormwater group. It is four hours on Saturday morning in which litter and trash will be picked up. Anyone wishing to volunteer can contact the Planning Office.

**4. BOARD MEMBERS CONCERNS**

**5. ADJOURNMENT**

The Planning Board meeting adjourned at 7:50 p.m.

Respectfully Submitted,

Michael Avery, Secretary

**TOWN OF HAMPDEN  
PLANNING BOARD  
MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, March 10, 2010, at the Hampden Municipal Building by Chairman Peter Weatherbee.

Attendance: Planning Board Chairman Peter Weatherbee, Members Tom Blais, Peter Frazier, Melinda McGuire-Merrill, Andrew Nelson.

Also in attendance: Town Planner Robert Osborne.

**1. APPROVAL OF MINUTES (February 10, 2010)**

Member Frazier made a motion to approve the minutes as written. This was seconded by Member Blais. The vote was unanimous.

**2. OLD BUSINESS**

**A. Zoning Ordinance Text Amendment – Town of Hampden requests Article 7.2 Definitions be amended by adding definitions for the terms “animals as usual pets” and “animals other than usual pets” – Public Hearing.**

Chairman Weatherbee asked for a motion to remove this item from the table. Member Blais made a motion to remove this item from the table this motion was seconded by Member Frazier.

Chairman Weatherbee stated that this item had been referred to the Ordinance Committee, which met at 6 p.m. this evening. He asked to hear from the Town Planner, Bob Osborne on what the committee had discussed.

Mr. Osborne stated that the committee discussed language changes clarifying that chicks are sold six or more and therefore the maximum number should be six chickens. The list of normal household pets should be similar to not limited to. The language which states other than usual pets being limited to 10 animals before seeking approval from the Planning Board.

Member Nelson made a motion to send the original language back to council with an ought not to pass, and recommend an ought to pass to council on the revised language. This motion was seconded by Member Blais. The vote was five in favor and none against the motion.

**3. STAFF REPORT**

Mr. Osborne reminded everyone that the stream clean up is scheduled for the first Saturday in May. This is sponsored by Bangor Area Storm Water Group. It is three hours on Saturday morning in which litter and trash will be picked up. Anyone wishing to volunteer can contact the Planning Office.

**4. BOARD MEMBERS CONCERNS**

**5. ADJOURNMENT**

The Planning Board meeting adjourned at 7:15 p.m.

Respectfully Submitted,

Michael Avery, Secretary

**TOWN OF HAMPDEN  
PLANNING BOARD  
MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, February 10, 2010, at the Hampden Municipal Building by Chairman Peter Weatherbee.

Attendance: Planning Board Chairman Peter Weatherbee, Members Mort Syversen, Tom Blais, Peter Frazier.

Also in attendance: Town Planner Robert Osborne.

**1. APPROVAL OF MINUTES (January 13, 2010)**

Member Syversen made a motion to approve the minutes as written. This was seconded by Member Blais. The vote was unanimous.

**2. NEW BUSINESS**

**A. Zoning Ordinance Text Amendment – Town of Hampden requests Article 7.2 Definitions be amended by adding definitions for the terms “animals as usual pets” and “animals other than usual pets” – Public Hearing.**

Chairman Weatherbee opened the public hearing. Town Planner Osborne provided the Board with two letters on the item which were entered into the public record. Since there was no one wishing to speak, Chairman Weatherbee closed the public hearing and asked for staff comment.

Town Planner Bob Osborne came at the request of a citizen to raise hen chickens in a Residential B District. Upon review the Code Enforcement Officer and Town Attorney determined this use is not clearly addressed. There is a conditional use in the Residential A and B Districts termed “animals other than usual household pets” but that is not defined nor is “usual household pets”. He indicated that the Council Planning and Development Committee has reviewed this item at some length. Staff recommended that the item be returned to the Council with an “ought-to-pass” recommendation.

Chairman Weatherbee referred this item to the Ordinance Committee.

**3. STAFF REPORT**

**4. BOARD MEMBERS CONCERNS**

**5. ADJOURNMENT**

The Planning Board meeting adjourned at 7:10 p.m.

Respectfully Submitted,

Michael Avery, Secretary

**TOWN OF HAMPDEN  
PLANNING BOARD  
MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, January 13, 2010, at the Hampden Municipal Building by Chairman Peter Weatherbee.

Attendance: Planning Board Chairman Peter Weatherbee, Members Eugene Weldon, Andrew Nelson, Michael Avery, Peter Frazier.

Also in attendance: Town Planner Robert Osborne.

**1. ELECTION OF OFFICERS**

Chairman Weatherbee asked for nominations for Chairman. Member Frazier made a nomination that Peter Weatherbee the current chairman to be nominated as chairman again. This was seconded by Member Avery. The vote was unanimous.

Chairman Weatherbee asked the present secretary Member Avery if he would be willing to continue as secretary. Member Avery stated that he would.

Member Weldon nominated Member Avery for secretary for another term. This was seconded by Member Nelson. The vote was unanimous.

**2. APPROVAL OF MINUTES (December 16, 2009)**

Member Avery made a motion to approve the minutes as written. This was seconded by Member Weldon. The vote was unanimous.

**3. OLD BUSINESS**

**A. Zoning Ordinance Text Amendment – Town of Hampden requests Article 5.3.1 Building Permits criteria be revised under which a building permit can be issued for houses in new subdivisions and to revise the criteria under which a building permit can be issued following issuance of a sewer hook-on permit or a subsurface wastewater disposal permit – Continued**

Chairman Weatherbee asked for a motion to take this item off the table. Member Avery made a motion to remove this item off the table, Member Nelson seconded the motion. The vote was unanimous.

Member Avery is the Chairman of the Ordinance Committee indicated that the committee had discussed the item and he asked that Mr. Osborne the town planner speak about this amendment.

Mr. Osborne stated that there are two elements to this amendment. Building permits must not be issued before either a subsurface wastewater disposal permit is granted or a sewer hook on permit is issued. This is state law and is essentially a housekeeping issue. The second consideration is that building permits must not be issued until the street has been accepted by the town. The town is seeking to avoid situations where houses and buildings get built but since the street has not been accepted by the town so the street is not

serviced by the Town and no certificate of compliance can be issued for final occupancy of the house or building. A building permit not being issued until the street is accepted solves this problem. Staff would recommend approval. This is a safe guard for the home owner. The road acceptance before a building permit can be issued protects both the property owners and the Town.

Member Avery made a motion to send this back to Town Council with an "ought-to-pass" recommendation with care being taken that the property pins be placed by a licensed land surveyor not be deleted until it has been added to the Town's Way Ordinance.

This motion was seconded by Member Nelson. The vote was unanimous.

Chairman Weatherbee asked that the Town Planner notes and materials be added as part of the record.

**B. Zoning Ordinance Text Amendment – Town of Hampden requests Article 3.3 Commercial Service District be revised to add a new conditional use of functionally water-dependent uses along the Penobscot River, Article 3.3.5 Special District Regulations be revised to allow buildings in excess of 35 feet under certain criteria and an exemption be added for functionally water-dependent uses along the Penobscot River from the district building height criteria- Continued**

Chairman Weatherbee asked for a motion to take the application off the table.

Member Nelson made a motion to remove this item from the table. This was seconded by Member Avery. The vote was unanimous.

Member Avery is the Chairman of the Ordinance Committee indicated that the committee had discussed the item and he asked that Mr. Osborne the town planner speak about this amendment.

Bob Osborne the town planner spoke about the amendment. He stated that this amendment creates a new conditional use for water dependent uses along the Penobscot River which are not limited to 10,000 sq. ft. total building area or in height. This would only apply to the waterfront area from the marina to the Bangor city limit. Boat building tends to require tall buildings with direct water access to launch the boats. The Planning and Development Committee created a threshold acreage for buildings with unlimited height. He also noted that the amendment also contains language for buildings in excess of 35 feet in height which requires additional setbacks from property lines like that found in the Interchange District. Mr. Osborne indicated that staff recommends the amendment.

There was some discussion about building height and how it is measured. It was suggested that perhaps the vertical building heights should be revisited.

Building height is the highest point on roof to average grade on the ground. As per building height definition, in Article 7.

Member Avery made a motion to recommend an “ought-to-pass” to town council. This motion was seconded by Member Weldon. The vote was unanimous.

**C. Zoning Ordinance Text Amendment – Town of Hampden requests Article 7.2 Definitions be revised to add a definition of institutional building – Continued.**

Chairman Weatherbee asked for a motion to take this application off the table.

Member Weldon made a motion to remove this item from the table; the motion was seconded by Member Nelson. The vote was unanimous.

Member Avery, Chairman of the Ordinance Committee indicated that the committee had discussed the item and he asked that Mr. Osborne the town planner speak about this amendment.

Bob Osborne spoke about the definition of institutional building. He reminded the board that this was needed because of the language that was created in order to increase the height of the high school beyond 35 feet. We created the term institutional building which we are now defining.

Ordinance Chairman Mike Avery asked would private health faculties be covered under the definition.

Member Weldon made a motion to recommend an “ought-to-pass” to town council. After some discussion, Member Weldon withdrew his motion.

Member Avery wanted more discussion on Institutional buildings.

Mr. Osborne stated what the definition would cover.

Member Weldon made a motion to recommend an “ought-to-pass” to town council. This motion was seconded by Member Avery. The vote was unanimous.

**3. STAFF REPORT**

Bob Osborne stated that he anticipates a couple of development items on next month’s agenda. It was asked if the Rite Aid project requires the planning board to amend that plan. Mr. Osborne indicated that a minor revision at staff level on the Rite Aid project appeared to be sufficient.

Hampden School project bids on construction of the building will be going out next week. Screening and buffering was discussed.

#### **4. BOARD MEMBERS CONCERNS**

Member Frazier had concerns over the truck traffic coming and going at the new Hampden school site. He asked about temporary lights for left turning trucks. The street construction will not begin until next year. Maybe some flaggers would help. Concerns over what can be done to make this a safer situation were discussed along with complaints about the site's truck traffic.

Mr. Osborne was going to look at this traffic permit to see if there were conditions on the safety issue during construction.

#### **5. ADJOURNMENT**

The Planning Board meeting adjourned at 7:55 p.m.

Respectfully Submitted,

Michael Avery, Secretary