

FINANCE & ADMINISTRATION COMMITTEE MEETING

Monday, November 17, 2014

6:00 p.m.

Hampden Town Office

1. Meeting Minutes
 - a. October 20, 2014
2. Review & Sign Warrants
3. Old Business
 - a. General Code Index/Staff Input
4. New Business
 - a. Public Works Director Resignation & Transition Plan
 - b. Environmental Mitigation Guidelines – Planning & Development Committee Recommendation
 1. Minimum Taxable Valuation Required
 2. Proposed Guidelines
5. Public Comment
6. Committee Member Comments

FINANCE & ADMINISTRATION COMMITTEE MINUTES

Monday, October 20, 2014

Attending:

Mayor Carol Duprey	Councilor Jean Lawlis
Councilor Ivan McPike	Councilor William Shakespeare
Councilor Greg Sirois	Town Manager Susan Lessard
Councilor David Ryder	Resident Terry McAvoy
Councilor Tom Brann	

The meeting was opened at 6 p.m. by Mayor Duprey

1. Meeting Minutes

- a. October 6, 2014 – The Manager noted an omission from the minutes which was that Councilor Shakespeare, under Committee Member Comments had, requested that an item related to monitoring of C & D usage be placed on the next Infrastructure Committee agenda. The minutes were adopted with the addition of the amendment.

2. Review & Sign Warrants – Payment warrants were reviewed and signed by Committee members.

3. Old Business

- a. General Code – Index Revision – The Town Manager presented an updated version of the codified ordinances for the Town that now includes a separate section for Land Use and Development. Councilor Brann asked that it be signed off on for usability by staff and then brought back to the committee for approval.
- b. Exit Lighting – Skehan Center – Reserve Use – Services Committee Recommendation – The Recreation Director requested the use of \$2,229 from Recreation Enterprise pay for replacement of the exit lights and battery backup systems at the Skehan Center. The Services Committee recommended approval of the project. Motion by Councilor Shakespeare, seconded by Councilor Lawlis to utilize funds from Recreation Enterprise account in the amount of \$2,229, with \$600 to be rebated from Efficiency Maine, to replace the Exit lights and backup systems at the Skehan Center. Unanimous vote in favor.
- c. Council Rules – Mayor Duprey had requested that this item be put on the agenda but asked that such discussion be held after the election in the event there is a major change in the composition of the Council.

4. New Business - None

5. Public Comment - None

6. Committee Member Comments – None

The meeting was adjourned at 6:15 p.m.

Respectfully submitted,

Susan Lessard
Town Manager

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Proposed Table of Contents
Code of the Town of Hampden, Maine

**NOTE: Chapter and article titles and numbers may change at final editing depending on new subject matter legislated and/or input from municipal officials.*

New Ch. Number	New Title	Source
CHARTER		
	Charter	Charter
PART I ADMINISTRATIVE LEGISLATION		
1.	General Provisions	
	Art. I, Adoption of Code	<i>New</i>
7.	Appeals, Board of	6-19-2004
18.	Conservation Commission	3-21-2005
29.	Ethics, Code of	5-7-2012
35.	Fire Department	(date not indicated)
65.	Personnel Policies	12-19-2011
70.	Public Works Department	3-16-1987
78.	Registration, Board of	1-22-1979
84.	Salaries and Compensation	
	Art. I, Town Council	9-19-2005
95.	Town Property, Sale of	11-19-1979
PART II GENERAL LEGISLATION		
116.	Amusements	10-6-1997
120.	Animals	
	Art. I, Animal Control	4-3-2000
133.	Cable Television	8-18-1997
137.	Cemeteries	9-8-1981
144.	Concourse Gathering	7-24-1978

New Ch. Number	New Title	Source
160.	Fees and Charges	
	Art. I, Schedule of Fees for Town Services	10-20-1986
	Art. II, Service Charge	5-18-1992
165.	Firearms	8-7-1989
169.	Fireworks	6-3-2013
178.	General Assistance	12-2-1996
184.	Harbor Management	8-20-1984
190.	Historic Preservation	11-20-1989
213.	Library	
	Art. I, Establishment	5-16-1983
	Art. II, Endowment Fund	1-21-1997
234.	Outdoor Facilities	8-6-2012
240.	Peace and Good Order	
	Art. I, Display of Materials Harmful to Minors	10-6-1997
	Art. II, Paid Sexual Contact	10-6-1997
246.	Pool Facility	
	Art. I, Establishment	5-2-1994
	Art. II, Endowment Fund	1-7-2002
268.	Taxation	
	Art. I, Excise Tax Refund	1-7-2002
275.	Trees	
287.	Vehicles and Traffic	
	Art. I, Parking	7-20-1987; 12-7-1987
290.	Vehicles, Junked	8-15-1988
294.	Victualers	4-20-1998
300.	Waste Management	
	Art. I, Solid Waste Flow Control	6-6-1988
	Art. II, Waste Disposal Facilities	1-20-1990
307.	Yard Sales	10-4-1982

New Ch. Number	New Title	Source
PART III LAND USE AND DEVELOPMENT		
318.	Building Construction	
	Art. I, Building Code	9-16-2002
	Art. II, Residential Building Code	3-27-2006
329.	Energy Conservation	
	Art. I, Property Assessed Clean Energy	8-16-2010
334.	Fires and Fire Prevention	
	Art. I, Fire Prevention Code	4-5-1993
	Art. II, Life Safety Code	4-5-1993
	Art. III, Outdoor Wood Boilers	3-19-2007
338.	Floodplain Management	5-17-2004
356.	Mobile Home Parks	10-12-2004
370.	Roads	
	Art. I, Town Ways	2-20-1979
	Art. II, Road Names and Address Numbers	8-19-2013
377.	Sewers	12-5-2011
382.	Shoreland Zoning	3-1-2010
389.	Storm Drainage System	
	Art. I, Nonstormwater Discharges	6-18-2007
393.	Stormwater Management	
	Art. I, Post-Construction Stormwater Management	7-6-2009
398.	Subdivision of Land	5-17-1982
410.	Zoning	3-13-1979
APPENDIX		
A500.	Cable Television Franchise	9-21-1998
DISPOSITION LIST		
INDEX		



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Denise Hodsdon <clerk@hampdenmaine.gov>

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1 message

Dean Bennett <economicdevelopment@hampdenmaine.gov>

Mon, Oct 20, 2014 at 7:59 AM

To: Sue Lessard <manager@hampdenmaine.gov>, Denise Hodsdon <clerk@hampdenmaine.gov>

Good Morning,

The Planning and Development Committee produced the following two items. Environmental Mitigation Guidelines as approved are attached.

Dean

Committee Action: To establish a minimum of \$ 500,000 of taxable value for the development for which a conservation easement shall be eligible to be sought. (Motion: 6-0)

Committee Action: To forward draft Mitigation Guidelines to the Town Council with recommendation to pass. (Motion: 6-0)

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Dean L. Bennett
Director of Community and Economic Development
106 Western Avenue
Hampden, Maine 04444
207-862-3034

 **Environmental Mitigation Guidelines.doc**
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TOWN OF HAMPDEN
ENVIRONMENTAL MITIGATION GUIDELINES

Recitals

- A. Maine's Natural Resources Protection Act ("NRPA") provides for the protection of "protected natural resources" as defined in 38 M.R.S. § 480-B, with the intent to prevent unreasonable impact to, degradation of, or destruction of these resources.
- B. Under NRPA, certain adverse environmental impacts on protected natural resources may require mitigation measures, such as restoration, enhancement, preservation or creation. Preservation may include the preservation of a protected natural resource on land of others, including the use of conservation easements.
- C. Section 480-Z of NRPA authorized the creation of a compensation fee program as an alternative to traditional mitigation measures. The Maine Department of Environmental Protection ("DEP") has established an in-lieu-fee ("ILF") program pursuant to §480-Z that allows applicants for a NRPA permit to pay a fee instead of completing a permittee-responsible on-site or off-site mitigation measure. The ILF program specifies resource compensation rates and resources dependent calculation methods for determining the amount of the compensation fee necessary to off-set impacts to specific protected natural resources.
- D. The Town of Hampden owns approximately 235 acres of land located on Route 202 by virtue of a deed from L.L. Bean, Inc. to the Town of Hampden dated November 3, 2004, recorded in the Penobscot County Registry of Deeds in Book 9616, Page 287 (the "Town parcel").
- E. The Town parcel was originally acquired for the purpose of commercial or industrial development.
- F. Portions of the Town parcel contain protected natural resources, the preservation of which by a conservation easement could serve as an allowable mitigation measure for the impacts from other commercial or industrial development in the Town of Hampden on protected natural resources located on the development parcel.
- G. The use of portions of the Town parcel for conservation easements to preserve protected natural resources thereon as mitigation measures for commercial or industrial development in the Town of Hampden could serve to broaden the Town's tax base, to create employment opportunities, and to provide economic development in the Town.
- H. These Guidelines are intended to provide the general parameters for the Town Council's consideration of requests for a conservation easement to mitigate impacts of commercial or industrial development on protected natural resources. However, nothing contained herein shall be construed to obligate the Town to grant a conservation easement on the

Town parcel, and the Town Council retains its absolute discretion in the review, approval, or disapproval of any requests for a conservation easement.

Guidelines

1. The Town of Hampden, by and through its Town Council, will consider requests for the placement of a conservation easement on portions of the Town parcel to serve as a mitigation measure for impacts on protected natural resources arising from the contemplated development of other land located in the Town of Hampden for commercial or industrial purposes.
2. In considering such requests, the Town Council may take into consideration the projected taxable value of the project, the number of jobs projected to be created, and other economic development factors. The minimum additional taxable value for the development for which a conservation easement is sought shall be \$ 500,000.00
3. Any request shall be accompanied by copies of all documentation concerning the nature and extent of the protected natural resources impacted by the contemplated development, including but not limited to all submissions to DEP for a NRPA permit. In addition, the requesting party shall submit to the Town a detailed description of the contemplated commercial or industrial development to be benefited by the conservation easement, including the improvements to be constructed and the projected taxable value thereof, and the estimated number of employees.
4. Any request shall also include a detailed description of the impacts of the proposed development on the protected natural resources located on the development parcel, as well as a detailed description of the proposed terms and conditions of the conservation easement, including the approximate size and location of the easement area and the protected natural resources located on the Town parcel that are to be preserved by the easement.
5. Any request shall also include a copy of the DEP's calculation of the ILF compensation amount.
6. At any point during the consideration of a request, the Town may require additional information from the requesting party.
7. If the Town Council decides to entertain the request, the requesting party shall, at its expense, conduct such environmental evaluation of the Town parcel as the Town Council may require, in order to specifically identify the proposed conservation easement area and the protected natural resources within that area that are to be preserved by the conservation easement. The evaluation will also assist the parties in ascertaining the most appropriate area for the easement.

8. Once the evaluation has been completed and submitted to the Town, and if the Town Council decides to move forward with consideration of the request, the requesting party shall cause the proposed conservation easement to be surveyed, and for a property description thereof to be prepared, by a surveyor licensed to practice in the State of Maine.
9. Any preliminary decision to grant an easement shall be subject to the Town's satisfaction with the conservation easement, including the easement area and the terms, conditions, and covenants of the easement document. If the conservation easement requires the Town to provide monitoring or maintenance of the easement area, the requesting party shall make satisfactory arrangements to endow the costs of providing such services.
10. The consideration for the conservation easement shall be equal to one-half of the ILF compensation amount calculated by DEP. The requesting party shall receive a credit against the required consideration for one-half of its reasonable and direct costs incurred in the evaluation and surveying required under these Guidelines. This credit shall not exceed one-half of the good faith estimate of such costs provided by the requesting party to the Town prior to undertaking the work, and the approval of such estimate by the Town Council, or its designee.
11. The Town's obligation to deliver the conservation easement for recording in the Registry of Deeds is subject to its receipt of assurances satisfactory to the Town Council that the proposed commercial or industrial development to be benefitted by the conservation easement will be completed, and that the projected taxable value, job creation, or other economic benefits will be achieved.
12. The Town has entered into an agreement with Sargent Corporation, et als., whereby Sargent Corporation has agreed to complete, at its expense, the required infrastructure improvements (water, sewer, storm drainage and roads) for Phase II of the Hampden Business and Commerce Park located off of Route 202. As part of its obligation, Sargent Corporation has pursued amendments to DEP permits obtained by the Town on or about August 15, 2001. NRPA regulations enacted after the original DEP approval necessitate mitigation measures. Sargent Corporation has requested that the Town consider the placement of a conservation easement on a portion of the Town parcel as a mitigation compensation measure for the adverse impact. In recognition of the benefits to the Town arising from the completion of its Park, the Town Council will consider the request in accordance with these Guidelines, and hereby waives the requirements in Section 2 and the second sentence of Section 3. This waiver is granted due to the special circumstances related to the Park, and shall not be construed as setting a precedent for other requests for conservation easements. Except as waived hereby, the Sargent Corporation request shall be reviewed and processed in accordance with these Guidelines.