

## TOWN COUNCIL MINUTES

MARCH 1, 2011

A special meeting of the Hampden Town Council was held on Tuesday, March 1, 2011 for the purpose of addressing citizens' concerns relative to the 2010 Comprehensive Plan, which was adopted on October 4, 2010. Because of the large number of citizens in attendance, the meeting was moved from the Council Chambers to the Community Room and was called to order by Mayor Arnett at 6:35 p.m.

**Attendance: Councilors:** Mayor Matthew Arnett, Deputy Mayor Andre Cushing, Janet Hughes, Thomas Brann, Jean Lawlis, William Shakespeare and Kristen Hornbrook

**Town Manager:** Susan Lessard

**Town Counsel:** Thomas Russell

Citizens

The following citizens spoke in opposition to the 2010 Comprehensive Plan, its process, and in particular the land use map that is part of the plan; most encouraged the Council to consider repealing the 2010 Comp Plan:

Paul Philbrick  
Dave LaChance, Meadow Road  
Robert Dunton, Babcock Road  
Alex King, Kennebec Road  
Mark Cormier  
Lisa Carter  
Matt McLaughlin  
Al Valcourt  
Robert Wass, 15 Carriage Lane  
Sally Leete  
Jeremy Williams  
Rick Kelley, Kennebec Road

Jim Kiser, 15 Constitution Avenue  
Cindy Philbrick  
Eleanor Willey, 1001 Kennebec Road  
Peter Brown, 208 Kennebec Road  
Scott Carter, Western Avenue  
Peggy Brown  
Shelley Blosser  
Colby Clendenning, 1 Hillside Drive  
Cash Webb  
Sheila Williams, 1334 Carmel Road North  
David Ryder, Meadow Road

An audio DVD (complete) and video DVD (partial) of this meeting is attached hereto and made a part of these minutes.

Written comments were received from the following citizens prior to the meeting – copies attached hereto and made a part of these minutes:

Don Katnik  
Monica Small

Frank King, 46 Main Road North  
Robert Lilieholm, 451 Main Road South

Special Council Meeting re 2010 Comprehensive Plan  
March 1, 2011

Town Attorney Tom Russell explained that when the 2010 Plan was adopted, the 2001 Plan was repealed by implication. He expressed concern that without an adopted Comprehensive Plan, the Town's Zoning Ordinance would be in jeopardy, as Maine law requires that a zoning ordinance must be pursuant to and consistent with a comprehensive plan. He advised that the repeal of a comprehensive plan would be subject to the same process applicable to the adoption of a comprehensive plan. He suggested the idea of amending the 2010 Plan instead of repealing it.

Councilor Cushing stated that he would be willing to make a motion to suspend implementation of the plan until a new committee can be formed.

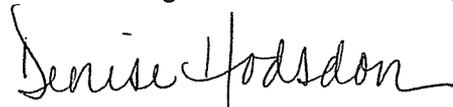
Motion by Councilor Brann, seconded by Councilor Hughes to suspend the rules to add action on implementation of the Comprehensive Plan as an item to the agenda – unanimous vote in favor.

Motion by Councilor Brann, seconded by Councilor Hughes to identify the fact that the BEAR program is not part of the Comprehensive Plan, is not dependent on it, is not part of the implementation process and is simply a parallel event and to exempt the BEAR program from the intent of Council to suspend implementation of the Comprehensive Plan – Vote 6-1 (Hornbrook)

Motion by Councilor Cushing, seconded by Councilor Hornbrook to suspend implementation of the 2010 Comprehensive Plan until a new Comprehensive Plan committee can be formed from citizens of the community – unanimous vote in favor.

There was a suggestion from an unidentified resident to identify on the map the areas of state and federal mandates.

There being no further business, the meeting adjourned at 9:05 p.m.



Denise Hodsdon  
Town Clerk



Robert Osborne &lt;planner@hampdenmaine.gov&gt;

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## Comprehensive Plan Meeting Tomorrow at 6:00 pm

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Tue, Mar 1, 2011 at 2:46 PM

Don Katnik &lt;don\_katnik@hotmail.com&gt;

To: planner@hampdenmaine.gov, Mark McCollough &lt;mark\_mccollough@fws.gov&gt;, Wally Jakubas &lt;walter.jakubas@maine.gov&gt;, Ed Steltzer &lt;esteltzer@memic.com&gt;, pastack1@hotmail.com, philip.rapp@ihs.gov

Bob,

Thanks for the notice about the meeting and the specific involvement of the conservation areas map in these public concerns. Unfortunately, I have another committment tonight and cannot attend. I no longer speak for the Conservation Commission, but my response to the concern your raise below would be something like this (and you are welcome to read this tonight for me if you want):

All residents of Hampden benefit from natural resources such as wetlands, fields, and forested areas. They contribute to the rural character of Hampden, provide potential areas for recreation and wildlife, and help maintain the health of the environment. However, nearly all occur on private land. This creates an unfair burden on those landowners who may view these natural resources as liabilities and fear restrictive zoning and ordinances associated with them. If we hope to conserve these natural areas, owning the property they are on must be made an asset. Landowners should be fairly compensated for maintaining these areas and, IF the landowner wants, allowing public access to them. The areas sketched on the map identify places with exceptional natural resources that the Conservation Commission believes are most worthy of conservation. The Town now needs to work with those landowners to determine first, whether there is mutual interest in conserving these natural resources and second, how to accomplish that fairly. There are a number of methods that other towns have tried for doing this such as purchasing conservation easements, providing tax breaks, etc. Ultimately these all require that those who do NOT own the land but benefit from the natural resources on it in some way compensate the landowner who maintain the natural resources.

-Don

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Date: Mon, 28 Feb 2011 15:54:35 -0500

Subject: Comprehensive Plan Meeting Tomorrow at 6:00 pm

From: [planner@hampdenmaine.gov](mailto:planner@hampdenmaine.gov)To: [don\\_katnik@hotmail.com](mailto:don_katnik@hotmail.com); [Mark\\_McCollough@fws.gov](mailto:Mark_McCollough@fws.gov); [walter.jakubas@maine.gov](mailto:walter.jakubas@maine.gov); [esteltzer@memic.com](mailto:esteltzer@memic.com); [pastack1@hotmail.com](mailto:pastack1@hotmail.com); [philip.rapp@ihs.gov](mailto:philip.rapp@ihs.gov)

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Received prior to  
3/1/2011 Special  
Meeting

Town of Hampden  
Feb. 24, 2011  
Town Council Members  
Town Manager

I would like to voice my displeasure with the submitted Comprehensive Town Plan submitted to the State of Maine, in particular the proposed rezoning on Main Road North from various existing zones to Institutional Zone. After reading the definition of Institutional Zone, I feel that this initial process could result in any of the proposed Institutional Zoned properties to be taken by the Town of Hampden by Eminent Domain.

I own property and live on the Main road, and your Comprehensive Plan would most certainly lead to a devaluation of my home. Who would buy a home that could be taken by the town by Eminent Domain?

I realize that this rezoning will not be finalized by submitting the Comprehensive Plan, but the problems are many with this initial approach.

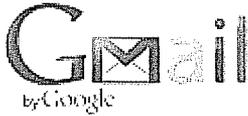
1. This plan to rezone was not adequately publicized and Town meetings were not attended by those who own property in the rezoned area.
2. With the ongoing battle between the School District property and the Town, this Proposed rezoning could be seen as a thinly veiled attempt to out maneuver the School District and grab the high school from development by Eminent Domain.
3. The Town Council needs to reach out more frequently in a manner that is **transparent** so that the Citizens are adequately informed about changes to their property.

Many Citizens of Hampden are unaware of the discussions that occur before and during the Town Council meetings I would like to have this problem addressed at every meeting. Transparency is invaluable in establishing trust in Town Council leadership.

Thank You for your efforts to make Hampden a better place to live.



Frank King  
46 main road north  
Hampden, Me.



Monica Small &lt;peacelvr.88.home@gmail.com&gt;

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## Special Town Council Meeting; March 1st @ 6pm

1 message

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**Monica Small <peacelvr.88.home@gmail.com>****Sun, Feb 27, 2011 at 12:44 PM**

To: gheldmann@hampdenmaine.gov

Open space: an area, owned by the Town, set aside in a neighborhood of densely spaced homes reserved for passive recreation: uses that require or result in little or no alteration of the landscape and produces little or no light, noise or visual intrusion on their surroundings. The Community Center and Lura Hoyt Pool area are for permanent recreation: playground, gardening, playing fields, ice skating rink, etc.

Open space is not to be used by abutters as an extension of their own yards nor for their exclusive and private use. It is not to be used as an access point or driveway to an abutters back yard. No motorized vehicles are allowed on Town Open Space. Open space is maintained by the Town using Town owned and maintained equipment.

The natural beauty of Open Space adds value to homes in the neighborhood and increases home values. It is a tranquil area for limited day use that does not infringe upon "quiet enjoyment".

The Comprehensive Plan needs to set down very firm rules and regulations regarding usage of Open Space. The Town should be reimbursed for any expenses incurred to enforce the regulations surrounding Open Space. Fines need to be implemented in order to assure incentive for compliance with the regulations.

As there is a "burden to speak", this is submitted as Anonymous.

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blight on the landscape  
public nuisance  
encroachment  
trespass  
liability

February 27, 2011

Hampden Town Council  
106 Western Avenue  
Hampden, ME 04444

Dear Town Council:

I am writing to commend the Hampden Community Services Committee for the hard work, careful thought, and extraordinary vision embodied in the Hampden 2010 Comprehensive Plan. This document reflects not only the dedication of the many people that contributed to the Plan's development over the last 18 months, but also the wise and balanced judgment of individuals knowledgeable in promoting economic development and effectively addressing complex planning issues. My assessment is based on over 25 years of experience as an economist and researcher in local, state and national planning issues, both here in Maine and across the U.S.

First, let me comment on what I see as the primary benefits of the Plan. Simply put, Hampden, like much of central and northern Maine, is expected to see relatively little growth in the way of population. Let me give you some context. Before moving to Hampden in 2006, I worked with Utah, California, and Massachusetts communities that easily experienced more growth in a year than Hampden is projected to receive over the next two decades. Everything is relative, of course, but given this reality, it is critical that Hampden focus on promoting *quality growth* – in both the business and residential sectors – that enhances rather than detracts from our community's significant assets. Quality growth often "tips-the-scale" when it comes to relocation decisions, effectively steering new residents and businesses to municipalities with the forethought and vision to plan for rather than simply react to development. Abundant examples demonstrate that this is the surest way to promote growth, protect property values, and enhance quality-of-life for new and existing residents alike. It is also the best way to keep taxes low by utilizing existing infrastructure and avoiding unnecessary public sector costs. I believe that the 2010 Plan steers our community toward such a vision – a vision that effectively balances public and private rights and responsibilities through flexible-yet-sensible zoning, and the use of innovative planning approaches like clustered development and impact fees designed to minimize unnecessary infrastructure while maximizing economic benefits.

In closing, I would like to again thank everyone that played a role in developing this Plan. Hampden is truly blessed to have the resources and capacity to create and implement the vision embodied in this Plan. Thank you for your important work on our behalf.

Sincerely,



Robert J. Lilieholm, Ph.D.  
P.O. Box 134  
451 Main Road South  
Hampden, ME 04444  
Phone: 862-3223; email: robert.lilieholm@maine.edu