



Town of Hampden
Planning and Development Committee
Wednesday September 7, 2016, 6:00 pm
Municipal Building Council Chambers
Agenda

1. Approval of August 3 and August 17, 2016 Minutes
2. Committee Applications:
3. Updates:
 - A. Status of MRC/Fiberight
4. Old Business:
5. New Business:
 - A. Town Center Plan – Discussion; Town Planner Karen Cullen
6. Zoning Considerations/Discussion
 - A. Update on ordinance amendments in progress
7. Citizens Initiatives:
8. Public Comments:
9. Committee Member Comments:
10. Adjourn

Planning and Development Committee
Wednesday August 17, 2016
6:00 PM
Town Office Conference Room
MINUTES – DRAFT

Attendees:

Committee/Council

Ivan McPike-Chair
Dennis Marble
Terry McAvoy
David Ryder
Mark Cormier

Staff

Angus Jennings, Town Manager
Karen Cullen, Town Planner

Public

Bill Shakespeare
Tom Brann
Denis St. Peter (CES)
Johanna Szillery (CES)

Chairman McPike called the meeting to order at 6:00 PM.

1. **Approval of August 3, 2016 Minutes** – *It was noted that staff had inadvertently left the minutes out of the meeting packet; tabled to September 7 meeting.*
2. **Committee Applications:** *None.*
3. **Updates:**
 - A. **Market Study:** Manager Jennings updated the committee on the market study project. We would work with the consultant to identify the areas of the town to concentrate on, e.g. the waterfront and town center. Manager Jennings said he has reached out to Bangor and Brewer and there is interest in both communities to participate in this project, but it is too early to know at what level. Discussion on benefits to all three communities; it was noted that all three have transitional waterfronts which gives them common ground. It was noted the cost of this could be paid using TIF funds. The committee agreed this would be good information to have to help attract more businesses to Hampden and grow the tax base.
 - B. **MRC/Fiberight:** Manager Jennings gave an update on the status of this project. He and K. Cullen met with Town Attorney Ed Bearor on Tuesday and the PERC appeal of the DEP permits was discussed in regard to any potential impact on the Hampden approval. Since the local permit references portions of the DEP permit (as opposed to duplicating language), if the DEP permit is changed as a result of the PERC appeal, Hampden's probably will not need to be modified. If the DEP permit is overturned, then we will need to revisit the

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local permit and modify the language of those sections that refer to the DEP permit.

Discussion regarding the PERC appeal schedule; the bottom line is that the initial phase will likely take 4-6 months and if that decision is appealed the total process would be a year or so.

Denis St. Peter of CES, representing MRC and Fiberight, said at this point they expect to move forward with construction of the infrastructure (including the access road) this fall. They still expect the facility to be completed in 2017 with operations starting in 2018. He added that they have gotten clear indication from DEP that they can move ahead with construction of the infrastructure regardless of the PERC appeal.

4. Old Business: None.

5. New Business:

A. MRC Conservation Easement

Manager Jennings gave a summary of this request: MRC is asking the Town to hold the perpetual conservation easement (CE) on approximately 80 acres at the Fiberight site. He said he's been researching conservation easement's in Maine in general as well as the specifics of this one, and is still in this due diligence stage. We do know this is a perpetual easement and the responsibilities for the holder include state and potentially federal reporting requirements, and may include overseeing the forest/habitat management plan, which we haven't seen yet (it will be sent when the draft is completed, by early September).

Discussion regarding reasons for this CE; this is a requirement of the Corps of Engineers permit and there is an option to pay a fee-in-lieu or provide a perpetual CE; MRC is doing both and is trying to minimize the fee-in-lieu by doing this 80 acre CE. Denis St. Peter said that the DEP permit requires deed restrictions on the 80 acres and the Corps permit requires the fee-in-lieu and the CE. He also stated Corps permit requires that the CE be recorded in December, but they are requesting an extension to April.

Discussion on potential holders of the CE; Johanna Szillery of CES stated DEP will not hold this one. Manager Jennings handed out a list of a dozen potential holders in Maine; J. Szillery said they have reached out to a number of them. It was noted nobody wants to be the holder of this CE, probably due to the amount of work necessary to monitor it and the fact that such monitoring work is

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every year forever. Costly in time and money, not many organizations have the resources to take this on. Discussion regarding financial contribution from MRC; J. Szillery said typically there is an endowment provided to the holder to help defray costs.

Discussion regarding public access; MRC wants to limit it to prohibit access during certain times. Manager Jennings noted that typically the holder of an easement is involved in discussions during the drafting of the easement language, so in this case the Council should not look at this language as set in stone – changes can potentially be made.

Councilor McPike said he is concerned with the Town holding this CE since it is in perpetuity and municipal government is constantly changing; at some point there will be no institutional knowledge on it and it'll be forgotten until the state or federal government raises questions on the monitoring. He added that he would like someone else to hold the easement, but that he wants to ensure that if nobody will take it the plant will still get built. K. Cullen asked CES what might happen if they could not find anyone who would agree to hold the CE; CES replied they would likely have to meet the requirement entirely with the fee-in-lieu.

B. Zoning Ordinance Amendment Process

K. Cullen handed out a graphic summary of the zoning amendment process including the current process, the required process, and a recommended process. She said the goal is to have the Town Council (and P&D) make the policy decisions regarding what they felt was in the best interest of the town, and the Planning Board and Ordinance Committee do the nuts and bolts work of drafting it. She said her intent is to have the beginning of the process when amendments are drafted be a collaborative effort between the town planner, the P&D, the Ordinance Committee and the Planning Board. She noted that both the town charter and the zoning ordinance will need to be changed to allow the recommended process as drafted in the handout, but we can begin working toward a more streamlined process right now.

Discussion regarding the history of the amendment process; Tom Brann said 20 years ago amendments were done by a referendum vote. The Town changed that to a vote by Town Council, and at that time the public was concerned that they would have no say in zoning amendments so required the public hearing by Town Council. K. Cullen explained that the hearing at the Planning Board is a requirement of statute and the one at the Council level is redundant, and adds both time and money to the process. She added that her

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intention is to keep all boards informed regarding the progress of all amendments in process at any given time.

Chairman McPike asked what is the next step with this and K. Cullen replied she will be discussing it with the Planning Board at their next meeting September 14th. Councilor Marble suggested that a sample might help people to understand how the process would work. Chairman McPike said this will be on the P&D agenda for September 21.

6. **Zoning Considerations/Discussion:** *Updates provided earlier in meeting.*

7. **Citizens Initiatives and 8. Public Comments:** Tom Brann suggested that the loop paved road at Ammo Park could be mowed and used as a recreational area and as access to the "LL Bean" parcel. Discussion regarding the access road to the new church off Route 202; the driveway was built adjacent to and not within the town easement. The issue is that there was supposed to be accommodation for a public parking lot for recreational access in this area.

Tom Brann asked if we could get grant money from the state or federal government to improve the waterfront park area. Discussion regarding the Bangor snow dump and siltation of the marina area.

9. **Committee Member Comments:** *Councilor McAvoy expressed concern that the Planning Board members need to be more diligent about attending meetings so there is a quorum. Discussion regarding the need for members of any board to take their jobs seriously and attend all meetings. .*

10. **Adjourn:** *There being no further business the meeting was adjourned at 7:41 by motion of Councilor Marble and second of Councilor McAvoy.*

Respectfully submitted by
Karen Cullen, Town Planner

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Planning and Development Committee
Wednesday August 3, 2016
6:00 PM
Council Chambers
MINUTES – DRAFT

Attendees:

Committee/Council

Ivan McPike-Chair
Dennis Marble
Terry McAvoy
David Ryder
Mark Cormier
Stephen Wilde

Staff

Angus Jennings, Town Manager
Karen Cullen, Town Planner
Myles Block, Code Enforcement Officer

Chairman McPike called the meeting to order at 6:00 PM.

1. **Approval of July 20, 2016 Minutes** – Motion by Councilor McAvoy seconded by Councilor Ryder to approve the July 20 meeting minutes. Approved 5-0.
2. **Committee Applications:** None.
3. **Updates:** A. Jennings introduced new Town Planner Karen Cullen. Councilor McPike invited her to give a brief overview of her career.
4. **Old Business:** None.
5. **New Business:**
 - A. **Discussion of Hampden Business Association**

Manager Jennings said this group, which is vital to the Town's ability to promote Hampden as a good place to do business, has undergone some recent staff changes and in June decided to change their meeting formats from a lunchtime speaker to an after-hours gathering, which will encourage more socializing and networking. It was noted the group membership numbers and participation has been on a downward trend for some time, and will need new people from the business community to step into leadership positions with the HBA in order to continue successfully. Manager Jennings believes it will take some effort by Town staff to help the HBA get back on track. He noted the town center project

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which K. Cullen will be working on soon should help increase interest and can act as a catalyst to reinvigorate the HBA. Manager Jennings noted there is an ongoing project to create a database of businesses in town. Councilor Wilde noted the mid-day events are hard for many business people to attend, but the group's heart is in the right place – they have a lot of potential. Discussion of Bangor Chamber of Commerce, potential locations for after-hours events, and program in Hermon to allow banks to give lower interest loans to businesses, with financial backing from the town. Manager Jennings noted the TIF includes such programs as a legitimate use of the TIF funds, as well as façade improvement loans, signage, etc. which could be done with a revolving loan fund.

B. Brief Review of Priorities for FY17

Manager Jennings said this was simply a restatement of the top three priorities that K. Cullen will be working on. The committee agreed, first is the town center project, second is the TIF project at the business park, and third is the ordinance recodification. Once those are done, the next project will be the waterfront area, which Manager Jennings hopes to begin in the spring of 2017. Manager Jennings noted that he is waiting for a cost proposal for the market study discussed at previous meetings. Councilor Wilde asked about the availability of grant funds; the group felt Hampden would be unlikely to get any given the significant need for such assistance in many small towns throughout the state.

6. Zoning Considerations/Discussion

Manager Jennings reported that the Planning Board's Ordinance Committee is meeting tonight to review the four proposed ordinance amendments that have been referred by the Council. K. Cullen noted that she has already worked up modifications to the signage amendment and expects the accessory apartment amendment to be modified as well.

7. Citizens Initiatives: None.

8. Public Comments: None.

9. Committee Member Comments: Councilor Wilde thanked K. Cullen for her thoughtful work and the other councilors agreed; they are happy to have her on board.

10. Adjourn: There being no further business the meeting was adjourned at 6:45 by motion of Councilor Marble and second of Councilor McAvoy.



Town of Hampden
Land & Building Services
Planning & Development Department

Memorandum

To: Planning & Development Committee
From: Karen M. Cullen, AICP, Town Planner
Date: August 31, 2016
RE: Town Center Planning Study

I have been working on figuring out the area to study for the Town Center Plan, and will be discussing my thoughts on what the boundaries should be at the P&D Committee meeting on September 7th. I will review what I have done and what I have found, and hope to engage in discussion on the boundaries so I can set them and move forward with the study.