



Town of Hampden  
**Planning and Development Committee**  
Wednesday February 21, 2018, 6:00 pm  
Municipal Building Council Chambers  
**Agenda**

1. Approval of February 14, 2018 Minutes
2. Committee Applications: None
3. Updates:
  - A. MRC/Fiberight
  - B. Staff Report
4. Old Business:
  - A.
5. New Business:
  - A. Executive Session pursuant to 1 MRSA Section 405(6)(C) to discuss potential disposition of publicly held property in the Hampden Business Park about which premature disclosure might prejudice the Town's bargaining position. Request Committee referral to Town Council
  - B. Review of Exclusive Authorization to Sell with Epstein Commercial Real Estate, for lots within the Hampden Business Park (expires Feb. 28, 2018)
6. Zoning Considerations/Discussion:
  - A. Update on Planning Board Zoning Workshops
7. Citizens Initiatives
8. Public Comments
9. Committee Member Comments
10. Adjourn



Town of Hampden  
**Planning and Development Committee**  
 Wednesday February 14, 2018, 6:00 pm  
 Municipal Building Council Chambers  
**Minutes - Draft**

Attending:

Committee/Council

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

Staff

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

Public

Jim Kiser

Chairman Ryder called the meeting to order at 6:00 pm.

Note, the meeting was started in Council Chambers and recessed to the conference room at 6:30 since the Planning Board had their regular meeting scheduled for 7:00. Agenda items were taken out of order.

1. Minutes for the January 17, 2018 meeting – **Motion** to approve as submitted made by Councilor Marble; second by Councilor McAvoy; carried 5/0/0.
2. Committee Applications: None
3. Updates:
  - a. MRC/Fiberight: CEO Block said construction on the building is continuing, no issues to report this week.
  - b. Staff Report:
    - i. Handed out copies of the March issue of the Down East Magazine which includes the advertorial we did with Bangor; the four page spread came out quite well.
    - ii. Planner Cullen showed the Doing Business section of the town's website, noting there are some corrections to be made yet but the result is a better illustration of what Hampden has to offer than the previous material was.
    - iii. Planner Cullen led a discussion on the Shoreland Zoning Map; the main points were that there appear to be inconsistencies between the current map and the state guidelines, and the amount of work necessary to get our map into compliance with the state mandated shoreland protection areas exceeds staff resources to get it done in a timely manner. The consensus of the committee was to hire a consultant to do the necessary work to produce a new shoreland layer that maps the areas mandated by the state.

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- iv. Jim Kiser was present to discuss the potential for having a map amendment done for a couple of properties where he believes the current map is incorrect. Planner Cullen noted our current ordinance has no provisions for how to process such requests, it simply states the ordinance (and map) can be amended by majority vote of the Town Council, and within 30 days must be submitted to DEP for review and approval. After discussion, Chairman Ryder said he would sponsor a map amendment if the applicant (Jim Kiser in this case) provided all the information to Planner Cullen and CEO Block for review, and possible third party review too. Councilor McAvoy asked what happens if the two consultant recommendations are different.

4. Old Business:

- c. Hampden Business Park Covenants. Manager Jennings led a discussion to review the draft amendments to the covenants as prepared by consultant Noel Musson. After discussion the following additional changes were recommended:
  - Recital 2: delete the last sentence of the second paragraph regarding where the design review provisions apply;
  - Section 4.8, parking areas, loading areas, and driveways: delete the section in its entirety since they are adequately covered in the zoning ordinance;
  - Section 4.9, storage areas: delete the section in its entirety since these provisions are adequately covered in the zoning ordinance amendments;
  - Section 4.10, lighting: delete the section in its entirety since these provisions are adequately covered in the zoning ordinance amendments.

**Motion** by Mayor McPike to refer the proposed amendments to the Declaration of Covenants, Conditions, and Restrictions for the Hampden Business and Commerce Park to Town Council, second by Councilor McAvoy; carried 6/0/0.

5. New Business:

- a. LD 1565, Bill to amend 30-A M RSA §5222 and §5224 regarding Tax Increment Financing eligibility. Councilor Marble said his understanding is that this bill is dead, but if it had passed it would have been a real problem for Hampden.

6. Zoning Considerations/Discussion:

- a. Planner Cullen gave a presentation of the proposed use table and briefly mentioned other proposed amendments to the zoning ordinance that have resulted from the work on the use table. She noted the use table replaces the lists in the current Article 3 which organizes the districts in such a way that if someone wants to open a new business in town, they have a hard time figuring out where they can do it. The table format makes it very easy to see which districts each use is allowed in, as well as all the uses that are allowed in a particular district. She added that the dimensional table, which is being discussed by the Planning Board tonight, will also make it easy for people to focus their real estate search on properties that meet the requirements for the use they are planning to establish.

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- b. Planner Cullen gave the quarterly report on adult use (recreational or retail) marijuana. She noted the activities done at the local level: prohibited retail sales and social clubs via zoning amendments which became effective Dec. 20, 2017; the proposed zoning amendments include cultivation, product manufacture, and testing as prohibited uses in the use table, with the intention of making further amendments to these three uses after the state completes their work; and Town Council has adopted an emergency moratorium on cultivation, product manufacture, and testing, which per the Town Charter is good for 60 days but can be extended in 60 day increments until it is no longer needed because our zoning ordinance has been amended. Planner Cullen noted the activities at the state level: they have yet to amend the Act, they have not enacted an extension of their moratorium, and they are continuing work on the amendments to the Act in committee. She also noted the state is now looking at the medical marijuana laws and may amend those in an attempt to close some loopholes and level the playing field.
7. Citizen Initiatives: None.
8. Public Comments: None.
9. Committee Member Comments: None.
10. Adjournment: The meeting was adjourned at 7:40 pm.

*Respectfully submitted by*  
Karen Cullen, Town Planner

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**EXECUTIVE SESSION STATUTES**

The eight subjects permitted to be discussed in Executive Session are as follows:

PERSONNEL MATTERS:	1 M.R.S.A. § 405(6)(A)
SCHOOL STUDENT SUSPENSIONS/EXPULSIONS:	1 M.R.S.A. § 405(6)(B)
REAL ESTATE; ECONOMIC DEVELOPMENT:	1 M.R.S.A. § 405(6)(C)
LABOR CONTRACTS/NEGOTIATIONS:	1 M.R.S.A. § 405(6)(D)
ATTORNEY-CLIENT CONSULTATIONS:	1 M.R.S.A. § 405(6)(E)
CONFIDENTIAL RECORDS:	1 M.R.S.A. § 405(6)(F)
EMPLOYMENT EXAMINATIONS:	1 M.R.S.A. § 405(6)(G)
CODE ENFORCEMENT CONSULTATIONS:	1 M.R.S.A. § 405(6)(H)



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### EXCLUSIVE AUTHORIZATION TO SELL

This Agreement is entered into this 7 day of February 2017, by and between Epstein Commercial Real Estate of 6 State Street, P.O. Box 2444, Bangor, Maine 04402-2444, hereinafter called Broker; and Town of Hampden, 106 Western Ave, Hampden, Maine hereinafter called Owner.

In consideration of Broker's efforts to procure a sale for Owner's real estate located on Map 10, Lots; 2,4,6,8,9,10,17,19,20,21,22,23,24,25,26,27,28,29,30,31,32,33,34,35,36,37 in the Town of Hampden tax assessor's office and recorded in the Penobscot registry of deeds Book 7832, Page 2732, plans 2014-60 & 2014-61.

Owner hereby grants to Epstein Commercial Real Estate the exclusive authorization to sell the above-mentioned real estate at the following price:

Lot #	List price	Lot #	List Price
2	\$75,000	25	\$68,500
4	\$200,000	26	\$88,900
6	\$90,000	27	\$73,700
8	\$95,000	28	\$109,200
9	\$95,000	29	\$87,400
10	\$175,000	30	\$102,200
17	\$98,300	31	\$124,100
19	\$75,800	32	\$91,200
20	\$74,100	33	\$160,400
21	\$88,600	34	\$213,800
22	\$121,500	35	\$155,400
23	\$71,200	36	\$109,000
24	\$171,300	37	\$131,000

or at any sale price which is acceptable to Owner. This exclusive authorization shall begin on March 1, 2017 and expire on February 28, 2018.

Broker shall have the exclusive right to sell said property within the time period above and shall be entitled to a commission fee of eight percent (8%) of the sale price. This commission fee shall be paid at the time of each closing. This commission fee shall be due Broker in the event of a sale produced by Broker, Owner, or any other person or entity; all inquiries shall be referred to Broker.

Should the Owner sell, transfer, convey, lease, exchange or dispose of any portion of said property within six months after the termination of this Agreement to any person, corporation, or

entity which the Broker has introduced to the property, and whose name has been furnished to Owner in writing by the Broker during the time period of this Agreement, then in such a case the above commission shall become due and payable to the Broker.

By this Agreement it is understood that Broker is employed and is representing only Owner unless otherwise agreed to in writing. It is further understood that Broker's entitlement to the above commission fee occurs when Broker, Owner, or any other entity finds a purchaser who is ready, willing and able to purchase, and actually purchases, the said above described real estate on the terms herein setout, or on any other terms acceptable to the Owner.

Any dispute or claim arising out of or relating to this Agreement shall be submitted to mediation in accordance with the Maine Residential Real Estate Mediation Rules of the American Arbitration Association. This clause shall survive the expiration of this Agreement.

Agency and Owner each agree that this property is to be offered to any person without regard to race, color, religion, national origin, sex, age or handicap.

**SPECIAL CONDITIONS:**

- 1. A "For Sale" sign may be placed on the property.      Yes       No
- 2. Broker may advertise the property.                      Yes       No

**BUYER'S AGENCY:**

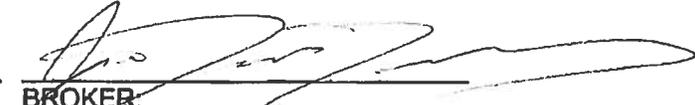
This Agency's policy is to cooperate with other agencies acting as Buyer's agents, unless such other brokerage agencies have a general policy which effectively inhibits or precludes the cooperation and sharing of compensation with other brokerage agencies. This Agency's policy is to share compensation with Buyer's agents.

The undersigned jointly and severally agree to accept telefacsimile copies of the documents which have been sent by either party to the other, or to any other party or agent to this transaction, as original documents.

2/22/17  
DATE:

  
OWNER:  
Angus Jennings, Town Manager  
For: Town of Hampden

2/22/17  
DATE:

  
BROKER:  
EPSTEIN COMMERCIAL REAL ESTATE