



Town of Hampden
Planning and Development Committee

Wednesday March 6, 2019, 6:00 pm

Municipal Building Council Chambers

Minutes

Attending:

Committee/Council

Eric Jarvi - Chair
Dennis Marble
Terry McAvoy
David Ryder

Staff

Karen Cullen, Town Planner
Jim Chandler, Town Manager
Myles Block, CEO
Chief Rogers, Public Safety Director

Public

Jim Davitt, , and
Ladoiya Wells
Wayne Reilly

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

1. Minutes for the February 6, 2019 meeting – **Motion** to approve as submitted made by Councilor Marble; second by Councilor McAvoy; carried 4/0/0.
2. Committee Applications:
 - a. Jim Davitt for a two year term to fill a vacancy in an unexpired term on the Historic Preservation Commission. Mr. Davitt stated he serves on the Planning Board, is a “semi-professional” historian with a degree in American History and a strong interest and experience in restoring historic homes and in preserving the history of Hampden. **Motion** made by Councilor Marble to refer to Town Council with a recommendation that Jim Davitt be appointed to a two year term to fill the unexpired term of a vacancy on the Historic Preservation Commission; second by Councilor McAvoy; carried 4/0/0.
 - b. Ladoiya Wells for a three year term to fill a vacancy on the Historic Preservation Commission. Ms. Wells stated she moved to Hampden a year or so ago and has been living in Maine for 11 years. She has a degree in anthropology and loves the area, and wants to help her community and help preserve the rich history here. **Motion** made by Councilor Ryder to refer to Town Council with a recommendation that Ladoiya Wells be appointed to a three year term to fill a vacancy on the Historic Preservation Commission; second by Councilor Marble; carried 4/0/0.
 - c. Wayne Reilly for a three year term to fill a vacancy on the Historic Preservation Commission. Mr. Reilly stated he has lived in Hampden for 43 years, and worked at the Bangor Daily news for many years. While there he wrote a column on history in the region and has written four books on local history. He is interested in serving on the Commission and noted his wife had served on it before she became ill, and had been working on a signage program that he is interested in. **Motion** made by Councilor Marble to refer to Town Council with a recommendation that Wayne Reilly be appointed to a three year term to fill a vacancy on the Historic Preservation Commission; second by Councilor McAvoy; carried 4/0/0.

The committee members and Town Manager Chandler thanked the applicants for their interest in serving Hampden, and mentioned that this year is the 225th birthday of the Town and there is strong interest in working with Children's Day to partner on a celebration of this event.

At Chairman Jarvi's request, the agenda was suspended to take item 8c out of order out of courtesy to Chief Rogers since he is here.

8.c. Manager Items, Public access to the Public Safety Building

Chief Rogers handed out a memo dated 2/5/2019 addressed to Manager Chandler and reviewed the history of the space commonly referred to as the Community Room but which is really a training room. The space was opened for use by the general public in July 2009, but after a number of concerns were raised the policy was changed in January 2016 to limit the use of the room to training, meetings for government related business (e.g. non-profit organizations working with town staff or providing training to multiple municipalities), and voting. The policy allows the Town Manager and Public Safety Director to make exceptions on a case by case basis. The concerns regarding allowing general public use of the room relate to safety, privacy, information security, disruption of public safety business operations, lack of separation of space used by the public safety personnel on a daily basis, and inadequate parking. Chief Rogers recommends that the needs of the public safety department remain the highest priority in determining use of the space.

Highlights of discussion:

- Suggestion to write a short explanation to provide to people or groups who inquire about using the space.
- Suggestion to relabel the room to "Public Safety Training Room."
- Concern about the public entering that section of the building to access the Code Enforcement team; staff does not believe that will be a problem since the majority of the concerns related to large groups of children (scouts, etc.), not individual adults; staff is trying to improve the customer service of Code Enforcement regarding both staffing and location.
- If there is a desire to open the space up to the general public, that part of the building will need to be renovated to address the concerns discussed above, but will still not alleviate all the issues (e.g. parking).

Chairman Jarvi returned to the agenda.

3. Citizen's Initiatives: None
4. New Business: None
5. Unfinished Business: None
6. Zoning Considerations/Discussions: None
7. Updates:
 - a. MRC/Fiberight:

Discussion regarding the completeness of the site plan application; concern that any application is processed when incomplete. Need to adhere to the applicable ordinances to ensure the public's interest is protected. Manager Chandler noted he has requested the Town Attorney to address the issue of surety for roads that are meant to be accepted by the Town but are not subject to subdivision review and approval. It was noted that the Planning Board had been advised during the review process that they had no jurisdiction

over the road and that the Town Council would be responsible under the Town Ways Ordinance. It was suggested that a performance guarantee could be required for \$X for two years before the Town accepts the road. Another possible solution was suggested, to accept the portion of the road from Coldbrook Road to the point where the serious problems begin, if the owner of the adjacent property will provide room to widen the right-of-way for the construction of a turn-around; the remaining roadway to the Fiberright facility would be private. That would allow the abutting landowner to have development potential for the land abutting the (then public) portion of the road. Manager Chandler stated that staff will not recommend acceptance of the road at this time. Chairman Jarvi stated that if a request is made to Town Council for road acceptance, there are options to consider.

- b. Staff Report: Planner Cullen mentioned we had just received a preliminary subdivision plan for a cluster single family housing development on Main Road North just north of Coldbrook Road. It has 39 proposed lots.

8. Manager Items:

- a. History of Shoreland Zoning Ordinance – Manager Chandler reported back to the Committee the results of additional research by staff (memo by Town Clerk Scott) responding to the request made at the February P&D meeting regarding whether the Council had previously voted to adopt the state guidelines. The result of the research was that there is no record of any vote by Town Council to repeal the Shoreland Zoning Ordinance (SZO), which would have been required to “adopt” the state standards. Town Council had voted to refer the proposed amendments to the SZO to the Planning Board in May 2016. Town Planner Cullen was hired late July 2016 and upon reviewing the proposed amendments discovered some serious problems with it, and recommended the Planning Board not move forward with the amendments as proposed; the Board tabled the public hearing. The councilors expressed their frustration at the difficulties in getting this ordinance completed. It was noted that other, higher priorities interfered in the process for getting this ordinance completed, most notably the rewrite of the Zoning Ordinance last year. Chairman Jarvi noted the SZO is nearly done; Planner Cullen said the only thing holding us up now is a response from DEP regarding the classification of several wetlands to determine if they are jurisdictional under the SZO. Once that is received she can complete the map and then schedule the public hearing with the Planning Board, then it will go to public hearing with Town Council.
- b. LED streetlight communication – Manager Chandler reported we are dealing with the LED streetlights in a reactive manner; when we get a complaint we contact Emera and they go out to install shields on the fixtures. That seems to be addressing the complaints. He added we haven’t received any complaints recently. Discussion on operating costs, Manager Chandler said the cost has dropped about a dollar or two per fixture.
- d. Manager Chandler expressed his concern that some councilors have felt staff has failed to fulfil the Council’s expectations on some issues. He stated we have a lean organization and whenever there are absences the impact is felt by everyone. He invited councilors to talk to him regarding such issues so he can deal with them.

9. Public Comments: None

10. Committee Member Comments:

- a. Councilor Ryder asked CEO Block about a sign change a constituent had asked about; CEO Block responded that if the size is staying the same then no permit is needed.

- b. Councilor Marble recognized Councilor McAvoy for his “running interference” and protecting the taxpayers regarding the surety issue for the MRC road. He also recognized Manager Chandler for his handling of that situation and staff’s insistence regarding not accepting the road without appropriate protections in place. He noted that he tends to look at things from a broad view, and sometimes gets frustrated at the level of detail we get into. He added that we’re all here trying to do our best for the town.
 - c. Councilor McAvoy said he doesn’t think the Town Council should be involved in Planning Board issues, he simply wants things to be done by the book.
 - d. Chairman Jarvi said he is excited to continue to work with this committee, the Council, and town staff.
11. Adjournment: Chairman Jarvi adjourned the meeting at 7:15 pm.

*Respectfully submitted by
Karen Cullen, Town Planner*

Items from this meeting for April 3, 2019 P&D meeting:

- Agenda Items:
 - none
- Staff Report:
 - none