



Town of Hampden
Planning and Development Committee
Wednesday July 19, 2017, 6:00 pm
Municipal Building Council Chambers
Minutes

Attending:

Committee/Council

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

Staff

Angus Jennings, Town Manager
Chief Joe Rogers, Director of Public Safety
Myles Block, Code Enforcement Officer

Public

About 15 residents

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

1. Approval of June 21, 2017 Minutes – **Motion** to approve as submitted made by Mayor Ryder with second by Councilor Marble; carried 6/0/0.

Note, there was no P&D Committee meeting on July 5, 2017.

2. Committee Applications: Julie Johnston, for Alternate seat on the Board of Appeals. Myles Block stated Ms. Johnston has been on the Board of Appeals before.

Motion to refer Julie Johnston's application for a seat on the Board of Appeals to the Town Council made by Councilor Marble with second by Councilor Wilde; carried 6/0/0.

3. Updates:

- a. MRC/Fiberight: Manager Jennings reported that the Fiberight site has been cleared and the access road is about 55% complete. MRC is working on the surety and expects to submit it to the Town Manager soon. Fiberight expects to submit the building permit application soon; in preparation for that we've issued a temporary address on Coldbrook Road. MRC/Fiberight are working on the sewer connection; including getting the Industrial User Survey done. The bi-weekly call with DEP was informative; DEP seems to be pushing to ensure the wet end of the processing plant is constructed without gaps in construction timeframes. Work on obtaining financing is progressing, but to get to the final numbers the

engineering for the building and equipment needs to be completed. There is an MRC Board meeting on July 26 in Orono, Manager Jennings plans to attend.

b. Staff Report:

- i. The Planning Board has referred two zoning amendments (regarding §5.3 and 7.2) to Town Council with recommendation “ought to pass.”
- ii. Tradewinds is expected to submit an application for a zoning map amendment to rezone the corner of Route 2302 and Coldbrook Road (across Coldbrook from Angler’s). Staff anticipates this to go to public hearing with the Planning Board in August. *[Editor’s Note: The application was submitted and then withdrawn on July 25, 2017.]*
- iii. The state’s shut down has delayed action on the Business Park TIF, but we are expecting to hear their decision any day now.
- iv. The packet includes a list of planning projects currently in the permitting process.

NOTE: Agenda items were taken out of order.

4. Old Business:

- a. Colonial Heights Phase 3, Conservation Easement. Continuation of the request for the town to accept the conservation easement on 12.33 acres of land within the proposed subdivision. The easement is a requirement of ME DEP for wetland mitigation for phases 2 and 3 of the housing development. Main points of the discussion were:
 - i. The Town does hold conservation easements on non-town owned land.
 - ii. The Town can ask the applicant if they would make a monetary contribution to help defray the costs associated with the responsibilities of being the holder on the conservation easement.
 - iii. Councilor McAvoy expressed concern that developers can more easily satisfy the requirements of DEP’s wetland regulations if the Town is going to be willing to hold conservation easements such as this one. That said, there is recognition that there are other avenues available to developers, and the Town has been trying to become more business friendly. Furthermore, the development will generate revenue for the town.

Motion by Councilor Marble to refer to Town Council the request for the Town to be the grantee (and holder) for the conservation easement on 12.33 acres along Reed’s Brook at the Colonial Heights Phase 3 subdivision off Constitution Ave.; seconded by Councilor McAvoy; motion carried 5/1/0 (Mayor Ryder opposed).

- b. Carmel Road North, Medical Marijuana Update. Manager Jennings read the July 19, 2017 memo from Jon Hunter to Ed Bearor regarding “municipal regulation of marijuana cultivation; state preemption” and the July 17, 2017 memo from Planner Karen Cullen regarding “medical marijuana concerns” into the record. Richard Mudd read a statement (attached) into the record. Discussion followed:
 - i. Limitation on location regarding proximity to schools is a state matter.

- ii. Current rules do not permit cultivation collectives.
- iii. Abutters are concerned about amount of traffic at the site, the potential for devaluation of their properties, and whether there is anything anyone can do about the current situation given the current laws and rules.
- iv. Representative Haggan said he has spoken with the Committee Clerk and Senator Rosen; municipalities will have the right to regulate dispensaries. The state legislature committee working on marijuana has been working for 5 months and there is still a lot to accomplish, doubtful that they'll finish by the early 2018 timeline they had set.
- v. At this point the activity at the property on Carmel Road North is entirely outside the purview of the Town. The best avenue for residents to express concerns is the state; everything else is speculation.

5. New Business:

- a. Quarterly Report – Recreational Marijuana: Manager Jennings read the July 11, 2017 memo from Planner Cullen into the record. There were no questions.
- b. Good Neighbor Ordinance – Councilor Wilde said that based on recent discussions he thought it might be a good step to consider a “good neighbor” ordinance. There have been very few complaints that would be addressed by this type of ordinance, and those are related to construction; the town is hesitant to enact ordinances that would limit contractor hours. CEO Block said he’s got a template for a letter to use when issues arise that might be addressed in an ordinance. Councilor Wilde agreed that the town could proceed on a case by case basis with communications to property owners (rather than via ordinance) and that this proposal needs no further action at this time.

6. Zoning Considerations/Discussion: None.

7. Citizen Initiatives: None.

8. Public Comments: None.

9. Committee Member Comments: Discussion about Chamber of Commerce memberships; several councilors were in favor of this (McPike, Marble, and Wilde), one expressed opposition (McAvoy).

10. Adjournment: **Motion** to adjourn at 7:33 pm by Councilor McAvoy; seconded by Councilor Marble, carried 6/0/0.

*Respectfully submitted by
Angus Jennings, Town Manager
and Karen Cullen, Town Planner*