

**Planning and Development Committee**  
**August 17, 2011**  
**6:00 PM**  
**Council Chambers**  
**AGENDA**

1. Approval of August 3, 2011 Minutes
2. Committee Interviews – None
3. Old Business
  - a. Business Park Marketing/Sales Proposals
  - b. Recreation Plan Update
  - c. Sign Ordinance Update
  - e. Billington LLC Subdivision Update
  - f. Discussion on School Reuse Concept
4. New Business:
  - a. Discussion with School Board on Proposed School Reuse
    - 1) Town's potential reuse of the Skeehan Center
    - 2) Town's interest for reuse of HA IF the District chooses to offer the facility to the Town.
  - b. Citizens Comp Plan Committee Extension Request
5. Public Comments:
6. Committee Member Comments:
7. Adjourn

**September 7, 2011:**

**Acquisition of Offered Land Update**

Email: Tom Russell to Bob Osborne  
August 9, 2011  
RE: Billington Easement Language

Bob:

Given the stated intent to convey the Easement Area to the Town of Hampden, I have even more concerns about the impact of the Conservation Easement on the Town.

Section 2 of the Conservation Easement includes a number of use limitations for the Easement Area, and Section 10 obligates the Grantor to undertake actions necessary to cure a breach of the Easement, to terminate any conduct inconsistent with the Easement, and to repair any damage to the Easement Area. Under the terms of the Easement, the term "Grantor" includes Billington LLC, and its successors and assigns. Therefore, if Billington LLC conveys the Easement Area to the Town of Hampden, the Town will become obligated to undertake the curative actions required under Section 10 of the Easement. In essence, the Town would be required to enforce the Easement against itself. Furthermore, if the Town does not undertake the curative actions required by Section 10, the last paragraph of the Easement grants DEP a third party right of enforcement, and DEP may exercise "all rights of compliance granted the Grantee (i.e., Town) under this Easement." So, if the Town acquires title to the Easement Area and does not undertake any required curative action, DEP could undertake the curative action as authorized under Section 10(c), and recover its costs from the Town. In fact, Section 12 makes it clear that if the Town becomes both the owner of the Easement Area and the holder of the Easement, the Easement is to remain in effect and will not be eliminated under the doctrine of merger.

To the best of my recollection, this proposed arrangement would be the first dedication of open space to the Town that would place affirmative obligations on the Town to enforce use limitations in, and to repair any damage to, the Easement Area, and would create the prospect that the Town could be liable to DEP for any costs incurred by DEP for the Town's failure to fulfill its curative obligations.

Tom

**Planning and Development Committee  
8/17/11**

**Hampden Academy Site Re-development Concept**

**DRAFT OUTLINE**

- Table of Contents
- Site Specifications
- Site History:
  - Location
  - Dates of Construction
  - Historical Aspects of Site and Buildings
  - Building and/or Land Restrictions
- Site Description:
  - Location
  - Appraisal
  - Current Zoning Status
  - Existing Infrastructure
  - Infrastructure Map
- Guiding Principles for the Re-development of Former Hampden Academy Site.
- Acceptable/Unacceptable Business/Industry Sectors for Re-development of Former Hampden Academy Site.
- Photos of Site
- Town Contact Information

**This is a draft document**

**(TITLE)**

**Request for Re-development  
Proposals for Former Hampden  
Academy**

**Hampden, Maine**

## Table of Contents

**A. Site Specifications.....1**

Site History:

- Location
- Dates of Construction
- Historical Aspects of Site and Buildings
- Building and/or Land Restrictions

Site Description:

- Location
- Appraisal
- Current Zoning Status
- Existing Infrastructure
- Infrastructure Map

**B. Guiding Principles for the Re-development of Former Hampden Academy Site**

**C. Acceptable/Unacceptable Business/Industry Sectors for Re-development of Former Hampden Academy Site**

**D. Photos of Site**

**E. Town Contact Information**

**A. Site Specifications**

**Site History:**

Location

Dates of Construction

Historical Aspects of Site and Buildings

Building and/or Land Restrictions

## **Site Specifications (Cont)**

### **Site Description:**

Appraisal

Current Zoning Status

Existing Infrastructure

Infrastructure Map

## SUGGESTED CONSIDERATIONS

### B. Guiding Principles for the Re-development of Former Hampden Academy Site.

The Hampden Town Council will consider all of the following guiding principles when selecting a re-development proposal for the former Hampden Academy Site:

1. Sell/transfer site as a single parcel.
2. Preference will be given to qualified developers/owners who will provide for some form of public access to a designed river walk/path area or connect to an existing one.
3. Vegetation of site should be retained or be incorporated into a proposed landscape plan to the greatest extent possible.
4. The site should be marketed to developers/owners who can and will create well-paying, year-round, and sustainable jobs.
5. The town should consider the benefits associated with the economic (Multiplier Impact) of proposals, such as the creation of other businesses and services which will be stimulated with the re-development plan.
6. The town should target a developer/owner who proposes to create a new customer base and not simply take customers from other established businesses.
7. The town should research and develop a marketing strategy by which to convey the differential advantage this site has over competing sites.
8. Educational or cultural use would be acceptable with emphasis on the creation of jobs and taxable property.
9. Consideration should be given to the impacts of traffic changes relating to re-development such as level of traffic; impact of truck traffic; and the potential use of side streets and impact to existing neighborhoods.
- 10,
- 11.

## SUGGESTED CONSIDERATIONS

### C. Acceptable/Unacceptable Business/Industry Sectors for Re-development of Former Hampden Academy Site.

The current zoning designation of the site is Residential B. However, to accomplish the broader objective of encouraging the creation of well paying, year-round, and sustainable jobs, on taxable property, a new zoning designation will be considered, in order to minimize any restrictions to development implementation. The “acceptable” development will be compatible with the surrounding land uses and overall economic goals of the Town.

#### **Acceptable Sectors**

- Bio-Tech/Life Sciences
- Research and Development
- Commercial/Trades Incubator Space
- Professional Office Space
- Information Technology
- Marine Trades/Boat Building
- Technical Services
- Health Care
- “Green” Businesses
- Specialized Educational Institutions
- Financial Services
- Precision Manufacturing
- Any other use deemed compatible
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#### **Unacceptable Sectors**

- Poultry/Meat/Seafood Processing
- Auto Repair
- Fast Food
- Gas Station
- Outdoor Storage (as primary use)
- Any use that has a significantly loud outside noise component
- Any use that imposes a hazard or danger to neighborhood

D. Photos of Site

E. **Contact Information**