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**Camden Select Board
Minutes of Meeting
April 19, 2011**

PRESENT: Chairperson Karen Grove, Vice Chairperson Deborah Dodge, John French, Morgan Laidlaw, and Martin Cates. Also present were members of the public and press.

ABSENT: Town Manager Roberta Smith and Town Attorney William Kelly

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Minutes of Meeting

Chairperson Grove called the meeting to order at 7:00 pm.

1. Public input on non-agenda items.

- a) Dorie Klein: Sue Jones from Community Energy Partners and Brunswick House of Representative Alexander Cornell du Houx are bringing to the legislature a concept draft of a bill which has to do with opening up the state parks in Maine to industrial wind development which would include Camden Hills State Park and any state park you can think of in the State of Maine. There will be public hearings this coming week. They will take place Monday at 9:30 am and then on Tuesday at 1 pm. This particular bill (LD1291) will establish a study group to develop a bidding process for use by the State to lease certain state-owned lands to community wind energy developers. The intent of the bidding and leasing process would be to create a long-term income stream for the State to be used for development of other wind energy projects. A concept draft means that our legislators are completely open to all points of view. Make your ideas count by contacting your legislature. She encourages the public to help Camden Hills State Park and other parks in Maine to stay open for recreational enjoyment rather than for development as industrial wind sites.
- b) Dorie Klein: David Corrigan, registered Maine Guide – read a couple quotes from a letter he wrote. Iberdrola owns CMP and several other companies across the country. Iberdrola is working on several wind projects in Maine as well as New England and several other places in America. Most people know Iberdrola comes from Spain but most people do not know that Iberdrola has holdings all over the world. Many people do not know who is behind Iberdrola. Of course many people are behind such a large company but in this day and age when we are constantly being told we need to wean ourselves of foreign oil and the unfriendly countries that produce it. It may come as a shock that we are being asked to turn our domestic electricity production and distribution over to one of the largest oil producers in the world in the Middle East and the United Arab Emirates. Both are very large shareholders in our friends – Iberdrola.
- c) Nancy Caudle-Johnson: Would like to follow up further on her work to make sure the integrity of the riverwalk parcel is completely protected. In that regard after she mentioned at the last Board meeting about the inaccuracies of the marketing of the tannery property she did notice the signs last week were corrected at the site to 2.88 acres and the posters were corrected here. However, the website: Free Land in Maine is still marketing as 3.5 acres, still states 2.45 acres for allowable coverage not the 1.96

50 acres; the photo of Megunticook River is still captioned as the southern boundary, and
51 the site still states the site is bordered by the Megunticook River and none of the maps
52 have been corrected to show the Riverwalk parcel.

53
54 On one page of the guiding principles (on Free Land website) the last one says public
55 access to the riverwalk/path area is encouraged. Two years ago it was changed so the
56 site would stay protected and the town would retain ownership. The wording of this
57 guiding principle makes it sound like it's an easement. When you download full list of
58 guiding principles on the site it has the old list of guiding principles (from 2007) and
59 number 2 states preference will be given to qualified buyers who will allow some form
60 of public access to the riverwalk/path area at a minimum – a public right of way,
61 easement access. This is not correct and needs to be corrected immediately. The town
62 needs to stop with this marketing fiction and misrepresentation. She has been told that
63 everything has not been corrected yet because Brian Hodges is going to redo the site,
64 she has been told it really doesn't matter by other town officials, because if perspective
65 buyers contact us they will be set right. If you can go on this website and change on the
66 very first page the acreage from 3.5 to 2.8 acres you should be able to fix the rest of it or
67 take it down. She is asking once again to have the record corrected because she does
68 not want anything out there in public that acts or states that there is some kind of access
69 that people can have to the riverwalk path and that it is not a separate fee parcel. It has
70 obviously created problems with B'D Turman'd.

71
72 There was never a full boundary survey done for the riverwalk what Landmark
73 Corporation was asked to do an easement sketch which is not a full boundary survey
74 that has been pinned and monumented. An official survey has to be signed and stamped
75 to indicate that all the measurements from the adjacent properties have been verified.
76 They certify to the best of their abilities it is an accurate boundary. Landmark
77 Corporation did a sketch which according to Mark Ingraham needs 19 more pins in
78 order to monument and re-survey the adjacent properties. They would actually locate
79 the rights of ways in order to guarantee as an accurate survey. Basically now the town
80 has on the market a piece of property where we are not absolutely certain about that
81 boundary between the two properties - the one for sale and the fee parcel that we are
82 holding onto.

83
84 Mark Ingraham of Landmark Corporation told her back in 2008 he was led to believe
85 the sketch they did was for a conservation easement and he realized about four weeks
86 ago after articles hit the paper that B'D'Turman'd was buying only part of it. That does
87 make a difference even though this is simply a sketch, a survey would have different
88 notations, and other sorts of things they do when they survey property. He told her he
89 sent a revised riverwalk easement to the town office dated April 15, 2011 and it does
90 have many additions to it. It has various things such as a proposed buffer of vegetation
91 between the property and two other lots owned by Carlene Philbrook and Sandra
92 Boetsch. A red dashed line to mark a 25 foot side rear set back from the residential zone
93 adjoins the Philbrook and Boetsch parcels. A red dash line depicting the boundary of
94 the 250 foot shoreland zone, and a red dash line indicating a 75 foot parking lot and
95 paved surface setback. If Landmark had understood what was going on back in 2008
96 we would not have had to make all these revisions.

97

98 Her attorney, John Bannon of Murray Plumb & Murray told her because of the changed
99 property description for the Tannery site (Landmark Corporation's April 15, 2011
100 revision of the Conservation Easement Sketch, correcting a previous revision), and how
101 that change requires a Second Amended Purchase & Sale Agreement to incorporate the
102 corrected description of the property. In addition, she was told the new description
103 needs to be recorded at the Knox County Registry of Deeds. A second Amended
104 Purchase & Sale requires another hearing and another referendum.

105
106 The Board told Nancy they will refer this information to the town's attorney, Bill Kelly.

107
108 Nancy Caudle-Johnson also stated she thinks the problem was because there was not
109 one person in charge of keeping track of all these documents. She has been finding one
110 thing after another wrong. She has a lot of other things she wants to do with her time
111 other than work on this but things keep jumping out. Whatever we do next we need to
112 assign someone who is really thorough and looks every document over so we can keep
113 moving ahead and not need to go back to correct things it gets expensive for the town.

- 114
115 **2. Approval of Select Board Meeting Minutes of April 5, 2011.** *Martin Cates made a motion*
116 *to accept the minutes as submitted. John French seconded this motion. The motion passed on*
117 *4-0-1 vote (Dodge absent from last meeting)*
118
- 119 **3. Presentation from Camden First Aid Association for Camden Heart Safe Community**
120 **Award.** Justin Hills, a member of CFFA, reported that Camden First Aid Association
121 received an award (Heartsafe Certificate) for its efforts in promoting and educating the
122 administration of CPR and use of AED's (Automated External Defibrillator). They gave the
123 certificate to the town in hopes to help the town to continue promoting the education for
124 cardiovascular-related events, including sudden cardiac arrest, heart attack, and stroke.
125
- 126 **4. Consideration of advertisement for 2011 Paper Talks magazine.** Mark Pierce from
127 Paper Talks magazine gave a brief presentation from "Paper Talks" regarding advertising in
128 the magazine. Volume Two of a four part basketball/cheerleading edition will be the
129 featured topic for the 2001 issue covering the Seaboard. The 2011 cover will highlight the
130 1974 Camden Rockport Windjammers and the 1978 Bucksport Bucks –both Class B State
131 Champions. All of the region's high schools and many of the grammar schools will be
132 represented through photos of their basketball and cheerleading squads. The 64 page
133 edition will include Stockton Springs, Searsport, Belfast, Lincolnville, Camden-Rockport,
134 Rockland, and Waldoboro areas for the first time. The cost for Camden for a one-ninth ad
135 would be \$364 and the town would be provided with 75 copies of the magazine to
136 distribute to the general public. Mr. Pierce commented this is an opportunity for the town
137 to thank past, current and present athletes.

138
139 Board members agreed that it was a good idea but did not want to spend taxpayer's money
140 for this. They were concerned with where they draw the line because the town has many
141 good athletes and they did not feel it was appropriate to single out one year. The Board felt
142 this was good cause and are very proud of their athletes but could not support this expense
143 for advertising. It was suggested that perhaps this type of advertising should come from the
144 business community and the suggested that paper's focus would be more with the Chamber
145 of Commerce.

147 *John French made a motion to not purchase an advertisement for the 2011 Paper Talks*
148 *magazine. Deborah Dodge seconded this motion. The motion passed on a 5-0-0 vote.*
149

150 **5. Consideration of resignation from LouAnn Thomas from the Camden Housing**
151 **Committee.** *Martin Cates made a motion to accept the resignation from LouAnn Thomas*
152 *with regret and requested a letter of thanks be sent. Deborah Dodge seconded this motion.*
153 *The motion passed on a 5-0-0 vote.*
154

155 **6. Consideration of personal property tax abatement from Portland Antiques, Inc. at 52**
156 **Bay View Street for the fiscal year 2010-2011.** The Tax Collector has requested the
157 abatement of personal property taxes as the business has closed and the owner has moved
158 out of the country.
159

160 *Morgan Laidlaw made a motion to approve the abatement of the Person Property tax for fiscal*
161 *year 2010-2011 in the amount of \$9.43 assessed to Portland antiques Inc. John French*
162 *seconded this motion. The motion passed on a 5-0-0 vote.*
163

164 Chairperson Grove read the rules and regulations for conducting public hearings in preparation of
165 the public hearings to be held this evening.
166

167 **7. Public Hearings regarding the following renewal liquor license applications:** The
168 Board reviewed the applications and the Police Chief commented that nothing showed up
169 on the reports for these establishments that he felt was excessive for these kinds of
170 establishments. These establishments also met the requirements for the Life Safety Code
171 inspections completed by the Fire Department.
172

- 173 **a. Smokestack Grill at 43 Mechanic Street for a Class XI Restaurant Lounge Malt,**
174 **Spirituos, and Vinous Liquor License.**
175 **b. Bay View Lobster at 16 Bay View Landing for a Class XI Restaurant/Lounge**
176 **Malt, Spirituous, and Vinous Liquor License.**
177 **c. Jezabel Salas, d/b/a Zaddiks at 20 Washington Street for a Class I Restaurant**
178 **Malt, Spirituous, and Vinous Liquor License.**
179 **d. Stuart & Marianne Smith d/b/a One Bay View Landing Restaurant, LLC at 1**
180 **Bay View Landing for a Class I Restaurant Malt, Spirituous, and Vinous Liquor**
181 **License.**
182 **e. Michael Salmon & Mary Jo Brink, d/b/a Hartstone Inn at 41 Elm Street for a**
183 **Class I Hotel Malt, Spirituous, and Vinous Liquor License.**
184 **f. Smokestack Grill at 43 Mechanic Street for a Special Amusement Permit**
185 **g. One Bay View Landing Restaurant at 1 Bay View Landing for a Special**
186 **Amusement Permit.**
187

188 Chairperson Grove asked to hear from any proponents. There were none.
189

190 Chairperson Grove asked to hear from any opponents. There were none.
191

192 Chairperson Grove closed the public portion of the hearing, no Board discussion continued.
193

194 *John French made a motion to approve the applications a-g as listed above. Martin Cates*
195 *seconded this motion. The motion passed on a 5-0-0 vote.*

- 196 **8. Consideration of new application for a victualer license for Stuart Smith, d/b/a One**
197 **Bay View Landing Restaurant LLC at 1 Bay View Landing.** The codes officer has signed
198 off on the application and the life safety inspection has been completed by the Fire
199 Department.
200
201 *John French made a motion to approve the new application for a victualer license for Stuart*
202 *Smith, d/b/a One Bay View Landing Restaurant at 1 Bay View Landing. Martin Cates*
203 *seconded this motion. The motion passed on a 5-0-0 vote.*
204
- 205 **9. Consideration of the Jonathan Elwell of Rockland, Maine for a Taxi Operator's**
206 **License.** This renewal application has been reviewed and approved by the Police Chief.
207
208 *John French made a motion to approve the renewal Taxicab Operator's Driver's License for*
209 *Jonathan Elwell. Martin Cates seconded this motion. The motion passed on a 5-0-0 vote.*
210
- 211 **10. Review and tentative approval of June Annual Town Meeting Warrant.** The Board
212 reviewed the tentative draft warrant and made no changes at this time. The Warrant
213 cannot be finalized until after the May 2nd deadline for petitioned articles. The final
214 approval will be on the May 17, 2011 Select Board agenda.
215
- 216 **11. Countersignature of the annual meeting warrants for the Five Town Community**
217 **School District Budget Referendum and the Maine School Administrative District #28**
218 **Budget Referendum.**
219
220 *No action was required of the Board.*
221
- 222 **12. Designation of the Registrar of Voters' office hours for the upcoming June 14-15, 2011**
223 **Annual Town Meeting.**
224
225 *John French made a motion to approve set the Registrar of Voters' office hours as the regular*
226 *business hours of the Finance Office. Deborah Dodge seconded this motion. The motion passed*
227 *on a 5-0-0 vote.*
228
- 229 **13. Confirmation of the Town Clerk's appointment of Election Warden for the June 14-15,**
230 **2011 elections.**
231
232 *Deborah Dodge made a motion to confirm the appointment of Peter Gross as Election Warden*
233 *for the June 14-15 annual meetings. John French seconded this motion. The motion passed on*
234 *a 5-0-0 vote.*
235
- 236 **14. Committee Reports**
237 **Harbor Committee:** Board member Laidlaw reported this committee talked about more
238 alterations to the plan with the finger float upgrades. They approved a rate increase several
239 months ago. They are also very interested in seeking the service of our new development
240 director for some protecting waterfront grants that they need help with.
241 **Parks & Recreation:** Board member Cates congratulated Jeff Kuller and everyone at the
242 Snow Bowl for the wonderful year they had. The Toboggan Nationals were fantastic and
243 very well attended.

244 **CEDAC:** Board member Cates mentioned there will be the third joint CEDAC/REDAC meeting
245 in the Rockport Town Office on April 28th at 5:30 pm.
246

247 *John French made a motion to close as Select Board and reconvene as Board of Assessors. Martin*
248 *Cates seconded this motion. The motion passed on a 5-0-0 vote.*
249

250 **AS BOARD OF ASSESSORS**
251

252 **1. Consideration of abatement request from Georgiana McCabe at 156 Shermans Point**
253 **Road for the 2010-2011 property tax year.**
254

255 *John French made a motion to approve an abatement of \$115,600 in building valuation, which*
256 *represents a reduction in the total assessment from \$1,836,300 to \$1,170,700 bringing the*
257 *2010-11 taxes from \$24,500.26 to \$23,043.13, a reduction of \$1,557.13. Martin Cates seconded*
258 *this motion. The motion passed on a 5-0-0 vote.*
259

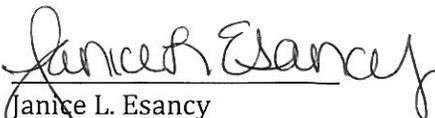
260 **2. Approval of a Ratio Declaration and Reimbursement Application.** Assessor's Agent
261 Wesley Robinson provided a memo regarding the ratio declaration, along with the
262 Declaration Application as recommended.
263

264 *John French made a motion to declare a Certified Ratio of 91% for the 2011 tax year. Martin*
265 *Cates seconded this motion. The motion passed on a 5-0-0 vote.*
266

267 *John French made a motion to adjourn at 8:00 pm. Martin Cates seconded this motion. The*
268 *motion passed on a 5-0-0 vote.*
269

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Respectfully submitted,


Janice L. Esancy
Recording Secretary

NANCY CAUDLE-JOHNSON
43 Pearl Street
Camden, ME 04843

April 19, 2011

MEMO

TO: TOWN OF CAMDEN -
Selectboard - Karen Grove, Chair
John French
Deborah Dodge
Morgan Laidlaw
Martin Cates
Roberta Smith, Town Manager
Brian Hodges, Economic Development Director
Steve Wilson, Code Enforcement Officer
Camden Conservation Commission - Karin Rector, Chair
Camden Planning Board - Chris MacLean, Chair
Community Economic Development Advisory (CEDAC) -
Peter Gross, Chair

✓ *Assistants Assistant*

cc: Coastal Mountains Land Trust -
Scott Dickerson Executive Director
Galen Todd, President
Camden-Rockport-Lincolnville Chamber of Commerce -
Dan Bookham, Director
Gil Fifield, President
Knox Waldo Economic Development Council - Justin Holmes, Director

RE: TANNERY PROPERTY
"Free Land in Maine" Web Site - Continuing Inaccuracies
"Free Land in Maine" - Guiding Principles
New Property Description Must be Recorded at Registry of Deeds and Requires
Second Amended Purchase & Sale Agreement

"Free Land in Maine" Web Site - Continuing Inaccuracies

At the April 15, 2011 regular meeting of the Select Board, I presented a letter and exhibits detailing inaccuracies regarding the town's marketing of the Apollo Tannery property on Washington Street in Camden. My letter asked the town to take immediate steps to correct the record, and going forward to ensure that documents, press releases, and statements accurately represent the property that is being sold.

The following week the Town did make a correction on the "For Sale" sign at the Tannery site, and to the posters appearing at the Town Office. They have been corrected from 3.5 to "2.8" acres. The same correction was also made on the introductory page of the "Free Land in Maine" web site.

However, the rest of the pages on the web site have not been corrected -- "3.5 acres" appears as the land available for purchase, with "2.45 acres" allowable coverage, the photo of the Megunticook River is still captioned as "the southern boundary of the site is bordered by the Megunticook River." and none of the maps have been corrected to show the Riverwalk Parcel.

"Free Land in Maine" Web Site - Guiding Principles

In addition, in checking the web site last week I discovered the "Guiding Principles" (this section had escaped my notice previously). What I found there astounded me! On one page is listed a selection of five of the so-called "Principles." The fifth reads: "Public access to the river walk/path area is encouraged" (both pages are attached).

I was invited to "download the full list," which I did, to find a list of thirteen entitled "Guiding Principles for the Redevelopment of the Apollo Tannery site." Number 2 states, "Preference will be given to qualified buyers who will allow some form of public access to the river walk/path area - at a minimum - a public right of way/easement access."

This must immediately be corrected. The Town must not continue with this marketing fiction and misrepresentation!

New Property Description Must be Recorded at Registry of Deeds and Requires Second Amended Purchase & Sale Agreement

Attached is a letter, dated April 19, 2011, from John Bannon of Portland law firm Murray Plumb & Murray, which addresses the issue of the recently changed property description for the Tannery site (Landmark Corporation's April 15, 2011 revision of the Conservation Easement Sketch, correcting a previous revision), and how that change requires a Second Amended Purchase & Sale Agreement to incorporate the corrected description of the property.

In addition, the new description needs to be recorded at the Knox County Registry of Deeds.

He also discusses the lack of a Boundary Survey of the boundary line between the .77 Riverwalk Parcel and the 2.8 parcel the Town is offering for sale. The Town never authorized Landmark to set pins or otherwise monument the numerous angles of that boundary. As best I can ascertain, the Town has no plans to commission a formal Boundary Survey and is ready to let the Buyer of the 2.8 acres begin construction without one.

Guiding Principles

The citizens of Camden love their town – they have established a list of “Guiding Principles” for the redevelopment of this site, including:

- Creation of well paying, sustainable, year round jobs
- Attractive buildings that are aesthetically compatible with the neighborhood.
- “Creative Economy” sector business will be encouraged
- “Environmentally Friendly” businesses will be given preference
- Public access to the river walk/path area is encouraged ←

[Download Full List](#)

Prime Commercial site – FREE – in Camden, Maine

This 2.8 acre site is located in the heart of one of the most desirable coastal towns in New England – Camden, Maine. The Town of Camden has invested approximately \$1 million to reclaim and restore this former industrial site. Located on the Megunticook River, just blocks away from the beautiful Camden harbor, this site is ready to go –

- 3 Phase Power, Sewer, Water, Cable, Broadband – all in place
- Zoning allows for up to 300 workers and parking on this site
- Incentives Available

And best of all – it can be FREE for the right business that can create good jobs in this idyllic community. You’ve got to check this out! Apply now and learn more about Incentives that are available and what life can be like for you and your employees in Camden, Maine .



FreeLand*in*Maine

Guiding Principles for the Re-development of the Apollo Tannery site

The Camden Select Board will consider all of the following guiding principles when selecting a business to re-develop the former Apollo Tannery site:

1. Sell the site as a single parcel
2. Preference will be given to qualified buyers who will allow some form of public access to the river walk/path area – at a minimum – a public right of way/ easement access
3. The trees that line the street of the site should remain
4. The site should be marketed to new owners who can create jobs - well-paying, year-round, sustainable jobs
5. When targeting/selecting a new owner, the town should consider the economic “multiplier impact” of that new employer – how many other businesses, services, etc will be stimulated by that new employer re-developing the Tannery site
6. The town should target a new employer/owner that will create a new customer base in the area – not simply take customers from other established employers/businesses.
7. The town should attempt to create a demand for this site (make it unique) – so it doesn’t compete with other sites/buildings that are already available in the area.
8. Encourage the new owners to build flexible structures that will be adaptable for future uses.
9. The re-development of the site should be attractive and aesthetically compatible with the neighborhood.
10. The town should encourage new owners/businesses in the Creative Economy sector.
11. The new owners/developers should be encouraged to make positive use of the river – hydro energy, orientation of buildings relative to the river, etc.
12. Educational/cultural use would be acceptable – with emphasis on educational/cultural uses that would create good year-round jobs and pay property taxes – however, a serious non-profit higher education or technical education provider should also be considered.
13. The town should consider the impact of increased traffic to the area. The group understands that increased traffic is likely to occur with re-development/ re-use of the site – but a traffic analysis should be conducted to consider:
 - i. The level of increased traffic
 - ii. The possible impact of truck traffic to the area
 - iii. Potential increased use of side streets in the area.



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April 19, 2011

Douglas N. Johnson
Nancy Caudle-Johnson
43 Pearl Street
Camden, ME 04843

RE: Referendum Vote on Contract for Sale of Apollo Tannery Property

Dear Douglas and Nancy:

This letter follows up on my prior letter concerning the First Amended Purchase and Sale Contract (hereafter "FA-P&S") between the Town of Camden and B. D'Turman'd Entertainment, LLC (hereafter the "LLC").

A. Because the Property Description has Changed, the Town and the LLC Must Enter Into A Second Amended Purchase and Sale Agreement to be Approved by the Voters at a Town Referendum

Yesterday you sent me a copy of the Landmark Corporation Plan, revised as of April 15, 2011 (hereafter "April 2011 Plan"), that Landmark has just filed with the Town. A copy of the April 2011 Plan is enclosed with this letter. Presumably the April 2011 Plan is meant to clarify the presently-erroneous description of the Property contained in the FA-P&S.

However, because the FA-P&S was signed on March 23, 2011, it does not refer to the April 2011 Plan. In addition, the April 2011 Plan includes four features that are not depicted on any prior version of the Plan: (a) a "proposed buffer" of vegetation between the Property and two lots owned by Carlenc E. Philbrook and Sandra H. Boetsch, respectively; (b) a red dashed line purporting to mark a "25' side/rear setback from residential zone" adjoining the Philbrook and Boetsch parcels; (c) a red dashed line depicting the boundary of the "250' Shoreland Zone;" and (d) a red dashed line demarcating a "75' Parking Lot & Paved Surface Setback."

The Town and the LLC must now draft a Second Amended Purchase & Sale Agreement (hereafter "SA-P&S") to include, in the property description, an accurate plan and all the new information shown on the April 2011 Plan. However, as I will next discuss, the April 2011 Plan contains such substantial errors that it cannot be used as part of the description of the Property.

B. The April 2011 Plan Was Prepared in Error

The April 2011 Plan purports to revise the version of the Plan dated December 29, 2008 (hereafter the "December 2008 Plan"). The December 2008 Plan was intended to depict the land the Town voted to reserve out of any sale of the Property (hereafter the "Riverwalk Fee Parcel") by approving Articles 12 and 13 on the warrant for the Special Town Meeting held on November 4, 2008. It was never recorded at the Knox County Registry of Deeds.

The December 2008 plan shows the Riverwalk Fee Parcel as extending only from the top of the bank of the Megunticook River for a distance of 25' inland. It describes the Riverwalk Fee Parcel as including only 0.52 acres and depicts, between the Riverwalk Fee Parcel and the shoreline of the River, a separate Town-owned lot that is 0.25 acres in size.

The Town soon thereafter negotiated the conveyance of a conservation easement over the Riverwalk Fee Parcel to the Coastal Mountains Land Trust (hereafter the "Trust"). At that time, the Trust expressed concern that under Articles 12 and 13, it was unclear whether the Riverwalk Fee Parcel extended only 25' inland from the top of the bank, or also included the area between the top of the bank and the shore of the Megunticook River itself. As a result, the voters adopted Article 2 on the warrant for the Special Town Meeting held on April 21, 2009. Article 2 reads as follows:

Shall the Town vote to permanently retain and encumber with a permanent easement a strip of land located between the top of the bank and the Megunticook River high water line as located on the "Apollo Tannery" property as depicted on Tax Map 114 Lot 18, and encumber said strip of land with a permanent easement as approved by the voters in Article 13 of the November 4, 2008 Camden Town Meeting?

Article 2 was accompanied by a printed note stating that:

This article seeks to clarify a previous citizen's initiative article which was approved on November 4, 2008, so as to include that strip of land located between the top of the bank and the high water line of the Megunticook River, as depicted on a survey sketch prepared by Landmark Surveying, dated 12/29/08. Said survey sketch is on file and available in the Clerk's office for inspection during regular office hours.

There is no question, therefore, that after April 21, 2009, the Riverwalk Fee Parcel (and the Trust's conservation easement over it) extended from the high water line of

the Megunticook River to a meandering line located 25' landward from the top of the river bank.

Because the vote of April 21, 2009 changed the description of the Riverwalk Fee Parcel, on April 22, 2009 Landmark prepared a revision to the December 2008 Plan (hereafter the "April 2009 Plan"). The April 2009 Plan was recorded at the Knox County Registry of Deeds in Cabinet 20, Sheet 77. The April 2009 Plan is substantially different from the December 2008 Plan, because the former depicts the Riverwalk Fee Parcel as extending from the high water line of the Megunticook River all the way to the line situated 25' inland from the top of the bank. In addition, the April 2009 Plan shows the Riverwalk Fee Parcel as being .77 acres in area.

The April 2011 Plan revises the December 2008 Plan rather than the April 2009 Plan. As a result, the April 2011 Plan again shows the Riverwalk Fee Parcel as consisting of (a) an "easement" area, extending only 25' landward of the top of the river bank, and including just 0.52 acres, plus (b) a separate lot between the shore of the river and the top of the bank containing 0.25 acres. The April 2011 Plan now includes a note indicating that the Town will retain both the easement area and the separate lot in fee. However, after the vote of April 2, 2009, there were no longer two separate areas. Rather, the Riverwalk Fee Parcel consisted of a single, 0.77-acre parcel located between the shoreline of the river and the line drawn 25' inland from the top of the bank.

C. Solutions

The Town cannot submit to the voters *any* proposal for the sale of the Property until (a) a surveying company prepares a plan that accurately depicts the Property and all other information relevant to the proposed sale; and (b) the Town negotiates a SA-P&S with the LLC that includes an accurate property description. Because the FA-P&S is moot, the Town must cancel the May 10th referendum vote. When and if the SA-P&S is signed, the Town can then schedule a hearing and referendum on it.

Based upon my conversations with you, it appears that Landmark is not at fault for the errors in its plans. It is my understanding that the Town has authorized Landmark to do no more than the Town has given it express permission to do, and has not allowed Landmark to exercise its independent professional judgment about what needs to be done. For example, the Town has allowed Landmark neither to perform a true boundary survey of either the Property or the Riverwalk Fee Parcel, nor to set pins or otherwise monument the numerous angles in the boundary between those lots.

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The Town should commission a full boundary survey of the Riverwalk Fee Parcel and the Property. That is the only way of clarifying the presently murky boundaries of those parcels.

Ordinarily, it would be the LLC's responsibility to order such a boundary survey to ensure that its proposed development will not encroach upon, and will maintain proper setbacks from, the Riverwalk Fee Parcel, the Philbrook and Boetsch properties, Washington Street, Rawson Avenue, and the River. That would reflect ordinary prudence on the part of a buyer of commercial property. It is peculiar that the LLC is not interested in knowing exactly what land it is purchasing.

If the LLC refuses to commission such a survey, then the Town should order the survey itself. In a case like this, it would be ordinarily prudent for the Town to make sure that it is selling the public's property in a manner that (a) prevents future claims by the LLC against the Town should the Property turn out to be materially different from what is shown on the existing Plans; and (b) ensures that the public's interest in the Riverwalk Fee Parcel and the rights-of-way of Washington Street and Rawson Avenue is not impaired.

Thank you for your consideration of this letter. Please let me know if you have any questions.

Sincerely,



John C. Bannon

JCB/lnl
Enclosure