

CAMDEN PLANNING BOARD
Minutes of Meeting
April 7, 2010

PRESENT: Chair Chris MacLean; Members Richard Householder, Jan MacKinnon, Kerry Sabanty and Lowrie Sargent, and Alternate Member Sid Lindsley; Select Board member Deb Dodge; and CEO Jeff Nims.

ABSENT: Alternate Member Nancy McConnel

1. PUBLIC COMMENT: Patrisha McLean had indicated that she would like to come this evening to speak during this comment period and update the Board on the current situation regarding the proposed “pesticide” amendment that she and Citizens for a Green Camden had drafted. She was not yet here, and the Board agreed to allow her to speak if and when she did arrive.

2. MINUTES:

March 17, 2010:

Page 1:

Line 23: The entire sentence was replaced with the following: “Mr. Nims recommended, and the Planning Board agreed, to hold proposed Amendment #8, a change to the Duties and Powers section, until November in order to make additional changes.”

Line 33: Mr. Sargent seconded this Motion, not Mr. Lindsley

Page 2:

Line 6: Camden’s population is approximately 5,280

Line 9: The ratio of 4:1 was replaced with the ratio of 3:1.

MOTION by Mr. MacLean seconded by Ms. MacKinnon to approve the Minutes of March 17, 2010 with the changes made.

VOTE: 5-0-1 with Mr. Sabanty abstaining due to his absence

3. PRESENTATION ON PROPOSED DEVELOPMENT DIRECTOR:

Peter Gross, Chair of the Business Park Subcommittee, and Martin Cates, Chair of CEDAC, updated the Board on the push to encourage economic development in Town.

1st: There are various committees and subgroups all working on different aspects of economic development, and the hope is to bring these proposals together to create, and eventually have adopted, an economic vision for Camden.

2nd: The TIF District creating the Downtown and the Highway Business Districts was approved by the Department of Economic and Community Development.

3rd: The design of a full-time Economic Development Director was formally proposed to the Budget Committee where it won a 17-2 endorsement with the one CEDAC member abstaining because the group does not take public positions on issues before Boards and Committees.

4th: The grant money for the business-space inventory will be helpful. But even if the Town has this information, we cannot compete with towns with Development Directors who are actively pursuing grants -- grants that would be useful here as well. There has been talk of a Development Director over the years, but the money available through grants now means that Camden can’t afford not to have someone going after that money. They desperately need someone to work

with businesses that are talking about leaving town to see if they can find a way to keep them here – what do they need? Bigger spaces, cheaper rents, zoning changes?

The group has looked at other regional towns and thinks that Topsham’s job description is a good fit – but whatever the actual details the position will have job creation as the number one priority.

They see this person as working with all the various local committees – like the Chamber, the Downtown Business Group, etc, as well as the Town’s committees, to help guide them in their efforts; to oversee and update the business inventory; he or she will also work with other regional committees and organizations to find ways to cooperate in mutually-beneficial projects; and will apply for all those grants. The person will report directly to the Town Manager and there was discussion about whether or not the Town would approve of a full-time position. There is talk of a half-time position or a full-time position with part of the time dedicated to working with the Codes Office as a Planner. There will be a new CEO coming in to replace Mr. Nims who is both a CEO and Planner, and the Town might not be able to find a similar replacement. So, the person filling the DD (Development Director) position might be a part-time Planner/part-time Development Director. Some members of the Board voiced their concern that these were two very different skills and very different approaches to planning – it might be hard to find one person that would fit both roles. There is an \$85,000 proposed budget for the position to include salary and benefits with \$9,000 allocated for staff support.

Mr. Gross and Mr. Cates are here asking for Planning Board endorsement for the position. The Chamber is discussing an endorsement at their next meeting; the Downtown business group won’t officially endorse but they will discuss the position at their next meeting as well; the Knox-Waldo Regional Development Commission did formally endorse the position. The group will be going to the Select Board on the 20th of April looking for their formal endorsement, so while the other endorsements aren’t necessary they are helpful in making the argument.

Mr. Householder: Very supportive. Suggests that the Town ask one of the local DD’s to sit in on the interviews – and make sure that the person has experience in Towns of this size.

Mr. Sargent: Very supportive of the position but feels that both the Planner and the DD need to be full-time positions – splitting the work will short-change one or the other positions. A good DD will pay for their position with grant monies: Rockland has brought in \$10M in 10 years – the budget for the DD’s office is \$112K – there is no other position in the Town office that can pay for itself that many times over. This person should also be working to enhance other features within the town – like parks and walkways and pathways, etc. – so everyone, not just businesses will benefit.

Leonard Lookner: The Energy Committee has been focusing on wind power. A new DD ought to be given the job of developing the town as a center of “Green Power”. Camden was noted in the past for its abundant water power and he believes they could again create an “eco” climate here for businesses interested in alternative energy – it would be a draw.

Ms. MacKinnon: Any DD should support the development of affordable housing – if jobs are going to grow then workers will need a place to live. She supports the position.

MOTION by Mr. Householder seconded by Ms. MacKinnon that the Planning Board send their recommendation to the Select Board in support of a funding the position of a full-time Development Director within the administrative portion of the Town budget.

VOTE: 6-0-0

DISCUSSION:

1. *Site Plan Review pre-applications:* There were none.

2. *Minor Field Adjustments:* There were none.

3. April 28th Meeting:

Because school vacation week coincides with the next regular meeting date of the 14th, members chose to meet on the 28th instead:

Wind Energy Ordinance

Ordinance Amendments

4. Results of Select Board Public Hearing

The Select Board approved sending 10 of the Planning Board's 12 proposed amendments forward to the June ballot. The two that were held back were two definitions:

- "Wetland, coastal" was defined in 2005. This time around the same definition was listed as "Coastal wetland" – the amendment was tabled so the CEO can fix the double entry.
- The definition for "GPA" was held because it never says what GPA means.

5. Prioritize Ordinance Amendments for November:

Pesticide Amendment:

Mr. Nims informed the Board that Patrisha McLean had wanted to inform the Board of the group's progress in dealing with the multi-family units they were originally concerned with regarding pesticide use. They had contacted the owners and property managers and all had voluntarily agreed to ban the use of the lawn chemicals in question. The group would like to talk to the Board about their plans to go forward in proposing a Town-wide ban. The terms of the ban are not clear – the group is back to using the term pesticides as the broad category of description, and without the language being proposed, the Board cannot comment.

Mr. Sargent noted that he has not heard the same story of voluntary compliance with the group's request. He does not see how the Planning Board can do all the research they need done and hear all the comments they need to hear in time to go to the voters in November.

Mr. Lindsley wants someone from the group present to answer questions when they discuss the issue.

Mr. MacLean: Does think they should consider the group's request, although he agrees there is much more to learn. He suggested that if the group wants to propose an actual amendment, that they request to be placed on an agenda; Mr. Nims should let also them know that their proposal probably won't be ready for November.

High Elevation Forestry:

Paul Miller is the forester hired by Howard Wright to recommend a management plan for his piece of woodland. The Zoning Ordinance bans clear cuts, yet Mr. Miller recommends just that to regenerate Mr. Wright's wooded parcel. Mr. Wright suffered tremendous damage during the ice storm several years ago, and Mr. Miller feels that clear-cutting is the best approach to letting

new growth come in to reforest the hillside. The Board asked Mr. Nims to invite Mr. Miller to attend a meeting to discuss this matter further.

Property Maintenance:

Mr. Nims gets complaints regularly about trash/junk on properties around town. Unless the property fits the State's definition of a "junkyard" he is unable to do anything about these complaints. As Health Officer he can take action if the situation poses a threat to health, but the smaller level complaints have to go unaddressed.

Mr. Sargent: The question in his mind is if the Town has a right to tell people how to live on their own property. Mr. Householder questions the impact of these situations on the neighbors who have to put up with these situations. Ms. MacKinnon noted that the committee that drafted an amendment proposal made minimal suggestions – but it was a tool for Mr. Nims to use. Mr. MacLean also is concerned about property rights – keeping your property as you want is a form of freedom of expression – the right to use you property as you wish. But what happens if the situation diminishes the neighbor's property values? Who makes that determination?

Mr. Sargent: The new building code has a property management section – evidently the Towns will have the right to adopt that section or not. Perhaps the Board should wait to see what that code involves before proceeding with this amendment.

Mr. Householder: How many complaints fall below the threshold of "junkyard"? Mr. Nims replied that he receives anywhere from 3 – 6 complaints/year in this category.

The Board will wait for the State's language.

The new building code:

Mr. Sargent and Mr. Nims updated the Board on the Maine Uniform Building and Energy Code (MUBEC):

The original intent was to merge (portions of) the International Building Code, the Life Safety Code and include minimum energy standards that would apply to new construction. But the Board charged with writing the actual standards is finding conflicts within the different codes and having a hard time resolving those issues. The code goes into effect this December for towns that already have building codes – those towns must adopt MUBEC without any changes; and by 2012 towns with populations over 2000 must also adopt the code as written.

Mr. Nims spoke to the financial and administrative burdens facing towns in implementing the codes – especially in providing personnel to conduct the many new periodic inspections that will be required during construction. The question will be whether to do the work in-house – which for Camden probably means an additional part-time code officer. The State contends that this is not an unfunded mandate – he disagrees.

Another major concern is that the CEO is supposed to approve, and certify the engineered drawings that will be required of every project. CEO's will have to be trained to do this work – to certify that a plan is structurally sound – and he estimates that training will be long and expensive. Or, towns can contract with an engineer to review these plans and the applicant can pick up the tab. The same kind of expense will be incurred by a home-owner if a town contracts

with a third-party building inspector instead of hiring additional staff – either way permit fees will have to cover those costs.

Chickens:

There have been no complaints about the keeping of chickens now that the law has changed, so there doesn't seem any need for developing additional standards at this time.

Abutter Notification of Enforcement Action:

Question of whether or not this could simply be policy instead of an amendment? Could the CEO just make it a practice to inform those who complain regarding the outcome? Mr. Nims explained that he often issues warnings of non-compliance and usually that results in corrections. He rarely has to use fines, and thinks the fact that violations will now be posted on the web site will discourage non-compliance.

Change in minimum lot size in the VE District:

This area is in the growth area, and currently the town requires twice as much lot area as the State. Mr. MacLean: Because Gateway will be looking at how Towns address utilizing their growth areas, perhaps the sub-committee working on Gateway Comp Plan changes would like to look at this issue. The Board would like to see a map showing the location of water and sewer lines in this area to see the impact of a change.

Impact Fees:

The Board agreed that this issue should wait for a Development Director to be hired – that person should have input on subject as it relates to impacting economic development.

Sign Requirements:

The Town Attorney has offered his opinion that older lighted soda machines (outdoors) are grandfathered and do not fall under the new ordinance requirement prohibit internal lighting. ATM machines also fall under this category and this amendment attempts to clarify the intent of the ordinance. This will be given to the Sign Committee to draft.

Ms. Dodge asked if the issue was important when those machines faced residential areas that perhaps that would be a starting point in revising the ordinance.

Non-conforming lots in the Shoreland:

DEP's requested that Camden change a provision in the Shoreland Rules that is less restrictive than Camden's rules – which override.

6. Wind Energy Ordinance

They would also like a copy of the Consultant's report if it is available and asked that the word be put out to the Energy Committee of the Board's work on the ordinance – their input would be helpful.

Members asked the CEO to gather up the information he received from various sources on individual (homeowner) wind turbines.

7. Design Standards Work Group

The group is forming but hasn't had its initial meeting yet.

8. Gateway 1/Comp Plan Work Group:

Mr. Nims reported that the group is asking if the Board wants them to go beyond the Transportation issues they were originally assigned to work into the Comp Plan. Or, should they just sunset and come back if needed? Don White seems to think that there are other issues that the group could address, but Mr. Nims believes that these are probably issues the Planning Board should at least look at first. The Board agreed to do that work at their meeting on the 28th.

There were no further reports, and there being no further business before the Board they adjourned at 7:15pm.

Respectfully submitted,

Jeanne Hollingsworth, Recording Secretary