

CAMDEN PLANNING BOARD

Minutes of Meeting

September 15, 2010

PRESENT: Chair Chris MacLean; Members Richard Householder, Jan MacKinnon, and Lowrie Sargent; Alternate Members Nancy McConnel and Sid Lindsley; CEO Steve Wilson; and Select Board Liaison Deb Dodge

ABSENT: Member Kerry Sabanty

1. PUBLIC COMMENT:

Ms. Dodge said that she had read the new Maine Building Code has gone into effect. Camden must adopt this code by 2012, and it is still not clear what kind of impact that will have. Mr. Sargent noted that it will be very hard for citizens applying for permits to know what to expect. It appears that an applicant who requires Board review for a project would have to have his plans reviewed and approved before coming before the Board. That will cause a long delay, as will the variety of inspections required at different stages of construction. The training required to do the plan reviews is extensive, and if the Town CEO is to do that review, there will be a great deal of training involved. There are five codes involved – Radon, Building, Renovation, Property Maintenance and Energy. In addition, any contractor performing work to buildings built prior to 1978 that disturbs the painted surface must have Lead Paint certification.

2. MINUTES:

August 18, 2010:

Page 4: Lines 20 – 30 belong in the minutes of the September 1, 2010 meeting.

Page 5: Line 29: The unfinished sentence was replaced with the following: “Mr. MacLean said that he personally, is not looking forward to dealing with another controversial issue, and wants to stay away from those. The Board has worked long and hard, seeking public input at every step, only to have the Select Board reject their work based on last minute opposition by the public. He is not ready to spend that kind of time and work again on an issue that could meet the same fate.”

MOTION by Mr. MacLean seconded by Mr. Lindsley to approve the minutes of August 18, 2010 with changes.

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

3. DISCUSSION:

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

Mr. Sargent asked Mr. Wilson what they had found at the former Sitterly property with regard to change of use. The plan had been reviewed again. There is 900 SF of former residential use floor space being converted to commercial use – no Site Plan Review is required until 1000 SF of new commercial space is created.

The CEO informed the Board that there may be a request for a modification to a pier before them sometime in the future. This would be the Blake pier down by the Waterfront restaurant that they heard earlier this year.

2. Minor Field Adjustments:

After consulting with the Chair, Mr. Wilson approved a Minor Field Adjustment to the lighting at Quarry Hill's Laite House. The Applicant provided cut sheets on the lights that will be the same shielded design as others on the property and be placed on motion detectors. They found the lighting at the house to be inadequate and want to supplement it for safety reasons. The Board agreed that this was a minor change not requiring further review.

3. Possible Amendments for June (2011):

First, the Board discussed with Select Board member Dodge the vote the previous evening by the Select Board not to send the Board's proposed amendment regarding subdivision roads forward to the voters this November. The Select Board held their public hearing on the amendments and then began deliberation. A member of the public, Dana Strout, asked to be recognized to speak to the roads amendment and was. Mr. Strout has done legal work for Camden Affordable Housing Organization (CAHO), developers of affordable housing in Town. Mr. Strout voiced his concerns with the Board's amendment, saying incurring the resulting road maintenance expenses over a longer span of time would put a "stake through the heart" of any effort to provide affordable housing in Camden. Although Mr. MacLean was present at the meeting, the Chair of the Select Board did not solicit a response from the Planning Board representative regarding Mr. Strout's comments. The Board noted their displeasure with the Select Board's actions in this regard. Mr. Strout's comments were taken out of place with regard to Public hearing policies, and should not have been considered. Ms. Dodge argued that the Select Board had not rejected the Planning Board's work, they were only concerned that certain constituents were unaware of this proposed change and wanted to give the public more time to consider the amendment and offer comments. There was some discussion of whether an ordinance amendment could be drafted that would exempt low-income housing projects all together. Town Attorney Bill Kelly will look into this issue. Mr. Sargent noted that tax payers already subsidize low income housing projects in many ways, and does not agree with Mr. Strout that the additional expenses of continued road maintenance would put the project over the edge of being feasible; his argument that it will prevent further projects from being developed is unreasonable. He also informed Ms. Dodge that Lupine Terrace Subdivision, the most recent project put forward by CAHO, is only forty percent affordable houses – the remainder are market based in cost. This will probably be the way of the future since both property and development costs are so high. It would be impossible to create an exemption of a Performance Guarantee based on the percentages of lots that were affordable v. those that were not and make it fair to other developers and to the public.

Ms. Dodge suggested that it would be a good gesture to invite CAHO to make their case that the amendment would create a hardship. The Chair expressed frustration that once again, the Board's continued outreach to the public asking for comments, was undone by last minute comments from the public who never once, during all the meetings held on the amendments, came to speak to the Board. Mr. MacLean did not ask permission to speak after Mr. Strout because he is never comfortable asking to break with public hearing policies.

It was suggested that the Select Board, instead of routinely turning work back to the Planning Board in cases where there is last minute opposition to a proposal, should ask the speaker "To what extent is the Planning Board aware of your concerns?" If the person informs the Select Board that they haven't discussed this with the Planning Board, then the Select Board should ignore those comments and send the proposal forward to acknowledge the Board's work, as well as all the those people who did take the time and trouble to comment.

Mr. Sargent said that CAHO had been made aware of the Board's concerns with regard to proposals for the Town to adopt roads in unfinished subdivision because it was their very request that was the genesis of this amendment. It is disingenuous for CAHO to say they weren't informed.

Mr. Householder also thinks there should be a better interface between the Planning Board and the Select Board. If the Select Board has any questions the need to ask for comment and clarification by Planning Board representatives who are present just for that reason. It happens all too often that the Board's work is misrepresented, or is simply misunderstood, at this hearing level by Select Board members. That is no reason to turn the Planning Board's work back if members are available to answer questions.

Ms. MacKinnon thinks they should keep this item on the agenda along with the fire safety amendment. Mr. Wilson suggested that perhaps these two proposals could run together as one amendment – or at least at the same time, since they might draw parties that come for one reason but would also be interested in the other. Perhaps the Board could get better public participation if they did this.

The Board discussed whether or not to rebut the Select Board's comments and concerns in a letter, but, as they have in the past, declined to comment and just move forward. Mr. MacLean suggested that one way the Select Board can be made aware of the Planning Board's concerns about the way this issue was handled is through their Select Board liaison. Ms. Dodge will report on this discussion at her next meeting.

The Board agreed to send this amendment forward again and to hold a public hearing as soon as the fire safety amendment is ready to go.

Timber Harvesting:

Mr. Wilson reported again on what he and Mr. Nims found when they inquired of the Department of Conservation regarding a change to Camden's Ordinance – that the forestry performance standards are grandfathered *unless* they are modified in any way. At that point they must comply with State standards.

The Chair disclosed that he had received an email from Mr. Wright inquiring as to the status of his proposal. Chris wrote back and said that the appropriate contact for this question was Mr. Wilson.

Because of the cost of the certified mailing required by the State as notice for proposed changes to the forestry standards, because the State must be involved in any hearings on proposed changes, and because the State has the right to overrule the Town no matter what, the Board sees no benefit for the Town to consider Mr. Wright's proposal any further.

The Chair believes their hands are tied: Any changes to the existing Ordinance would have collateral unintended consequences that would involve other areas of Town besides the high elevation Area. There may be other legal avenues that Mr. Wright can pursue if he wishes.

Mr. Sargent asked how long the State would take if they do get involved in amendments. Mr. Wilson said there is no binding timeframe mentioned.

The Board agreed that Mr. Wright was owed an explanation. He should be informed of the expenses the town would incur in moving forward and understand why the Board reached the decision they did. He should also be thanked for his participation and patience. Mr. Wilson will write a letter and provide members with a copy by email once it is done.

MOTION by Mr. MacLean seconded by Mr. Lindsley to move forward on the request of Mr. Wright to consider his proposal to amend the High Elevation Timber Harvesting Standards.

VOTE: 0-6-0

4. October 8th meeting:

Don White has asked for time to give a Gateway 1 update on Camden's submission for Comprehensive Plan amendments. The Board agreed to give him 15 minutes.

Work session on possible ordinance amendments:

Wind Ordinance:

The Energy Committee has agreed to work with the neighboring towns of Hope and Rockport as the Tri-town Turbine Committee, regarding a wind-project that would impact the three towns. Camden has approved a Ragged Mountain Wind Study Group but no-one has been appointed to that committee yet. It is proposed that the Tri-town group will propose one wind ordinance that would be proposed for adoption in all three towns. The Board will wait to see how they might be called on to be involved in this proposal in the future.

Fast food/Sit down Restaurants

Outdoor menus: Will this be under the purview of the Sign Committee? Ms. MacKinnon and Mr. Householder agreed to work on an amendment. There was an update about on-going problems with the recent Directional Sign project: there are problems with the readability of some signs due to fading colors, some get lost in the same colored background, and some need to be relocated.

Home Occupation: Mr. Sargent noted that CEDAC's goal is to work to encourage businesses and changing this ordinance might be one way to help do that.

Subdivision Roads and Fire Hydrants

The Board will not move forward with Green Camden's proposal regarding pesticide applications at this time. Mr. Sargent asked if Mr. Wilson knew how this group got permission to use the Town office window for a display when local non-profits have been turned down. Mr. Wilson did not know. Mr. Sargent wants to know if the Town has changed their policy.

Mr. Householder informed the Board that members have come forward to serve on the committee that will develop design standards for historic buildings: Mr. Sargent, Kit Parker, Chris Glass, and Mr. Householder will be starting work the first week in October.

6. Other:

Mr. Kelly has come up with language to include in the Notice of Decision that will be issued after an unfavorable decision in an application for Site Plan Review of the new Design Standards. A copy of this NOD can be provided to take to a lender if there is any concern about the voluntary nature of compliance with the performance standards of this ordinance.

Mr. Sargent raised the issue of building permit fees which are now issued based on the value of the project being permitted. He suggests following other towns that base the fee on a simple square foot standard instead. The first method is open to unfairness because there is a big difference in a permit based on a homeowner doing the work (no labor is included in the cost) and a contractor doing the same work. The same work is being done and the permit fees should

be the same. He also thinks that the “value” basis can be arbitrary and it may discourage people from getting permits altogether.

Mr. Wilson: Towns in coastal communities stand to lose money in fees using the square foot basis because so much of the interior work is done with high end materials that cost a lot – the permits therefore cost much more than the average elsewhere. But, square footage is easier to work with especially when it comes to permits for remodeling. He wonders if a mixture of both might be workable – other towns have tried it successfully he believes.

There being no further business before the Board they adjourned at 6:45pm.

Respectfully submitted,

Jeanne Hollingsworth, Recording Secretary