

CAMDEN PLANNING BOARD

Minutes of Meeting

January 19, 2011

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

ABSENT: Jeanne Hollingsworth, Recording Secretary

1. PUBLIC COMMENT:

There were no comments.

2. MINUTES:

The Minutes of January 5, 2011 will be reviewed at the next meeting.

3. WIND ORDINANCE WORKSESSION

Legal Discussion regarding wind ordinances in general:

Bill has worked with/reviewed ordinances at various stages of development for: Northport, Freedom, Jackson, Rumford, Belfast, Dixmont, and Montville. He has also reviewed the model ordinance.

Mr. MacLean: Asked about the concern that local municipalities without wind ordinances were at a disadvantage when it came to the State's rumored authority to perhaps pre-empt local review. Mr. Kelly has not had to deal with this legislation probably because it is confined to the north areas of the state and not municipalities. He believes that municipalities can stand on the general rule of ordinances: If a use is not permitted it is prohibited. But there is also case law that says that if a town has regulated the location of a use town wide to the point where there is no place it can go the town has unlawfully prohibited that use. There is also case law that says that towns have the right to say that a use does not fit within their particular town – in that case there has to be a very good record and a very clear explanation of why. With a Wind Ordinance a town sets a set of criteria by which they will review. Perhaps they have also identified particular areas where this use is permitted. However, some of the review criteria other local towns have used make it impossible to develop wind power from a practical perspective, if not from a legal perspective: Jackson, for example, has a one mile set back from residences, and, even more restrictive, they will grant only a five-year license. If the project has a twenty-year pay back schedule, a developer just can't take that risk. Mr. Kelly has been informed by energy industry folks that no one will go to Jackson because of that single barrier.

In Freedom, wind developers came to town to express interest in installing turbines and this caused the town to write and pass an ordinance. Depending on how a town's ordinance is written, a building permit sunsets – usually after a year, and if no “substantial” work has begun on the project, a new permit is required and any new ordinance will apply to that new permit. Most companies don't order the turbines until the permits are in place, and it can take up to a year to get them on site. A developer could be in a position of having to reapply for a permit under a new, more restrictive ordinance, own the turbines and not be able to build. So, if there is no ordinance, but especially if they can sense a new ordinance coming, it makes companies wary of applying at all, but especially before a proposed ordinance is in place. This is what happened in Freedom: The company waited out the ordinance process and applied for a permit once the new Ordinance was in place. The Planning Board granted the permit, the ZBA reversed, and,

fearing an expensive law suit to come, the Town withdrew the Ordinance. In the end, the entire project was built with a permit from the CEO.

Northport has an approved ordinance that is very close to the State model. They were looking at hiring consultants to go after millions of dollars in grants available for Community Wind Projects, but the Town declined to spend the \$50,000 up-front money for the consultants to file the grants; two opposite reactions to wind energy.

Mr. Kelly believes the DEP has learned what they don't know as time passes – especially with regard to noise levels and how complex this subject is: seasons, foliage, temperature, humidity, topography – these all have an impact on resulting noise levels. It is very complicated, and he has tried to get expert advice from the DEP during the drafting stage of all the ordinances he has been involved with in order to help determine acceptable noise levels. It is very difficult for a lay board to make an informed decision on a matter so scientific, and it is a weakness in the process of trying to figure out what is acceptable from the health, safety and welfare perspective of a wind ordinance.

Mr. Kelly discussed mitigation waivers where abutters are able to waive any future complaints regarding noise levels – he knows of no other instance where abutters can waive a health and safety concern. Flicker is another issue he has concerns about – this is another area where he sought out expert help and hasn't found it; there are no criteria.

Mr. MacLean asked if the Law Court has heard a case involving a local municipal ordinance and the answer was no. They have heard an appeal of a DEP-granted permit, but Mr. Kelly believes the energy industry is very wary of coming into a municipality where there is an ordinance, and deal with all the issues. In fact, because of the very active group state-wide that has looked at issues like the effects of blasting, flicker, noise, erosion, sensitive environmental issues, etc., the industry is aware that if they try to go to a municipality that doesn't have an ordinance, that municipality is going to get educated very quickly by these activists; it is easy to put a moratorium in place while discussions on an ordinance takes place. Developers are wary, even with a permit in hand, to order turbines (six months to a year delivery) and begin construction if they cannot be finished within the timeframe for expiration of the building permit. If renewal of that permit requires substantial construction be underway, they may not qualify. Meanwhile, it could be possible that action has been taken to strengthen the ordinance – or even that an ordinance has been created where there was none, and now they may have to go through review again and, perhaps, not be approved this time. They are basically not willing to go to a town unless there is a very clear indication that the project is wanted. Otherwise, it is not worth the risk. He just doesn't see another project in a small municipality – a project like the one in Freedom.

Mr. Householder asked if he was correct in understanding that during the drafting of any of the ordinances mentioned tonight, the drafters were not provided with actual advice directly coming from experts, and Mr. Kelly replied that he was. None of the ordinances were based on actual data from a particular site – it was all just generally applied. Mr. Kelly also thinks that there is the possibility of a challenge to a project through a “nuisance suit” from an abutter over noise for example. Mr. Householder asked if the validity of a town's criteria could be challenged, and Mr. Kelly said that would come if an appeal went to Superior Court where he would have to defend the actual criteria. If it is found that there was no logical basis for a standard, it will not be applied by the Court. Mr. Householder asked if it is in the Town's interest to bring in actual

experts to look at the technical aspects of an ordinance. From a legal perspective, Mr. Kelly doesn't see how to do an ordinance like this without having expert information because it is so technically driven.

Ms. MacKinnon: Asked if the High Elevation Ordinance could be overridden by the State. Mr. Kelly said he had not done research into the overriding of ordinances pertaining to elevation. He thinks the challenge would come from a developer who would say you have unconstitutionally prohibited my business – a legitimate business. You have no findings about why there cannot be wind projects somewhere within the Town of Camden – you have taken away my right to do my business. That is the general concept that is used in these instances.

Mr. Sargent asked where the State got the standards used in the model ordinance – Mr. Kelly has pushed for that answer but cannot get a satisfactory response.

Mr. Sargent is concerned that in dealing with an industry in the beginning stages there are bound to be technological changes. Can you write an ordinance that can automatically deal with these changes? Mr. Kelly doesn't believe that technology changes would have an impact on the standard chosen as the one necessary to protect health and safety – that minimum standard of acceptability won't change just because technology changes. Technology may make it easier to meet the standards, however.

He believes that one way to address this situation is to require that funding be made available for an expert to review projects that come before the Board on a site-specific basis. In Jackson, a percentage of the cost of the project is set aside in an escrow account to pay for experts to review the project and advise the Town Board. But, this still has to come up against a set of standards that are reasonable.

Someone asked a question from the audience, (Gail Curtis): Who are these people that are the experts, are they sound engineers? The Chair cautioned against speaking out in this forum, and the question was not answered.

Mr. MacLean asked Mr. Kelly to provide answers to a couple specific questions:

- Regarding the High Elevation Ordinance: It would be helpful to know if this ordinance, which does not permit wind power, would preclude any wind development within that district. Is there any over-riding State legislation? If the High Elevation standards do preclude wind turbines, and there is no State ordinance saying otherwise, then the urgent nature of this ordinance seems to diminish a bit.
- Does the absence of a wind ordinance mean that the State can come in and apply their ordinance to an application for wind power? If not, and the issue is less pressing that they think it is at this time, and the Board would have time to consider the expense to taxpayers of bringing in outside experts to help develop an ordinance at this time.

Mr. Kelly believes that a State pre-emption of local ordinances would be a fairly dramatic action – he will check to see if something like that is in place.

Mr. Sargent asked how people with standing are determined with regard to wind projects – is it anyone who can see a tower? Mr. Kelly said that standing with regard to Land Use issues is being expanded. A citizen in Lincolnton was granted standing although he was not an abutter because: he had previously served on the Comprehensive Plan Committee; he drove by the site every day; and he was active in the Town – on that basis he was granted standing in a very

detailed decision by the court. The decision in each case is up to the Judge and the line is not clear.

There was discussion about the dearth of experts and finding possible sources. Would someone from the wood composite division at UMO have a source for experts for the wind project? Mr. Kelly has never had to find the experts, but Vinal Haven recently hired experts perhaps they know. He does know that he has asked the State on different occasions to make available their experts on noise (e.g.), and has never had any luck. The Board will want to find impartial experts with experience in New England. Perhaps going to OSHA's workplace standards is one place to start to find safe levels of noise.

There were members of the audience who indicated they had comments or questions, but the Chair informed them that this was a night when the agenda was too full to offer that time, and the questions will have to wait till the next opportunity to participate – there will be many.

4. WORKSHOP with the SELECT BOARD: GATEWAY 1

The Select Board had asked to meet with the Planning Board and Bill Kelly for the purpose of discussing Gateway 1; this was that meeting. The Planning Board has an advisory role to the Select Board with regard to the Gateway 1 project, and the Chair asked Deb Dodge, the Select Liaison to the Planning Board, what kind of information the Select Board might find most useful. She thought it would be most useful to discuss the options – basically whether to adopt or to endorse the Plan. Both choices involve different time frames for implementing the Action Items in the Gateway 1 Plan. It will also be necessary to make changes to the Comprehensive Plan and Zoning Ordinance and that will fall to the Planning Board. Ms. Dodge thought it would be helpful to the Select Board to understand:

- What work has been done along these lines and what remains to be done by the Planning Board?
- How much time does the Planning Board need to accomplish what they need to do?
- What is their opinion of where the Town is at this point in time?
- What remains to be done by the Town with regard to educating the community?

Mr. MacLean: The documents are fairly weighty – though the Inter-local Agreement is a heavily-laden legal document. It is quite a contract, even more difficult is reading through the Corridor Action Plan – it is extremely complicated and complex, and is based on computer models and formulas. To make that part of the Comprehensive Plan wholesale is a difficult leap of faith for him. He is much more comfortable adopting this Plan in principle if at all. At this point the Board has made the decision to wade in to the process and look at the documents. Although he was a dissenter in this decision, he is impressed with the careful thought that has gone into the documents he has read. But, he is concerned about creating visions for the future based on computer projections and data that may or may not prove to accurately project growth, and is concerned about including this in the Comprehensive Plan where it would override any contradictory portions of the Comp Plan. He also realizes the commitment to Gateway 1 can be voluntary in that the Town can withdraw given a years' notice.

Mr. Householder: Question for Don – endorsement v. adopting: By endorsing the Town buys 24 months to adopt: True. Question for Bill Kelly: There is no plain language that says that towns retain all authority over land use and planning: Mr. Kelly believes this was left vague so

everyone could adopt the same thing, recognizing that they still have to follow their own procedures to make changes to their ordinances? There is a State process that every town must go through to amend its Land Use Laws – and that process hasn't been changed, and it can't be overridden. Given the changes made to the Agreement after the most recent round of comments, he doesn't see the need for the language that Mr. Householder suggests.

Stacey Benjamin: Section 3.24(d) says that the local review authority shall be the sole authority...”, but Bill Kelly pointed out that had to do with review authority, and not with revisions to plans and ordinances. He reminded the Board that he had commented on this concern in responding to the original draft of the Agreement, and he is comfortable with the changes made in this regard. One of the changes made is that the comments of the Coalition will no longer have to be attached to the Final Order of a Planning Board reviewing an application that implicates any of the Plan's transportation issues.

Ms. MacKinnon: The Planning Board is pretty much ahead of the curve on having their portion of the work done. Mr. MacLean is not aware of what changes are required as a result of the review by the Plan Implementation Committee. His concerns are that when questions are raised – like about the loss of local control – the answers from Gateway seem vague. Towns won't lose local control because membership is voluntary. But in fact, if the Implementation Plan is made part of the Comprehensive Plan there are certain threshold requirements that must be met, and at that point it is no longer voluntary unless a withdrawal notice is submitted. But withdrawing won't be an easy matter – it won't be up to the Planning Board to recommend, and he is not sure how the withdrawal would be accomplished – it may take a vote of the Town. In addition, it is contradictory to say you adopt the Plan in concept, but at the same time you must agree to make a good faith effort to comply with the Plan by amending the Comprehensive Plan – that is more than agreeing in principle.

Ms. Dodge noted that it is up to the Town to choose one of the three options that would be put forward, and until that vote nothing can be done. If the option is to endorse, as far as she understands no changes can be made until the Town, at the end of those two years, votes to adopt. Mr. MacLean wishes that the first vote would have been whether or not to create the entity (the Coalition), and then to vote whether or not to adopt this Plan.

Don White: The Inter-local Agreement does create the entity, and to his mind this will always be a work in progress because the Corridor Coalition is going to be making some changes along the way. To start, he thinks they will use the principles and guidelines for Chapter 8 and 9 to make it work for the whole corridor. The entire corridor must adopt the same agreement which becomes the “constitution” – but the philosophy is in the two documents he provided this evening: “What Is Gateway 1” and “The Gateway 1 Program to Protect and Preserve Our Valued Way of Life”. He explained the time frames of the two options: endorse (7 years to complete the actions) or adopt (5 years to complete the actions); and the benefit in joining of having a vote at the table for the purpose of affecting transportation projects in the next biennial work plan. He has asked Mr. Kelly if both the question of adopting the Inter-local Agreement and the question of whether to adopt or endorse the Plan can be put in the same Warrant Article – if the Agreement is not adopted it won't matter what happens with the Plan; they need to go to the voters as one vote.

Steve Wilson: He looks at the Gateway 1 Plan like any planning document – a living document that will be changed from time to time as conditions change. The same applies to Jeff Nims recommendations for changes to the Comprehensive Plan – it is one idea of how to accomplish

the goals and get the conversation started, but his recommendations are not the only way to go. Signing on isn't an agreement to do everything listed now in the Town's part of the Plan because things will change. The Coalition will sit down and work through these changes – it is only the concept that is being endorsed.

John French: Asked if it wasn't the goal to also bring the Zoning Ordinance into compliance with the Comp Plan? Mr. MacLean replied that was the concern he tried to express – this agreement is very specific – down to the curb cut about what needs to be in our ordinances, but this Agreement would require Camden to make changes based on that very specific Comp Plan. Other members of the Board disagreed: Mr. Sargent believes that what the Plan Adopt Committee did was say that you may not have met this requirement specifically, but you have met it prescriptively and therefore we are satisfied.

Deb Dodge does not think the vision in the Comp Plan for controlling growth is very far away from the Gateway 1 vision; smart growth has always been a goal here. She agrees with Mr. Wilson that the Plan is only that – a plan using performance standards to control growth – things that Camden already does. Mr. MacLean asks what if the Town wanted to move forward and develop the business park and that is not part of the “string of pearls” described in the Plan for Camden. Mr. Sargent believes this is a perfect example of what would be acceptable. Mr. MacLean is just concerned that the Town will be bound by the Agreement and not be able to do development if it doesn't fit into the Plan – it comes back to the point tally used to determine what variations will be acceptable. He is also concerned about the draft plan for a by-pass of downtown Camden illustrated in the Action Plan. He realizes it is stamped “Draft”, but he thinks a lot of Camden residents would be concerned about a by-pass going down John Street and through residential neighborhoods. Even though it says Draft he thinks it might be relied upon to say that Camden can't object to this proposal – they were aware of this possibility when they signed on. Even though, as Ms. MacKinnon pointed out, Gateway 1 does not have enforcement capability, he believes that the problem comes because this is part of a development plan for how the problems with Route 1 can best be addressed. The Action Plan illustrates their philosophy for how to solve the problems that will come with growth.

Mr. Wilson says that Gateway 1 gives the Town ways to mitigate the problems with traveling through Town on Route 1 in a stop and go fashion (loss of service) to avoid having to create this by-pass. That is just an option, and there are other things Camden can do instead: coordinate combined vehicle trips; advertise and promote parking; get people out of their cars and walking; improve crosswalks; have business coordinate when and how they get deliveries – many things can be done to mitigate the issue of loss of service to eliminate the need for a by-pass even being discussed.

Mr. Householder: Asks Mr. White what happens if down the road the issue of a by-pass is raised by DOT and Camden vehemently objects and withdraws from the Coalition. Mr. White explained that Gateway 1 has no authority to do what is suggested at all. Mr. White says that DOT has nothing to do with the Corridor Coalition – all decisions will come down to the Coalition with most transportation decisions after 2014. He can't envision that DOT would say this because that is the kind of attitude that started Gateway 1 in the first place. The idea is to form this core growth area so people don't have to drive – they can walk and bike to work and from place to place. Any by-pass would have to be approved by the people of Camden and he just doesn't see that happening.

Bill Kelly: Addressing points made by Mr. Wilson and John French about changing the Zoning Ordinance, he reminded the group that the more specific the Comprehensive Plan is the less leeway the Town will have in bringing their Ordinances into compliance. When the Boards deliberate they should be mindful that they do not have to adopt what is written part and parcel – it is not all or nothing. Depending on what you (the Boards) hear, it may be that there are ten points that folks agree with and five they don't -- then that is what you should put forward to adopt in your Comp Plan. The Board is obligated to listen to everything they hear – what they have before them – the Plan – is only part of what they are hearing. They have to consider the information the Public brings to them – they are obligated to do so. If others convince the Board that part of this is not good for Camden, then that must be considered – politically and legally it does not make sense to approach this as an all or nothing situation.

Martin Cates: Believes it is important to sit at the “Table of Communities” that is the Coalition. If Camden is not at that table they won't be able to influence what happens. What happens in Camden will be influenced by what happens in towns on either side of us, and we need to know what they are thinking and what is being planned to work this document to the next level.

Don White responded to questions from the Chair saying that 15 of the original 20 towns along the corridor are still engaged and that Bath adopted the Plan but has not yet voted on the Agreement; Brunswick is voting – but he doesn't know the result; and Rockland approved the Agreement and endorsed the Action Plan. These are all council forms of government, most of the other towns have to go to Town Meeting. Searsport, Northport, Warren, Wiscasset, and Woolwich are not participating. Mr. MacLean asked why Wiscasset dropped out – they are most similar to Camden – Mr. White thinks it is local issues and suggested any specific information would have to come from them.

John French: Asked if the ZBA could address someone who wanted to do a development that is now prohibited because of the Gateway 1 “overlay”. Mr. Kelly responded that changes to the ordinances will be made in response to changes in the Comp Plan and the ZBA process can't change that. Mr. French noted that the towns that approved the Agreement so far have a council form of government, and they don't have as many people to educate before a vote. This is quite complex and it will have to be sold to the voters. He also noted that many ordinance changes will have to be made at one time, and the history of that in Camden is that people look at all the changes, say no way and vote them down. Deb Doge thinks that over the five or seven years allowed to make the changes, amendments can be bitten off a bit at a time. John French noted that the bulk package of ordinances that were voted down several years ago are still being put to voters a few at a time and they still haven't passed even a part of what was originally proposed. Plus, he hopes the Planning Board will be busy again with development in Town; in that case that they will have plenty to do other than work on Gateway 1.

Mr. Sargent: He thinks that he has heard a couple of examples tonight of why there is a great benefit in pursuing the Gateway 1 program: In endorsing the Plan the Town would have two years to make best efforts to comply. In that time the Agreement will have matured and there will be feedback from other towns that we can learn from. He is a fan of centralized planning, and he thinks we need to look at the corridor this way – to look at things that impact the whole corridor and work together. He also noted that with regard to the by-pass, ten years ago DOT could have walked in and said guess what? He thinks being part of this Coalition will give the Town a much larger say in a process - and that can be done through a very clear procedure that is a format for discussion and resolution.

Mr. MacLean can support endorsing this concept in principle for two years, but he does not know if this Plan is a good idea or not. There are many unknowns and some uncertain data, so “wading in” is much more acceptable to him than “diving in”. Mr. Sargent was surprised how much Gateway was willing to listen to the towns and make changes to the Agreement, and he hopes this will continue.

Deb Dodge: Being at the table is important, but she sees this Agreement also as leveling the playing field: if you know that there are 12 or 15 towns in a row that have agreed to play by the same rules, that helps this go forward on a regional basis for economic development as well as transportation planning.

Martin Cates: CEDAC learned from the Gateway 1 Grant how important the concept of regionalization is to economic development issues. We can all be our own individual towns, but what happens in those other communities affects us and is vitally important to our economy. This regionalization issue became a key component of the grant report which is another reason to support our being part of this.

Mr. Householder: During Public Hearings, how much detail should be presented? Some of the detail could raise fears on the part of the public and the Board needs to be careful of what and how they present the issue so that it can be understood – the same goes with the way that the Warrant item is worded. Don White had offered model language for a warrant, but said the most important thing in his mind is that they go forward as one item. Mr. MacLean said he has no problem endorsing that idea as long as the question is to endorse the Plan and not to adopt it or to incorporate Gateway into the Comp Plan. In either of those cases, he thinks it is necessary to make sure that the voters know exactly what it is they are voting for. He thinks that approving the Agreement and endorsement of the Plan are basically approving the same concept – and has no problem with one item in that case.

A poll of the Board showed all supporting endorsement of the Plan in principle. The Chair asked Ms. Dodge if she thought that the Select Board would agree that was the path to follow. Ms. Dodge said she herself has no problem in adopting Chapter 9 and the Executive Summary, but she has no problem in endorsing the Plan either. The Chair is interested in knowing because that would be part of the presentation for the Public Hearings – they need to agree or the Town could be in an awkward situation at the end of the Public Hearings. Karen Grove, Chair of the Select Board, said she has heard nothing negative from Board members, questions surely, but no reason they wouldn’t be supportive. John French said that he has been cautious because they were in the information gathering stage. He is not sure he will be 100% supportive, and he doesn’t see how they are going to educate the public by April. Ms. Dodge asked how he felt about endorsing the Plan in principle – giving the Town two more years to adopt. Mr. Sargent doesn’t see much difference between where the Town is now and endorsing. Mr. White replied that was exactly correct – many towns need more time, but the Coalition needs to move from the implementation stage to be formed so they can apply for a 501(c)3 and find different ways to support themselves so they don’t have to come back to the towns hat in hand saying please we need money. And, with endorsement comes the chance to apply for some of the \$1.3M in grants available for planning and implementation. That money will only go to the Towns who sign on by either endorsing or adopting.

Ms. MacKinnon: Regarding bringing the Comp Plan into Compliance – there were no amendments proposed by Mr. Nims to the existing language – only additional language that

wasn't there to begin with -- like scenic resource assessment, and she thinks those changes are minimal; she sees no real controversy here.

Mr. MacLean: What the Planning Board needs to do is schedule a Public Information Meeting to give Mr. White a forum to explain the proposal. Mr. Householder suggests they all need to put their heads together and decide how this concept will be pitched to the voters. Mr. Sargent suggested a paper that explains what happens "if": If the Town endorses the Plan what happens next – what changes will have to occur?

Mr. Householder thinks the Board needs a list of one line answers to help the public understand. Mr. MacLean thinks that the Board just needs to create the forum for discussion – they can bring in people to help explain and to answer questions – a Power Point presentation is a good idea.

Mr. MacLean asked Don White what happened if Camden doesn't go forward – what if it is rejected here. He cannot believe that Camden's voice would not continue to be heard regarding allocation of funds for projects, because not to do so would seem like an unconstitutional deprivation of the citizenry to be heard and to have representation. There has to be an on-going way to be heard and to advocate for those who do not continue on – otherwise it is taxation without representation in spending tax payer dollars. Mr. White said that you might have the opportunity to be heard at a meeting - perhaps, but not to take part in discussions or have a vote at the table.

Ms. Benjamin added that one of the first items the Coalition will have to tackle when they form is the project prioritization framework. And, one of the first issues they will have to deal with is how to deal with towns that are not part of the Coalition. How do they present projects they want funded? How are they scored, etc.? It may be that if a point system is used, for example, that being a member might add points, but the prioritization criteria have to be objective. There may be money that is only available to members, like the original planning grants. But actual transportation dollars, those dollars used for transportation projects, will have to go through this objective prioritization.

Roberta Smith: Asked for clarification if Gateway 1 will receive addition transportation dollars, and Ms. Benjamin said that Gateway will be given an allotment based on an allocation formula that will be based on all 20 towns in the corridor. The Coalition may also be eligible to apply for additional dollars – "safety dollars" - as well. But the actual allotment that covers the corridor area (it is unusual to have an allotment in rural areas, but there are models for allotments other places) that money will come to Gateway to be distributed according to the criteria.

The Board's 2nd meeting in February is a good time for the Public Meeting (2/16), so the Public Hearings can follow and be ready for the Select Board in April.

CAHO: The Select Board hasn't seen the letters to and from the Board yet so the discussion will take place another time.

5. DISCUSSION:

1. *Minor Field Adjustments:* There were none
2. *Site Plan Pre-applications:* There were none

3. Minor Subdivision on Simonton Corner:

The Town of Rockport is dealing with a minor subdivision on their agenda and the back part of the property comes into Camden. There are two parcels - 18 acres and 26 acres - in Camden. Under the State Subdivision Law Camden has the right to participate in a joint review if the subdivision straddles town lines, and Rockport has requested of Camden that, if they are not interested in sitting in on the review, they prepare and sign waivers of the right to review.

Of the properties that lie partly in Camden, part of one lot is being broken off, part of the other is being conveyed to an abutter and, from the remainder of that lot, one house lot will be sold. This is a minor subdivision and members discussed whether or not they could envision any impact – like traffic – on Camden; at first glance they did not. The waiver prepared by Rockport for the Board’s signature references a specific Plan under review, so the Board would not be giving up the right to review any future development on the Camden portion of the remainder lands.

Mr. Kelly feels that a copy of the actual application should be filed with the Town so the Board can be made aware of what is actually being proposed before they sign a waiver. In addition, the Applicant should be the one that asks for the waiver and not the Town of Rockport. The Chair wondered if there was anything in the Statute that required that Camden hold a Public Hearing before waiving the right of review. Mr. Kelly hasn’t run into this situation before and will review the Subdivision Law in this regard. Once the appropriate procedure is determined, the Board’s Procedures Manual should be amended to include how to handle this situation so the question doesn’t have to come up again.

There being no further business before the Board they adjourned at 7:15 pm.

Respectfully submitted as transcribed from DVD,

Jeanne Hollingsworth, Recording Secretary