

## CAMDEN PLANNING BOARD

### Minutes of Meeting

September 1, 2010

**PRESENT:** Chair Chris MacLean; Members Richard Householder, Jan MacKinnon, Kerry Sabanty and Lowrie Sargent; Alternate Members Nancy McConnel and Sid Lindsley; and Jeff Nims (present CEO) and Steve Wilson (future CEO)

#### 1. PUBLIC COMMENT:

No one from the public came forward.

**2. MINUTES:** There were no minutes to review.

#### 3. DISCUSSION:

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

Mr. Sargent asked a question about whether any of the changes being made by a holistic health operation at Dr. Sitterly's former office in Elm and Park Streets require Site Plan Review. Mr. Nims replied that the new occupants are not adding floor area they are just using the existing building and renovating inside. Mr. Sargent asked if the former residence was being converted to office space would that require review. Mr. Nims and Mr. Wilson will review the changes proposed in more detail to see if the residential conversion exceeds 1000 SF – the trigger for Site Plan.

Bog Bridge Boat Ramp: Town Manager Roberta Smith asked the State to concentrate first on the boat ramp, and no Site Plan is needed for that work. The State has revised their plan here, and will be doing less grading than originally proposed. the start date is still up in the air.

2. *Minor Field Adjustments:* There are none

3. *Refresher on Planning Board procedure and policies:*

Before proceeding to review of Planning Board procedures and policies the Board acknowledged receipt of an email and attachments from Howard Wright regarding the high Elevation Forestry issue. That email was sent directly to Mr. Nims as well as to individual members of the Board. The packet consisted of:

The Board was provided with a packet from Howard (and Dee) Wright containing the following:

- A copy of an email from Jeff Nims to Paul Miller dated 7/15/2010 asked six questions with regard to Mr. Wright's proposal to cut his land
- Mr. Wright's undated response to Mr. Nims' questions
- An aerial view (Google Earth) of Mr. Wright's property
- An email from Mary Bok's attorney, Thomas Karod, to Mr. Wright outlining an agreement between the Boks and Mr. Wright regarding a ROW over the Bok's land
- Mr. Wright's undated response to that proposed agreement
- An overview of Mr. Wright's ownership of his woodlot

This information will be added to the High Elevation Forestry file.

#### Board Procedures and Policies:

The Chair commented that he believes that Camden's Planning Board has earned the respect of applicants in part because they have developed, and adhere to, their policy for procedures. Mr. Nims and Mr. Wilson had distributed copies of the following:

- Appendix M from the Planning Board Manual titled *General Procedures for Planning Board Applications* revised January 22, 2010 to reflect the new starting time for Board meetings of 5pm; all other related time references had been adjusted as well.
- The *Town of Camden Planning Board Conflicts of Interest Statement* from the Town Charter dated January 1992.
- A summary of Title 1 M.R.S.A. Sections 401-410, Maine's Right to Know Law
- An article from the Maine Townsman of May, 2007, titled *Right-to-Know: Common Myths*.

(Copies of all attached)

The "Sunshine Act" – a component of the Right to Know Law:

The Board discussed how to handle contact with the public (emails, phone calls and conversations) that concern business before the Board. They agreed that they should continue their policy of disclosing these contacts on the record at their next meeting. When the matter concerns an application that can be appealed, the prohibition against discussing business outside of Board meetings covers those matters until all appeals have been exhausted.

When the matter concerns an issue(s) that will be going to voters, members must be careful not to state their current personal opinion as the official opinion of the Board. Members are supposed to remain open-minded as they continue to hear comments on issues, and should avoid making statements that lead to the perception that a decision has already been made.

There is no prohibition against members attending meetings of local organizations as representatives of the Board to discuss issues like Ordinance amendments that the Board is considering, and to discuss the board concerns and discussions. These discussions should not pertain to applications that can be appealed.

#### The Record:

The Chair reminded members that whatever is said during the official meeting is part of the recorded record of the meeting even if it is not included in the minutes, and those comments can be used in an appeal. During the times when the Board is in recess the meeting is considered to be adjourned, and the tape/DVD recording can be paused. Nothing said during this interval is part of the record.

#### Recusal:

The Board agrees that if a member has recused themselves from participating in a matter, that member should leave the podium and sit in the audience. There is nothing prohibiting a Board member from speaking as a member of the public regarding an issue before the Board once recused. Participation of this sort should be limited to issues that would have a personal impact on the member, or one in which the member has a personal interest.

#### 4. Possible Amendments for June (2011):

Mr. Nims distributed a copy of Possible Ordinance Amendments dated September 1, 2010, and the Board reviewed them:

The items that Mr. Nims believes the Board can pursue are:

Zoning:

#8. Home Occupations: That draft creating two levels of Home Occupation instead of one, is ready for review

#12. Outdoor menus for snack bars, restaurants: A change could bring those businesses with large printed menus into compliance.

#13: Combined fast food and sit down restaurants: A change could clarify the Ordinance and bring existing businesses into compliance.

Subdivisions:

#1. Water supply for fire safety: A change would address the lack of enforcement regarding the requirement to keep water hydrants charged in subdivisions under construction and before any new structures are built. Mr. Wilson, who will be taking over as CEO September 10<sup>th</sup>, was asked to speak to the Fire Chief about this issue and get his recommendations.

Other:

1. Gateway 1 amendments to the Comprehensive Plan:

Gateway 1 has the list of Camden's proposed amendments and is reviewing them. Camden's submission was the first to arrive, and the Committee has suggested some changes to the amendments proposed. One of the issues raised is the adoption of a land acquisition policy by the Town. The Conservation Commission will be asked to take this on as a task.

Mr. Sargent brought to the Board's attention a recent article in *Village Soup* called "The Fog of Gateway 1" which outlines the problems towns are running into, and the concerns that are growing, as they try to work on their individual proposals.

2. Wind Energy Ordinance;

There is no new news on what is happening at Ragged Mountain.

3. Historic district Ordinance:

Formation of the committee to do this work is in progress.

5: *September 15<sup>th</sup> meeting:*

Work session on possible ordinance amendments

6. *Other:*

The Board dedicated the remainder of their meeting saying farewell to Jeff Nims as this was his last meeting with the Board before his retirement. Mr. Nims read remarks and Mr. Sargent read a prepared sentiment from the Board thanking Mr. Nims for his service. This was followed by the presentation of a gift from the Board.

There being no further business before the Board they adjourned at 7:30pm.

Respectfully submitted,

Jeanne Hollingsworth, Recording Secretary