

**Camden Select Board  
Minutes of Meeting  
August 2, 2011**

**PRESENT:** Chairperson Martin Cates, Vice Chairperson Morgan Laidlaw, John French, Jr., James Heard, Donald White, and Town Attorney William Kelly. Also present were members of the press and public.

**ABSENT:** Town Manager Roberta Smith

*Contents*

- 1. Executive Session: regarding Personnel matter 1 MRSA section 405(6)A**
- 2. Public input on non-agenda items.**

- a. John Carroll from Central Maine Power started the meeting by explaining CMP has halted the installation of Smart Meters to Camden residents even though they are two-thirds of the way through the town and explained that notification letters would be mailed out around the 8<sup>th</sup> or 10<sup>th</sup> of August to all Camden residents to allow of all them the opportunity to opt out, which will give the residents of Camden until September to reply.
- b. Nancy Caudle-Johnson and Laurie Wolfrum explained the Camden Smart Meter Coalition is sponsoring a public forum for Midcoast residents, Select Board and Town Manager, Roberta Smith at the First Congregational Church on Tuesday, August 23<sup>rd</sup> from 7-9pm, with featured guest speaker Eliza Boxer-Cook, from the Maine Smart Meter Coalition regarding Smart Choices for “Smart” Meters.
- c. Board Member Don White publicly thanked Town Manager, Roberta Smith, Select Board Chair, Martin Cates, all the members of the board, Nancy Caudle-Johnson, Laurie Wolfrum, and Beedy Parker, because their tenacity has prevailed and this CMP fiasco has ended and now CMP is going to be notify all the Camden residents.

**3. Approval of Select Board Minutes.** *John French made a motion to approve the Select Board Minutes from July 5, 2011 and July 19, 2011 with minor corrections made by Don White. Morgan Laidlaw seconded this motion. The motion passed on a 5-0-0 vote.*

**4. Bid Award: Wastewater Truck.** *John French made a motion to award the bid for the Wastewater Truck to Fuller Chevrolet as recommended for \$19,854. Don White seconded this motion. The motion passed on a 5-0-0 vote.*

**5. Approval of application of Wayfarer Marine for an Assembly Permit.** *Morgan Laidlaw made a motion to approve the Assembly Permit for Wayfarer Marine on Saturday, August 7 from 5pm to 10pm for a private regatta party at Wayfarer Marine at 59 Sea Street. Don White seconded this motion. The motion passed on a 5-0-0 vote.*

**6. Public Hearing for a liquor license and a special amusement permit.**

Manager Smith reported all applications have been reviewed and signed by the Police Chief.

Chairperson Cates asked to hear from any proponents. There were none.

Chairperson Cates asked to hear from any opponents. There were none.

Chairperson Cates closed the public portion of the hearing, no Board discussion followed.

- a. John French made a motion to approve the Special Amusement Permit for Maine Coast Catering. Morgan Laidlaw seconded this motion. The motion passed on a 5-0-0 vote.*
  - b. John French made a motion to approve the Assistant Fire Chief classification at Labor Grade 10. Morgan Laidlaw seconded this motion. The motion passed on a 5-0-0 vote.*
  - c. John French made a motion to approve the liquor license for Quarterdeck, d/b/a Cuzzy's at 21 Bay View Street. Morgan Laidlaw seconded this motion. The motion passed on a 5-0-0 vote.*
  - d. John French made a motion to approve the application of Cuzzy's for a Special Amusement permit. Don White seconded this motion. The motion passed on a 5-0-0 vote.*
- 7. Consideration of the following renewal Victualer License: Christopher Cousins, d/b/a Cuzzy's at 21 Bay View Street.** *Morgan Laidlaw made a motion to approve the Victualer's License for Cuzzy's. John French seconded this motion. The motion passed on a 5-0-0 vote.*
- 8. Ragged Mountain Redevelopment Committee project update.** Rick Knowlton, Co-Chair of the Ragged Mountain Redevelopment Committee was present to give the Board and the public an update and to welcome the Select Boards input. Mr. Knowlton explained the Committee has been at this for a long time and over the last 8-9 months they have done some rethinking and reshuffling and he was there to explain the changes that have occurred and make sure the Select Board is on board with all the new changes with the project.

Also present were Don Gross, Chair of the Building Committee, Mort Strom from the Capital Campaign Committee as well as George Mueller, member of the Capital Campaign Committee. Mr. Knowlton explained last December there were some budget issues within the project and they did some realignment of priorities. They had designed a lodge that when added with the cost of lifts, snow making, lighting, utilities and parking it ended up pushing the total project budget beyond what they could spend.

Mr. Knowlton stated the \$6.5 million budget which they had established for the overall project, (which the most important things would be the trails, the lifts, the snowmaking, the lighting, the parking, wastewater, electrical, storm water utilities) that are infrastructure reality that make Ragged Mountain Winter experience what it is and make the sustainability plan work, make the ticket sales happen and make the enterprise fund work. The easiest part of the project to make changes to was the lodge because it is the most flexible. Working through the programs with the needs and wants has created a

design of a building that could accomplish everything. With the budget issues, the committee went back to square one but using the same architect, same goals critical to having a meeting room, critical to having a food service function and critical to having a community space that could accommodate the private events as well as the ski events and to have a space for approximately 200 – 250 people. The new lodge is still large enough to do all the primary functions that the original lodge was set out to do and provide the operations for Ragged Mountain.

Mr. Knowlton also explained the most important part of the last 6-8 months was the concept of moving into one building, putting everything under one roof, but that plans have modified. In the new plan the old lodge will still exist, along with the plans for the new lodge they will work with the new budget plan and call it a campus plan, which will allow certain events to utilize only the old lodge. Knowlton also explained the existing lodge is not in bad shape and for all intent purposes, it will stay as is and that would be the campus plan.

Mr. Knowlton presented a model of the new lodge which will contain approximately 8500 square feet with the two levels, which is about double the size of the existing lodge and together they exceed the space that was originally designed in the bigger building. The new designed has been reworked with the first floor housing the kitchen, great space, bathrooms, ticket window and ticket counter and the downstairs will house the rental shop and administration. The new lodge also has a new projection on the top of the building called a Monitor that has a designed basis and provides a wonderful south facing roof for solar application, provides ventilation to the great room, and it will provide natural light into the great room.

Mr. Knowlton stated most importantly is that they are at a point where they need to move away from the design issues and it is now time to push the fundraising piece forward to make this project happen. Mr. Knowlton asked if the Select Board if the Town was ready for them to carry forward this program that started three years ago. Fundamentally the finance picture still seems to be the same, that with \$4 ½ million of privately raised funds they would come to the town to request a bond vote on \$2 million of municipal debt to make up the balance of the \$6 ½ million.

James Heard thanked the building committee for the new inviting design and he explained the new lodge looks so much more like Maine and is a major improvement, which should enhance the ability to raise the funds needed.

Mr. Knowlton explained this facility is critical for the community to have offerings for the kids and families to have affordable access to recreation all year and the RMRA committee is hoping to put this to the voters preferably on a November election. However, it would be November 2012. It is very possible that this collection of improvements including lifts, wastewater systems, lighting systems, and power systems, new lodge could happen within one construction season. If there is six months advance notice to plan.

Don White explained he has spoken to several people in his neighborhood and everyone is excited about this project and the RMRA Committee has persevered and this is going to be a wonderful thing once the project is complete.

**9. Approval of Naming Opportunities submitted by the Capital Campaign Committee a subcommittee of RMRA.**

George Mueller member of the Capital Campaign Committee was present to explain the Capital Campaign Committee of Ragged Mountain Recreation Area has been moving over the last two years and they have just passed the \$2 million mark as far as actually gifts and pledges. They have reached the point where it becomes important for the Capital Campaign to offer recognition and also naming opportunities. He was looking for approval from the Select Board to move forward.

John French asked how long the naming of an item would last and Mr. Mueller explained as long as the longevity of the item such as a chairlift, the name would remain on the chairlift until it is replaced.

*Don White made a motion to schedule a public hearing on this proposed naming opportunities for Tuesday, September 6, 2011. James Heard seconded the motion. The motion passed on a 5-0-0 vote.*

- 10. Dorie Klein regarding Camden Snow Bowl Skate-Ski Multi Use Trail.** Dorie Klien started by explaining she was present to talk about the Skate Ski Multi Use Trail because everyone is curious how things are moving along. There have been several correspondences that have taken place between the Planning Board and Dorie Klein. She explained she understood there were issues to consider that she put together after a Planning Board presentation because it left more questions in her mind than answers. In the end she put together a synopsis that she shared with the the Board. The Snow Bowl applied for and won a \$35K Recreation Trails Program Grant to be used by the end of 2011 toward the construction of a Skate-Ski Multi Use Trail. The Ragged Mountain Recreation Area Foundation is donating nearly \$45K to bring the total to \$80K for this project. The plan would be to construct an approximately 2 mile long, 16' wide trail project, (which she explained is completely different from the Coastal Mountains Land Trust's 10-mile "Round the Mountain Loop.") in a steep, heavily forested area of the Snow Bowl, which would include 21 curves, a designated wetlands area and 4 bridges. The existing trail network already serves the needs of downhill and cross-country skiers, hikers, snow-shoe-ers, birders and mountain bikers. The proposed trails' primary design will be for skate skiing.

Dorie explained she has lived on Ragged Mountain for 17 years along with a neighbor Jim Curtis who has lived there for 24 years, has written in some articles to the Select Board and Planning Board, which he has stated: Coastal Maine has marginal conditions for snow and frequent rains that would limit its intended purpose, and he asked, "How has a Feasibility Study quantified the projected use? And where can the public review the Feasibility Study and Coast Analysis?" Ms. Klein also stated this trail project that is being planned with tax supported and donated money may ultimately cost the Snow Bowl and Town of Camden much more than the grant and donation together may provide.

Dorie mentioned that she is happy to see that the Planning Board, Select Board, Conservation Commission and CEDAC have taken an interest of this project. She has created a paper trail and encourages everyone in the community to visit the Code

Enforcement Office to see the plans that were designed by Gartley and Dorskey, to study the proposal that was submitted and to see what questions have been submitted by other members of the community.

Dorie stated that to complete this project successfully on an \$80K budget seems ambitious at best. Skate-Skiing is a good cause, there is no debate. However, Dorie stated after educating herself it seems that this location is unsuitable. She encouraged everyone to take a hike on Ragged Mountain and as a taxpayer she wanted to come forward to share her knowledge to help to other people who would benefit.

Morgan Laidlaw stated that Nordic skiing has been a huge part of his life as a competitive ski racer from high school to college and beyond, along with working for a ski company as a Nordic tech rep and he told Dori that he appreciates all her concerns. However, in terms of trail designer there isn't anything to be concerned with. John Morton, the designer of the trail at Ragged Mountain has a large amount of experience and has had several places that have embraced his concept. Laidlaw felt this is a new opportunity to attract people to the Snow Bowl.

Don Gross, former chair of the Land Use Committee, which was responsible for looking at the Town's property to figure out how they can accommodate some of the goals that Rick was describing earlier in the meeting. The elevation of the base area is relatively flat, but that from the base area up to any of the other property that the town owns is a very steep hill. The gradient is on the order something like three to four times the maximum gradient that is permitted for championship Nordic trails, according to the Morton designers. Morton Designers are famous for their designs, not just in New England but around North America. Mr. Gross explained the challenges they are facing is to see how they can encourage the recreational use of all the property that is accessible to beginners which is the key element.

Bob Gassett came forward to explain that about a week ago he became the Chair of the Camden Conservation Commission and the Skate Ski trail has come up and he is really glad to hear that Morton Design is involved with the design work, which he was unaware of and he encouraged the public to take the time and hike this location.

**11. Presentation by Planning Board member Richard Householder on the proposed Historic Ordinance Article 13 for November warrant.** Richard Householder read the following letter to the Board: Mr. Householder, a resident of Camden and a representative of the Planning Board and Chairman of the Working Group that developed the Historic Preservation Ordinance, would like to give the board an insight to why the ordinance was created as well as some of the details of the ordinance.

In June of 2009 the town voters approved a list of design standards that were added to the existing town site plan review ordinance. These standards included a clause stating that applicants were strongly encouraged to preserve buildings with historic features or specific architectural details to the maximum extent feasible.

During the numerous public hearings on those design standards, the attending public consistently commented that it was important to protect the character and the historic

features of the town that draws people to the area which in turn helps the economic development of the town. Having heard this, the Planning Board in October 2010, formed a working group consisting of two members of the Planning Board, the Chairperson of the Towns Historic Resources Committee, a local architect and the Code Enforcement Officer.

The group's first order of business was to review the Town's Comprehensive Plan to see what were the policies and implementation goals concerning preservation of the Towns character.

What was most interesting is that the subject of the Town's character is stated throughout the whole document. Chapter 4, which addresses the downtown area states, "Many downtown districts become tourist attractions by virtue of the character of buildings, location, selection of unique businesses, and events held there."

Chapter 17 which addressed the land use patterns states, "To preserve the character, and continuity of local traditions, the town should encourage active public uses and institutions, especially those already located in historic buildings. The Town should encourage adaptive reuse of existing structures before new construction." And finally, in Chapter 17 which addresses Historic Resources, states "amendments to the existing Zoning Ordinance or a separate Historic Preservation Ordinance should be developed to assure the protection of those Historic areas and buildings deemed significant."

Having read and digested these facts stated in the Comprehensive Plan, the working group decided that their Charter was to develop an ordinance for the purposes of preserving, protecting and enhancing all the buildings and places or areas within the Historic downtown fire district of the Town, Curtis Island, Town owned properties within other designated Historic Districts and other privately owned Historic properties by owner request and acceptance by the Town.

The ordinance contains definitions of historic districts, historic sites and historic landmarks. There are also sections addressing the qualifications of the historic districts, sites and landmarks as well as rules for the establishment of same.

Additionally, there is the establishment of a Camden Historic Preservation Commission that would review all projects requiring a certification of compliance for conformity to the purposes of the ordinance.

The Commission would consist of five regular members and two alternates; at least one member should be a licensed architect with demonstrated experience in historic preservation. It should be noted that the Commission would replace the existing Historic Resources Committee.

The Ordinance also outlines the duties of the Commission as well as the requirements and administrative procedures of obtaining the certificate of compliance.

The Ordinance does not require the property owners to change the buildings or property back to their original configuration or construction but it does require them to come before the commission if they are doing something to the existing exterior configuration.

In addition to reconstruction, alterations or construction of new buildings and structures in Historic districts, the demolition or movement of buildings or structures shall be delayed for a period of 60 days to allow any interested party or parties to make an offer to the owner or developer for the purpose of purchasing or restoring the historic structure.

Over the past eight weeks the planning board has held three public hearings on the subject ordinance and during those hearings have heard various comments concerning some of its content.

The copy of the ordinance that is before you tonight reflects the changes made from those comments which are the following:

1. The words “color and texture” of the buildings and structures were deleted as items of review.
2. Minor alterations and repairs of buildings and structures will not require the submittal of drawings by the applicant.
3. The process of reviewing the application for demolition of a building was shortened.
4. The Commission’s review and administrative procedure of an application was shortened from 60 days to a maximum time of 27 days which includes a public hearing process or a minimum time of 17 days without the need for a public hearing, as reflected on the Appendix A chart before you.

In conclusion, I’d like to point out that over the past 25 years, New England towns and villages have changed dramatically.

People travel to strip malls and big box stores to do their shopping and some village Downtown merchants and property owners try to halt the spiral of decline in business by imitating their competition. Their attempts to modernize the downtown takes the form of covering traditional historic buildings with aluminum slipcovers and attaching huge, oversized signs on their building to attract attention. “Merchants sometimes tend to forget how important their downtown and its historic commercial buildings are that reflect their community’s unique heritage.

The Planning Board fully recognizes the efforts some of our merchants and property owners have done to date in maintaining Camden’s Character and the Town has also been lucky in the past, when an outside business that moved to Camden, was receptive to various preservation suggestions.

However, having said that, the Board feels that there needs to be in place an ordinance that insures the protection of our unique character, especially when property owner’s change or outside corporate businesses purchase existing downtown buildings.

Therefore, the Planning Board requests that the proposed article XIII be placed on the November 2011 warrant to be voted on by the citizens of Camden.

John French explained that he has not heard much from the local business owners that support this request and the business owners don't see the need for this proposed article. Mr. French commended Mr. Householder on what he is trying to accomplish but he did not see the need for this and he hasn't heard any need for this from the downtown businesses.

Mr. Householder explained the current store owners have done an excellent job maintaining the character of the buildings, but his concern is what happens when a new owner takes over. He stated this ordinance is no different from any other ordinance the town has and is subject to change. The concern is that something will destroy the character of the town and this ordinance does not provide any economic hardship on anybody and this is the concern of the merchant.

John French explained that the people take care of their buildings in this town and he did not see the need to upsetting it and he didn't care if a Dunkin Donuts wants to go in downtown Camden. He explained that Dunkin Donuts would have creating jobs and the building would have kept with the downtown look. He apologized to Mr. Household and explained he didn't see the need.

Don White stated his concern was why in Mr. Householder's presentation we haven't heard input from the Historic Resources Committee, Harbor Committee, Downtown Merchants and the Chamber of the Commerce. He did mention that the Board has heard from CEDAC, which won't take a position on it and he was suggesting that they take this back to those committees and get additional feedback. In reading through Mr. Householders notes the members of the Downtown Merchants haven't spoken highly of this program at all and that concerned Mr. White.

Mr. Householder explained that four members of the Historic Resources Committee did attend the public hearing and made comments and invitations were given to the Downtown Business Group and other groups from the Town and no one showed up to any of the three meetings.

Martin Cates explained he was present at a CEDAC meeting in which it became a divided issue such that there wasn't a driver for them to try to endorse something that three out of the four that were there didn't necessarily believe in, that it was the right thing at the right time. The feeling was that it was one more layer of control that doesn't need to happen and the committee was divided. Mr. Cates explained his major concern was creating a separate commission.

Chris MacLean came forward to explain the Planning Board heard a number of positive voices from the public and that was being overlooked. The public felt this was a good idea, even though people don't like to see change, the long term future of Camden is what the Planning Board needs to look at. There are approximately ten other towns and cities around the State of Maine who have adopted this format and it is working rather well. One of the features that is attractive about this is it makes communities eligible for substantial amount of grant money to do development in towns, if you establish this kind of commission and have it certified by the State of Maine. Mr. MacLean also explained there is a value in public discussion and running away from contentious issues and things that people have strong views on is not always the best thing to do. Mr. MacLean stated this

issue deserves a public hearing and when the Planning Board ways these issues and brings it forward and asks a Select Board to hold a public hearing on it, he feels it should be considered.

*Don White made a motion to schedule a public hearing on this proposal for Tuesday, September 6, 2011. James Heard seconded this motion. The motion passed on a 5-0-0 vote.*

- 12. Review of correspondence from MDOT relative to the Quality Community Program funding for pedestrian and/or bicycle safety projects.** Roberta explained that last year she submitted an application for the Quality Community Program for funding for a pedestrian and/or bicycle safety project which was approved and the community has been selected to receive federal funding assistance to design this project. The project funded for improvements is located on Route 105, beginning at Matthew John and extending northerly on Washington Street for 0.45 of a mile. The estimated cost and MaineDOT has programmed up to \$46,000 in federal funds contingent upon the additional minimum required local match of \$11,500. These costs are based on estimates that they had for design services and the cost of MaineDOT review of this design is something that would be paid for out of the funded amount. Ms. Smith also stated that the memo from MaineDOT states if the actual design costs proves to be greater than the approved funding amount, this municipality will be responsible for these costs.

MaineDOT has a new policy that requires a municipality to have completed Preliminary and/or Final Design on a project funded through the Quality Community Program before being eligible to receive construction funding. The design needs to be complete prior to June 30, 2012 so that it can be included in the construction funding for the next work plan scheduled to begin in the summer of 2013.

Ms. Smith stated the Board needs to signed a local project agreement and they are asking the Board to sign to indicate the municipality agrees with all the elements contained within this letter and commits to the local match as outlined above, to complete the design, and to continue with the development of the project. If the funds are expended on the project and the community decides at a later date to not proceed with construction, then all federal/state funds may be required to be reimbursed by the municipality.

*Don White made a motion to table item until #12 until DOT comes and answers all of the Boards questions and cost factors. James Heard seconded this motion. The motion passed on a 5-0-0 vote.*

- 13. Consideration of revocable license for 53 Bay View Street, LLC for encroachment of building on Bay View Street.**

*John French made a motion to approve the revocable license for 53 Bay View Street, LLC for encroachment of building on Bay View Street. Morgan Laidlaw seconded this motion. The motion passed on a 5-0-0 vote.*

- 14. Committee Reports:** No Reports

- 15. Manager's Report:**

- a. Manager Smith read a letter from Dan Bookham thanking all the town employees for a wonderful job for all their support during the events for Independence Day.
- b. Bog's Bridge: Roberta stated the bids are due on August 10<sup>th</sup> and the bid award will come before the Board on August 16<sup>th</sup> which would be contingent upon the final Planning Board stamp of approval on August 17<sup>th</sup>.
- c. Roy Marshall is retiring from the Camden Wastewater Department and there will be a retirement party for him on August 12<sup>th</sup>

*John French mad a motion to adjourn at 9:45pm. Morgan Laidlaw seconded this motion was seconded. The motion passed on a 5-0-0 vote.*

Respectfully submitted,

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Melissa A. Geary  
Recording Secretary