



**Town of Camden  
Select Board Meeting  
April 2, 2013  
6:30 P.M.**

**A. Call to Order**

**B. Communications, Presentations, and Recognitions**

- 1) Ragged Mountain Redevelopment Committee Update
- 2) Recognition of Snow Bowl Staff

**C. Citizen Comments** (for items *not* on the agenda)

*This time is set aside for members of the public to comment on any town-related issue that is not on the agenda. We ask that people keep comments within 3 minutes*

**D. Select Board Member Reports**

**E. Town Manager Report**

**F. New Business**

1. Public Hearing: Fire Prevention & Protection Ordinance
2. Consideration of the proposed fee increase for Mid-Coast Solid Waste bag fees from \$ .90 to \$1.20 per bag (15 gallon bags) and from \$1.50 to \$2.00 per bag (33 gallon bags)
3. Consideration of Revocable License Agreement for underground utilities for 58 Chestnut Street

**G. Select Board Closing Comments**

**Adjourn**

\*\*\*\*\*

**Workshop following the Select Board Meeting**

**Budget**

## Fire Prevention & Protection Ordinance

### 2012 Amendments

\* New language is shown as underlined; omitted language is shown as stricken through.

#### ARTICLE I. Purpose

This ordinance is intended to provide the Town of Camden with rules and regulations to enhance public safety by promoting the control of fire hazards; regulating the use of structures, premises, and open areas; providing for the abatement of fire hazards; and setting forth the standards for compliance and achievement of these objectives.

#### ARTICLE II. Adopted Codes & References

##### A. Fire Prevention and Building Codes Adopted

1. The Fire Chief shall have authority, along with the Code Enforcement Officer, to inspect premises related to compliance with fire prevention and protection codes adopted by the State Commissioner of Public Safety and/or incorporated into the Maine Uniform Building and Energy Code (MUBEC). All decisions related to permits applied for under the Town of Camden Zoning Ordinance and MUBEC, as incorporated therein, shall be made by the Code Enforcement Officer and may be appealed in accordance with the Town of Camden Zoning Ordinance, Article VII.

2. The Fire Chief shall have authority, along with the Code Enforcement Officer, to enforce state fire protection rules and the Maine Uniform Building and Energy Code in accordance with 25 M.R.S.A. §§ 2361. This Code adopts the Fire Prevention Code of the National Fire Protection Association, NFPA No. 1, as amended from time to time, and the Life Safety Code of the National Fire Protection Association, NFPA No. 101 and their incorporated standards and codes, as amended from time to time, as published in the National Fire Codes of the National Fire Protection Association being particularly the edition then being enforced by the State Fire Marshal's Office. The same are hereby adopted and incorporated as fully as if set out at length herein.

##### B. Inspections

1. Application to the municipality for licenses and permits requiring inspection provided by the Camden Fire Department, which shall include but not be limited to Liquor licenses, Victualer licenses, Lodging licenses and Special Amusement permits, shall include the Fire Department's completed review of the application and its required ~~sign-off~~ approval.

2. The Fire Chief or his agent shall have the authority to require an inspection of the activity site prior to ~~the issuance of a permit granting Department approval of an application.~~

3. Any application for, or acceptance of, any license or permit requested or issued pursuant to this ordinance shall constitute agreement and consent by the person making the application or accepting the license or permit (licensee) to allow the Fire Chief or his agent to enter the premises at any reasonable time after licensee receives notice to conduct such inspections as required by the Code.

~~4. The Fire Chief or his agent shall have the right to immediately inspect any and all premises upon reasonable complaint received regarding existing or future violations of the Fire Prevention Code of the National Fire Protection Association, NFPA No. 1, and/or the Life Safety Code, NFPA No. 101 as amended from time to time; provided however, this immediate inspection authority shall not apply to single or two family homes.~~

### ARTICLE III. General

#### A. Administration

1. The Town of Camden Fire Prevention and Protection Ordinance shall be administered and enforced by the Fire Chief or an assigned agent. It shall be the duty of the Fire Chief and his assigned agents to enforce all laws and ordinances of Camden, covering the following:

- a. Extinguish fires and save life and property there from;
- b. Demolish or pull down any building which may be on fire, or which may be deemed necessary to remove in order to prevent the spread of fire or the increase of danger to life or property;
- c. The prevention of fires;
- d. The storage and use of explosives and flammables;
- e. The maintenance and regulation of fire escapes;
- f. The means and adequacy of exit in case of fire, from factories, schools, hotels, lodging houses, public facilities, hospitals, churches, halls, theaters, amphitheatres, and all other places in which numbers of persons work, live, or congregate, from time to time, for any purpose;
- g. The investigation of the cause, origin, and circumstances of the fires;
- h. The maintenance of fire cause and loss records.

2. The Fire Chief of the Camden Fire Department may delegate any of his powers or duties under this ~~Chapter~~ Article to any such member of the Camden Fire Department as deemed appropriate. ~~They shall have such other powers and perform such other duties as are set forth in other sections of this Chapter, and as may be conferred and imposed from time to time by law.~~

3. It shall be the duty of the Fire Chief of the Camden Fire Department to investigate and to recommend to the Town Manager and Select Board such additional ordinances, or amendments to existing ordinances, as may be deemed necessary for safeguarding life and property against fire.

#### ~~B.~~ Appeals

~~In accordance with MRSA 25 § 2356 and MRSA 30-A § 4103(5), an appeal of any enforcement action may be taken in writing from any order or direction of the Building Official to the Board of Appeals. Fees for appeals shall be established as outlined above.~~

~~1. a. The Camden Select Board is hereby established as the Board of Appeals to sit in judgment on matters concerning interpretation of NFPA Codes hereby adopted by the Town. The Select Board shall meet to review the Fire Chief's decision for clear errors of law and rule on any properly filed appeal from a decision of the Fire Chief or his agent, giving at least five days notice of hearing. The Select Board shall conduct a hearing on appeal within 30 calendar days of the filing of notice of appeal. All of the meetings of the Select Board shall be open to the public.~~

~~b. An appeal shall be submitted to the Select Board in writing within 30 calendar days of notification of violation outlining the Code provision from which relief is sought and the remedy proposed.~~

~~c. Appeals from the Select Board decision may be made within two weeks of the vote of the decision to the Superior Court.~~

#### ~~€B.~~ False Alarms

Any alarm system that causes the transmittal of a non-emergency alarm more than three (3) times in any calendar year, after a 30-day start-up period for new installations shall pay a penalty of \$100 for each subsequent instance of a non-emergency alarm in excess of that number, upon demand by the Fire Chief or his agent. The Fire Chief or his agent shall give suitable written warning to any permit holder, or to his designated agent, whose alarm system sends a third non-emergency alarm in any calendar year. In the event an alarm is activated as a result of a natural or unnatural event beyond the property owner's control (for example disruption of the electrical service due to storm, motor vehicle accident); no fee shall be imposed.

#### ~~ƉC.~~ Authority

1. This Ordinance shall be effective November 11, 2008. Any amendments to this Ordinance shall be effective as of the date of adoption by the Town of Camden town meeting.

2. Whenever the requirements of this ordinance are in conflict with the requirements of any other lawfully adopted rule, regulation, or ordinance, the more restrictive requirements shall govern.

ED. Validity and Severability

If any section, subsection, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional, such invalidity shall not affect the remaining provisions of this ordinance and to that end the provisions of this ordinance are hereby declared to be severable.

**REVOCABLE LICENSE**

***THIS LICENSE*** made this \_\_\_\_ day of \_\_\_\_\_, 2013, by and between the Town of Camden, with principal municipal offices in Camden, Knox County, Maine (hereinafter the ATown@), and Robert Hammer and Susan Crowe, 105 Chandlers Wharf, Portland, ME 04101, Maine (hereinafter referred as the ALicensees@).

***WHEREAS***, the Licensees own a certain parcel of land at 58 Chestnut Street, Camden, Maine, located at the corner of the intersection of Chestnut Street and Frye Street and further identified as Town Tax Map119, Lot 15 (Knox County Registry of Deeds, Book 4534, Page 258 and Book 4623, Page 221);

***WHEREAS***, Chestnut Street and Frye Street are Town ways, laid out and taken by the Town of Camden;

***WHEREAS***, the Licensees have requested permission from the Town to establish an underground utilities from CMP Pole #7, generally located at the corner of the intersection of Chestnut Street and Frye Street rights of way and generally running in a southeasterly direction to the property of said Hammer and Crowe, all as set forth on a sketch by Gartley & Dorsky, dated March 28, 2013, attached as Exhibit A;

***WHEREAS***, Hammer and Crowe have also asked for a license to install and construct within the Frye Street right of way an underground storm water piping and 4' catch basin, running from near the northerly-most corner of the premises of Hammer and Crowe in a generally northwesterly direction to an existing catch basin located on the northerly side of the Frye Street right of way, and as set forth on a sketch by Gartley & Dorsky, dated March 28, 2013, attached as Exhibit B.

**WHEREAS**, the Town is willing to grant the license requested by the Licensees as a Revocable License to the extent the Town has real property interests in the subject location, subject to the terms and conditions set forth herein;

**NOW THEREFORE**, in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

1. The Town grants to the Licensees a revocable license to run underground utilities, including power, phone, internet and/or cable from CMP Pole#7 over a ten foot wide strip of land running approximately 10 feet from said pole to the generally westerly boundary of Hammer and Crowe by and along a center bearing of S 80 05 00 E as depicted on the sketch attached hereto in Exhibit A.

2. Also hereby granting a license to install a catch basin and storm water drainage system under a ten foot strip of land running approximately 32.33 feet northeasterly from the generally northerly corner of the premises of Hammer and Crowe by and along a center bearing S 52 46 37 E as depicted on the sketch attached hereto in Exhibit B.

3. In connection with the Revocable License, the Town also permits the Licensees, only to the extent of the Town=s legal interest, the right for the Licensees, contractors and agents, to enter upon the premises described generally in Exhibit A and Exhibit B (being the rights-of-way of Chestnut Street and Frye Street) for purposes of installing, maintaining, and repairing the underground utility line trench, as well as the catch basin and storm water drainage system, after prior consultation with the Road Commissioner for each such installation, maintenance or repair event. The Licensees shall be responsible, prior to construction, to confirm to the Town Attorney=s satisfaction

that the premises which are the subject of this license are not owned by any other person or entity not a party of this agreement, or to obtain an appropriate easement from said owner.

In the installation of the underground utility lines, and the catch basin and storm water drainage system, and for any maintenance or repair of the utility line, catch basin and storm water drainage system, the Licensees agree to comply with the excavation specifications set forth in Exhibit C, attached hereto. At the conclusion of any such installation, repair, or maintenance, the Licensees shall restore the right-of-way of Chestnut Street and/or Frye Street to a condition reasonably similar to the original condition and in accordance with the specifications in Exhibit C, to the satisfaction of the Road Commissioner.

4. Throughout the term of this license, the Licensees shall be responsible for all costs of maintenance and repair for work on the utility line, catch basin and storm water drainage system described herein. The Licensees shall further be responsible for all costs and maintenance for any damage caused to the property of the Town as a result of any maintenance or repair of the utility line, catch basin and storm water drainage system under and across Chestnut Street and/or Frye Street. During the term of the license, the Licensees shall maintain any portion of the Town=s property disturbed by Licensee's work as subject to this license in good condition of repair and good appearance.

5. The license set forth herein is a revocable license. The Town may elect, by and through its Select Board, to terminate this license on three (3) months advance notice to the Licensees. Such notice shall be deemed to have been given upon mailing of such written notice at a U.S. Post Office. A U.S. Postal Certificate of mailing shall be deemed to be conclusive evidence that notice was mailed on the date set forth in that certificate. For purposes of such mailing, until further notice from the Licensees, the mailing address

of the Licensees shall be as follows:

Robert Hammer and Susan Crowe  
105 Chandlers Wharf  
Portland, ME 04101

6. The Licensees agree that the license granted herein shall be used solely for the purposes of installing, maintaining and repairing utility lines crossing under and across Chestnut Street and/or Frye Street, and for the purposes of installing, maintaining and repairing a catch basin and storm water drainage system for the benefit of the Licensees. The license granted herein shall not be used for any other purpose. Licensees, by acceptance of this license, acknowledge and confirm that they are not relying on any representation herein as to the true ownership of right title or interests in the land described in Paragraph No. 2.

7. The Licensees, their agents, invitees, contractors and officials shall use the licensed area at their own risk, and the Town shall have no liability whatsoever for any injury to anyone using the licensed area on behalf of the Licensees. The Licensees further agree to indemnify and hold the Town harmless from and against any liability, loss, cost, damage or expense, including reasonable attorney=s fees, incurred by the Town, arising out of the use of the license hereunder by the Licensees or any person claiming by, through or under the Licensees, or arising out of the failure of the Licensees to perform or abide by any of the terms or conditions of this agreement, or arising out of any negligent acts by the Licensees. Licensees shall indemnify and hold harmless the Town from any claims or causes of actions of third parties brought against the Town, which in any way relates to the license granted herein.

8. The Licensees shall obtain and pay the cost during the installation, repair

and/or periodic maintenance of the underground utility line, catch basin and storm water drainage system, general liability insurance coverage of not less than Four Hundred Thousand (\$400,000) Dollars for each incident and Four Hundred Thousand (\$400,000) Dollars for all incidents in the aggregate, which insurance policy shall name the Town as an additional insured. Said coverage shall not be cancelled or amended without at least twenty (20) days prior written notice to the Town. There shall be no requirement to maintain insurance except for periods of installation, maintenance and/or repair.

9. Under no circumstances shall any use of the licensed area interfere in any way with the use of Chestnut Street and/or Frye Street as Town roads, by members of the public, or any agents, employees, or representatives of the Town.

10. The Licensees specifically acknowledge that the license granted herein is a revocable license that can be terminated or revoked by the Town upon the required notice to the Licensees; and the Licensees further acknowledge that this license does not constitute a lease and does not create any right, title or interest in any real estate or any other right, title or interest in the area subject to this license. Until the license is revoked by the Town as set forth herein, this license shall benefit the Licenses, their heirs, successors and assigns.

11. The Licenses specifically agree that this document shall not be recorded in the Knox County Registry of Deeds and, upon any such recording of this document, the license granted herein shall be immediately null and void.

12. This written license agreement constitutes the entire agreement between the parties, and this agreement shall not be amended or modified except by a written document signed by both parties.

*IN WITNESS WHEREOF*, the parties hereto have affixed their signature the date first above written.

**Town of Camden**

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Patricia Finnigan, Town Manager

**Licensees:**

\_\_\_\_\_  
Witness

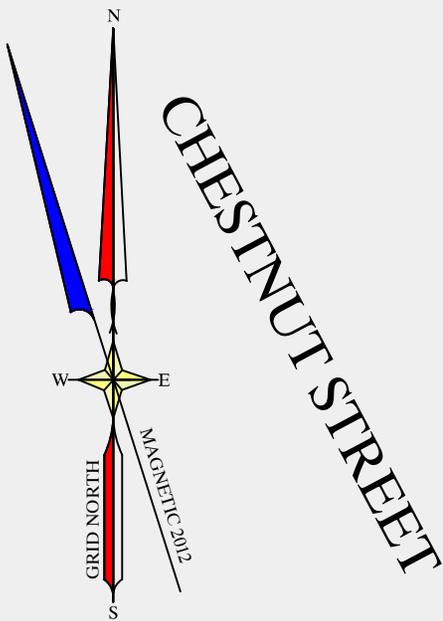
By:  
Robert Hammer

\_\_\_\_\_  
Witness

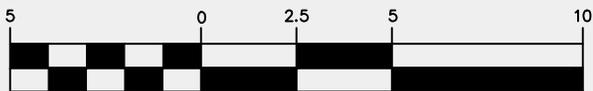
By:  
Susan Crowe

# LEGEND

-  SURVEYED PROPERTY LINE  
SEE NOTE # 1
-  PROPOSED LICENSE AREA
-  UTILITY POLE
-  GUY ANCHOR
-  P-U/G PROPOSED UNDERGROUND UTILITY
-  OH EXISTING OVERHEAD UTILITY LINE



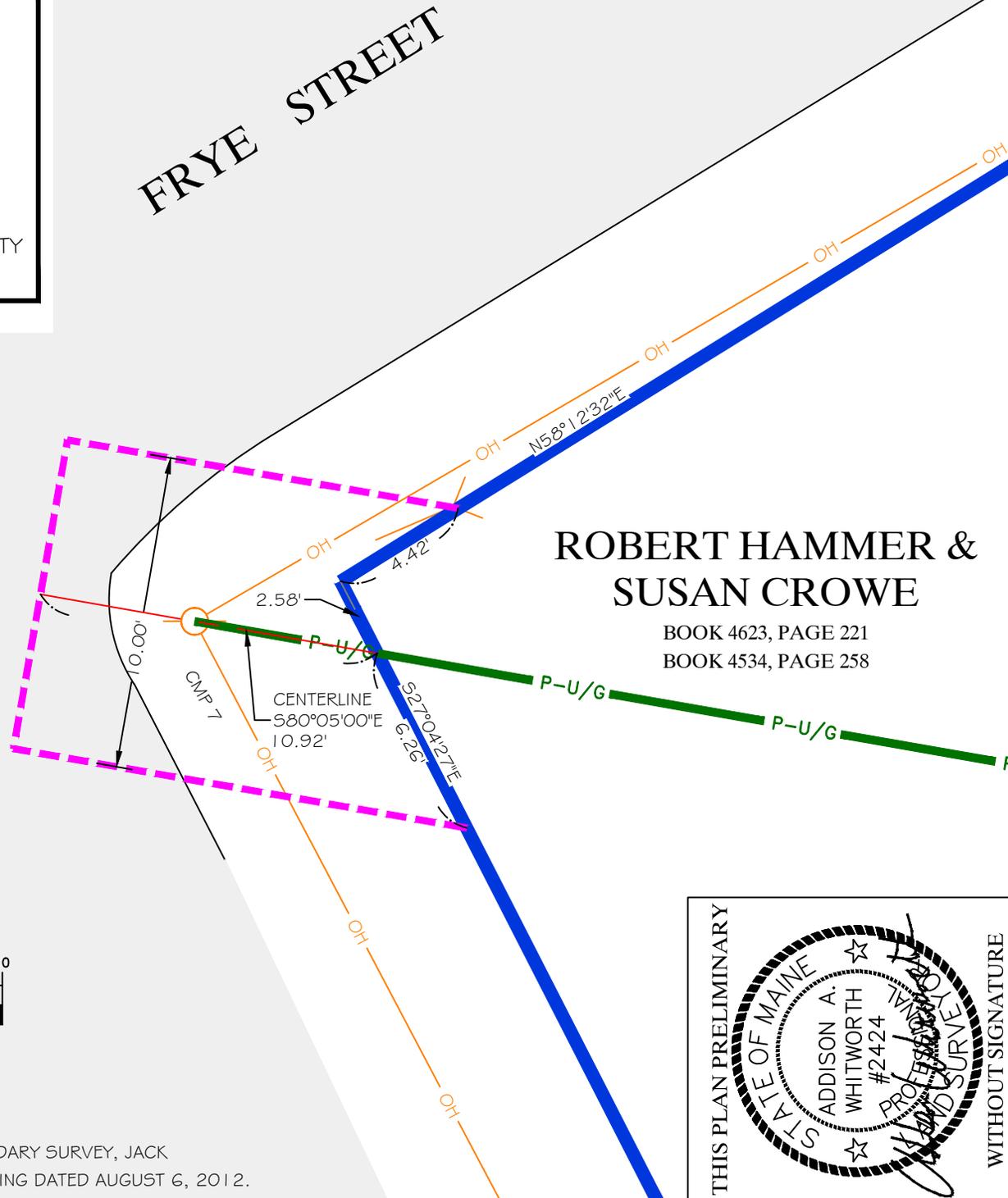
GRAPHIC SCALE



1 inch = 5 ft.

## SURVEYOR'S NOTES:

1) PROPERTY LINES ARE TAKEN FROM PLAN TITLED "BOUNDARY SURVEY, JACK SILVERIO" BY GARTLEY & DORSKY ENGINEERING & SURVEYING DATED AUGUST 6, 2012.



THIS PLAN PRELIMINARY

WITHOUT SIGNATURE

ADDISON A. WHITWORTH  
#2424  
PROFESSIONAL SURVEYOR

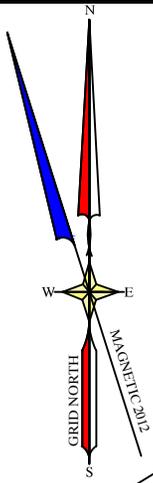
PROJECT NO.	2012-134
SHEET TITLE	EXHIBIT A
CUSTOMER	HAMMER/CROWE RESIDENCE
LOCATION	CHESTNUT & FRYE STREET
TOWN	CAMDEN
COUNTY	KNOX
STATE	MAINE
DATE	MARCH 28, 2013
SCALE	1"=5'
DRAWN BY	AW
CHECKED BY	JAD
NO.	
REVISIONS	

**Gartley & Dorsky**  
ENGINEERING SURVEYING

590 Union Street, P.O. Box 1031, Camden, ME 04843-1031  
PH: (207) 234-4345 FAX: (207) 236-3155 TOLL FREE: 1-888-292-4365

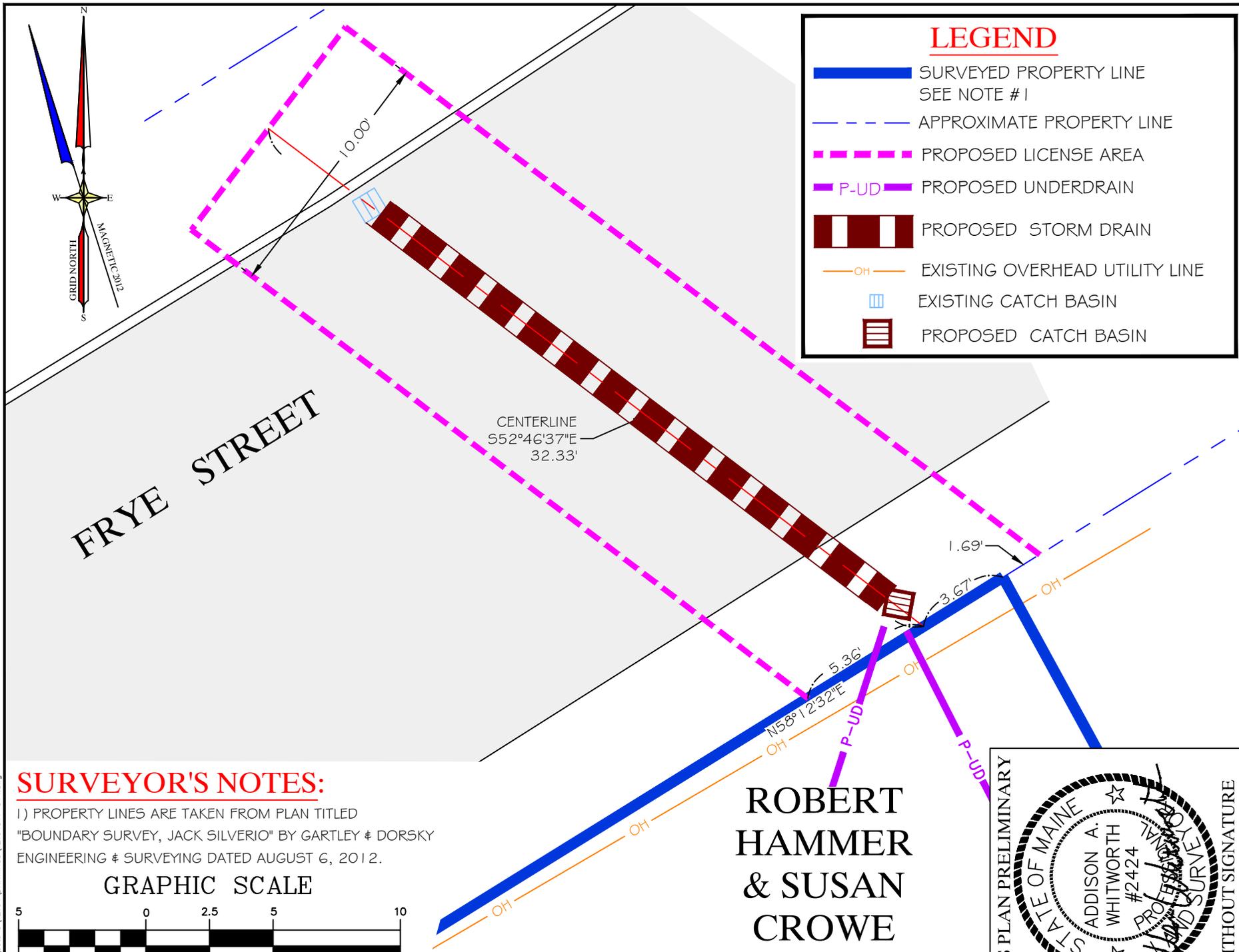
**EX-A**

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## LEGEND

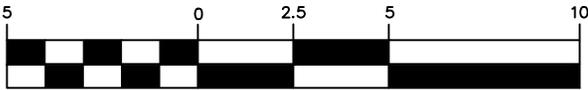
- SURVEYED PROPERTY LINE  
SEE NOTE # 1
- APPROXIMATE PROPERTY LINE
- PROPOSED LICENSE AREA
- PROPOSED UNDERDRAIN
- PROPOSED STORM DRAIN
- EXISTING OVERHEAD UTILITY LINE
- EXISTING CATCH BASIN
- PROPOSED CATCH BASIN



### SURVEYOR'S NOTES:

1) PROPERTY LINES ARE TAKEN FROM PLAN TITLED "BOUNDARY SURVEY, JACK SILVERIO" BY GARTLEY & DORSKY ENGINEERING & SURVEYING DATED AUGUST 6, 2012.

### GRAPHIC SCALE



1 inch = 5 ft.

**ROBERT  
HAMMER  
& SUSAN  
CROWE**

BOOK 4623, PAGE 221  
BOOK 4534, PAGE 258

THIS PLAN PRELIMINARY



WITHOUT SIGNATURE

PROJECT NO. 2012-134	
<b>EX-B</b>	
CITY/TOWN: CAMDEN	COUNTY: KNOX
STATE: MAINE	DRAWN BY: AW
LOCATION: CHESTNUTH & FRYE STREET	CHECKED BY: JAD
CUSTOMER: HAMMER/CROWE RESIDENCE	DATE: MARCH 28, 2013
SHEET TITLE: EXHIBIT B	SCALE: 1"=5'
	NO. REVISIONS
	DATE

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