

1 under the guidance of the Commission, to draft revised chapters for review. It is the intention
2 to staff these Work Groups with citizens who have very specific knowledge of the subject
3 matter of the various Chapters so their expertise can be used in the most effective and efficient
4 manner. If the full Select Board agrees to the proposal, the Commission will be provided with
5 the services of a paid Recording Secretary to keep a full record of the drafting process. Mr.
6 Householder has prepared a proposal to create the Commission as proposed, to present to the
7 full Select Board at their meeting on March 7. The Chair is of the opinion that the proposal
8 should be reviewed and voted on by the entire Planning Board, and Mr. Householder's letter
9 reviewed by the Board as well at their next meeting on February 2.

10
11 Discussion:

12 Mr. Lindsley: He recommends that the Commission hire a consultant to help run the meetings
13 with the larger groups – someone like Evan Reichert who was hired for the drafting of the
14 initial Comprehensive Plan. He continues to remain adamant that the size of the core group is
15 much too small for a committee that will be working for two years. People come and go and
16 there is a need for the continuity that comes from a much larger membership. Mr. Householder
17 responded that the group discussed extensively the pros and cons of having a large
18 Commission, but decided that any number above seven was too many to make discussions
19 productive.

20
21 Mr. Lindsley believes they are shorting the Town by not getting more members because
22 many of the Planning Board members are set in their ways and need to hear more points of
23 view. Mr. MacLean noted that it was up to the Select Board to choose the citizen members of
24 the Commission, and that Planning Board members will not be making unilateral decisions.
25 Mr. Householder added that the Commission will act as a steering committee and a clearing
26 house for groups that will be doing the actual research and revisions. The Commission will
27 review the work, compile it and present it; it is the Working Groups that will have the subject
28 interest and the knowledge. Mr. Lindsley reiterated that larger groups come up with different
29 ideas because there are simply many more points of view.

30
31 Mr. MacLean recommended that the Board move forward and recommend that the
32 Commission be formed; the makeup of the Commission can be amended as the work begins
33 and it becomes necessary to expand the core group. In making this recommendation, they
34 should not lightly disregard Mr. Lindsley's caution.

35
36 Leonard Lookner who was attending the meeting on another matter, asked to speak: He
37 and Mr. Lindsley were both part of the original Committee formed to write the first
38 Comprehensive Plan, and they share the opinion that it was one of the best civic interactions
39 that has ever taken place in Town. They also agree that it was so successful because there were
40 so many citizens participating from every walk of life. The range of experience and ideas was
41 amazing and resulted in a very good Plan that still forms the basis of today's Comprehensive
42 Plan. Even though they were about twenty members strong, they reached consensus easily and
43 shared in the huge work load. He recommends that they consider, at least, adding a couple of
44 citizen alternates so if someone does drop out in the two-years it will take, there is someone
45 who is up to speed who can step in.

46
47 **MOTION by Mr. MacLean seconded by Mr. Householder** to endorse the recommendation
48 to form a Comprehensive Planning Commission made up of seven members, with Mr.

1 Householder and Mr. Sargent serving as the two regular members from the Planning Board and
2 Ms. MacKinnon serving as the alternate Planning Board member, as well as the other details of
3 membership and reporting as recommended by the working group.

4 **VOTE: 6-1-0 with Mr. Lindsley opposed**

6 **4. MOBILE FOOD VENDER OPTIONS**

8 Mr. Wilson introduced the subject by saying that a request came from a citizen for the
9 Board to address allowing Ice Cream Trucks to drive Camden's neighborhoods to see their
10 product; that is not allowed under the current Ordinance. When he brought the issue before the
11 Board, Mr. Wilson recommended looking at food vendors as a whole since the issue of food trucks
12 and other mobile food vendors also needs to be addressed. Over the past two summers he has had
13 inquiries from food truck owners over the past two summers for permission to set up in Town, and
14 there are no rules to govern their operation. They are permitted in the B1 District, and nowhere
15 else in Town, and they must meet certain criteria but not many; he is of the opinion that the Town
16 should move to define regulations before it does become a problem.

18 Ice Cream Trucks: The complaints came to his office about the loud and persistent music
19 played by the vendor, and not about the fact that the truck was selling ice cream. Based on the
20 response to the stories in the press when he told the ice cream vendor he had no right to sell ice
21 cream, people want that service for the children in Town, but they don't want the noise that goes
22 along with it. He has no mechanism within the Ordinance to permit those sales at this time. Ms.
23 MacKinnon agreed that there should be some restrictions – perhaps hours of operation and controls
24 over music (use bells instead), but the Town should find a way to allow this. She doesn't believe
25 that sales should be restricted to pre-packaged ice cream either, but Mr. Wilson explained that a
26 whole range of different licenses and inspections come into play when the food being sold is *not*
27 pre-packaged; things like water sources, surfaces, cleanliness, etc. - the rules are much stricter and
28 make it hard to be a vendor that is mobile.

30 Comments from the Board:

32 Mr. Householder: He agrees that if they take on the issue they should cover all categories of
33 vendors.

35 Ms. McConnel wants to address noise limitations: perhaps not allow just one single song to
36 repeated over and over or even requiring bells instead; and volume controls. She also wants to
37 make sure that they don't detract from business at local stores – perhaps not allow them in areas
38 close to downtown.

40 Mr. Sabanty: He is concerned that vendors won't be paying taxes to Camden and would take away
41 from taxpayers who have to pay for trash disposal and public bathrooms.

43 Mr. Sargent: Agrees that if they do consider developing regulations that all food vendors who
44 aren't "brick and mortar" be covered – the whole range. He does not believe they will take away
45 business from established stores. The Board can't act to protect existing businesses; if an ice
46 cream vendor wanted to go into a storefront they couldn't keep him out just because it means
47 competition for existing businesses. The difference is that there different issues to address.

1 He noticed in the handouts on other town's vendor ordinances that fees for permits are,
2 overall, quite steep – into the hundreds and even thousands of dollars for an annual license. He
3 thinks that whatever Camden does, it ought to include a permit fee that it steep enough that it helps
4 put brick and mortar restaurants and these vendors on a more level playing field with regard to
5 property expenses. They won't be paying property taxes, but their fee should be on a par with the
6 taxes of those that do. Camden shouldn't restrain trade – this is a “let the market decide” situation.
7

8 There is a lot to do to address the issue properly and it will take a long time to do the
9 research; they need to bring in experts on licensing requirements, etc.; it surely can't be done for
10 this summer. Mr. Wilson agrees, and he prepared a suggested check list of items to be included in
11 the discussion:

- 12 A. To be allowed or not
- 13 B. If allowed in which zones/areas
- 14 C. Licensing requirements if any
- 15 D. Location restrictions, street side, public/private parking areas, or on public/private
- 16 property.
- 17 E. Parking requirements if any
- 18 F. Seating requirements if any
- 19 G. Signage
- 20 H. Noise
- 21 I. Trash
- 22 J. Other

23 It was suggested that “Liability Insurance” be added to this list.
24

25 Mr. Wilson: Mobile vendors also include people selling produce and fish by the side of the road.
26 Ms. MacKinnon asked what happened to the shrimp vendors in front of Party Fundamentals, and
27 Mr. Wilson replied that he told them they could not sell from there and asked them to go. The only
28 place they would be allowed to sell is in the B1. They are not allowed to park in public parking
29 spaces, and even though they are licensed by the State to sell, the Zoning Ordinance doesn't permit
30 “fast food” outside of the B1. Harbor Dogs exists on the Public Landing because it has been there
31 forever; others who have asked to come have been turned away. Street vendors are allowed for
32 special events under individual Special Amusement Permits obtained for each event.
33

34 Licenses for mobile vendors are Victualler's Licenses, and cost \$175/year. The kitchen is
35 inspected once a year – unless they leave their spot to go to a fair or show; in that case they have to
36 be re-inspected when they return. They are treated like brick and mortar kitchens with stringent
37 health inspection codes that must be met, but a Victualler's License doesn't require parking
38 because there is no seating.
39

40 There were several citizens in attendance and the Chair noted that although this was not a time
41 for public comment, they would not be turned away if they wanted to be heard.
42

43 Alicia Handy (?): Owner of the Smoothie Shack, a food vendor located in the former gas station
44 lot on Elm Street: Ms. Handy thinks it would be fine to allow ice cream vendors, but other food
45 vendors should have controls: they should have to be near a power supply so they don't have to
46 run a generator; they need good water nearby – who is going to supply that; where are they going
47 to dump the waste; what are the hours of operation; who is going to regulate the operation of the
48 vendors? Now, a Victualler's License application goes before the Select Board for approval –

1 will that still be the case? Mr. Sargent asked Ms. Handy what she thought of the fact that in
2 Brunswick they are not allowed within 55' of a brick and mortar restaurant – should this be the
3 case here. Ms. Handy thinks there should be some separation distance – especially between the
4 vendors – perhaps at least 15' maybe more. She would be very upset if someone could just park
5 on the street in front of her truck without any controls. She purchased that lot so she would have
6 a permanent home, she pays taxes for the property, and she feels she should have some
7 protection from someone just being able to drive into Town and park wherever they want. Every
8 other vendor in Town should have to go through the same process she did to get approval; they
9 should be tied to a certain lot with access to power and water and parking. Some places do allow
10 them in parks.

11
12 Mark Hannibal: Owner of Marco Loco Taco: He obtained his Victualler's License as well after
13 he finally found a space to locate in the B1 in front of Frugal Susie's. He made the point that
14 there were very suitable locations for his truck -- McDucks and in front of Party Fundamentals
15 (where he had permission from the owner) – but Zoning didn't allow him to locate there. He
16 comes in after the businesses closed so not to interfere with business traffic, but after one season
17 the shop owner started staying open late because of the traffic his truck brought to the lot – he
18 was good for her business, and has been invited back. He prefers, however, not to be downtown
19 near the restaurants, and hope Camden will reconsider where these trucks might be allowed.

20
21 Mr. Wilson explained that fast-food – which is how these vendors are classified – is allowed in
22 the B1, B2, BR, and BTR, but not the B-3 along Route 1. This was done on purpose to keep
23 chains from Town; sit down restaurants are allowed in the B3 under certain pre-existing
24 conditions.

25
26 Leonard Lookner: Owner, Waterfront Restaurant: He loves the idea of food carts and food
27 trucks, but as a restaurant owner he see this competition having an unfair advantage: they come
28 in at the busiest time of year with virtually no overhead and provide essentially the same services
29 for a fee of \$175 compared to the thousands and thousands of property tax dollars alone his
30 business pays year after year. They also must pay for trash and water and power, etc. in addition.
31 Because food truck patrons would like take advantage of his restaurant's restroom facilities, and
32 his taxes pay for other services, he is essentially subsidizing his competition. In addition, as a
33 year-round business in Town he provides year-round jobs and contributes heavily to local
34 charities and causes – hundreds of gift certificates are included in thousands of dollars in
35 donations to fund raisers. Food truck owners won't be contributing in this way and they won't
36 belong to and support the local chamber which tries to bring people to Town – they will benefit
37 but not contribute.

38
39 He has thought for years that the Town's Tannery property would be a great place for
40 vendors and perhaps food trucks could all be located here. It would create a festive atmosphere
41 close to Town, and this is the River Business District so they are allowed.

42
43 Mr. MacLean asked the Planning Board members what they want to do – do they want to explore
44 their options with regard to an Ordinance? Mr. Householder asked Mr. Wilson how many
45 vendors have approached him recently; Mr. Wilson replied there was one ice cream vendor who
46 wants to sell this summer and two fish vendors looking for a place to sell this season.

47

1 Mr. Wilson noted that the Farmer’s Market has been expanding and is talking about allowing
2 vendors to sell prepared food. Perhaps if zoning is changed that should be taken into
3 consideration as well.

4
5 Mr. Householder: Table the issue but keep it on the priority list.

6
7 Ms. McConnell: Asked about the ice cream truck complaints – how was it that action was taken.
8 Mr. Wilson replied that he received noise complaints and realized the truck could not be licensed
9 so he told the driver he had to go; there were no complaints about vending ice cream as a
10 product.

11
12 Ms. MacKinnon asked if there was some way that ice cream trucks could be allowed if they just
13 sold pre-packaged products. The response was that it is not that simple if all the vendors are to
14 be included.

15
16 Martha Brouer: Her son has a Fish and Chips stand in Rockland – he wanted to be here but
17 wasn’t allowed. She thinks Camden needs this kind of “Sea-side Town” atmosphere and they
18 should allow certain vendors. She agrees that repetitive “silly songs” should not be permitted by
19 mobile vendors, and does understand the brick and mortar concerns, but Camden could use this
20 kind of business as a way to get people started in the business.

21
22 Mr. Sargent believes they will need three sets of Ordinances: ice cream trucks and vendors
23 selling pre-packaged food; street carts – vendors selling one or two prepared foods; and food
24 trucks –basically restaurants on wheels. The fees need to be high enough that the Town services
25 are not being subsidized by taxpayers and other business owners. He would put this aside for
26 now and suggest that the Comprehensive Plan folks consider what the Town wants in this regard.

27
28 Elinor Masin-Peters: Her son owns Peter Otts; she and her husband own a restaurant in
29 Thomaston; and Alicia is her daughter-in-law – she understands the business. She has heard
30 really good points, and agrees the Town should look to the Comp Plan for guidance. The Town
31 is saturated with restaurants and each new one thins the available customer base even more. The
32 Town needs a whole picture of what they want for Camden as a whole.

33
34 Leonard Lookner: Announced that on January 26 the Downtown Master Plan Working Group
35 will hold a hearing at 6:30 in the Opera House; perhaps this issue will come up at that time.
36 They will be talking about where the Town wants to go.

37
38 Mr. MacLean: He is hearing that the Board wants to hold off serious consideration for now, and
39 wants to discuss the range of vendors from ice cream trucks on.

40
41 Mr. Sabanty: There is nothing troublesome yet – no hurry.

42
43 Ms. MacKinnon: She does not want to table the issue and wants to look into the subject more. It
44 is not just tourists that want to see food trucks in Town, but locals as well – including herself.
45 All the restaurants offer take-out, so this would not be a situation where a food truck take-out is
46 in competition with just the option of sitting down. There is no difference than if it were another
47 restaurant coming to Town that also offered take-out – there is room for everybody and enough
48 business to go around. In addition, people take doggie bags from restaurants all the time – there

1 should be no more concerns about the trash that will come from food trucks than from sit down
2 restaurants.

3
4 Alicia Handy: She thinks anybody new coming to Town should have to do exactly what she had
5 to do – find a private piece of property on which to locate.

6
7 Leonard Lookner: The Ordinance allows for a certain amount of paper products leaving a sit-
8 down restaurant. That was done to address the need for take-out in Town but to avoid a line-up
9 of fast food restaurants coming down Route 1.

10
11 Mr. MacLean believes that there should be a way to allow ice cream trucks since they
12 have been a part of our culture for so long; he supports doing that. But the issue is very
13 complicated. They have to look at not favoring one vendor over another – they are not in the
14 business of protecting sit down restaurants, but do need to address relevant concerns. He
15 suggested that the Board put this back on the agenda in late spring and see what the community
16 sentiment might be at that time by holding a Public Informational Meeting; all agreed.

17
18 Martha Brouer asked why the shellfish vendors weren't allowed any longer. Mr. Wilson
19 said that they are not permitted in the B3 District, and when he became aware they were selling
20 there he had to take action because they were in violation of the Ordinance. He went to them and
21 told them they would have to leave. She understands that he has to enforce the Ordinance if he
22 finds out, it is just that they have been allowed to do this for years and years and it is something
23 the people seem to want, and she hopes the Board finds a way to allow this to happen.

24 25 **5. PRIVATE WAYS**

26
27 Mr. Wilson had tried to address the Board's concerns expressed at the previous meeting –
28 to do away with the term (including the definition of) "Private Way"; revise the Private Way
29 Ordinance to refer to Driveways over 500' in length; and revise the Definition of Driveway to
30 include what are now Private Ways. He found it a very difficult challenge and has come back to
31 the Board with the Original Private Way Ordinance and suggested that they begin again to try to
32 find a way to accomplish the objective of reviewing driveways over 500' in length. After some
33 discussion it was clear that the issue is still confusing, and the Board was back to square one.

34
35 The Recording Secretary had continued to find a way to include the Board's initial desire
36 to limit review of these long driveways to instances where there was a principal use only. They
37 did not want to require driveways leading to accessory buildings to have to meet construction
38 standards until there was a reason to do so. Ms. Hollingsworth worked with an ordinance writer
39 from the State Planning Office to come up with some model language to accomplish this goal by
40 way of a waiver of review: An applicant wanting to put in a long driveway will come to the
41 Planning Board and request a waiver of review of the Private Way standards. If the Board grants
42 that waiver it would do so with the condition that no permit for a dwelling unit could be issued
43 by the Town until that driveway was found to comply with the Private Way Ordinance. That
44 Condition of Approval, along with an Affidavit outlining the procedure, would be recorded with
45 the deed to the property, and proof of that recording kept on file with the property records. This
46 kind of approach is intended to relieve the Town of liability if an owner claims they were not
47 aware of the restriction, or if an owner demands to leave the road in substandard condition based
48 on the principal of *estoppel*. The proposal needs to be reviewed and discussed, but it may be a

1 way to address the shortcomings of the current Ordinance. Copies of the proposed language will
2 be distributed and discussed at the next meeting.

3
4 **6. DISCUSSION**

5 1. *Minor Field Adjustments:* There were none

6
7 2. *February 2 Meeting:*

8 Kurill Residential Pier Application: Site Plan Pre-Application Meeting

9 Private Ways

10 *February 16 Meeting:*

11 Start Road: Private Way Ordinance

12
13 3. *Signs:* Richard Householder, Chair, reporting: The Sign Committee met to begin work on the
14 new signs project. Mr. Householder and Ms. MacKinnon represent the Planning Board; Don
15 White and Jim Heard represented the Select Board; and three members of the Camden
16 Downtown Business Group (CDBG) attended as did CEO Steve Wilson and the owner of the
17 new real estate business on Bayview Street. The Committee will be keeping a formal written
18 record of its meetings and reporting back to the Planning Board as they do now.

19
20 Regina Leonard, part of the Team working on the Downtown Master Plan, attended the
21 second meeting of the group to offer her expertise, and to discuss the project as it ties in to the
22 Master Plan. She had a great deal of technical information to offer regarding signage and some
23 good suggestions.

24
25 The Committee decided to first work on directional signs to Bayview Street shops, etc.,
26 concentrating on which businesses will be included and where the signs will be placed. Mr.
27 Householder and Mr. Wilson plan on meeting with representatives from Camden National Bank
28 to discuss placing some additional directional signs temporarily on the Bank property until a
29 permanent location is found. The River Business District businesses have been talking about
30 some new signs, but are holding off until they know more about proposals from the Sign
31 Committee. Anything they do probably won't be ready for this June, except for asking for funds
32 to fix the existing signs and revert back to the original blue and white color scheme. They are
33 much too busy now, and Ms. Leonard informed them that there are actual formulas to use to
34 determine letter size that is based on the speed of traffic – and whether they are being seen from
35 car or on foot – at which the signs will be read. The CDBG is most interested in working on the
36 signage that will be geared to the walking public.

37
38 4. *Other:* There is a rumor that the Spear Farm re-acquired a parcel they had sold and will be
39 adding it back into the mother parcel that is now conserved. This will require subdivision
40 review, and Mr. MacLean asked Mr. Wilson to inform the Town of Rockport, who will be
41 involved because the parcel crossed town lines, that Camden will follow the procedure outlined
42 by their Attorney last time this issue came forward. There will need to be at least one joint
43 meeting of the Planning Boards of both towns, and Camden will not move forward until that
44 meeting has been arranged, and the procedure for review agreed to.

45
46 There being no further business before the Board they adjourned at 7:00 pm.

47
48 Respectfully submitted, Jeanne Hollingsworth, Recording Secretary