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**CAMDEN PLANNING BOARD**  
**MINUTES OF MEETING**  
**February 5, 2015**

**PRESENT:** Chair Lowrie Sargent; Members Richard Bernhard, Richard Householder, and John Scholz; and CEO Steve Wilson  
**ABSENT:** Member Jan MacKinnon

The meeting of the Planning Board convened at 5:00 pm. These minutes are a summary of the Board's discussions. A video recording of the full meeting is available by linking from the Town's website at <http://www.camdenmaine.gov/> or <http://www.townhallstreams.com/locations/camden-me>.

*PUBLIC HEARING*

**1. PUBLIC INPUT ON NON-AGENDA ITEMS:** No one came forward

**2. MINUTES:**

January 15, 2015: Action deferred until the next meeting

January 22, 2015:

Page 4 Line 174: A new sentence was added: "The Applicant agreed to do this and will submit a revised Plan for the Board's signature."

Page 6 Line 240: "Jan MacKinnon is writing ~~about~~ to rebut..."

**MOTION by Mr. Bernhard seconded by Mr. Scholz** to accept the Minutes of January 22, 2015, as amended.

**VOTE: 4-0-0**

**3. SITE PLAN REVIEW: Construct, enlarge, piers, wharves, bulkheads...**

**Small Harbor Improvement Project (SHIP) for Public Landing Improvements  
Town of Camden: MAP 120 Lot 293: 2 Public Landing**

Town Manager Patricia Finnegan represented the Town in the Application to use SHIP Grant money to make the following improvements to the Public Landing:

- Provision of a fishermen's hoist
- Widening of the existing boardwalks
- Installation of cable railings along portions of the boardwalk
- Installation of conduit and wiring for power to the hoist as well as for future landing lighting improvements for pedestrians
- Revise the parking lot layout

The Plan was scheduled to be reviewed to determine if the Site Plan Content requirements had been met. Mr. Sargent informed Ms. Finnegan that the project engineers, T.Y. Lin International, evidently intended that the Natural Resources Protection Act Application (NRPA), be relied upon to serve as the source of several submissions required under Site Plan Review. Mr. Sargent informed Ms. Finnegan that this was not acceptable; each submission requirement must be submitted on its own. T.Y. Lin is welcome to use excerpts from the NRPA package, but they must be submitted independent of the Permit Application packet.

50 In addition, there is no actual Site Plan with a signature block – one of the Plans submitted  
51 should be titled as a Site Plan and T.Y. Lin should make sure that all the information on the Plan is  
52 up-to-date especially with regard to ownership of abutting properties. If they are going to include  
53 this kind of information, which is not required for this class of Site Plan, it needs to be correct or it  
54 needs to be removed. In addition to extraneous information, Mr. Sargent noted that there were  
55 several careless errors; inconsistencies; and missing information that varied from Plan to Plan.

56  
57 Mr. Scholz agreed that the submissions need to be reviewed, and recommended that the  
58 Application is vetted by someone who knows the requirements of the Ordinance. Mr. Bernhard  
59 agreed that there were many details missing from the Plans. He asked that the scope of the project is  
60 clarified with regard to what details on the Plan apply to this project and which will apply to the next  
61 phase.

62  
63 Mr. Wilson was asked if there was a change in the scope of the work permitted under the  
64 NRPA, is a new NRPA required. He replied that as long as the project is less impactful the current  
65 permit will stand.

66  
67 Board members were unanimous in supporting the concept, however the Chair informed Ms.  
68 Finnegan that the Board would not review the Application this evening and requested that T.Y. Lin  
69 prepare a revised submission that addressed the specifics of the Ordinance. He offered to speak with  
70 T.Y. Lin representatives if they had any questions. If the revised Application is in on time, the Town  
71 can return on March 5 for review.

72  
73 The CEO asked that the Public Hearing Scheduled for this evening be continued to March 5.  
74

75 *PUBLIC INFORMATION GATHERING MEETING*

76  
77 **4. PROPOSED ZONING ORDINANCE AMENDMENTS:**

78 **1) Business Opportunity Zone (BOZ): Creation of new Overlay Business District**

79  
80 Mr. Sargent and Mr. Scholz introduced the genesis of the BOZ – an effort to create an open  
81 space commercial zone to encourage development at the Southern Gateway. The Board has worked  
82 for a year and has arrived at the BOZ concept presented this evening. The focus was to control uses;  
83 implement intensive landscaping requirements and set building space and bulk standards unique to  
84 the BOZ. The goal was to provide for creativity in the design of structures yet control results by  
85 implementing a review process that includes architectural standards for scale, proportion and  
86 blending with the topography, as well as standards for screening, landscaping and parking intended  
87 to protect the character of the Town. The hope is to provide increased opportunities for development  
88 on small or odd-shaped lots in Town where otherwise appropriate development might not be  
89 practical - or even possible.

90  
91 The first Public Hearing was set for February 19.

92  
93 **2) Amend Article VIII the Traditional Village (V) and Village Extension (VE) Districts:**

94  
95 Mr. Bernhard introduced this proposal and shared the research he had done into the history of  
96 what is being called the “500' Provision”. This provision allows owners of properties within 500' of  
97 certain commercial districts to apply for a Special Exception for a Low Impact Use that is not  
98 otherwise permitted in the V or VE.  
99 Mr. Bernhard argued that:

- 100 ➤ The districts are well laid-out, and in nearly every instance those zoning map lines are
- 101 further delineated by changes in physical and architectural characteristics that speak to the
- 102 residential nature of both the V and the VE
- 103 ➤ A 500' distance within which to permit a Low Impact Use seems ambiguous and puts many
- 104 properties in otherwise heavily residential areas at risk of commercial development in their
- 105 neighborhood
- 106 ➤ The history of the origin of the 500' provision is not clear; a former CEO nor could not
- 107 remember the genesis. The former Chair of the 1992 Comprehensive Plan Committee
- 108 recalled that there was an effort to provide Home Occupations a way to take the next step in
- 109 growing a business by providing for Low Impact Uses that had to undergo more review
- 110 ➤ Mr. Bernhard elaborated on the stark differences as the various B Districts transition to a V
- 111 or VE property – there are no blurred zoning lines in Camden – only clear cut adjacencies.
- 112 He also spoke again about how much of the Town could be impacted if this provision were
- 113 to be applied across the Town
- 114

115 Mr. Bernhard and Mr. Scholz had recommended that the 500' provision be eliminated, and  
116 the Board had agreed. They also agreed that if the provision had been an attempt to help those with  
117 Home Occupations, then if the 500' provision is removed they should go back and look at the Home  
118 Occupation Ordinance to see if there was a way to address the needs of those businesses. Mr. Scholz  
119 believes that the concept, which is used in larger urban areas where zoning lines are already blurred,  
120 does not apply to a small Town with well-defined zones like Camden.

121  
122 *Public Comments:*

123  
124 Cindy Ostrowski, owner of the Blackberry Inn and The Elms: She thanked the Board for realizing  
125 that there could easily be unintended consequences of the 500' provision -- such as the scenario  
126 involving the Windward House – and for taking steps to rectify the situation. The zones in Camden  
127 as outlined do work; and, it is important that neighbors know exactly what will be allowed in their  
128 neighborhood.

129  
130 *Consistency with the Comprehensive Plan*

131 The Board discussed an issue raised by Mr. Scholz at an earlier meeting: Would this change to the  
132 Zoning Ordinance be consistent with the Comprehensive Plan? Members had been provided with  
133 two excerpts from the Plan where the 500' provision for Low Impact Uses was discussed. They  
134 agreed that since the Plan did not *require* this provision, that doing away with it would not create an  
135 inconsistency. (See Attachment 1)

136  
137 Dennis McGuirk: He agrees with the intent of the Board's proposal, but wonders if a lawyer would  
138 agree with the Board's interpretation that the Comp Plan does not say that the 500' provision should  
139 be allowed.

140  
141 The first Public Hearing was set for February 19.

142  
143 **5. PROPOSAL to DEVELOP an ORDINANCE AMENDMENT:**

144  
145 **Noise Ordinance - Concept Introduction: John Scholz and Dennis McGuirk**

146 Police Chief Gagne has also been participating in the development of the Ordinance but was not  
147 available to participate in the evening's discussion.

148

149 Mr. McGuirk had prepared a Power Point presentation to summarize the second draft of a  
150 proposal for a Noise Ordinance that had been written by himself, Mr. Scholz and Chief Gagne.  
151 Much revised since the first draft, this version simplified the enforcement side of the proposal: No  
152 highly trained technical staff will be needed to utilize expensive calibrated instruments. This  
153 proposal provides the basis for the first level of enforcement. If problems are on-going at a specific  
154 site, at the time the offender is taken to court for repeat violations, the Town can hire a professional  
155 to provide the kind of proof that will be required to successfully prosecute. Mr. McGuirk noted that  
156 the Ordinance is not intended to squash activities in Town, but to give the police some reasonable  
157 tools to use in enforcing a noise ordinance.  
158

159 The Board viewed the presentation, electronic copies of which can be obtained from the  
160 Codes Office or viewed on line from the Town's website. The Board then reviewed the draft  
161 ordinance and offered comments – especially the provisions for requesting a variance from  
162 permissible noise levels from the ZBA for special events. A revised draft will be prepared for further  
163 review on March 5 before the draft is scheduled for a Public Hearing. The Board discussed various  
164 ways to introduce the complicated concept to the public including a pared down slide presentation; a  
165 list of Frequently Asked Questions (FAQ's); and providing more illustrations of common sources –  
166 and levels - of noise that will be covered by the Ordinance.  
167

## 168 **6. Ragged Mountain Redevelopment Plan:**

169  
170 The Board signed the revised Final Plan showing the crosswalk.  
171

## 172 **7. DISCUSSION:**

173  
174 1. Minor Field Adjustments: There were none  
175

176 2. Future Agenda Items:

177 1) Revising the Harbor Ordinance and Zoning Ordinance: Mr. Sargent spoke with a  
178 representative of the Harbor Committee and informed him of the Board's understanding of how  
179 the process of revising the two Ordinances would work: The Harbor Committee should come to  
180 a meeting of the Planning Board prepared to discuss exactly how they want to see the Zoning  
181 Ordinance amended where it interfaces with the changes they intend to propose to the Harbor  
182 Ordinance. The Planning Board would then proceed as with any other request for an amendment  
183 and then determine whether or not to recommend the Zoning Ordinance changes to the Select  
184 Board or not.  
185

186 The CEO explained that the Planning Board has been asked to make a recommendation to  
187 the Select Board with regard to the proposed changes to the Harbor Ordinance. The Planning  
188 Board can offer a recommendation of "ought to be passed on to the voters" if that is what they  
189 decide, but the final proposal of the Harbor Committee for changes to their Ordinance *must* be  
190 sent forward as is. Changes proposed by the Harbor Committee to the Zoning Ordinance are  
191 different: The proposed changes can be sent forward as is; they can be changed to suit the  
192 Planning Board; or the Board can recommend no changes at all and simply inform the Select  
193 Board of their decision.  
194  
195  
196  
197

198 2) Historic Resources Committee – work to create an Historic Preservation Ordinance:  
199 Richard Householder

200  
201 The Chair noted that when Mr. Householder and the Historic Resources Committee are  
202 ready to begin work they should tie into representatives from the Downtown Network Board and  
203 the folks that are working to obtain Main Street USA status for Camden. In order to be accepted  
204 as a full member of the latter, a town must have adopted an Historic Preservation Ordinance.  
205

206 4. February 19 Meeting:  
207 Proposed Ordinance Amendments: Public Hearings  
208 Business Opportunity Zone (BOZ)  
209 500' Provision  
210 Public Landing Improvements update  
211

212 5. Middle School Update: The proposal for the new Middle School was defeated by the voters  
213 in both Towns. Members of the Board were pleased that they had elevated the level of  
214 discussion among voters who wanted more information.  
215

216 There being no further business before the Board they adjourned at 7:00pm.  
217

218 Respectfully submitted,  
219

220  
221 Jeanne Hollingsworth, Recording Secretary

222 ATTACHMENT 1: MEMORANDUM TO PLANNING BOARD REGARDING COMP PLAN  
223 REFERENCES TO 500' PROVISION

224

225 TO: Steve Wilson ([my comments are in blue](#))  
226 Lowrie Sargent  
227 Members of the Planning Board

228 FROM: Jeanne

229 DATE: January 23, 2015

230

231 Researching the Comp Plan after John raised the issue with regard to the proposed 500'  
232 transitional zone amendment, I found these two sections. I've tried to give you some context and I  
233 provided page references ...

234

235 Lowrie – do you want this item moved from PIGM to Discussion for the next agenda?

236

## 237 CHAPTER 10 LAND USE PATTERNS

239 COMMERCIAL LAND USE (Pages 10-4 and 10-5):

240 Commercial land use in Camden is concentrated in three areas:

241

242 (1) The Harbor Business District and the surrounding Business 1 District is the heart of Camden.  
243 Visual, pedestrian, and commercial access to the harbor is the major attraction to the downtown  
244 area for both the local and the tourist populations. The intensity of use is high, but the area is  
245 well defined: from School Street to Sea Street and on the roadways that rim the harbor. Uses  
246 include a full array of small retail, service, lodging, water-oriented recreation, and restaurant  
247 establishments, and civic and public uses. There have been some conversions and infill  
248 commercial development over the last decade, but little additional vacant land exists for  
249 expansion. The new sidewalks and streetlights have helped maintain the traditional village  
250 character of the downtown business district.

251

252 (2) The Transitional Business District (B-3), from Elm Street downtown to the Rockport town  
253 line has served as something of a relief valve for commercial activity that was unable (due to  
254 lack of space or to cost) to locate downtown or that preferred a site near the Camden Square  
255 shopping center on the Camden-Rockport town line. Prevalent uses range from the classic  
256 neighborhood shopping center with supermarket, drug store, and banks--and the Reny's center, to  
257 the Quarry Hill nursing home and retirement community, to small motels, freestanding service,  
258 financial, and professional establishments. This segment has not deteriorated into a highway-  
259 oriented "strip." Current B-3 zoning emphasizes maintenance of existing residential-scale  
260 structures and exclusion of highway-oriented, high volume uses like fast-food restaurants, but  
261 adherence to the spirit as well as the letter of the B-3 guidelines will be important.

262

263 (3) A small convenience shopping area exists at Megunticook Corners on Route 105, serving the  
264 surrounding neighborhood.

265 (4) In recent years, the mill buildings along the river have been renovated into offices,  
266 principally by MBNA. Some new buildings have been constructed, such as the Camden Riverhouse  
267 Hotel. This new activity has increased the town's economic base and improved the district. As  
268 long as the development does not overwhelm other aspects of the Town's life, the changes are  
269 welcome. Realize now about 1/2 of the above MBNA space has been repurposed as residential and  
270 there has been interest in using the upper floors of the remaining buildings as residential further  
271 decreasing the available commercial space.  
272

273 In addition to these established commercial areas, home occupations exist throughout the Town.  
274 Home occupations are a recognized part of the Town's economy. The provisions of the existing  
275 zoning ordinance affirm the need for home occupations in a community with limited commercial  
276 space, while at the same time limiting the home occupations to activities of a type and scale that do  
277 not disrupt residential neighborhoods. This can be addressed in review of the standards of a home  
278 occupation but any changes would effect the entire town. The balance between these two  
279 objectives can be tenuous, but the current provisions appear to be working reasonably well.  
280

281 The 1992 Zoning Ordinance added a "low impact use" which allows commercial uses in a  
282 residential district if within 500 feet of certain commercial districts. The standards for a low  
283 impact use are similar to those for a home occupation but less restrictive. Area for commercial  
284 expansion is limited due to a lack of vacant lots in commercial districts. If would appear that the  
285 writers were concerned about exceeding the home occupation standards but thought that is may be  
286 ok if contained to areas near commercial development and if tightly controlled.  
287

## 288 CHAPTER 17 GOALS, POLICIES & IMPLEMENTATION

290 B. THE LOCAL ECONOMY (Page 17-3) State Goals:

291 **To promote an economic climate that increases job opportunities and overall**  
292 **economic well-being. (Growth Management Act)**  
293 **To expand the opportunities for outdoor recreation and encourage appropriate**  
294 **tourist activities and development. (Coastal Management Policies)**  
295

296 **Local Goals:**

297 **To encourage traditional forms of livelihood, including the full range of economic**  
298 **opportunity: from manufacturing and resource production to professional**  
299 **occupations, from self-employment in the home to corporate offices.**  
300 **To maintain a quality of environment that is the keystone of an economy dependent**  
301 **on visitors and on persons who choose to move to Camden for their retirement.**  
302

303 Page 17-5:

304 6. Home occupations, provided they do not cause nuisances or disturbances in the  
305 neighborhoods, are a rational form of land use. They allow the integration of home and work  
306 place, reduce reliance on the automobile, help to retain Camden as a job center, and provide an  
307 affordable way for many to be in business. The Town's land use policies should continue to

308 allow home occupations as a matter of right, provided that all standards -- those that  
309 assure home-based businesses -- are of a scale appropriate to residential areas and are respected  
310 and enforced. This seems to imply that we should not greatly expand the standards of home  
311 occupations above what is currently in place some minor adjustment may be allowed  
312

313 *Strategy: Maintain and enforce existing ordinance provisions and continue to refine the home*  
314 *occupation standards.*

315 *Responsibility: CEO, Planning Board*

316 *Timeframe: Ongoing*

317 7. Camden should have sufficient commercial land and/or buildings to allow home  
318 occupations to remain in town when they outgrow ordinance limitations. This appears to speak  
319 to low impact use. There should also be sufficient commercial land and/or buildings for small  
320 “incubator” businesses to remain in town as they grow. The concept of a “low impact use” has  
321 been utilized only once in the past decade, but provides for some flexibility in locating light  
322 commercial uses within 500 feet of most business districts. Low Impact Use was used within  
323 the last 3 years for the Free St Inn to be converted from a homestay.  
324

325 *Strategy: Monitor the availability of commercial space and revisit the Zoning Ordinance if and*  
326 *when it is determined that new available space should be provided through Ordinance*  
327 *amendment.*

328 *Responsibility: Planning Board*

329