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**CAMDEN PLANNING BOARD**  
**MINUTES OF MEETING**  
**February 19, 2015**

**PRESENT:** Chair Lowrie Sargent; Members Richard Bernhard, Richard Householder, Jan MacKinnon and John Scholz; Don White, Select Board Liaison; and CEO Steve Wilson

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 from the Town's website at <http://www.camdenmaine.gov/> or at <http://www.townhallstreams.com/locations/camden-me>

**1. PUBLIC INPUT ON NON-AGENDA ITEMS:** No one from the public came forward. Jan MacKinnon complimented the Toboggan Committee for coordinating another very successful Nationals Championship – seconded by John Scholz. Mr. Scholz was especially appreciative of the thorough and quick clean-up of the site by the Snow Bowl staff and volunteers.

Ms. MacKinnon also sent thanks in appreciation of the Town Crew's work. They have all had a long haul -- spending many hours on the road plowing several big snowstorms.

**2. MINUTES:**

January 15, 2015:

**MOTION by Mr. Scholz seconded by Mr. Householder** that the Minutes of January 15, 2015 be approved.

**VOTE: 5-0-0**

Discussion: Mr. Sargent noted that with regard to the discussion concerning Item 2 on Page 5, the Board has learned that the kind of Historic Preservation Ordinance required for Maine Street USA designation is not as elaborate or encompassing as the one previously drafted by the Board. That information has been passed along to the Historic Resources Committee who is working on an entirely new draft.

February 5, 2015:

There were two substantive changes made to the Minutes; other editing changes appear in the Final Minutes.

Page 1 Line 6: Ms. MacKinnon should have been listed as absent.

Page 3 beginning at Line 105 now reads: "The history of the origin of the 500' provision is not clear; a former CEO could not remember the genesis. The former Chair of the 1992 Comprehensive Plan Committee recalled..."

**MOTION by Mr. Householder seconded by Mr. Scholz** that the Minutes of February 5, 2015, as amended, be approved.

**VOTE: 4-0-1 with Ms. MacKinnon abstaining because she was absent**

**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**

The revised Plan will be ready for review on March 5. The Board set a Site Walk for 4:30pm that same day just prior to the Board meeting.

49 **4. PROPOSED ZONING ORDINANCE AMENDMENTS: PUBLIC HEARING**

50  
51 Copies of both Ordinances as heard are available on the Town’s website under 2015 Planning  
52 Board Minutes – Zoning Amendment 2/19.

53  
54 The Chair read the procedures for Public Hearings and introduced the first proposed amendment:

55  
56 **1) Business Opportunity Zone (BOZ): Creation of new Overlay Business District**

57  
58 Mr. Sargent discussed the genesis of the BOZ – an effort to create a commercial zone at the  
59 entrance to the Southern Gateway and set the tone -- a high quality development in keeping with the  
60 character of the Town -- for visitors entering Camden. The Board has worked for over a year to  
61 arrive at the BOZ concept being heard this evening:

- 62
- 63 ➤ The Board was careful not to create a commercial situation that could creep into surrounding
  - 64 residential neighborhoods
  - 65 ➤ The Board did not include any of the Harbor Districts or the B1 downtown as Districts where
  - 66 the BOZ can be applied
  - 67 ➤ Applications will undergo more intense review – in addition to Site Plan there is another set
  - 68 of standards that an applicant must meet for landscaping, buffers and building size and scale
  - 69 among other things
  - 70 ➤ The proposal is meant to encourage development on lots where current regulations won’t
  - 71 allow for the expansion of an existing foundation, for example. This particular scenario
  - 72 applies to a lot on Route 1 coming into Town that is in the B3 – that lot remains empty except
  - 73 for an old house because of this restriction
  - 74 ➤ A mix of residential and commercial (required on the ground floor) was included to provide
  - 75 even more options for a developer to make full use of a property

76  
77 *1<sup>st</sup> Round of Public Comments:*

78  
79 Tom Filip: He is pleased to see this long-overdue provision to help develop the property at the  
80 corner of Camden Street and Route 1. The Town tried in the late 90’s to find a way to allow more  
81 flexibility for development by moving the lot into the B2 so the owner would have more options.  
82 That effort failed and he likes this approach even more. In response to Mr. Filip’s suggestions for  
83 improving the four-street intersection, Mr. Sargent informed him that a study of the intersection is  
84 part of the engineering study that is being done for the property there.

85  
86 No one else came forward and the first round of comments was closed.

87  
88 *Comments from the Board:*

89  
90 Mr. Scholz reiterated the Board’s desire to create an opportunity for owners to be creative and  
91 able to address the needs of new businesses while retaining the character of the Town – that is the  
92 goal of the BOZ.

93  
94 *2<sup>nd</sup> Round of Public Comments:*

95  
96 Cindy Ostrowski: Mrs. Ostrowski’s question regarding the interaction of the BOZ with existing  
97 District standards was answered with an explanation of the BOZ as an overlay district and how it

98 interfaces with various district standards. It was noted that the B-3 is unique in that there is a  
99 requirement that the Purpose of the B-3 is to preserve the residential character -- this was retained in  
100 the standards because it has been so effective over the years.

101  
102 Mrs. Ostrowski believes it is very important that the process regarding meeting the various  
103 standards is very clear so a developer can know ahead of time what to expect during a review.

104  
105 No one else came forward and the Public Hearing was closed. No one on the Board had  
106 further comments.

107  
108 **MOTION by Mr. Scholz seconded by Ms. MacKinnon** that the draft proposal for the Business  
109 Opportunity Zone dated February 3, 2015 be approved and sent forward to the Select Board with the  
110 recommendation to include the item on the June Warrant.

111 **VOTE: 5-0-0**

112  
113 **2) Amend Article VIII the Traditional Village (V) and Village Extension (VE) Districts:**

114  
115 Mr. Sargent and Mr. Bernhard introduced this proposal explaining the history of what is  
116 being called the "500' Provision" and the Board's interest in protecting the unique characteristics of  
117 the districts as they change from business to residential across Town.

118  
119 This provision currently allows properties within 500' of certain commercial districts to apply  
120 for a Special Exception for a Low Impact Use that is not otherwise permitted in the V or VE.  
121 The Board supports this amendment because they believe the zoning districts in Camden are  
122 working:

- 123 ➤ The districts are well laid-out and are delineated by changes in physical and architectural
- 124 characteristics that speak to the residential nature of both the V and the VE
- 125 ➤ The history of the origin of the 500' provision is not clear, but the Chair of the 1992
- 126 Comprehensive Plan Committee recalled that there was an effort to provide Home
- 127 Occupations a way to grow yet require more review than Home Occupation do at this time
- 128 ➤ The Board had agreed that if the provision had been an attempt to help those with Home
- 129 Occupations and Home-based Businesses, they should look at the Home Occupation
- 130 Ordinance to see if there was a way to address the needs of those small business owners
- 131 ➤ Mr. Bernhard elaborated on the specific architectural differences that exist in Town as the
- 132 business districts meet the Village district
- 133 ➤ The Board also looked at where in Town this provision might apply and realized that there
- 134 were a great many residential neighborhoods where Low Impact Uses could be established
- 135

136 *1<sup>st</sup> Round of Public Comments:*

137  
138 Tom Filip: Supports getting rid of this provision – there is enough latitude for most businesses to  
139 work around. It is a good idea to routinely review the Ordinance and fix ambiguities like this

140  
141 Dennis McGuirk: Supports fixing this provision because it can be applied in too many places where  
142 it is not appropriate. To address those areas where this kind of allowance makes sense would be  
143 impossibly complex

144  
145 Cindy Ostrowski, owner of the Blackberry Inn and The Elms: She thanked the Board for realizing  
146 that there could easily be unintended consequences of the probably well-intended 500' provision.

147 She spoke to the question of compliance with the Comprehensive Plan as written and noted that the  
148 Plan will need to be changed to reflect the Ordinance amendment. The zones in Camden do work  
149 and so keep the zoning as is in place without impacting the things that Home Occupations need to do  
150 to be successful.

151  
152 The Chair read three emails received this day into the hearing record:  
153 Deb Dodge, Claudio Latanza and the Henthorns all wrote in support of the proposed amendment.

154  
155 *Comments from the Board:* There were none

156  
157 *2<sup>nd</sup> Public Comment Period:* There were none and the Public Hearing was closed.

158  
159 *Board Deliberation:*

160  
161 Mr. Bernhard believes this change makes sense in all regards and will help protect the  
162 valuable and unique character of Camden.

163  
164 Mr. Householder noted that in review of the Comprehensive Plan, the Board found several  
165 items like this that will be addressed by the Planning Board at a later date.

166  
167 **MOTION by Mr. Scholz seconded by Mr. Householder** that the Traditional Village District and  
168 Village Extension District be amended to remove the Special Exception that permitted Low Impact  
169 Uses on properties located within five hundred feet of a B-1, B-2, B-3, B-H, B-R, B-TR or I District,  
170 and recommend that it be passed along to the Select Board for inclusion on the June Warrant.

171 **VOTE: 5-0-0**

172  
173 **5. PROPOSAL to DEVELOP an ORDINANCE AMENDMENT: John Scholz and Dennis**  
174 **McGuirk**

175  
176 **Noise Ordinance – Concept Stage:**

177  
178 The item was placed on the agenda at the request of the drafters of the amendment so they  
179 could get feedback on their greatly revised proposal. The proposal was not intended for actual Board  
180 review or in-depth discussion – that discussion has been scheduled for the first meeting in March.

181  
182 Ms. MacKinnon asked if the proposal had been run by the Town Attorney and the Chief of  
183 Police. Mr. Scholz replied that the Chief of Police had been involved in working on the original  
184 draft, and Mr. Wilson added that since there was still much work to be done on this proposal he has  
185 not yet asked Mr. Kelly for his comments.

186  
187 Mr. Scholz explained the genesis of the proposal came from a discussion at a Select Board  
188 meeting where both he and Chief Gagne were present as was the owner of Cuzzy's. There was a  
189 discussion of noise and the problems faced by both bar owners and the police because the current  
190 Ordinance is hard to enforce. Chairman Cates recommended that the issue be sent to the Planning  
191 Board to come up with a draft that the Select Board would then review. Ms. MacKinnon asked if  
192 there was no other recourse than an Ordinance like this – could not the police simply talk to the bar  
193 owners to see if the problem could be resolved instead of creating this level of regulation. Mr.  
194 Scholz replied that the Enforcement section of this proposal spells out the steps the Police will take  
195 for the first time when dealing with complaints. The proposal also spells out levels of noise specified

196 for various parts of Town. Ms. MacKinnon asked if the Police will have to use decibel meters – the  
197 answer was yes. Mr. Wilson noted that the Department already has a meter they have been using.  
198 Mr. Scholz went on to say that he and Mr. McGuirk realize the sensitivity of the issue. They  
199 looked in Maine and around the country for ordinances that would accomplish what they want, and  
200 the draft is a compilation of what they found. Push back to these ordinances comes when people feel  
201 their property rights are being infringed upon; they understand this and have tried to be even-handed  
202 by providing for exemptions for family-owned equipment and for events.

203  
204 *Comments from the Board:*  
205

206 Ms. MacKinnon asked if they have taken the impact on different types of noise where the  
207 impact is not addressed by decibel levels – like bass sounds coming from equalizers. Mr. McGuirk  
208 explained that the decibel measurement standard they have applied in their draft – dBA – takes how  
209 the sound is heard into account. There are other measurement tools that do not adjust for what is  
210 actually heard by the human ear, but dBA measurements do.

211  
212 Mr. Bernhard is sad to see this proposal being brought forward in a small town like Camden.  
213 It does not seem to invite good will and proposes to replace neighbor-to-neighbor conversations to  
214 solve problems like noise. If the Police do need an enforcement tool that is one thing, but he does  
215 not think it is otherwise necessary and has a philosophical difference with making things more  
216 complex than need be.

217  
218 Mr. Sargent shares Mr. Bernhard’s concerns, but he believes that recent changes to the  
219 proposal “soften” the implementation somewhat. As the Board continues to receive comments from  
220 the public he expects even more adjustments will be made that will lessen the regulatory impact on  
221 those citizens who already try to do the right thing.

222  
223 Mr. Scholz agrees with many comments made however, because the proposal deals with  
224 public spaces like parks and the Snow Bowl, he believes it is important in that it provides the Select  
225 Board which licenses events in these places, a consistent tool to use in evaluating requests. The intent  
226 is to make the issue of enforcement simple and clear, and not simply to add restrictions to people’s  
227 daily lives.

228  
229 Ms. MacKinnon is also philosophically opposed to adding these restrictions. She thinks they  
230 are not needed in a town the size of Camden - to implement these regulations would be overkill to  
231 solve a problem that just doesn’t warrant more regulation. Even though the proposal is meant to  
232 simplify things, ordinances like this are never simple.

233  
234 Mr. Householder understands the concerns about over-regulation, but feels that the police  
235 have had their hands tied and unable to sufficiently respond to a growing number of complaints at  
236 various establishments downtown. The only recourse the Town has now is to address the problem  
237 when a liquor license comes up for renewal. This would give the police guidance – and the tools – to  
238 try to address a situation when it arises. He thinks it is needed. Ms. MacKinnon thinks that many of  
239 these complaints come from people who have moved in “after the fact” and then complain.

240  
241 Mr. Sargent believes that the proposal would forewarn future neighbors to businesses by  
242 outlining exactly what they are and are not allowed to do. Ms. MacKinnon feels the problem may be  
243 mostly seasonal, and Mr. Scholz elaborated on problems experienced by owners of B&B’s trying to  
244 keep things quiet for their guests. He also noted that the Snow Bowl has been the source of many

245 noise complaints despite the fact that the Select Board has reviewed requests for rentals – people are  
246 not adhering to the rules.

247 Mr. Sargent notified the public in attendance that this is not a public hearing – the proposal is  
248 still in the formative stages and is not ready to go to hearing. Mr. Scholz was anxious to hear any  
249 comments, and no one on the Board objected. Mr. Sargent invited anyone who wished to speak to  
250 come forward.

251  
252 Jim Ostrowski: He mentioned problems he has had with snow clearing recently - and parking lot  
253 cleaning in the summer- at the Reny’s lot in the middle of the night. Noise is about the only source  
254 of bad reviews of his inn – they always mention Camden in those reviews, and he thinks the Town’s  
255 image is damaged by this kind of unregulated activity.

256  
257 Tom Filip: Worked on a Noise Ordinance in the 90’s with the former CEO – the more they worked  
258 on the issue the more complicated things got; the problem eventually resolved itself. He believes  
259 that a more direct approach to solve a specific problem is a better approach than a complicated  
260 Ordinance that will have to be enforced because it exists rather than just to solve a specific problem;  
261 he does not think this is the way the Town wants to go.

262  
263 There is time on the March 5 agenda to discuss this proposal again. Mr. Sargent wants to  
264 hear from Chief Gagne, and to understand the proposal better. He would also like to see a side-by-  
265 side comparison of the current Police Ordinance and this proposal to understand what will be  
266 changing. Mr. Bernhard would like to understand the source and locations of the problems giving  
267 rise to this proposal – are the complaints only about bars or are they also coming from  
268 neighborhoods. If the Chief isn’t available on the 5<sup>th</sup> perhaps he can come on the 19<sup>th</sup>.

269  
270 **6. DISCUSSION:**

- 271  
272 1. Minor Field Adjustments: There were none  
273  
274 2. Future Agenda Items:  
275 1) Revising the Harbor Ordinance and Zoning Ordinance: The Harbor Committee needs  
276 to come to the Board prepared to discuss a specific proposal – if they are ready they could  
277 come to the meeting on March 19. Mr. Wilson will check with the Chair to see if they have  
278 a timeline.  
279  
280 2) Zoning Ordinance Amendment: “Lodging” definitions: March 19  
281  
282 3) Food Trucks to follow work on the Harbor Ordinance  
283  
284 4. March 5 Meeting:  
285 Site Walk for Public Landing at 4:30  
286 Public Landing Improvements Site Plan review  
287  
288 5. Middle School Update:

289  
290 The Chair had drafted a letter from the Board to the School Board offering Planning  
291 Board assistance when they begin to discuss the next proposal for the Middle School.  
292 Planning Board members were split on whether or not to send a letter at all – some thought  
293 that a letter would not be well-received at this time, if ever, and some thought the approach

294 should be different. After lengthy discussion about the importance of trying to stay informed  
295 from the very beginning of the process, Mr. Sargent offered to start over with a letter having  
296 an entirely different tone. He wants to initiate this conversation as soon as possible, and will  
297 have a revised draft for review at the next meeting. Mr. Householder suggested  
298 recommending that a member of the Planning Board and/or the Select Board be appointed as  
299 a permanent member of the School Board since those meetings are where all the information  
300 originates. That idea can be pursued at a later time.

301  
302 There being no further business before the Board they adjourned at 7:00pm.

303  
304 Respectfully submitted,

305  
306 Jeanne Hollingsworth, Recording Secretary  
307

DRAFT