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CAMDEN PLANNING BOARD
MINUTES OF MEETING
March 2, 2016

PRESENT: Chair Lowrie Sargent; Members Richard Bernhard, Jim Elliott, Richard Householder and John Scholz; Alternate Member Jeff Senders; 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 by linking to <http://www.townhallstreams.com/locations/camden-me>

4. MAJOR SUBDIVISION PRELIMINARY PLAN REVIEW/PUBLIC HEARING:

Knox Mills Senior Living: 32 Dwelling Units

Map 120 Lots 86 & 87: KNSM Camden LLC: 36 Washington Street

Members voting on the Application are Mr. Sargent, Mr. Bernhard, Mr. Householder, Mr. Scholz and Alternate Member Mr. Senders standing in for Mr. Elliott.

The Public Hearing was opened out of turn to accommodate Pathways Chair Geoff Scott who had another meeting to attend.

The Chair read the procedure for Public Hearings and opened the hearing to Public Comments:

Geoff Scott: He first informed the Board that the Pathways Committee meets only once a month and has not met since the request for Committee comments on this Subdivision was received. He is speaking on behalf of the Committee and hopes he is representing their views. The Committee will meet soon and he will inform them of his actions; he will notify the Board if the Committee's position is different than he presents this evening.

Ms. Scott appreciates the fact that the Pathways Committee is involved in this review process and that the Board is looking at the larger picture. This property includes a part of the Riverwalk as outlined in the Downtown Plan. A portion of the Riverwalk abuts this property as well as Mr. Goudreau's property just up the river. He believes the walk will benefit future tenants in Mr. Goudreau's complex, and notified the Applicant that there is currently a grant application out that would fund construction of the actual pathway in this area. They are attempting to complete a continuous pedestrian way from the Middle School to Downtown and the work will be happening around his property. They would like the opportunity to continue the discussions begun with previous owners that would grant easements over a portion of the property.

Mr. Braley confirmed with the CEO that this issue was not part of the actual review of the Subdivision. Mr. Wilson replied there was nothing they needed to do in this regard to satisfy any of the Approval Criteria. The Board returned to the Agenda as written:

1. PUBLIC/BOARD MEMBER INPUT ON NON-AGENDA ITEMS: No one came forward.

48 **2. MINUTES:**

49 February 4, 2016: No substantive changes were made.

50 **MOTION by Mr. Householder seconded by Mr. Bernhard** to approve the Minutes of
51 February 4, 2016, as changed.

52 **VOTE: 5-0-0**

53

54 **3. PUBLIC HEARING: Proposed Zoning Amendments: Public Hearing**

55

56 **1) ARTICLE XIII: Sign Ordinance (Copy attached)**

57

58 The Chair opened the Public Hearing. Former Board member Jan MacKinnon explained
59 that she met with farmers Cheryl and Steve Beveridge and Cooper Funk and CEO Steve Wilson,
60 to draft an amendment to the Sign Ordinance that would permit the owners of farmstands to
61 install up to four seasonal off-premise signs. Mr. Wilson explained that changes since the last
62 draft: He added the Farmers' Market to the language; each Market sign is limited to 4SF in size;
63 Market signs must be put up and taken down the day of the market; and all new signs require
64 CEO permission for specific locations. Ms. MacKinnon added that the Comprehensive Plan
65 promotes farming and farm markets and the Sign Ordinance worked against the needs of these
66 unique activities.

67

68 The Chair opened and closed the first and second Public Comment periods without
69 anyone from the public coming forward. The Board members voiced their support for the
70 amendment.

71

72 **MOTION by Mr. Scholz seconded by Mr. Bernhard** that the proposed Amendment to Article
73 XIII as drafted by the CEO be recommended to the Select Board for putting on the June Warrant.

74 **VOTE: 5-0-0**

75

76 **2) Shoreland Zoning Rules Compliance Amendments: Various Articles within the Zoning
77 Ordinance.**

78 A copy of the proposed changes is available from the Planning Office.

79

80 Mr. Wilson explained that the DEP in 2015, working with assorted stakeholders, went
81 through the current Shoreland Zoning Rules and made significant changes that will make it
82 easier for citizens to apply to do certain kinds of work within the restricted area. Tree removal
83 and replacement and expansion of non-conforming structures are two examples of where the
84 rules have been drastically changed. The local CEO will also have more leniency in
85 interpretation and a clearer delineation of enforcement responsibilities. There will also be
86 changes to tighten up the allowances for private campsites to bring this kind of development
87 under the plumbing code.

88

89 Jim Elliot wondered if the new rules were also more restrictive in some instances, but the
90 CEO responded that those restrictions apply mostly to areas that are already many restrictions on
91 development. The changes were made to apply to bird wading areas and waterfowl areas and not
92 to areas that are currently buildable.

93

94 With regard to outreach to the public to help them understand these changes, Mr. Wilson
95 said that the State is developing materials similar to the pamphlets they have now to explain the
96 current rules.

97
98 The Chair opened and closed both public comment periods. There were no comments and
99 the Public Hearing was closed. Mr. Scholz has been working under the existing rules and finds
100 the new rules preferable in part because they will be easier for a lay person to understand.

101
102 **MOTION by Mr. Householder seconded by Mr. Senders** to send the Shoreland Zoning
103 changes which incorporate the amendments from the Maine DEP forward to the Select Board
104 with the recommendation that they be placed on the June Warrant.

105 **VOTE: 5-0-0**

106
107 **4. MAJOR SUBDIVISION PRELIMINARY PLAN REVIEW/PUBLIC HEARING:**

108 **Knox Mills Senior Living:** 32 Dwelling Units

109 Map 120 Lots 86 & 87: KNSM Camden LLC: 36 Washington Street

110
111 Mr. Braley noted they had made two Preliminary Plan submissions: The first was
112 received on February 16 before the Pre-application Meeting during which there were several
113 requests for changes to the project as proposed. That first submission secured the Applicant the
114 right to proceed to this evening meeting without a delay. The second “Supplemental
115 Submission” was received on February 23, 2016, and is the version under review this evening.

116
117 An important issue outstanding from the previous meeting is the configuration and
118 improvement of the Mechanic Street parking lot – the site of designated handicapped parking.
119 The improvements requested by the Board – safer pedestrian access and crossings – cannot be
120 accomplished by the Applicant because that sidewalk area is Town property; the Select Board
121 must approve funding for that work to be done. The re-design of the Mechanic Street lot shows
122 wider spaces which resulted in the loss of four parking spaces; those spaces were added back in
123 to the large parking lot behind the buildings and are shown on Plan C-1 dated 2/24/2016. Mr.
124 Goudreau would like to make the existing entrance gate operable and give cards to tenants to
125 help secure those spaces for tenants. They will plow the lot with a tractor driven snow blower.

126
127
128 The current pathway around the pond would be a good way to access the back parking
129 lots. It was noted that some of the steps shown on the Plan that would have facilitated the use of
130 this route are no longer there. The current parking layout provides a total of 103 spaces
131 including those designated as “handicapped” -- sufficient to provide for both the residential and
132 commercial uses in the buildings.

133
134 ← The current ownership of the parking lots needs to be added to the Final Plan.
135 ← The Board discussed the option of placing a Condition of Approval on the Application
136 regarding the future repair of the Mechanic Street Parking Lot and the deck/landing at the
137 Smokestack Grill.

141 *Site Walk:*

142 All members present except Jim Elliott had attended the Site Walk held on February 25.

143 Mr. Elliott will visit the site prior to the review of the Final Plan.

144 Mr. Braley added:

- 145 ➤ A Note has been added to the Plan that says that the existing vegetated slope at the Mill
- 146 Pond will remain and the Pond will remain
- 147 ➤ Confirmed that all changes are being made to the interior of the building – there will be
- 148 no new decks added for any of the apartments
- 149 ➤ All utilities are existing and, according to the Sign-Off letters received in the Codes
- 150 Office, all utilities are serviceable and will meet the demands of the residential use
- 151 ➤ Individual apartments have been laid out showing interior walls and including apartment
- 152 numbers and Square Footage for each. The Fire Marshall's Office has approved these
- 153 plans. The Applicant was asked to create a Table to add to the Final Plan that would
- 154 cross reference the assigned apartment numbers, the square footage, and when they
- 155 become available, the corresponding 911 addresses assigned by the Addressing Officer
- 156

157 It was clarified that a change of ownership from Mr. Goudreau to individual condo

158 owners would require review by the Planning Board.

159

160 Mr. Sargent noted that there will still add for the Knox Mill Senior Living facility

161 appearing in the *Pen Bay Pilot*. He asked the Applicant to remove them or modify the ads.

162 Because this is no longer a seniors-only facility, the ads could be perceived as being

163 unintentionally misleading.

164

165 The Board discussed the need to rebuild the deck over the falls. Mr. Wilson informed the

166 Board that this kind of work is under his purview as the Code Officer, and should not be part of

167 the Board's review.

168

169 Mr. Bernhard raised the issue of compliance with local ordinances – specifically the

170 Comprehensive Plan and the Zoning Ordinance and the introduction to the B-TR District where

171 this project is located. Mr. Wilson tried to discourage the Board from continuing this particular

172 discussion since it has been held that the Comprehensive Plan is only a guide to be used in

173 interpreting Ordinances. Without a specific prohibition in the Comp Plan against a project like

174 this development, the Board cannot rely on the goals set for this District to guide their decision.

175

176 Mr. Scholz, Mr. Elliott and Mr. Sargent all agreed with Mr. Bernhard that this is a

177 valuable discussion to have because Board members raise the same questions that the public

178 might ask. These are often questions the public has raised in conversations so members know

179 there is interest in this kind of discussion. Mr. Scholz argued that this project is central to the

180 community and this is the only venue in which these kinds of questions can be raised. Mr.

181 Braley agreed with Mr. Wilson that this discussion was not in the purview of the Board in

182 reviewing this project.

183

184 *Preliminary Plan Review:*

185

186 Mr. Wilson clarified that the Department Head Sign-offs that his office distributed had

187 referred to a Multi-family Subdivision; the comments he received were based on the current

188 proposal. Mr. Braley had also distributed sign-offs, but they has asked for comments on the
189 original proposal for congregate housing. The Applicant's sign-offs will not be part of the
190 official record and all reference to department sign-offs will refer to those sent by the Town.

191 The Board proceeded to review of the Preliminary Plan for Completeness. See
192 Attachment A to these Minutes for details.

193
194 **MOTION by Mr. Scholz seconded by Mr. Householder** to find that the Preliminary
195 Subdivision Plan for a Major Subdivision proposed by KNSM Camden, LLC, dated February 23,
196 2016, complete.

197 **VOTE: 5-0-0**

198
199 *Public Hearing:*

200
201 The Chair re-opened the Public Hearing noting that there will be a second Public Hearing
202 during review of the Final Plan.

203
204 *1st Round of Public Comments:*

205 No one came forward and the first round was closed.

206
207 *Questions from the Board:*

208
209 Mr. Scholz: Asked if the leases Mr. Goudreau will hold will contain any sublet clause. Mr.
210 Goudreau replied that he will not allow the lease-holders to sublet.

211
212 Mr. Elliott: Asked about the target market as it pertains to the price point of the proposed rents.
213 It seems as though it could result in a target market that would be largely limited to seniors. He
214 wonders if Mr. Goudreau would consider restricting the renters to a specific age group. Mr.
215 Goudreau has chosen not to do this and does not think his market will be limited to mostly
216 seniors at all.

217
218 Mr. Sargent: Asked how Mr. Goudreau would manage the maintenance of the complex. Mr.
219 Goudreau has two maintenance men on staff now and his offices are right up the street so there
220 will be someone nearby at all times. In addition, this whole complex was completely gutted and
221 rebuilt – all the plumbing and electric is new as are all the appliances. He expects no problems
222 with this facility for those reasons.

223
224 *2nd Round of Public Comments:* No one came forward and the Public Hearing was closed.

225
226 *Board Deliberation:*

227
228 There was a lengthy discussion about the Performance Guarantee required at the Final Plan
229 Review. The goal of this requirement is to protect the Town in the case where the developer
230 ends up having insufficient funding to take the project to full completion leaving the Town with
231 what could be a property reduced in taxable value and perhaps unusable. The Applicant has a
232 choice of various kinds of guarantees. The Board wants more than an engineer's estimate of
233 costs because of the problems caused by a lack of funding in a previous development on the
234 neighboring property that took years to resolve.

235 Mr. Goudreau has an agreement with the contractor that would withhold final payment until
236 the project is completed. The Bank underwriting a portion of Mr. Goudreau's funding will only
237 pay the contractor upon completion of certain phases of the project. Some of the funding comes
238 from an SBA loan guarantee, however, and neither the Bank nor SBA are bound to finish the
239 project if there are not sufficient funds. Mr. Goudreau's project is in various stages of
240 completion, and the Town remains exposed until the final building has been gutted and
241 renovated. The requirement must be filled at Final Plan so the Applicant has some time to
242 prepare something to offer to the Board for their approval. They would like a letter from the
243 Bank discussing their financial commitment for this project.

244

245 ← Mr. Wilson will ask the town attorney for information on what constitutes a "Conditional
246 Agreement" – one of the options an Applicant can select as the Performance Guarantee.

247

248 **MOTION by Mr. Sargent seconded by Mr. Elliott** to approve the Preliminary Plan and advise
249 the Applicant that some form of financial guarantee will be required pending Mr. Wilson's
250 discussion with Bill Kelly, and with the condition that the following is added to the Final Plan: 1)
251 A Table listing apartments by number and 911 address and including square footage; 2) The
252 ownership of all portions of the property including parking lots; and 3) The gates to the
253 Mechanic Street parking lot.

254 **VOTE: 5-0-0**

255

256 The Final Plan had been submitted earlier in the day and can be heard and reviewed on
257 March 23. Cindy Frazer asked to speak in support of the project and was given that opportunity.

258

259 **5. DISCUSSION:**

260

261 1. Minor Field Adjustments: There were none.

262 2. Future Agenda Items:

263 The Select Board must hear all proposals for the June Ballot by April 15 so nothing else
264 can go forward until November. The Board may consider Private Ways as the next proposal for
265 an amendment when the draft is ready.

266 3. Future Meetings:

267 4. Other:

268 1) Middle School Construction Project:

269 ← The CEO is still waiting to hear from the Town Attorney if there would be any repercussion
270 for a member attending/participating in those meetings with regard to a future Board review.

271 2) Commercial Lodging Survey Update: 14 out of 30 surveys were returned. The CEO has
272 been collating the responses as they come in and will have them for the next meeting.

273 3) On line rental ads: Mr. Wilson found 337 ads for 147 properties in Camden. Of those
274 only 9 warranted written notice of a violation. He has figures showing how other properties have
275 come into compliance and will present more information on the 23rd.

276 4) *Bryant v. Camden*... Bill Kelly and Kristin Collins are working with the MMA and others
277 to try to resolve the issues raised in the court's decision regarding the Camden Harbor Inn.

278

279 There being no further business before the Board they adjourned at 7:30pm.

280

281 Respectfully submitted, Jeanne Hollingsworth, Recording Secretary

Applicant's Appendix C

Major Subdivision Preliminary Plan Submission Requirements

1) Application

- a) Nine copies of the application and supporting documents.
 - ✓ **Nine copies of the application and support material have been submitted to the Town of Camden Code Enforcement Officer for review and disbursement to the Planning Board.**
- b) A copy of the most recently recorded deed for the parcel.
 - ✓ **A copy of the deed for the current owner, as well as the previous purchase is attached at the end of this application in Appendix A.**
- c) All existing deed restrictions, easements, rights of ways, or other encumbrances.
 - ✓ **All known deed restrictions, easements, rights of ways or other encumbrances are shown on the enclosed plan, or detailed in the attached deed.**
- d) Proposed deed restrictions, easements, right of ways or other encumbrances.
 - ✓ **There are no deed restrictions, easements, rights of ways of other encumbrances being proposed with the development of this subdivision development.**
- e) A written statement from the Camden Wastewater Superintendent that the District has the capacity to collect and treat the wastewater, or:
 - ✓ **A copy of the letter verifying capacity received from Superintendent of Camden Wastewater is attached in Appendix C.**
- f) Subsurface wastewater test pit analyses, prepared by a Licensed Site Evaluator.
 - ✓ **A waiver has been granted for this submission requirement. The building currently exists, and is serviced by the Camden Wastewater. No change to the wastewater is being proposed.**
- g) A written statement from the water company that there is adequate supply and pressure for the subdivision and a statement approving the design of any extension of the water main.
 - ✓ **A copy of the response received from Maine Water regarding their ability to serve the additional needs of the new development is attached in Appendix C at the end of this application.**
- h) A written statement from the Fire Chief that water supply needs for fire protection have been adequately met and approving the location of any fire hydrants.
 - ✓ **A copy of the letter sent to the Town of Camden Fire Chief is attached in Appendix C at the end of this application. Chief Farley, will not render an opinion until after the Planning Board has completed their Preapplication review of the proposed development. However, the site is situated within the public water and fire protection (hydrants) area of Camden. Further, the buildings are sprinkled and are outfitted with exterior wall hydrants.**
- i) When the water supply is private wells, evidence of adequate ground water supply and quality by a well driller or a hydro geologist familiar with the area.

- ✓ **This submission requirement is not applicable. The project will be served by public water supply that is already in place, and has been verified as adequate capacity by Maine Water.**
- j) A written statement from the director of the Midcoast Solid Waste Facility that the proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste.
- ✓ **A copy of the letter verifying capacity received from Midcoast Solid Waste Facility is attached in Appendix C.**
- k) Agreements or other documents showing the manner in which open spaces are to be retained by the developer or lot owners are to be maintained.
- ✓ **There is no proposed change to the exterior of the existing building, as such there is no proposal for new open spaces. Existing landscaped buffers and plantings will be maintained. Please see the aerial photo attached in Appendix B at the end of this application.**
- l) If open space or other land is to be offered to the municipality, written evidence that the municipal officers are satisfied with the legal sufficiency of the written offer to convey title shall be included.
- ✓ **There is no land being proposed for offering to the municipality.**
- m) Vehicular trip generation rate.
- ✓ **A table showing the change in vehicular trip generation rate is attached at the end of this application in Appendix C showing a decrease in the number of trip ends created by the change in the development. All information was derived from the ITE Manual 8th Edition.**
- n) Traffic impact analysis by a registered P.E. for 28 or more parking spaces or subdivisions projected to generate more than 140 vehicle trips per day, including expected ADT, peak-hour volumes, access conditions, distribution of traffic, types of vehicles expected, effect on LOS and recommended improvements.
- ✓ **A waiver has been granted for a traffic impact analysis.**
- o) Left lane study analysis for multi-family or non-residential subdivisions, if required.
- ✓ **A waiver has been granted for this submission requirement.**
- p) If the subdivision is a condominium or a clustered development, evidence that all requirements relative to establishment of a homeowners' association or condominium owners' association have been met, including bylaws and that all other requirements of the Camden Zoning Ordinance pertaining to clustered development have been met. Homeowners' association or condominium documents shall clearly state that the association or condominium shall properly maintain private roadways serving the subdivision after the developer has legally relinquished that responsibility and until such time as the Town may accept them as public roads
- ✓ **The proposed use for this development is interior rentals units. There is no road construction being proposed. The owner will maintain parking areas.**
- ✓

2) Location Map

The location map shall be drawn at a scale of not more than 1 -inch equals 400-feet to show the proposed subdivision in relation to the general surrounding area. The map shall show all areas within 1,000 feet of any property line of the proposed subdivision, including:

- a) Existing subdivisions in the proximity of the proposed subdivision.
 - ✓ **An aerial site location map in Appendix B and project plan C1 in Appendix D show the development in the proximity to the proposed project. There are no new roads or entrances being proposed, as such this change will not have an adverse effect on existing roads serving other existing subdivisions.**
- b) Locations and names of existing streets.
 - ✓ **An aerial site location map in Appendix B and project plan C1 in Appendix D show the development in the proximity to the proposed project. The site plan also shows the project buildings do front on Mechanic Street and Washington Street, additional parking is accessed off Knowlton Street.**
- c) Zoning boundaries and designations.
 - ✓ **A copy of the Town of Camden Tax Map 120 showing the parcel, and its zoning designation of B-TR attached in Appendix B at the end of this application.**
- d) Outline of the proposed subdivision and owner's remaining contiguous land.
 - ✓ **The proposed subdivision is not dividing up an existing parcel of land to sell, but offering interior residential units, as such no land will be transferred to new ownership. The outline of the existing parcel shown on the plan and tax map will remain the same. The unit divisions are shown on the project plans in Appendix D.**

3) Preliminary Plan

Nine copies of an accurate scale map of the parcel at not more than 1 -inch equals 50- feet, containing all the information from the site inventory map. The following requirements may be shown on multiple sheets when necessary.

- a) A standard boundary survey with bearings and distances showing the entire parcel and all contiguous land in common ownership within the last five years per MRSA Title 30-A section 4401.
 - ✓ **See the plan attached at the end of this application in Appendix D.**
- b) Names of record owners for all abutting properties.
 - ✓ **See the plan attached at the end of this application in Appendix B.**
- c) Contour lines at the interval specified by the Board, showing elevations in relation to mean sea level.
 - ✓ **Existing spot elevations are shown on the plans attached at the end of this application in Appendix D. A waiver has been granted for topographic survey.**
- d) A storm water plan showing ditches, culverts, detention or retention areas.

- ✓ **A waiver has been granted due to there is no outside work being conducted in relation to the development of this subdivision, as such there will be no change from the existing topography of the site.**
- e) Location of all proposed utilities, including electrical, cable, water and sewer.
- ✓ **There is no proposed change to the utilities. Distribution mains are shown on project plans attached in Appendix D.**
- f) Boundaries and designations of zoning districts.
- ✓ **Attached in Appendix B is a copy of the Town of Camden Zoning Map. The parcel is located in BTR with B-1, B-4, and V zones abutting it.**
- g) Existing streets abutting the subdivision.
- ✓ **See the plan attached at the end of this application in Appendix D. The project abuts Washington, Mechanic, and Knowlton Streets.**
- h) Boundaries of any flood hazard areas and the 100-year flood elevation, as depicted on the municipality's Flood Insurance Rate Map.
- ✓ **The 100-year flood elevation varies and is shown on the site plan. A copy of the FEMA issued flood map is attached at the end of this application in Appendix B.**
- i) Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the Comprehensive Plan. If any portion of the subdivision is located within an area designated as a critical natural area by the Comprehensive Plan or the Maine Natural Areas Program, the plan shall indicate appropriate measures for the preservation of the values that qualify the site for such designation.
- ✓ **A waiver has been granted because there is no outside work being conducted in relation to the development of this subdivision. As such there will be no change from the existing topography of the site.**
- j) When sewage disposal is to be accomplished by subsurface wastewater disposal systems, the location of all test pits on the site.
- ✓ **Not applicable. The proposed project is served by public sewer.**
- k) Location of any open space to be preserved and a description of proposed improvements and its management.
- ✓ **The proposed subdivision is not dividing the existing parcel of land, but offering interior residential units. As such no land will be transferred to new ownership. The outline of the existing parcel shown on the plan and tax map will remain the same. Existing vegetated areas around parking and the Mill Pond will remain as revegetated space with periodic trimming and normal maintenance.**
- l) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- ✓ **None proposed**
- m) Provisions for controlling erosion and sedimentation, including measures to capture sediment during construction and measures to stabilize the soil.

- ✓ **There is no outside work being conducted in relation to the development of this subdivision, as such there will be no change from the existing topography of the site, so there will be no soil disturbance.**
- n) Location and method of disposal for land clearing and construction debris.
- ✓ **There is no outside work being conducted in relation to the development of this subdivision, as such there will be no change from the existing topography of the site, so there will be no soil disturbance.**
- o) Location, name and widths of existing streets.
- ✓ **As shown on the plans attached in Appendix D.**

4) Street Design Plans

- ✓ **There are no streets being proposed for the development of this subdivision, as such a waiver has been granted for the street design plan requirement.**

5) Additional Information

- ✓ **The Planning Board did not require additional information.**