

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

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

The meeting of the Planning Board convened at 5:00 pm in the Public Safety Building Meeting Room. Meetings here cannot be televised or video-taped.

2. MINUTES:

March 5, 2015:

MOTION by Mr. Scholz seconded by Mr. Householder that the Minutes of March 5, 2015, be accepted as presented.

VOTE: 4-0-1 with Mr. Bernhard abstaining because he had been absent

**3. WORKSHOP: Proposed Zoning Ordinance Amendment/Harbor Ordinance Amendment
Harbor Committee**

The Harbor Committee Chair, Gene McKeever, presented the Committee's proposal to revise the Harbor and Waterways Ordinance (HWO). Because that Ordinance and the Zoning Ordinance (ZO) both come into play in reviewing piers, wharves, etc, they must be in agreement in this regard. If any of the changes proposed by the Harbor Committee to their Ordinance do impact the ZO, then the Planning Board must consider making those same changes to the ZO. The meeting this evening is to review the changes proposed by the Harbor Committee and discuss how to move forward if there is agreement to do so. Jim Heard, Select Board Liaison to the Harbor Committee, was also in attendance.

Mr. McKeever explained that this draft was prepared by a working group that consisted of Harbor Committee members and other interested citizens. Although the HWO has been amended many times since it was adopted, the changes proposed here are more substantive than the "housekeeping" changes made previously. After looking at the recently approved pier near the Yacht Club, the Harbor Committee realized that they should never have recommended approval of that pier because the location has ended up creating problems for the Yacht Club. Members of the Planning Board were surprised to hear of Yacht Club members' complaints since the proximity to the Club's float area was discussed with the Yacht Club Commodore and the Harbor Master during the Planning Board's review and Site Visit; members of the Board understood that the concerns regarding the pier location had been resolved. Mr. McKeever replied that once the pier was actually constructed, members of the Yacht Club realized they had misjudged the impact that it would have. They believe the pier has created a dangerous situation for the student sailors, and the relocation of the Club's floats did not alleviate the situation as they had envisioned it would.

This realization started the conversation that led to the Harbor Committee's review of the HWO and their decision to propose the elimination of piers in the Outer Harbor. They based this decision on the following:

- There has been a big increase in small boat activity in the Harbor – kayaking; canoeing; paddle boarding, etc.

- There are only six properties where piers could be built remaining in the Outer Harbor
- The 300' pier-to-pier setback already eliminates the ability of some of these property owners to build piers bringing the number of possible new piers down even further – perhaps to two or three
- The fact that the Outer Harbor -- especially in the area of Laite Beach -- has very little water at low tide at the 100' mark means that it is often impractical to build a pier even if the 300' set back can be met. The pier near the Yacht Club has 3' of water at low tide – not even enough water to bring in most boats
- Aesthetics and history also play an important role in wanting to keep the area from being further developed with piers everywhere
- Safety of all harbor users must be considered if the harbors become too crowded and boat traffic confined because of the obstacles created by piers
- The HWO and the Comp Plan both require that harbor uses are to be allocated with *all* users in mind

The Harbor Working Group weighed the ability of perhaps three property owners to install a pier versus the fact that there are of thousands of other harbor users who deserve to be able to use the harbor safely. The Group came down on the side of eliminating piers in the Outer Harbor altogether. They also opted to remove the option for consolidated piers believing that in nearly all cases sharing a pier does not have a good ending - they feel there are just too many problems involved with shared use and maintenance to encourage these kinds of piers.

The Harbor Committee acts in an advisory position to the Select Board. They put forward these recommendations for changes and asked the Select Board to hold a Public Hearing. After a year, the Select Board told the Harbor Committee that they wanted more information on the impact on real estate values of the affected property owners and on property taxes before they went any further. The Select Board referred the Committee to the Planning Board to discuss the proposal and come up with a recommendation.

The Board discussed the ramifications of changing the Ordinance:

Mr. Wilson clarified that existing piers would be able to be repaired (or replaced) as long as they continue to be used. There is a risk of losing grandfathered status if a pier is removed and not replaced within a year. Or, if it is in such disrepair that it is not useable for the same amount of time owners may lose the ability to make repairs. If only granite piers or cribwork remain, that does not give property owners the right to install a pier if the Ordinance at that time prohibits new piers.

Mr. Wilson also added that property owners have the ability to apply for a pier under the existing Ordinance, and as long as they commence work within a year – even if the Ordinance has changed – they can build their pier. If the Ordinance has changed, even if they receive approval but don't start work on time, they lose the right to build.

Mr. Bernhard raised the issue of the impact on property values if the ability to build a pier is taken away. Mr. Sargent replied that it is the nature of zoning that changes affect property values – sometimes up and sometimes down. The public has the opportunity at Public Hearings to make their arguments with regard to property values. Mr. Sargent believes it is the Board's responsibility to propose changes to Zoning not based on the impact to property values, but on what is best for the entire Town.

← Mr. McKeever was asked to ascertain exactly how many properties would be affected if the Committee's proposal were to go forward.

Mr. Sargent does not agree with the Harbor Committee's assessment that the recently approved pier in the Outer Harbor at Harbor Avenue would interfere with recreational boating or create an unsafe situation. At low tide there are only inches of water at the end of the float – paddleboards and kayaks can get around but not other boats; whether or not there is a pier the area is not accessible by boat much of the time. There was some discussion about Riparian rights as well, and the right of the Town to protect what in some cases is their property, from encroachment.

Mr. Sargent noted that the revisions to the HWO now call for allowing a Municipal Pier that is over 320' long. Mr. McKeever explained the Committee's purpose was to be able to accommodate commercial boat traffic. If there is resurgence in the area – and there are plans to make this happen (small ferries, e.g.) – a large pier built on the site of the former Steamboat Landing Pier would give those boats access to Camden Harbor. Mr. Sargent wondered if it might also be a better location for commercial fishermen to work from than the Public Landing. Mr. Sargent cautioned that the Committee might think about limiting certain activities on a municipal pier to accommodate the concerns of residents of places like the condos next door: Things like not allowing large trucks on the pier for example might help with the overall appearance of the pier from these residences. The group discussed the fact that Steamboat Landing is the preferable site for such a pier; parking is an issue that would have to be dealt with if any project like this were to be proposed for development in the future.

← Mr. McKeever will specify in a revised draft that Steamboat Landing would be the only location where a pier this size would be permitted.

The Board unanimously agreed to continue a discussion on the Committee's proposal. Mr. Heard will report back to the Select Board that the proposal to amend both ordinances is slated for further discussion. Mr. McKeever will have the information the Planning Board wants ready in time for their April 2nd meeting. The Harbor Committee was asked to review and comment on the ZO Definitions that also appear in the HWO – in some cases they are identical in some cases not. Members of the Planning Board will review the Harbor Committee's proposal and offer any comments regarding formatting/language, etc., that might improve the proposal in that regard. The Recording Secretary will begin the review of the ZO to see where changes will be necessary to bring both Ordinances into agreement with regard to the review of piers and where they would or would not be permitted.

A copy of the Harbor Committee's draft changes is available from the Codes Office.

4. UPDATE ON SPRING ORDINANCE PRESENTATION:

On 3/17 Mr. Sargent, Mr. Scholz and Mr. Bernhard attended the Select Board Meeting to introduce the two proposed Zoning Ordinance Amendments – the Business Opportunity Zone (BOZ) and the elimination of the Special Exception Low Impact Use in the Village and Village Extension Districts. Both proposals were well-received after good discussions, and will be scheduled for Public Hearing before the Select Board on April 7. Mr. Sargent and Mr. Bernhard will attend those hearings.

1. PUBLIC INPUT ON NON-AGENDA ITEMS: (Taken out of order)

Ms. MacKinnon had attended the SAD 28 School Board discussion regarding moving forward after the vote *not* to fund a new Mary Taylor Middle School. The Board discussed the vote and agreed to go back to the drawing board with regard to coming up with a new proposal and the options they have. They are considering a survey of townspeople, perhaps conducted by a professional firm, to find out why voters voted the way they did to see what guidance they might find in those responses.

Ms. MacKinnon did learn that members of the School Board have learned that it is illegal for the School Board – individually as members or as a body – to advocate for or against a school construction project. School Board Chair Matt Dailey referenced the letter received from the Planning Board offering any assistance they can give. Mr. Dailey appeared open to accepting that offer and they discussed a liaison position to facilitate communication. The Board talked about their options – like leaving the Mary Taylor Building and the Bus Barn out of the next proposal; they discussed how much more the project would cost if it is put off for a few years; and they discussed the very high turn-out of voters for a Special Election – more than twice the average.

Mr. Sargent was pleased to hear of the positive response to the Planning Board’s offer and hopes to hear from Mr. Dailey soon about how the two groups can work together.

5. UPDATE on NOISE ORDINANCE:

Mr. Scholz and Dennis McGuirk had prepared a revised draft dated March 15 and a cover memo revised on 3/18 for the Board’s review. Mr. Scholz asked members of the Board to discuss whether or not they were still interested in considering this proposal now that it has evolved to this point. He and Mr. McGuirk met with the Police Chief and the CEO to discuss Bill Kelly’s memo; after the meeting the two are confident that they are on the right track, but they don’t want to continue spending time and effort if the members of the Board aren’t interested or supportive. The Chief has said that he would like to try out the Ordinance and any instruments that will be required to enforce it over the summer. The reservations regarding the accuracy of a sound meter when there is ambient noise that could affect measurements seem to have been resolved. In addition, Mr. McGuirk has found instruments that are sufficiently accurate for police use that are not overly expensive; he added that the Chief has said that he can pay for these instruments out of his current budget.

Comments from the Board:

Ms. MacKinnon: As long as the Chief is wholeheartedly in favor of the proposal she can support it. She remains philosophically opposed to these kinds of Ordinances, especially when the complaints come from people who have moved in near a business and then complain about noise.

Mr. Bernhard: The concept still runs counter to his philosophy of the way things should be done in a small town – and that is neighbor talking to neighbor not calling in the police. He referenced Mr. Kelly’s letter which he understands opposes Noise Ordinances drafted in this particular way – he believes Mr. Kelly agrees that this is not the way to cure problems. He would also like to hear from Chief Gagne specifically about what kinds of problems there are in Town with noise and where they come from – he would like to see a record of complaints at the least. Mr. McGuirk responded that a record of complaints does not paint a good picture of whether or not there are actual problems; most people are hesitant -- or even afraid -- to complain. This Ordinance will give the police an objective method of resolving these problems.

Mr. Bernhard asked how this process originated. Mr. Scholz responded that the Select Board had asked the Planning Board to work on the project after hearing testimony from Chief Gagne that he did not have the measurement tools that he need to objectively determine a violation. This came after a lengthy discussion between the Chief and the Select Board about the situation at Cuzzy's – there have been complaints about noise from the bar, but there is no way to measure whether or not the noise level is “objectionable” – the current standard for a violation of the Noise Ordinance that is part of the Police Ordinance. Mr. Scholz spoke at that meeting and informed the Select Board that the Planning Board was getting ready to begin work to on a Noise Ordinance. Martin Cates then asked the Planning Board to work with the Chief in developing that Ordinance.

Mr. Householder: If the police need this Ordinance for guidance then he can support it. This kind of Ordinance would rarely be used in a residential setting so he does not think it will have a great impact on most citizens. Mr. Bernhard agrees that responsible citizens will respond to a police request to be quiet if there has been a complaint – he still doesn't see the need for something so broad ranging.

Mr. Sargent: He understands that the police many need something to help them address noisy situations, but he doesn't want to make any decisions until he hears from the Chief. He believes there is still work to be done to the draft, and the Board began an in-depth review of the entire draft making suggestions for revisions. Mr. Scholz and Mr. McGuirk will make changes and present a revised draft when Mr. Scholz returns. A decision on which part of the proposal will end up in the Zoning Ordinance, and which belong in the Police Ordinance needs to be made in the near future.

Because of the late hour, the remainder of the agenda, including a discussion regarding setting priorities for work projects, was deferred to the next meeting.

The Board adjourned at 8:30pm.

Respectfully submitted,

Jeanne Hollingsworth, Recording Secretary