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**CAMDEN PLANNING BOARD
MINUTES OF MEETING
April 4, 2013**

10 **PRESENT:** Chair Chris MacLean; Members Richard Householder, Jan MacKinnon, Kerry
11 Sabanty and Lowrie Sargent; Don White, Select Board Liaison; and CEO Steve Wilson

12 The meeting of the Planning Board of April 4, 2013, was convened at 5:00 pm.

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26 **1. Public Input on Non-agenda Items:**

27 Barbara Dyer came forward as spokesman for a group of citizens who are asking the
28 Board to hold a discussion regarding the need for a demolition ordinance.

29 The Chair explained the process of making a request for an amendment. He noted that
30 the request for a demolition delay was first made years ago and it has resurfaced on occasion.
31 When someone came forward with a proposal fairly recently the Board realized that there is
32 renewed interest in the subject. The next step will be for the Board to discuss whether or not this
33 was an issue they want to work on – one that they feel is important to the Town. If they decide to
34 look at an amendment they then have to decide where it would fit into their list of requests for
35 ordinance amendments. He informed Ms. Dyer that the Board will discuss whether or not to take
36 the next step, and put the item on the agenda for discussion. If they do decide to do that, they
37 will let her know in advance of the meeting so she, and anyone else who is interested, can attend
38 and be heard.

39 Mr. Householder informed Ms. Dyer and the others that new draft of Chapter 14 of the
40 Comprehensive Plan (Historic Resources) recommended adding a demolition permit to the
41 Ordinance, as well as enhancing the role of the Historic Resources Committee by giving them
42 more authority than they currently have as an advisory committee. The previous version of the
43 amendment creating the Historic Preservation Ordinance has a clause allowing citizens to
44 petition the Select Board regarding historic buildings slated for demolition. He also informed the
45 group that the committee that worked on the last Historic Preservation Ordinance is being
46 reactivated to bring the amendment forward again.

47 Ms. Dyer, who worked on the original Historic Preservation Ordinance, was familiar with
the demolition language included there. However, there are some in her group who are
interested in including all structures in Town, regardless of historic relevance, in the requirement
for a permit; in providing a delay before demolition occurs; and in providing an opportunity for
public comment.

Mr. Wilson was asked if requiring a permit for demolition would require an Ordinance
change, or could it simply be an administrative action. Mr. Wilson replied that it order for him
to require a permit, there has to be a law backing up that requirement. Some permits he now
issues are required under State laws, and some under MUBEC, but all have an authorizing law to
fall back on. Mr. Sargent asked if MUBEC contained any requirements specific to historic
structures; Mr. Wilson replied that it did not.

1 Ms. MacKinnon is concerned that there is no benchmark to define what is historic and
2 what is not; she doesn't see how they can institute a requirement like this without a specific
3 definition. Mr. Householder replied that the Planning Board can't define specifically what is
4 historic, but the Historic Preservation Ordinance would allow a homeowner to take action to
5 have his property classified as historic if they had sufficient evidence to convince the Select
6 Board to do so.

7
8 Jeff Pittman came forward in support of Ms. Dyer's request: He had appeared before the
9 Board a while ago with a recommendation for wording for a "blanket" demolition ordinance –
10 one that would cover the entire Town. He argued then that there may be structures in Town, not
11 classified historic, that are important to the character of the neighborhood. He would like to
12 know how an Ordinance can be structured so that public input regarding proposed demolition is
13 required; the public needs to be able to weigh in. Mr. Wilson noted that Southwest Harbor ran
14 into problems with a similar ordinance provision when they had a severely damaged structure
15 that could not be demolished before the delay period was over. This created a dangerous
16 situation, and he recommends that any ordinance provision that permits a demolition delay,
17 should address these kinds of emergency situations.

18
19 The Chair responded to Ms. Dyer's question about when the Board might be holding a
20 discussion on the subject by saying that the Board would discuss this further and let her know
21 what they decide.

22
23 Jan MacKinnon: She informed the Board that the Sign Committees sign poles had been put in
24 place for the summer season.

25 26 **2. Minutes:**

27 February 21, 2013:

28 Page 1 Line 5: Mr. Sargent had been present at this meeting

29 Page 3 Line 16: "... to know ~~that~~ if the parties..."

30 Line 39: "Special Exception ~~if~~ it would..."

31 Page 4 Line 21: "...he said he will."

32 Page 5 Line 19: "...no guarantee ~~is~~ it will be available."

33 **MOTION by Mr. Sargent seconded by Mr. Householder** to approve the Minutes of the
34 Camden Planning Board of February 21, 2013, with the changes made.

35 **VOTE: 3-0-2** with Mr. MacLean and Mr. Sabanty abstaining due to their absence

36
37 March 27, 2013:

38 Page 3 Line 36: Maryann Shanahan's name had been misspelled as had the name of the
39 Hawthorn Inn

40 Page 4 Line 29: "...and better ~~that~~ than the original..."

41 **MOTION by Mr. Sargent seconded by Mr. Householder** to approve the Minutes of the
42 Camden Planning Board of March 27, 2013 with the changes made.

43 **VOTE: 4-0-1** with Ms. MacKinnon abstaining due to her absence

44
45 Ms. Shanahan was present this evening, and offered corrections to information provided
46 at the March 27 meeting:

1 Page 3 Line 44: There are four commercial properties in the neighborhood; three are inns and
2 the property at 10 High Street has a gallery.

3 Page 4 Line 45: There are four residential properties, not three.
4

5 **3. Proposed Future Zoning Amendments**

6 **Northern Gateway District (B-5):** 7

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9 Maryann Shanahan, owner of the Hawthorn Inn on High Street, came forward to present
10 a summary of a proposal to create a new zoning district that has been crafted by a group of Bed
11 and Breakfast owners along the first block of High Street. The group proposes the creation of a
12 new Business District (B-5) to be called the Northern Gateway. The District would include #s 1
13 – 12 High Street, a total of ten properties, and be bounded as follows: On the south by the Bean
14 House and the Library; on the north by Rockbrook Bridge; on the east by Library Park; and on
15 the west by the next lots in facing Harden Avenue. Of the ten properties, three are commercial
16 (inns); two are multi-unit residential rentals; one is an art gallery; and four are residential. Four
17 of the properties are for sale – one of them has been unoccupied for eighteen months, and
18 another is recently vacant. In addition, the Gallery building at 10 High Street is also closed and
19 the property is for sale.
20

21 The Northern Gateway District was created with the goal of protecting the historic nature
22 of this area. The group also wanted to protect the integrity of the High Street Historic District
23 and the homes north of the area in question. This proposed district is much more restrictive with
24 regard to allowed uses than the B-4 District, which was the district involved in the initial
25 proposal for an ordinance change by the Bifulcos, owners of one of the High Street B&Bs.
26

27 Until recently, this has been an area where all the properties were incredibly well-
28 maintained, but with recent changes to some of the properties, combined with the fact that there
29 are many houses for sale, owners are fearful that the area is entering a period of decline. By
30 expanding the list of allowed uses it may make it easier to sell some of the buildings because
31 there will be an increased potential for use. They also believe that property values might
32 increase with an expansion of allowed uses, and this would be beneficial to the Town. The hope
33 is that this area would become a thriving neighborhood with its own character.
34

35 One vision the group kept in mind when they defined this area is an area in Stockbridge,
36 Massachusetts, where there are similar kinds of homes adjacent to the downtown. That area is
37 tied together with the downtown physically through the use of similar style street lamps and
38 sidewalks, etc. Her group has discussed whether installing similar landscaping to further tie the
39 Camden areas together would help create the feeling that this is an extension of the downtown
40 with its own historic character.
41

42 They have tried to create a very narrow definition of the district that would protect and
43 preserve the character by limiting the uses to those that are compatible with the current uses.
44 When asked what some of those new uses might be, Ms. Shanahan replied they would like some
45 of the following uses to be allowed:

- 46 • To be able to serve dinner to their guests, and possibly to non-guests as well
- 47 • To have high-end retail shops or dress shops

- 1 • To have a high-end café or market
- 2 • To be allowed to have commercial uses at street level with a residential inn above

3
4 They worked with Mr. Wilson on the proposal, but they had trouble applying some
5 Ordinance definitions because they are written broadly in categories that include many more uses
6 than this group wants to allow. They want to narrowly confine the uses they would allow, but
7 fine-tuning of definitions isn't possible; they need suggestions from the Board, and from Mr.
8 Wilson, on how to accomplish their goals. One example is Tradesmen Shops: Out of the all the
9 possibilities permitted under this use, the group wants to allow only artists' studios, but studios
10 are not stand-alone uses, and the only way they can see to allow them is to include the category
11 as defined. Mr. Wilson replied that artists' studios can fall under the "retail" category as long as
12 the product is created in the shop. They also want to allow something like the Market Basket,
13 but that use is covered under the umbrella of "take out restaurants," and they definitely don't
14 want any of those. The problem they had was that the categories of uses defined by the
15 Ordinance are not narrow enough to allow them to pick and chose only the specific uses they
16 want.

17
18 Mr. Householder suggested that they be very careful what they ask for, and Ms.
19 Shanahan replied that the uses they had included in their proposal are generic, and are all on the
20 table for discussion. The group is willing to do all the work to fine-tune the draft, but they need
21 guidance so they don't end up permitting uses they never wanted.

22
23 Ms. MacKinnon suggested that parking might be an issue if owners wish to have a sit-
24 down restaurant; the Ordinance requires one parking space per four-top table, so it wouldn't take
25 much before parking spaces either had to be provided on site or purchased. She wonders how
26 many of the inns have room for expansion of parking without changing the character of the
27 properties.

28
29 Ms. MacKinnon asked Ms. Shanahan if she thought the other B&Bs in Town would want
30 to be in a similar district, and Ms. Shanahan replied that they are already in a different district
31 with many more uses than this proposal would allow – there would be no advantage to them in
32 changing. The same question was asked about High Mountain Hall and the funeral home – both
33 properties on Mountain Street abuts the proposed new district. Ms. Shanahan has not spoken to
34 either owner because their district, the B-4 allows so many more uses that the B-5 would and
35 they would end up with reduced possibilities for the use of their properties. Because of this she
36 wouldn't think they would be interested in joining the B-5. Mr. Householder asked if the group
37 had discussed whether or not the B&Bs just up High Street on the other side of the bridge, would
38 be interested in joining the B-5. Ms. Shanahan suggested that they don't see the zone traveling
39 any further up High Street than they propose. Mr. Householder suggested that the Main Stay Inn
40 is just over the zone boundary, and the owners might be very interested in this proposal. Ms.
41 Shanahan replied that the line has to be drawn somewhere, and there is an obvious change in the
42 character of the neighborhood once you cross the bridge and Sea Street. Houses are further
43 apart, and there is very little commercial use mixed in - or even close-by. Unlike theirs, this is
44 almost entirely a residential neighborhood. Ms. MacKinnon thinks the zone seems very small as
45 proposed and they may want to be more inclusive.

1 Mr. Wilson suggests that they specify the uses they are going to include and then craft the
2 language. Mr. Sargent suggests they look to what might be obstacles – like parking. If they
3 want to serve the public dinner then they might limit the number of dining tables to the number
4 of lodging rooms so they won't need to increase parking at all. The definition of B&Bs now
5 requires that the use is primarily residential; Ms Shanahan was asked whether or not that
6 definition will have to be amended to allow her property to continue as a B&B. If they want to
7 include some retail without having retail take over the building, then they could limit the
8 percentage of area given to that use. This will help curtail the intensity of use of the property as
9 well, which might reduce some opposition to this change. They need to keep in mind that if they
10 are too aggressive in permitting uses within the properties, at some point they could begin to
11 antagonize their neighbors. Mr. Wilson warned that if they keep the majority of the building
12 residential in use, they won't open the MUBEC "can of worms" with regard to permits and
13 requirements like sprinklers. Mr. Sargent noted that permit issues were beyond the Planning
14 Boards jurisdiction, but Mr. Wilson just wants the group to keep this in mind as they write their
15 proposal.

16
17 Mr. Sargent, who finds merit in this concept, suggested that the group might help reduce
18 opposition to their proposal if they require that the buildings must retain the residential character,
19 that there are no footprint changes – no additions to further increase the intensity of the uses.

20
21 Ms. Shanahan said that she certainly doesn't want to do anything that would devalue her
22 property which she has worked so hard to keep in absolute pristine condition. But, she cannot sit
23 by and let the neighborhood deteriorate. She doesn't want to see her property values harmed by
24 properties that end up looking like those across the street. Ms. Shanahan agrees that if they are
25 very careful in their definitions, and are successful, the change will benefit both themselves and
26 the Town.

27
28 Jesse Bifulco came forward to speak: He originally wanted to be able to expand the size
29 of the commercial use on his property by building a barn so they could take the events they
30 currently are allowed to host inside where the noise would not bother the neighbors - right now
31 they are limited to holding those events in tents. They have set their own rules for ending the
32 event at 10 pm even though that is not required by the Town. They do a limited number of
33 events each year, but they have not marketed this aggressively. They would do so if they had a
34 better space in which to hold events. They want to do a total re-landscaping project of the
35 property to improve the look, but cannot justify spending the money unless they know they can
36 recoup the costs with additional business – this proposal would allow them to do that.

37
38 He also spoke to the group's desire not to allow multi-family dwellings; the two
39 properties that are now the most eroded and shoddy are the two multi-unit dwellings. He hopes
40 the Board will consider this change as a way to help year-round residents, some with children,
41 make a living and be able to stay in Town; one of the goals and priorities of the policies of the
42 Town is to do what they can to encourage just that.

43
44 Mr. Bifulco suggested that the group will work on definitions and terms that are more
45 suitable and self-limiting. Mr. Wilson recommended that if they keep in mind what the State
46 calls "live/work units," and limit any new business to a certain percentage of the square footage,
47 they will have more flexibility because the primary use of the building will still be a B&B. Mr.

1 Sargent suggested that they forget using the State definitions, and create definitions that fit in
2 Camden for their needs. Mr. Wilson wants the group to bear in mind that there could be
3 unintended consequences of making certain changes, and he will help them know whether or not
4 they are going to put themselves in a situation where additional rules may kick in.
5

6 Mr. MacLean asked how many property owners actually want to be involved. Ms.
7 Shanahan replied that two business owners are out of Town – the owner of the gallery and the
8 third B&B owner. She will try to be in touch with both of them and find out. She asked what
9 would happen if some of the property owners are totally opposed, and Mr. MacLean replied that
10 it was not necessary that all property owners be on board; it is better for everyone if there is no
11 dissent, but the request can go forward without everyone in favor. He believes that the
12 changes they have discussed could make the properties more viable, and that might help gain
13 support. But as drafted, the proposal has a more aggressive commercial look than the group
14 possibly intended, and that tone might raise the opposition level. Ms. Shanahan replied they
15 want to balance the viability of the idea while protecting the resources they have. She will
16 communicate with the three residential property owners, and try to get information on contacting
17 the condo owners. Mr. MacLean replied that if she can reach 90% of the owners to inform them
18 of the proposal that would be great. This proposal doesn't require group action, but he also
19 doesn't want to see a neighborhood at war; Ms. Shanahan agrees.
20

21 Mr. Householder recommends they reach some agreement with neighbors; review the
22 Board's comment; and come back to the next meeting on May 2. He also suggested that they
23 talk to abutters, and to the owners of the houses from Tannery Lane on up the street – not
24 necessarily to invite them into the District, but to let them know what will be happening in their
25 neighborhood. They also need to work on definitions and come up with very specific terms.
26

27 Mr. MacLean said that he is not familiar with Stockbridge, and would be interested in
28 seeing pictures of the area so he better understands what they have in mind. He also suggested
29 that if someone could do a concept drawing of how the area might look that would be good as
30 well. Mr. Wilson suggested they might even compare their proposal to another area of Town – if
31 there is one - so the Board has some idea what the group has in mind.
32

33 The group will return to continue the discussion at the Board's May 2 meeting.
34

35 **Anne Keefe Property: Camden Street - Update:** 36

37 With regard to a possible zoning amendment that would change the uses permitted on this
38 property, Mr. Wilson informed the Board that he had pulled the deeds to the Keefe property and
39 found no recorded covenants that would impact future development of the lot.
40

41 **4. Regulation of Storage Trailers/boxes:** 42

43 Grandfathering of Existing Trailers:

44 Mr. Wilson informed the Board that Portland addresses exiting trailers and storage boxes
45 by requiring a permit with an annual fee of \$100. The permit could also require screening of
46 these trailers if the Board wants to add that requirement. Portland's definition of a storage unit is
47 general and works for trailers, pods, etc., and it brings in storage facilities which have never been

1 addressed by Camden. Mr. Wilson believes this would be a good start for Camden; he needs
2 direction from the Board regarding how they want to approach permitting, time frames, etc.
3

4 Mr. Householder asked if the Board wants to eliminate trailers all together; Ms.
5 MacKinnon believes they do and suggested the changes made to the expansion of non-
6 conforming uses were intended to give businesses that currently have trailers the ability to
7 expand, and in return they would have to get rid of the trailers. Mr. MacLean noted that these
8 trailers exist and they cannot eliminate them because they are grandfathered. Mr. Wilson agreed
9 they are grandfathered, but they can be regulated by requiring permits. He suggested that
10 requiring permits and screening would accomplish one goal – to make them look better. There is
11 also the question of whether or not the trailers sit on cribbing for support; when they do, they are
12 treated as a structure and must meet boundary setbacks.
13

14 With regard to permitting the use of new trailers, Mr. Wilson noted that the Board has the
15 option of whether to temporarily allow trailers in certain zones, the BH and I zones for example,
16 when they are a part of the business operations – like Wayfarer’s use of trailers for storage
17 during a re-fit. The use is temporary, but necessary. Mr. Sargent added that construction
18 projects taking place anywhere in Town might need a trailer on site during the project, and that
19 kind of use should be allowed; lumber yards often have truck-load sales when they park a trailer
20 body on the lot for a few weeks – this should still be allowed. Mr. Wilson agreed; that is why he
21 is in favor of the permitting process as a means of temporarily allowing trailers under specific
22 conditions.

23 → Mr. Wilson will put together a draft which includes these concepts.
24

25 DISCUSSION:

- 26 1. Minor field adjustments: The Site Plan approval for a property on the Start Road for a
27 bridge included reviewing the footprint of a residence that is now going to be greatly
28 diminished in size. The house was initially proposed as the main residence; it will now
29 be used as a guest house and the main house will be built across Beaucaire Avenue
30 instead. Mr. Wilson wondered if the Board considered this to be a Minor Field
31 Adjustment that he could approve, or a Site Plan amendment that they would review.

32 → Mr. MacLean will review the plans with Mr. Wilson and make a recommendation.
33

- 34 2. Future agenda items: May 2: Discussion of High Street Gateway District proposal
35

- 36 3. Pending Applications: There are none
37

- 38 4. Other:

39 Don White asked if Mr. Wilson knew why the clean-up at the site of the former Lotus
40 Restaurant had stalled. Ms. MacKinnon reported that the Town had originally contracted
41 with Ferraiolo Construction to haul away the debris left after the fire, but that company is not
42 in business at this time, and they have to go out to bid again.

43 *Letter from Keri Shirley:* Mr. Shirley sent an email letter to Mr. Wilson and Town Manager Pat
44 Finnigan dated March 28, 2013, in which he requested an ordinance amendment that would
45 permit mobile food units in Camden. Mr. Sargent suggested that until the Downtown Plan is
46 implemented, and they can figure out where things like this might go and not clog up the entire

1 sidewalk, it doesn't make any sense to spend time talking about the subject. Right now the
2 sidewalks are too narrow as it is. Mr. MacLean suggested that there is more to it than first
3 appears, and suggested that the owner of the Smoothie Shack, who made several very good
4 points regarding food carts and food trailers be invited back to discuss the issue when it does
5 come before the Board. Ms. MacKinnon suggested that Mr. Wilson tell Mr. Shirley about the
6 solutions the two other vendors in Town found that allowed them to have food trailers; one
7 purchased the property so she could locate her cart there; the other had permission from a
8 property owner to park in the parking lot during certain hours when the store wasn't open. Mr.
9 Wilson noted that the property has to be in a zone where restaurants are already allowed.

10 Mr. MacLean suggested that, as an informational courtesy, Mr. Wilson share this
11 information with Mr. Shirley and inform him that the Board is not interested in putting this issue
12 on the agenda for discussion at this time. He should let him know that there is no possibility that
13 any change could be made for this summer, but the Board will add the request to their list of
14 possible amendments and may consider it sometime in the future.

15
16 *Demolition Delay and Notification:* Mr. Sargent suggested that the Board decide what they are
17 going to do about the issue of demolition delays; it keeps coming back before them, and they
18 need to address these requests. Mr. Householder suggested that the issue be divorced from the
19 Historic Preservation Ordinance, because if they rely on that Ordinance to address the issue it
20 will take too long to see results.

21
22 Mr. Sargent believes that if a demolition ordinance includes a construction hiatus in the
23 permitting process, it won't go anywhere because there will be too many objections. Mr.
24 MacLean is not too supportive of waiting times and infringing upon property rights, but people
25 need to be heard somewhere in the process. Mr. Householder asked what purpose hearing the
26 public would serve if it is just a courtesy to let them speak. Ms. MacKinnon does not believe it
27 is the Board's job just to hold public forums for no purpose.

28
29 Don White agrees with Mr. Sargent that there is a real interest by townspeople in this
30 subject, and they are serious about asking for time to react to a notice of demolition. It is
31 obvious that they are getting organized, and they should be heard. Mr. Sargent spoke to the
32 Board's long effort to make public input an important part of their process; this effort has been
33 well-received and is very much appreciated. It has been positive for the whole Town and good
34 for the Planning Board's reputation as well; people feel they are being heard.

35
36 Mr. Householder suggested that they include a discussion of demolition on their agenda
37 and see who comes and what they have to say. Mr. MacLean asked if there is support on the
38 Board to hear from people, and there was. Mr. Wilson will include the subject on the agenda for
39 June 6, and will notify those who have expressed interest. Ms. MacKinnon wants to make sure
40 that they hear from both sides, and hopes there will be representatives opposing the proposal
41 attending as well. Mr. Wilson suggested that hold a public meeting is a good way to take the
42 temperature of the level of interest.

43 There being no further business before the Board they adjourned at 7:10 pm.

44
45 Respectfully submitted, Jeanne Hollingsworth, Recording Secretary