

1 **CAMDEN PLANNING BOARD**
2 **MINUTES OF MEETING**
3 **April 19, 2012**

4
5 **PRESENT:**; Members Richard Householder, Jan MacKinnon and Lowrie Sargent; Alternate
6 Member Sid Lindsley; Don White, Select Board Liaison to the Planning Board; and CEO Steve
7 Wilson

8 **ABSENT:** Chair Chris MacLean; Member Kerry Sabanty and Alternate Member Nancy
9 McConnell

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11 The Meeting was called to order at 5:00 pm.

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13 **1. PUBLIC COMMENT on NON-AGENDA ITEMS:** No one came forward.

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16 **2. MINUTES:**

17 There were no minutes to review. The Minutes of April 5 will be reviewed at the May 3, 2012,
18 meeting.

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20 **3. SUBDIVISION: PUBLIC INFORMATIONAL MEETING**

21 The Public Informational Meeting was postponed to the April 3, 2012, meeting.

22
23 The CEO confirmed the schedule of review for the Maple Grove Subdivision Application:

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25 May 3, 2012: Town of Camden Public Informational Meeting

26 May 9, 2012: Joint Site Walk with the Town of Rockport: 5:00 pm Spear Farm

27 May 9, 2012: Public Hearing with the Town of Rockport: 5:30 pm Rockport Opera House

28 May 17, 2012: Town of Camden Initial Review of Subdivision Application

29 The CEO has an original version of the *Memorandum of Agreement* that has been signed by both
30 Towns; the Town of Rockport's Planner has one as well. No changes were made to the original
31 approved and signed by the Camden Board.

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33 **4. Workshop: Non Conforming Expansions**

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35 The CEO has gathered several ordinances from other Maine towns that address
36 expansion of non-conforming uses. He extended invitations to some of the owners of non-
37 conforming businesses in Town, and Steve Laite and John French are here this evening to
38 participate as the Board begins their discussion on how, or if, Camden's Ordinance might be
39 changed to allow for some expansions.

40
41 Steve Laite:

42 Mr. Laite had prepared a layout of a proposal he might submit if expansions are
43 eventually allowed in his district – the B1. He would create two impound storage areas – one
44 inside and one outside. He would expand his existing two-bay garage by two more bays
45 which would give him the security he needs to store police impounded vehicles, or vehicles
46 where there was a death resulting from an accident. He would also install a 7' - 8' high mesh

1 privacy fence next to his commercial abutter where he could store about twenty vehicles:
2 some are wrecked vehicles waiting for an insurance company adjuster; others are impounded
3 cars that don't need to be secured. This addresses the concerns of the Montessori teachers
4 who complain that the children have to look at these wrecks, and it gives him about 40% more
5 inside work/storage space. On the side of the lot nearest residences he would park vehicles for
6 the short term: cars dropped off for repair or waiting to be picked-up after repair. There
7 would be no setback issues with this layout, and no run-off issues. The CEO added that this
8 would also be an environmental improvement because Mr. Laite could capture more of the
9 fluids from vehicles with inside containment systems, than he does now with the cars sitting
10 outside on the lot.

11
12 Mr. Lindsley said that he would be against any general change that would be applied
13 town-wide, but he did think that it was important to hear what neighbors had to say. He asked
14 the CEO how Mr. Laite's business was classified – what makes it non-conforming. Mr.
15 Wilson replied that the current use, an auto repair facility, is not an allowed use in the B1. If a
16 use isn't specifically allowed, it is prohibited, or in this case, it is non-conforming. The intent
17 of this change is not to make this non-conforming use conforming in this district, but to allow
18 some expansion to keep the business going.

19
20 John French: He is also a grandfathered commercial use abutting residential uses. Because of
21 this he cannot add an office or a third bay. He wants an office, but someone some day may
22 want the extra bay as well. He needs some place for customers to wait besides his shop – it is
23 too dangerous for people to be in there, and he is lucky no one has been injured. He also
24 needs a clean space for computers, and the shop is simply too dusty – he has ruined computers
25 because of that already.

26
27 His business has been there since 1948, and Steve Laite's lot was a gas station
28 beginning in 1922. He doesn't really understand why these long time uses were made non-
29 conforming when the Ordinance was written. He hopes that some way can be found to help
30 existing businesses expand to stay in business. He saw that some towns allow a 30%
31 expansion and he thinks that would be a fair number.

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33 The Board discussed how this could be made to apply only to the non-conforming uses
34 that were in existence when the Ordinance was written, and Mr. Wilson suggested that re-
35 writing the definition of Non-conforming Use would be one way to approach this: “An
36 existing non-conforming use that was in existence at the time that the Ordinance was written
37 that has continued in use without a lapse of more than two years.” To address concerns that
38 the exemption should not apply Town wide, a new definition could be created and called
39 “Grandfathered Non-conforming Use” and then applied district by district. That would leave
40 other non-conforming uses as defined currently and unable to expand.

41
42 Mr. Sargent thanked the two business owners for coming and stated that the Planning
43 Board is sympathetic to helping businesses in Town; this proposal is one they are going to
44 work on. Mr. Wilson will keep the two informed as to the schedule of workshops. The Board
45 discussed what other businesses in Town might fit into this new definition: Cooper Tire,
46 Party Fundamentals, McDucks (now out of business for more than 2 years, the use has lost its
47 grandfathered status), Long Funeral Home, Superior Maintenance, Margo Moore, and Clark's

1 Transport were among those they could think of. The Board wondered if there was a way the
2 Tax Assessor could find business, but the CEO thought it would be nearly impossible to sort
3 through tax payers to find non-conforming businesses.
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5 The Board discussed some components of a proposal:

- 6 ▶ The expansion must be tied to an overall improvement of the property
- 7 ▶ The expansion should be reviewed under the Site Plan Review Ordinance. The
8 question would be whether to look only at the portion of the building being expanded
9 or at the entire lot to determine “improvement”
- 10 ▶ The criteria reviewed under Site Plan for expansions could be specifically defined (Mr.
11 French and Mr. Laite thought it fair that business owners should know in advance what
12 is going to be up for review so they know whether or not to propose an expansion)
- 13 ▶ There should be a percentage of existing footprint/volume expansion – as in the
14 Shoreland Zone – but that percentage might vary from district to district. The Rural
15 Zones might have a more limited expansion allowance, for example. Current space
16 and bulk standards, set back requirements, and lot coverage limitations will control
17 expansion to some extent, but there may be other controls the Board wants to put in
18 place
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20 Mr. Lindsley reminded the Board that each district’s allowed uses were discussed and
21 debated at length when the Ordinance was created. There are reasons some uses were not
22 allowed and that should be kept in mind. If they were not permitted uses that means the Town
23 didn’t really want these businesses in those districts. The entire Board is eager to hear from
24 people supporting the concept as well as those opposed to changes and will probably be
25 scheduling a Public Information Meeting soon as part of the process.
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27 → The CEO will draft a proposal outlining which criteria of Site Plan Review would apply, and
28 what expansion allowances would be permitted within which districts. He will send copies of
29 the draft to Mr. Laite and Mr. French as well as to the Board.
30

31 DISCUSSION:

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- 33 1. Minor Field Adjustments: There were none
- 34 2. Future agenda items: May 3, 2012: Non-conforming Uses; Maple Grove Subdivision
- 35 3. Pending Applications: U.S. Cellular is interested in installing a cell “tower” on top of the
36 Brace Building (May 17 meeting)
- 37 4. Other: Comprehensive Plan Committee citizen interest: The CEO reported that only four
38 people have submitted letters of interest in serving. Mr. White informed the Board that some
39 members of the Select Board would like to meet with Planning Board members involved with
40 the Comp Plan. There was no formal agenda proposed for the meeting – it was to be a general
41 discussion of the process.
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43 There being no further business before the Board they adjourned at 5:35 pm.
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45 Respectfully submitted,
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47 Jeanne Hollingsworth, Recording Secretary