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**CAMDEN PLANNING BOARD**  
**MINUTES OF MEETING**  
**May 1, 2014**

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

**ABSENT:** Member John Scholz

The meeting of the Planning Board convened at 5:00 pm.

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

Don White: Select Board Member and Chairman of the Midcoast Transit Committee: The group is ready to present the final report from Nelson and Nyguard regarding a proposal to initiate some level of public transportation in the mid-coast area from Thomaston to Camden. The consultants looked at four levels of service and recommend starting with a Rockland-based service going to and from Pen Bay Hospital in Rockport to Walmart in Thomaston.

The Committee will be meeting again to determine the next step which may be hiring new consultants to take them to the next step. The DOT is very interested in seeing this project succeed because they are looking for a model to encourage similar systems in other parts of the State. Mr. White is preparing a Power Point presentation to present to the Select Board and will make the same presentation to the Comp Plan Committee at their meeting at the end of May.

The study can be found on-line at <http://www.midcoastplanning.org/PDFs/MTS-FinalPresentation.pdf>

**2. MINUTES:**

**April 16, 2014:**

Page 1 Line 26: "...a Low Impact Use which limits ~~which~~ the applicability..."

Page 2 Line 31: "...if they want to come to advocate..."

Page 3 Line 20: "~~four~~ five food delivery trucks..."

Page 3 Line 48: The term "rold" was replaced by the word "role".

Page 4 Line 26: "...as long as the owner is ~~not~~ serving only those attending..."

Page 4 beginning at Line 34: Mr. Householder asked the recording Secretary to provide more detailed discussion regarding changes to business anticipated at Windward House if the amendment were to be approved.

Page 4 Line 46: Mr. Sargent asked Mr. Wilson to comment not Mr. Scholz.

Page 7 Line 4: "the Stormwater Drainage Plan is as sufficient."

Page 7 Beginning at Line 37: The Recording Secretary will include the Motion and Vote not to hold a Site Walk for the Vernon Dent Private Way.

Page 7 Line 43: The word "Minutes" was misspelled.

Page 8 Line 39: Mr. Leichtman's name had been misspelled.

Action on the Minutes was deferred until the requested changes are made at Pages 4 and 7.

**3. PROPOSED ORDINANCE AMENDMENT: Discussion Continued**

1 Article III Definitions: To the definition of Inn add the following language: “An inn located on a  
2 nonconforming lot shall be subject to the terms of Article VI, Section 2(2) (c) of this Ordinance;”  
3 and  
4 Article VI Section 2(2) (c) add the following language”, except an Inn abutting High St and  
5 within 500’ of a zone where restaurants are an allowed use may be granted a Special Exception to  
6 be allowed to serve meals to overnight guests only, subject to meeting the standards of a Low  
7 Impact Use as determined by the Zoning Board of Appeals.”  
8

9 Ms. Bifulco explained that she believes the request to add this Special Exception to the  
10 Ordinance is a fair one. She has read Dennis McGuirk’s letter expressing his further concerns  
11 and saw nothing new that would convince her to change her proposal. Mr. Householder  
12 confirmed that nothing in the proposal has changed since the last meeting. The Chair noted that  
13 Ms. Bifulco had referenced the letter to the Board from Dennis McGuirk received April 28,  
14 2014, which is part of the record. (See Attachment 1 to these Minutes)  
15

16 Mr. Wilson referenced the email sent to Board members from John Scholz  
17 recommending wording for a proposed amendment similar in nature to Ms. Bifulco’s. Because  
18 Mr. Scholz had proposed that his amendment go forward instead of Ms. Bifulco’s, Mr. Wilson  
19 thought it was fair to bring Ms. Bifulco into that discussion so she knows what is being proposed  
20 and so the Board knows her position with regard to the Scholz amendment.  
21

22 Ms. Bifulco has just received a copy of the Scholz proposal. She was surprised to see it  
23 on the agenda this evening especially given the time she has spent working with the Board to  
24 refine her very focused proposal by addressing the concerns of the neighbors. Mr. Scholz’s  
25 proposal ignores many of those concerns, and although she is willing to take part in discussions  
26 she is not willing to be the “face” of this amendment. She cannot believe that Deb Dodge,  
27 always an opponent of her proposal, had a part in working on the Scholz proposal. She asked  
28 that her wording go forward separate from Mr. Scholz’s. She questions whether or not there are  
29 other B&Bs that would take advantage of the opportunity provided by the Scholz proposal to  
30 allow all B&Bs in the Village District to serve dinner to guests. When she reached out to other  
31 members of the B&B Association, there was no interest in being included in her request – she is  
32 not sure there will even be support by the Association for the new proposal. In addition, she  
33 heard the neighborhood say that they wanted a more restrictive amendment and her proposal is  
34 respectful of those wishes.  
35

#### 36 *Comments from the Board*

37

38 Mr. Householder: To interject something like Mr. Scholz’s proposal at this point – although it  
39 may have merit - changes the scope of Ms. Bifulco’s proposal and will slow down the process  
40 and confuse the issue. Mr. Sargent noted that the Board has just received the Scholz proposal.  
41 Without Mr. Scholz here to explain it – or the genesis of the concept – they are at a disadvantage.  
42

43 Mr. Bernhard: He wants to know what the town thinks before he makes a decision on the Scholz  
44 proposal. He believes it does level the playing ground within the B&B community – the fact that  
45 not all B&Bs are included in Ms. Bifulco’s proposal has always concerned him. He has asked  
46 about fairness before. He believes it is the market that will determine how many meals are  
47 served at these B&Bs. He would like to explore whether *all* B&Bs could be included, and

1 believes that if there is support for Mr. Scholz’s proposal the Board could push it through fairly  
2 quickly without getting the two muddled up.

3  
4 Ms. MacKinnon: She agrees with Mr. Bernhard in that Ms. Bifulco’s proposal applies to such a  
5 limited number of businesses – there is a spot zoning aspect to the way this is written. She asked  
6 Mr. Wilson what the protocol is when a new proposal is interjected while the Board is  
7 considering a similar proposal already.

8  
9 Mr. Wilson replied that there is nothing that would prohibit two proposals from going  
10 forward at the same time – even to the point of including both on the ballot. Mr. Wilson replied  
11 that there is a very intricate interaction between the two, and if two proposals go forward there  
12 needs to be consideration of how they will mesh if both are adopted. State rules also come into  
13 play and need to be considered.

14  
15 Because Kristi’s business is a non-conforming use on a non-conforming lot, it cannot be  
16 made more intensive in use. He would need to make sure that her B&B would qualify for the  
17 Special Exception Mr. Scholz has proposed or she and other non-conforming inns may be left  
18 out with the changes Mr. Scholz’s proposes. He would also need to ensure that the change  
19 applies to conforming Inns as well. He needs time to review the Scholz proposal to learn how it  
20 would impact the Bifulco proposal, and to discuss it with the Town Attorney.

21  
22 *Comments from the Public*

23  
24 Leonard Lookner: He provided a brief history of the evolution over time in Inns and B&Bs and  
25 how the Ordinance has come to this point in defining lodging businesses. He commented on the  
26 impact that a commercial restaurant might have in a residential district with the potential for loud  
27 exhaust fans and truck deliveries – neither of which are consistent with residential character. He  
28 believes that Inns should not be able to include the fact that they serve dinner on their signs. It  
29 increases the possibility that non-guests will stop by for dinner and the resulting temptation to  
30 serve them – how would restricting service to guests only be monitored and enforced? This step  
31 takes serving food to guests to a different level than just serving breakfast from a kitchen shared  
32 by the family.

33  
34 Dennis McGuirk: He hopes by supporting this proposal that the Planning Board isn’t saying that  
35 businesses matter more than residents. He sees this proposal as taking away the competitive  
36 advantage of being a hotel. The dismissal of explicit restrictions on Inns undermines the  
37 protections offered by the Ordinance to neighbors of these businesses.

38  
39 He raised again the impact classifying Norumbega as a hotel and the result lifting  
40 Ordinance restrictions that applied to Inns has had on the neighborhood. The owner is soliciting  
41 special event attendees on Facebook – he does not consider this as meeting the intent of Special  
42 Events. He would like to see a list of all overnight accommodations in Town categorized as  
43 either an Inn or a Hotel along with information on who is grandfathered to serve dinner to guests  
44 and who can serve dinner to the public. He would like to know how many Inns would be  
45 impacted by the proposals.

46  
47 Judy McGuirk: She lives next door to Norumbega and used it as an example of how making  
48 changes to definitions has muddled the Ordinance when it comes to what is and what isn’t

1 allowed where and added confusion about how the Ordinance is interpreted. Allowing  
2 businesses to thrive in residential areas will cause a “death by a thousand cuts” as commercial  
3 activity increases in the Village. She asked the Board to stop their work and hold a workshop for  
4 residents asking what they see in Camden’s future. Do they want to see neighborhoods become  
5 places with mini-businesses everywhere? What is more important – jobs no matter where they  
6 are or a thriving downtown?  
7

8 Ken Kohl: Owner of the Swan House B&B: He is starting his 22<sup>nd</sup> season in the business but is  
9 speaking as a resident who liked the way the zoning in Camden was put together years ago. His  
10 became a grandfathered property and he realized that restrictions came with this status when he  
11 bought the property. Kristi’s proposal will have a minor impact, but he wonders what the impact  
12 would be on downtown restaurants as the number of Inns that can serve dinner to just a few  
13 guests grows to the point where it is a significant number.  
14

15 Most of all he believes that businesses need to work to co-exist and he is surprised that  
16 restaurants have not stepped forward to speak to the possible impact this change might have –  
17 this might be because they are not concerned. He does wonder about the impact on Inns that can  
18 serve dinner to their guests already – the Ordinance has given them a competitive advantage that  
19 will be taken away with this change. That impact may not be significant either since they are not  
20 here to speak to the proposal. His biggest competition is from homeowners who are renting their  
21 homes illegally – that is a threat to all Inns and B&Bs and he hopes the Town will address this  
22 serious issue.  
23

24 The Chair stated that the Board would not be making any decisions on how to proceed  
25 with the Scholz proposal at this point in the agenda; the item is on the Discussion List for later in  
26 the evening. They have set May 15 for the first Public Hearing on the Bifulco proposal and will  
27 move forward according to plan.  
28

#### 29 **4. DISCUSSION:**

- 30
- 31 1. There were no Minor Field Adjustments  
32
  - 33 2. May 15<sup>th</sup> Meeting:  
34 Bifulco Zoning Amendment: 1<sup>st</sup> Public Hearing  
35 Maple Grove Subdivision: Pre-Application Meeting and PIGM  
36  
37 June 5: Camden Snow Bowl Lighting Plan  
38
  - 39 3. Pending Applications:  
40 Cartwright, Frazer and Gerard: Mixed Commercial/Residential Development BR  
41 They are still developing plans.  
42
  - 43 4. Zoning Amendment Proposals – Bifulco and Scholz:  
44 The Board discussed the two proposals for Ordinance amendments:  
45 • It is unfair to include the Bifulco proposal in with the Scholz proposal – they are  
46 significantly different in scope and intent

- 1 • It is easy to see why neighbors are upset with the Scholz proposal since it goes back to  
2 the beginning when the original proposal was moving all the way up High Street
- 3 • It is inappropriate to move forward now with the Scholz proposal: It unfairly detracts  
4 from the Bifulco proposal and all the work she has done to curtail the scope.
- 5 • The Board should move forward with the Bifulco proposal alone. There is no way to  
6 consider both concurrently -- including separating them on the agenda and providing  
7 specific language regarding the differences -- without causing confusion and perhaps  
8 affecting Ms. Bifulco's chances of winning approval from the voters
- 9 • The two proposals are markedly different: One applies to only three B&Bs – the other to  
10 many more; the location of the businesses affected is different – one is narrow in scope  
11 the other many other places in Town; and the Bifulco proposal addresses the concept of  
12 transitioning from a commercial district to a residential district without strict lines of  
13 demarcation by permitting certain levels of low-impact businesses within a 500 foot  
14 transitional zone. They are major differences.
- 15 • The public needs to be made aware that the *only* issue before the Board at the May 15  
16 Public Hearing is the Bifulco proposal. Mr. Wilson will include the Bifulco proposal on  
17 the agenda and state that any other proposed language will be considered at a later date
- 18 • It is awkward to discuss the Scholz proposal when Mr. Scholz is absent and when the co-  
19 author – Deb Dodge – is also out of Town. Mr. Sargent wants to hear from these two  
20 people who often have good ideas about making changes to the Ordinance to understand  
21 what they are attempting to do and why
- 22 • The Board should Table discussion of the Scholz proposal until they have finished with  
23 the Bifulco proposal and hear the Scholz proposal at the next meeting. If there is merit  
24 and support for doing so there is plenty of time before the deadline to get amendments to  
25 the Select Board to see if they can work out the differences and come up with one single  
26 amendment
- 27 • The Board does not believe it will be necessary to hold a second Public Hearing on the  
28 Bifulco proposal: There was no new information presented this evening and the impact of  
29 the Bifulco proposal – according to the numbers of meals she says she might serve – is  
30 miniscule. There will be time to schedule a hearing if something important comes up on  
31 the 15
- 32 • Mr. Wilson was asked to get a written opinion from Bill Kelly regarding the legality of  
33 the activities taking place at Norumbega with regard to serving dinner to guests

34 Mr. Householder will not be present to vote.

35  
36 5. Other:

37 Open Space Zoning: CEDAC has reviewed the draft proposal and members are  
38 interested in learning whether or not it can be adapted to work to encourage development  
39 of the Tannery Site. The limited usage requirements placed on the property by voters  
40 have not worked, and are no longer supported by CEDAC. The “Jobs for Property”  
41 requirement is misunderstood – it only applies *if* the property comes to the new owners  
42 free of charge.  
43

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

45  
46 Respectfully Submitted,  
47 Jeanne Hollingsworth, Recording Secretary