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**CAMDEN PLANNING BOARD**  
**MINUTES OF MEETING**  
**May 7, 2015**

**PRESENT:** Chair Lowrie Sargent; Members Richard Bernhard, Richard Householder, Jan MacKinnon and John Scholz; Select Board Liaison Don White; 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 at <http://www.camdenmaine.gov/> or at <http://www.townhallstreams.com/locations/camden-me>

**1. PUBLIC INPUT ON NON-AGENDA ITEMS:** No one came forward to speak

**2. MINUTES:**

April 2, 2015:

Page 1 Line 5: Mr. Householder was listed as present – he was absent.

**MOTION b y Ms. MacKinnon seconded by Mr. Bernhard** to approve the Minutes of April 2, 2015 as amended.

**VOTE: 3-0-2 with Mr. Householder and Mr. Scholz abstaining due to their absence**

April 16, 2015:

Page 1 Line 35: The recording Secretary was asked to add language to this paragraph that would more specifically describe the items that were discussed.

Page 1 Lines 43 – 46 were deleted

Page 2 Line 51: The numeral "2" was deleted

**MOTION by Mr. Householder seconded by Mr. Sargent** to Table the Minutes of April 16 until the requested revisions are made.

**VOTE: 3-0-2 with Ms. MacKinnon and Mr. Scholz abstaining due to their absence**

**3. POSSIBLE ORDINANCE AMENDMENT: NOISE ORDINANCE**

Police Chief Randy Gagne had been invited to come to a Planning Board meeting to discuss the development of a new Noise Ordinance for the Town. After hours of discussion of the proposal prepared by John Scholz and Dennis McGuirk (in consultation with Chief Gagne and CEO Steve Wilson), the Board wants information on how big and geographically diverse the problem with noise is in Camden.

Chief Gagne discussed the issue for an hour and a half, answering questions from the Board and offering comments and recommendations regarding the needs of his officers and of the business owners in the downtown area:

- Historically in Camden, noise complaints originate from the neighbors of businesses in the downtown where there is entertainment – especially when there is amplified live music, and especially in the summertime when patrons are outside on decks and patios and when nearby residents have their windows open. There is also a seasonal issue with "workers" who get off their shifts late at night and early in the morning unwinding after work and causing noise - they have good response with warning to this group of people as well. If there is a noise problem it is a seasonal problem
- There is an existing Noise Ordinance contained within the Police Ordinance and it covers a portion of the Downtown. Officers can only enforce the Noise Ordinance after 11pm when

50 they find the noise levels “unreasonable” – a judgment call. When they get a complaint his  
51 officers listen to the sounds coming from the bar from two or three different vantage points.  
52 If the Officer(s) believe the noise is so continuously loud that it could well be disturbing to  
53 neighbors they warn the operator of the establishment. If, after a first (and usually second)  
54 warning the noise continues, the owner can be cited. They have had very good luck over the  
55 years with compliance especially with businesses. In other cases with individuals – when  
56 they do have to take action they can take the offender to jail or summons them – they don’t  
57 have to resort to this very often  
58

- 59 • Chris Cousins, the owner of Cuzzy’s Bar – a source of many of the summertime noise  
60 complaints, had come to the Chief asking for a tool -- a noise level that he could use to  
61 determine whether or not the noise coming from his establishment met the “unreasonable”  
62 threshold. Mr. Cousins is willing to purchase a noise meter to use in his bar, but the Town  
63 does not have a specific decibel level to use to help him in determining infractions. The  
64 request to develop a specific noise level is what brought the Chief before the Select Board  
65 last fall to discuss the need for revising the current Noise Ordinance  
66
- 67 • The Chief understands that any Noise Ordinance using decibel levels has to be written so that  
68 it is defensible by the town Attorney. He understands the work Mr. Scholz and Mr. McGuirk  
69 have put into drafting a Noise Ordinance that would attempt to do just that. If such an  
70 Ordinance were to be put in place, his officers would not be actively searching for noise  
71 problems, but they would enforce any Ordinance put in place by the voters if they came  
72 across a violation  
73
- 74 • He does not want to over-regulate the situation – he wants businesses owners to be able to  
75 have the information they need to run a good business and he wants people to be able to  
76 enjoy themselves – he also understands that residents expect to be able to enjoy the peace  
77 and quiet of their homes – so far he thinks that his Department has been fairly successful in  
78 finding a good middle ground  
79
- 80 • If they get day-time complaints the officer visits the site and lets the party know that they  
81 may be disrupting the neighborhood - again, the requests to keep it down are usually  
82 successful. Giving neighbors prior notice of an upcoming event - like a party with a band - is  
83 a neighborly thing to do. People who want to can get away from the noise so it helps to  
84 alleviate some conflicts  
85
- 86 • There is also a Nuisance Ordinance that can be used to deal with unreasonable situations –  
87 including noise; and, there is a State Statute giving Towns authority to deal with Disorderly  
88 Conduct (Title 17-A)  
89
- 90 • In 2014 there were 57 noise complaints – 31 of these were called in prior to 11pm and 26  
91 came in between the hours of 11pm and 7am. Between 01/01/2014 and 05/01/2014 there  
92 were 7 complaints – during the same time frame this year there have been 8 complaints  
93
- 94 • He does not want an Ordinance that is too hard to enforce - things like the impulse noises that  
95 are impossible to measure will be very hard to enforce if the officer is not at or near the site  
96 when it happens. If people are unwilling to call in complaints there is nothing his officers can

97 do. If anyone says they are afraid of retribution or have been threatened he wants to know -  
98 that in itself is against the law and he will take action  
99

- 100 • A "not to exceed" decibel level would be enforceable: If that level is violated he could issue  
101 a civil citation. This would involve having calibrated instruments and training for his  
102 officers. However, he thinks that if they warn establishments and show them that they have  
103 exceeded the maximum level, corrective action will be taken to avoid any charges. If it came  
104 down to going to Court, the Town would probably have to hire experts to represent them and  
105 that would be expensive - that goes hand-in-hand with using decibel levels to measure  
106 violations  
107

108 *Chief Gagne's Recommendations:*

- 109 • Use the current Ordinance and continue to limit application to Downtown establishments  
110 only
- 111 • Set a not-to-exceed maximum decibel level that is part of the license - violations could result  
112 in the loss of the license. This will make it easier for business owners to make an informed  
113 decision whether or not their business can operate within the Town's parameters
- 114 • Spend the summer gathering decibel data to determine what level of noise generates  
115 complaints. That will help define what is acceptable in Camden
- 116 • Involve the Public in the discussion
- 117 • Take these readings from the trouble spots downtown - Cuzzy's and the Smokestack Grill.  
118 The Chief stated that he had never had a complaint resulting from business in the High Street  
119 area so he does not believe that is an area of concern. Mr. Scholz requested, and the Chief  
120 agreed to gather data at the Snow Bowl on nights when they are hosting events. He would  
121 run the decibel checks around Town at 9:30pm, 11pm and 1am  
122

123 *Board Discussion:*

124  
125 Mr. Bernhard: He does not support the proposal as it stands. There is not a noise problem except in  
126 isolated cases. He finds the Police Department is pro-active in a very successful way - he thinks this  
127 draft proposal sends the wrong message.  
128

129 Mr. Householder: The Board should bear in mind that the Select Board asked them to look at  
130 developing a Noise Ordinance and they should follow through or let them know what is happening.  
131

132 Ms. MacKinnon: She agrees with Mr. Bernhard. She thinks that the Chief should direct the path a  
133 Noise Ordinance should take. He has shown that he is concerned with businesses and the neighbors  
134 alike, and she trusts him to do the best job.  
135

136 Mr. Sargent: He agrees that gathering data over the summer is the very best first step. He asked the  
137 Chief to come back in the fall with the results of the testing.  
138

139 Mr. Scholz asked if they should report to the Select Board that they have a possible draft Noise  
140 Ordinance and let them know that the Chief is gathering information to help set the decibel levels  
141 within that Ordinance. Other members of the Board agreed that presenting anything as a possible  
142 draft Ordinance is premature, but that the Select Board needed to be updated. Mr. Sargent and Mr.  
143 Scholz will prepare a statement for the Select Board.

144 **3. POSSIBLE ORDINANCE AMENDMENT: Article XIV: PRIVATE WAY:**  
145

146 The CEO presented the work done to begin revisions to the Ordinance and informed the  
147 Board that they were waiting for comments from Fire Chief Chris Farley. Mr. Sargent asked that  
148 comments also be obtained from the Police Chief and from Northeast Ambulance Service. Mr.  
149 Wilson suggested that perhaps there could be two levels of standards: If an Applicant did not want to  
150 meet all the standards that would be designed for the safe passage of Fire Department equipment,  
151 they could request a waiver of those standards. They would have to install sprinklers in a residence  
152 in this case and still meet the minimum standards which would be designed for the safe passage of  
153 police and emergency vehicles. The CEO will continue working on revisions and gather comments  
154 as requested.

155

## 156 **5. DISCUSSION:**

157

158 1) Minor Field Adjustments: There were none

159

160 2) Pending Applications: There are none

161

162 Mr. Wilson reported that Ledgewood Construction would be overseeing the summer  
163 work at the Snow Bowl to improve the parking and install erosion controls. Contractors to  
164 do the work have not yet been approved by the Select Board, but that should happen soon.

164

165 3) May 5 Meeting with Select Board:

166

167 The Planning Board met with the Select Board to discuss possible future revisions to  
168 the Zoning ordinance that would address the possible conversion of former Knox Mill property  
169 on Mechanic Street from commercial to residential use with no review by the Planning Board  
170 and no opportunity for public comment. Town Attorney Kristin Collins had been present and  
171 will draft revisions that address the Select Board's request to review the Ordinance for changes  
172 needed to eliminate ambiguities among others. The subject of modifying Site Plan review to  
173 bring other projects under review was also discussed; the subject will be added to a future  
174 Planning Board agenda.

174

175 4) May 21 Meeting:

176

177 1. Possible Ordinance Amendment: Continued Discussion with Harbor Committee

178

177 2. Future of discussion re: Lodging Definitions

178

179 5) June Warrant Articles:

180

181 The Board discussed the importance of getting some press coverage of the two Zoning  
182 Ordinance amendments that are on the ballot for June 9. The CEO will contact the editors of  
183 the two local papers to see if they would do interviews to appear in the papers a week or two  
184 before the vote.

184

185 There being no further business before the Board they adjourned at 7:45 pm.

186

187 Respectfully submitted,

188

189 Jeanne Hollingsworth, Recording Secretary