

**CAMDEN PLANNING BOARD**  
**MINUTES OF MEETING**  
**July 9, 2015**

**PRESENT:** Chair Lowrie Sargent; Members Richard Bernhard, Richard Householder and John Scholz; Alternate Member Jan MacKinnon; Select Board Liaison Don White; and CEO Steve Wilson Jim Elliott, who had been appointed to the Board but has not yet been sworn in, participated in the discussions.

The Select Board had appointed Ms. MacKinnon to serve as an Alternate Member for a term of one year.

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:**

Mr. Scholz had attended the Lyman-Morse at Wayfarer Open House earlier in the day, and came away with a very positive impression – both of the appearance of the yard and the level of excitement the company brings to the Town with regard to the future of the yard.

**2. MINUTES:**

April 16, 2015:

Page 2 Line 51: The numerals "23" were deleted from the sentence.

**MOTION by Mr. Householder seconded by Mr. Bernhard to approve the Minutes of April 16, 2015 as amended.**

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

June 3, 2015:

**MOTION by Mr. Scholz seconded by Ms. MacKinnon to approve the Minutes of June 3, 2015.**

**VOTE: 4-0-1 with Mr. Householder abstaining due to his absence**

June 18, 2015:

Page 1 Line 42: The word "plan" was deleted

Page 2 Line 89: The word "that" was changed to the word "than"

Attachment 2 Page 2 Line 256: The sentence now reads: "...mitigate this impact, he does not see how any new structure..."

**MOTION by Mr. Scholz seconded by Mr. Bernhard to approve the Minutes of June 18, 2015 as amended.**

**3. POSSIBLE ORDINANCE AMENDMENTS:**

- 1) Harbor Ordinance/Zoning Ordinance: Recommendation to Select Board regarding Harbor Committee's proposed changes

48 The Chair explained the process of a Planning Board amendment to the Zoning Ordinance  
49 and the interaction between the Select Board and the Harbor Committee when it comes to  
50 changes to the Harbor Ordinance. Depending on the results of this evening's discussion  
51 amendments to both ordinances might be required. The discussion was divided into three parts:  
52

53 ➤ **Consolidated Piers:**

54  
55 The revisions to the Harbor Ordinance would eliminate all consolidated piers in all harbors.  
56 **MOTION by Mr. Scholz seconded by Ms. MacKinnon that the Planning Board support**  
57 **the recommendation of the Harbor Committee which is not to allow Consolidated Piers**  
58 **in Camden.**  
59

60 Discussion: Members of the Board were unanimous in support of the Harbor Committee's  
61 argument that consolidated piers were not desirable because of future problems that can be  
62 created by joint ownership. There are very few places where consolidated piers could be  
63 built in any case.  
64

65 **VOTE: 5-0-0**  
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67 ➤ **Residential Piers:**

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69 Steve Gold, speaking first as a member of the Harbor Committee, reiterated Chairman Gene  
70 McKeever's statement that the vote against allowing any more piers in the Outer Harbor was  
71 unanimous. On a personal note, after a great deal of research, he found that there was no  
72 avenue to appeal the Planning Board's decision with regard to the Kislak pier. Because of the  
73 split authority over pier approval between the Planning Board and the Select Board, the  
74 regular avenues of appeal are not available. He was dismayed by the Planning Board's  
75 decision, but instead of elaborating on his personal objections to this pier, he quoted both  
76 Lowrie Sargent and Richard Bernhard in their closing statements made during deliberation on  
77 the Kislak pier. Both had expressed their personal opposition to seeing a pier being built in  
78 that location while acknowledging that the Approval Criteria did not address the permanent  
79 impact that pier would have on the aesthetics of the harbor (and Dillingham Point in  
80 particular).  
81

82 Ben Ellison and Richard Stetson, both members of the Harbor Committee, also expressed  
83 their full support of the changes made with regard to Consolidated Piers and piers in the  
84 Outer Harbor.  
85

86 **MOTION by Mr. Scholz seconded by Mr. Bernhard that the Planning Board support**  
87 **the recommendation of the Harbor Committee to not allow any more residential piers**  
88 **on the Outer Harbor.**  
89

90 Discussion:

91 Ms. MacKinnon, Mr. Bernhard, Mr. Sargent and Mr. Scholz were supportive of  
92 property-owner's rights and the punitive aspect of changing the Zoning Ordinance for current  
93 property owners to no longer allow piers. Mr. Bernhard, however, feels strongly that  
94 protecting the aesthetics of the harbor -- now and into the future -- outweigh the rights of two

95 or three property owners. Mr. Householder offered his support for the Harbor Committee's  
96 proposal without elaboration.

97  
98 Mr. Scholz argued that the Planning Board's role was to make well-conceived changes  
99 to the Ordinance looking into the future and the benefits of doing so. Mr. Sargent agreed that  
100 the Board must, in the end, determine what is best for the Town as a whole and not consider  
101 the impact on individual property owners.

102  
103 Although he had initially come down in favor of property rights over aesthetics in  
104 deciding whether or not to support the Harbor Committee's proposal, Mr. Sargent said that a  
105 visit to the site of the Kislak pier changed his mind. He realized that the Zoning Ordinance  
106 was lacking in sufficient review criteria to fairly assess the impact of a pier and now supports  
107 the Harbor Committee's position that Camden does not need any more piers in the Outer  
108 Harbor. Ms. MacKinnon also agreed to support the position of the Harbor Committee as  
109 well. Although she was a strong advocate for current property owner's right, she realizes that  
110 property owners in the Coastal Harbor still have the right to build a pier, and supports the  
111 argument that no more piers are needed in the Inner Harbor.

112  
113 ➤ **Municipal Piers:**

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115 Ben Ellison, speaking as an individual, offered a detailed argument against the changes the  
116 Harbor Committee had made to the Municipal Pier standards in the most recent revision of  
117 their proposal:

- 118  
119 • Removing the dimensions for Municipal Piers in the Ordinance means that opponents of a  
120 future Municipal Pier can argue against a pier that would be large enough to  
121 accommodate several uses simultaneously. While a modern pier may not need to be as  
122 large as the original Steamboat Landing pier, it will still need to be much larger than any  
123 residential pier in Town and there needs to be a guarantee in the Ordinance that it can be  
124 large enough to serve the purpose
- 125 • The dimensional standards for a Municipal Pier have been in the Harbor Ordinance for  
126 decades. No one is sure if they were part of the original Ordinance, but after dozens of  
127 amendments to this Ordinance, those dimensions have stood while standards for  
128 residential piers have changed: In response to public demands over the years, residential  
129 piers have gotten shorter and narrower and residential piers have been eliminated from the  
130 entirety of Sherman's Cove
- 131 • These changes, in theory, leave the dimensions of a future Municipal Pier wide open --  
132 the current language limits the size while the proposed language contains no limits.  
133 Voters would have to approve funding for any pier, but there are no other controls in  
134 place on its size
- 135 • When the current launching ramp at Steamboat Landing was redesigned, public  
136 opposition to a ramp of the same size - especially by neighbors to the ramp - was a well-  
137 organized effort. Mr. Ellison believes that it was only the "moxie" of the Harbor  
138 Committee, which stood its ground, that allowed the ramp to move forward. Any new  
139 Municipal Pier will have its opponents. Standards for construction that the Harbor  
140 Committee and the Planning Board can rely on during review will be very important

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- This is Camden's best deep water location and the ocean bottom is public land. However riparian rights are changing -- piers being banned is an example. The "use case" argument can be made for a Municipal pier - especially when there are no other options for the user
  - Piers like this undergo strict review and scrutiny -- and most importantly -- must be approved by the voters. It is not a given that a Municipal Pier would pass this test, but the Ordinance should be specific so neighbors in an area where a pier can be built are prepared for the future

150 Mr. Ellison concluded by asking the Planning Board to reconsider their decision to support  
151 the Harbor Committee's proposal that included the language removing dimensional standards.  
152

153 Mr. McKeever and Mr. Gold supported leaving the proposed language as is because it is  
154 loose enough to cover any situation in the future. The dimensions of the pier will be a small part  
155 of the review process that any pier will go through. Richard Stetson supported reverting to the  
156 dimensional standards because the language was "fair warning" to any resident that such a pier  
157 was possible to build.  
158

159 The Board as a whole came down on the side of Mr. Ellison's arguments, but went further in  
160 asking the Harbor Committee to consider becoming pro-active in representing the commercial  
161 interests in the harbor as well as the recreational interests. Mr. Sargent noted how the new  
162 owners of the shipyard have energized him and his thinking about more commercial activity in  
163 the Town. Mr. Householder recommended actively working toward the actual creation of  
164 Municipal Pier -- gathering support in the community and starting a long process toward making  
165 this a reality.  
166

167 **MOTION by Mr. Sargent seconded by Mr. Householder that the Planning Board supports**  
168 **the Harbor Committees efforts to continue to find opportunities for a Municipal Pier and**  
169 **will support returning to the language of the May 8, 2015 draft of the proposal.**

170 **VOTE: 5-0-0**  
171

172 The CEO will draft changes to the Zoning Ordinance to reflect the decisions made tonight  
173 with regard to Consolidated Piers and piers in the Outer Harbor where the Harbor Committee's  
174 proposal applies. The Board will review those changes at their next meeting prior to a Joint  
175 Public Hearing with the Select Board.  
176

177 2) Business Zones Ordinance Revisions:  
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179 The Board reviewed the most recent version of Attorney Kristin Collin's recommendations  
180 for clarifying the Ordinance as well as the additions made by the CEO to incorporate more recent  
181 revisions approved in June. The proposal now shows proposed amendments to the most current  
182 Ordinance language. Recommendations were made and errors and corrections noted. The Board  
183 will review the final draft at their next meeting prior to taking the proposal to a Joint Public  
184 Hearing with the Select Board.  
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188 **4. ELECTION of OFFICERS for 2015/2016:**  
189 **MOTION by Mr. Householder seconded by Ms. MacKinnon to re-elect Lowrie Sargent as**  
190 **Chair.**  
191 **VOTE: 4-0-1 with Mr. Sargent abstaining**

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193 **MOTION by Ms. MacKinnon seconded by Mr. Scholz to re-elect Richard Householder as**  
194 **Vice-Chair.**  
195 **VOTE: 4-0-1 with Mr. Householder abstaining**

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197 **MOTION by Mr. Scholz seconded by Ms. MacKinnon to nominate Jeanne Hollingsworth**  
198 **as Secretary for one year.**  
199 **VOTE: 5-0-0**

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201 **5. COMPREHENSIVE PLAN MEETING AGENDA FOR 7/16:**  
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- 203 1) Cabot Lyman: Introduction and comments  
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205 2) Public Comment Session:  
206 2<sup>nd</sup> Round: Chapter 11 (Housing); Chapter 12 (The Harbor) – review Recommendations,  
207 Questions and Strategies section; Chapter 13 (Recreation and Open Spaces) – consider  
208 recommended revisions from Parks and Rec Committee; Chapter 14 (Historic Resources)  
209 -- consider revisions recommended by Historic resources Committee;  
210 1<sup>st</sup> Round: Chapter 4 (Downtown); Chapter 17 (Education); Chapter 20 (Planning);  
211 Chapter 22 (Regional Cooperation); Chapter 24 (Town Government)

212 **DISCUSSION:**

- 213  
214 1. Minor Field Adjustments: There were none  
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216 2. Future agenda items, discussion issues, & ideas: Review of Proposed Ordinance revisions  
217  
218 3. Pending Applications: There are none  
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220 4. Other:  
221 1) Low Impact Use (500' Provision):  
222

223 Mr. Sargent asked if this amendment would be put forward again for the November  
224 ballot. Mr. Wilson had cautioned previously that to do so might raise opposition purely for  
225 the fact that the voters had said no so recently. He recommended waiting before doing so. In  
226 addition, there is hardly time to hold the required Public Hearings before the Warrant  
227 deadline.  
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229 There being no further business before the Board they adjourned at 8:00 pm.  
230

231 Respectfully submitted,  
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233

234 Jeanne Hollingsworth, Recording Secretary