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CAMDEN PLANNING BOARD
MINUTES OF MEETING
July 25, 2013

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PRESENT: Acting Chair Lowrie Sargent; Chris MacLean, Chair; Members Richard Householder, Jan MacKinnon, and John Scholz; Alternate Member Richard Bernhard; Don White, Select Board Liaison; and CEO Steve Wilson

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ABSENT: Alternate Member Kim Tuttle

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The meeting of the Planning Board was convened at 5:15 pm. The meeting was “streamed” live over the internet for the first time.

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Mr. MacLean did not arrive until after the meeting had been temporarily adjourned; Mr. Sargent continued to serve as Acting Chair when the Board reconvened later in the evening.

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1. Public Input on Non-agenda Items:

1) Paul Gibbons:

Mr. Gibbons appeared on behalf of Fox Hill Real Estate (FHRE) to introduce a revised proposal for a Zoning Ordinance Amendment to permit the use of the Fox Hill property as an alcohol rehabilitation facility. FHRE appeared before the Board in February of this year to introduce the original proposal, but the offer to purchase the property from the previous owner was refused and the Applicant withdrew the request. Tom Rodman, the principle in FHRE, now owns the property, and they are back before the Board hoping, eventually, for Select Board approval to put the amendment on the November Town Warrant. Mr. Gibbons informed the Board that a consultant hired to assess the property’s suitability for the rehabilitation program, suggested that this setting would create the finest rehab facility in the country. Mr. Gibbons also noted that *U.S. News and World Report* recently rated rehabilitation facilities and named McLean’s the best facility operated by a hospital.

Dr. Phil Levendusky, Director of the Psychology Department at McLean Hospital, announced that the project to create a hospital in-patient satellite treatment center at Fox Hill received the formal endorsement of McLean’s Board of Directors. He indicated that they had completed the due diligence review of the proposal and are committed to seeing the project through. They are counting on regulatory approval so they can move forward with a twelve bed residential program for treatment of alcohol addiction and related substance abuse and mental health issues. They anticipate patients will stay in the 30 – 60 day range, and believe they will be treating about 100 patients a year. All patients will be committed voluntarily and will be self-pay since insurance does not cover long-term in-patient treatment. The cost of care dictates the socio-economic status of the patients, and they expect to draw from a national audience. They run an inpatient program in Princeton, Massachusetts where they are considered to be good neighbors and an asset to the community; they expect to run a similar program here.

Questions from the Board:

Mr. Householder: What is the time-frame to a vote by the Town? Mr. Gibbons answered they would like to be on this November’s ballot, and Mr. Sargent responded to this by saying that is

1 impossible, especially given the level of public interest in the previous application. Mr. Sargent
2 explained that every amendment to the Zoning Ordinance goes through the same process – one
3 the Board has been following for years:

- 4
- 5 • The applicants meet with the Board to discuss their proposal; answer questions from the
6 Board; and hear the Board’s initial concerns
- 7
- 8 • The Board holds a Public Information Gathering Meeting (PIGM) where citizens learn
9 about the project, ask questions and express concerns
- 10
- 11 • Depending on the nature of public comments, this meeting might be followed by changes
12 to the proposal and more discussion with the Board
- 13
- 14 • There are two formal public hearings that have to be noticed two weeks in advance
- 15
- 16 • At the end of the hearings the Board decides whether or not it is in the best interest of the
17 Town to send the proposal on to the Select Board for their consideration. The Town set an
18 August 20, 2013, deadline for notification to the Select Board for Warrant Articles that will
19 be sent forward with Planning Board recommendations. Those submission deadlines were
20 confirmed by memorandum dated July 25, 2013, from Town Clerk Katrina Oakes to Town
21 staff, and the Board received a copy of that memo this evening
- 22

23 Mr. Sargent added that based on the level of public interest in the previous proposal there
24 may have to be additional meetings and June 2014 will be the earliest the amendment could go to
25 a vote. Mr. Gibbons replied that he had been told by the “Town” that there was still time to get
26 the item on the November Warrant. Mr. Sargent responded that Mr. Gibbons has the option of
27 going to the Select Board to request they hold a Special Town Meeting, but Mr. Gibbons replied
28 that he may ask the Select Board if the August 20 deadline could be adjusted instead - this would
29 give the Planning Board more time to review their proposal.

30

31 Mr. Sargent is willing to put the item on the agenda for the Board’s meeting on August 1
32 and to schedule a PIGM for the meeting on August 15. He will do this even though the
33 Applicant’s packet, received by the Board this evening, should have been submitted to the Codes
34 Office 14 days in advance of being considered. However, those two meetings will be the only
35 ones the Board will have in August, and it would be the end of September at the earliest before
36 the Board could make a decision. He also cautioned that the Planning Board was criticized last
37 spring for rushing the initial proposal through the process, and they are not willing to put
38 themselves in that position again. Mr. Scholz. does not think it is in the Applicant’s best interest
39 to proceed at that same pace this time around. If the Board tries to rush the proposal this time
40 people in the Town may resent that special treatment and defeat the amendment because there
41 was not enough time to consider it carefully.

42

43 The Applicant will return on August 1 for a discussion with the Board.

- 44
- 45 2) Memorandum from Dennis McGuirk: Mr. Sargent noted for the record that Mr. McGuirk
46 had submitted a memo dated July 20, 2013 regarding the proposed zoning change for

1 High Street; the memo will be placed in the amendment file and will be reviewed if the
2 matter comes back before the Board in the future.

3
4 **2. Minutes:**

5 July 11, 2013:

6 Page 1 Lines 6 and 14: Mr. Bernhard's name had been misspelled

7 Page 2 Line 19: The word "sprinkling" was replaced by the words "sprinkling system"

8 Page 2 Line 21: "...the Board looked at a proposal..."

9 Page 2 Line 23: "...and it also means there would have to be..."

10 Page 2 Line 27: The changes that the Board made to the Business River amendment were
11 described as follows:

12
13 "The Board went through the proposed language and made two changes:

14 Section 13 B. Permitted Uses:

15 (3) Single family, Two-family, & Multifamily dwellings...without an ~~equivalent~~
16 equivalent area of allowed commercial, professional, and industrial uses as
17 defined below,..."

18 E. Standards:

19 (3) Screening

20 Multifamily and nonresidential uses abutting a residential use or district on a
21 separate lot of record shall provide screening..."

22
23 The Board also accepted a recommendation from the CEO for a change to the standard
24 (E. (2)) for the minimum distance between principal buildings on the same lot from "None" to 15
25 feet. They discussed the setbacks and square footage requirements and asked Mr. Cartwright if
26 those figures worked for him. Mr. Cartwright replied that it was most important to keep
27 development away from the residential abutters in the rear, so the setbacks will accomplish what
28 he wants here."

29
30 Page 3 Line 3: "~~Then~~ The Board wanted..."

31
32 **MOTION by Mr. Householder seconded by Ms. MacKinnon** that the Minutes of the Camden
33 Planning Board of July 11, 2013, be approved with the changes made.

34 **VOTE: 5-0-0**

35
36 **4. Proposed Zoning Amendment to the River Business District - Public Hearing:**

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38 This item was taken out of order to accommodate Mr. Cartwright.

39
40 The Acting Chair convened the Public Hearing and explained the process for conducting
41 a Public Hearing. Normally the Applicant would make a presentation to the public followed by
42 questions from the Board and comments by the public. Because no one was present to comment
43 on the amendment, Mr. Sargent proposed that the Board move directly to discussion.

44
45 Mr. Householder believes that all the changes requested by the Board have been
46 incorporated into this proposal, and he has no concerns with the way that it is being presented at

1 this time; Mr. Scholz and Ms. MacKinnon have no concerns; and Mr. Bernhard finds the concept
2 for making these changes valid.

3

4 → Mr. Sargent asked that the uses numbered (38) through (44) be deleted.

5 There is potential for abusing the purpose of the District if utility uses such as
6 commercial parking facilities are allowed; and allowing accessory activities also defeats the
7 purpose of having commercial businesses occupy the non-residential spaces.

8

9 Mr. Sargent closed the Public Hearing. The second hearing will be held at the August 1
10 meeting of the Board with Mr. Cartwright to be placed before Fox Hill on the agenda.

11

12 Mr. Wilson informed the Board that the Tax Assessor had informed him that he had no
13 concerns that Mr. Cartwright's proposal would have a negative impact on the Town's tax base; it
14 is better to see the properties developed than to remain vacant even if the resulting commercial
15 development is small in scale.

16

17 Mr. Sargent believes that this change might help the Town's efforts to find a developer
18 for the Tannery property. The Town-adopted restrictions on the use still apply, but the Town
19 could reconsider those restrictions in light of the new options created by the amendment. Mr.
20 Scholz asked if the Tannery restrictions require that any residence be owner-occupied; the
21 answer was not known, but it did not appear to members of the Board that such a restriction
22 would be necessary to meet the intent of the mixed use purpose of the district.

23

24 **3. Proposed Zoning Amendment to Regulate Storage Vaults - Public Hearing:**

25

26 The Acting Chair opened the Public Hearing and asked the CEO to give a brief summary
27 of this proposal. Mr. Wilson explained that the issue of storage trailers came up when the Board
28 was looking at a request for an Ordinance change regarding non-conformity. They developed
29 that proposal with the goal of creating an incentive that would encourage those non-conforming
30 uses in Town to improve their properties by allowing a limited expansion in exchange of getting
31 rid of any storage trailers. The Board decided they wanted to be able to control the use of these
32 trailers and other storage units and containers within the Town as a whole, and asked the CEO to
33 develop regulations. The Board's goal was to find a way for Camden to keep businesses healthy
34 while improving the way they look. Existing trailers that are permanently in place can remain;
35 and, they can be replaced as long as they meet the new standards for screening and pay the
36 required fees. These fees will be determined by the Select Board with a recommendation from
37 the CEO based on a range of fees charged by other towns.

38

39 The Public Hearing was closed. The next Public Hearing is scheduled for the Board's
40 meeting on August 1.

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43 **5. DISCUSSION:**

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45 **1.** Minor field adjustments: There were none.

46

47 **2.** Future agenda items:

1 August 1: Zoning Amendments Public Hearings
2 Fox Hill Real Estate request for a zoning amendment
3

- 4 3. Pending Applications: There are none at this time but the Board may see a request for a
5 Subdivision Amendment from Mountain Arrow – a lot line that was moved previously is
6 going back to its original location.
7

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9 4. Other:
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11 Mr. Sargent informed Board members that Deb Dodge had written a memo to Mr.
12 MacLean, Mr. Wilson and himself asking for help in getting a separate Planning Board tab on
13 the Town website homepage.
14

15 Mr. Householder asked Mr. Wilson if he had been keeping track of the priority list of
16 possible ordinance amendments, and if he had any recommendations for items the Board might
17 consider next. Mr. Sargent noted that the Select Board has given the Board some goals to work
18 on, and those may take precedence, but he wants to wait until Mr. MacLean has returned to
19 review the meeting with the Select Board and those goals.
20

21 Mr. Wilson replied that he has been considering how to develop a proposal for a less
22 onerous Property Maintenance Ordinance than the Board has discussed in the past – something
23 that would cover empty and abandoned buildings. He has no jurisdiction over these buildings
24 unless or until they become unsafe. Some members feel that an abandoned building where grass
25 is not mowed *is* a safety hazard because it could result in a fire.
26

27 Ms. MacKinnon supports doing something that comes at abandoned houses as a safety
28 issue; she has a problem with a broader ordinance infringing on private property rights. Mr.
29 Bernhard wonders why the Town can't be more direct; if the Ordinance is written properly it
30 could allow the Town to simply step in and fix the problem and then recoup the expenses. Mr.
31 Wilson said that towns often put liens on houses when this kind of work is done in the name of
32 public safety. Mr. Wilson suggested that this doesn't have to be a "stand alone" ordinance, but
33 that it could be an addition to the Performance Standards requiring minimum standards of
34 maintenance when a building is vacant or abandoned. Ms. MacKinnon likes the lien process for
35 collecting fees, and thinks it would be especially useful in intestate situations. She asked what
36 happens if a bank owns the property, and Mr. Wilson replied that it would be no different. As it
37 is now, if a property becomes unsafe he can step in no matter who owns the property.
38

39 Mr. Sargent noted that it is the questions of personal property rights that have stopped the
40 process of developing a property maintenance ordinance many times over the years. Mr. Wilson
41 suggested that this less onerous ordinance is a balance between protecting abutters' rights and
42 public safety while not infringing to a great extent on property rights. If the Board begins by
43 referring only to abandoned or un-lived in houses, and stresses issues related to safety, they may
44 find a compromise that can go forward.
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1 **5. Review of Select Board Goal Setting Meeting:**
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3 Mr. Sargent had deferred discussion of this item until Mr. MacLean arrived, and having
4 finished all other Planning Board business, he temporarily adjourned the Planning Board to
5 reconvene as the Comprehensive Plan Committee. At 6:05 pm. They will reconvene as the
6 Planning Board and address this item when the Comp Plan Committee’s business is finished.
7

8 The Board reconvened at 7:05 pm to discuss the July 23, 2013, meeting of the Select
9 Board with representatives from the Planning Board, CEDAC and The Historic Resources
10 Committee. Mr. Sargent and Mr. Scholz had attended that meeting and Mr. Sargent prepared a
11 memo to Mr. Wilson and Mr. MacLean with his notes from the meeting. Mr. Sargent informed
12 the Board that the discussion had been very productive, and that the CCC project at the State
13 Park mentioned by Mr. Bernhard was now on the list of the Historic Resources Committee goals.
14 They are to look at the project with the goal of preventing further deterioration.
15

16 The Committee reviewed Mr. Sargent’s list:
17

- 18 1) In conjunction with the Select Board, review and recommend land use, zoning and traffic
19 design issues for the gateway area at the intersection of Route 1, John Street, Camden
20 Road and Conway Road. Mr. Sargent noted that this was the first priority for the Select
21 Board.
22

23 Don White explained that funding for the Sidewalk Plan running along the east side of
24 Route 1 from Maritimes Farms to Camden Street will be available in DOT’s 2015/2016
25 program year; in addition, DOT will be considering making changes to this intersection.
26 The Select Board is very anxious to have Camden’s plans for the area well-defined with
27 regard to zoning issues because they will be in discussion with DOT and with the Town
28 of Rockport. They want to be on firm ground as they discuss options for changes to
29 traffic patterns in this area to make sure future needs are addressed.
30

- 31 2) In conjunction with the Select Board and CEDAC, provide planning oversight of the
32 Downtown Master Plan to ensure the design and construction work integrates well with
33 the Comp Plan, zoning, land use and other existing plans.
34

35 Mr. Sargent noted that there is not a lot for the Board to do until CEDAC prioritizes
36 projects – they have the lead in this goal.
37

- 38 3) Review and update the building permit fees.
39

40 The Select Board was pleased to learn that Mr. Wilson is ready to present them with the
41 recommended changes at a future meeting.
42

- 43 4) Hold periodic joint workshops with the Select Board to proactively discuss issues the
44 Town should be planning and prepared for.
45 Mr. Sargent informed the Board that the decision had been made to try to hold workshops
46 on a quarterly basis, and Mr. White suggested that the first workshop is tentatively
47 scheduled for sometime this September or October.

- 1
2 5) Present updates and progress reports to the Select Board as needed.
3

4 Mr. Sargent offered to add any information from the Planning Board to the presentations
5 he already makes on a regular basis to the Select Board regarding progress with the
6 Comprehensive Plan revision. Don White added that the goal is just to “stay in touch”.
7

- 8 6) Consider possible zoning changes to invigorate upper floor usage in downtown pending
9 needs requests from the Downtown Business Group.
10

11 Meg Quijano attended the July 22 CEDAC meeting as the representative of the Down
12 Town Business Group; she offered to let members know that they have the opportunity to
13 present their specific requests for upper floor usage to the Planning Board for their
14 consideration. The subject of allowing additional uses has come up for discussion on
15 several occasions. This time they will involve property owners and renters as well in the
16 hope of making more of the buildings available for commercial uses.
17

- 18
19 7) Continue with Comp Plan with completion date of December 2014 to February 2015.
20

21 The Board is on track with this goal.
22

- 23 8) Work with the Historic Resources Committee and others to develop a Historic Ordinance
24 – evaluate the time and interrelationship with the Comp Plan.
25

26 This remains a sensitive issue, and it will be interesting to hear public comments on
27 Chapter 14 of the Comp Plan as it addresses this goal.
28

- 29 9) Review parking standards – is the Town currently double counting requirements, what
30 are the requirements for seasonal dining uses.
31

32 Issues raised during the discussion included asking if the parking standards are too strict;
33 and if seasonal dining tables had ever been counted in parking requirements - the feeling
34 was that it is improper for the Ordinance to be silent on this subject.
35

36 Mr. Sargent ended by saying that it was a good and positive meeting. He did let the
37 Select Board know that they will be working on the goals, but that they should know that the
38 Planning Board often gets interrupted in their work on amendments with things they have to get
39 done within legal time constraints.
40

41 This was the first of two such meetings the Select Board will hold this year and it is all
42 about learning about all the different pieces of work going on within committees. It is also about
43 trying to avoid the “surprise factor” -- learning about these projects late in the game is not always
44 good, and the Select Board wants to know what is going on in Town government.
45

46 They also want the committee to connect and for information to flow from one committee
47 to another when there might be a reason to involve that committee in discussion. These
committees have the Select Board’s blessing to go directly from one to the other without asking

1 permission. The mood of the current Town government is one of cooperation and involvement,
2 and much more pleasant when it comes to interactions with the Select Board.

3

4 **Fox Hill Real Estate's Proposal:**

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6 Mr. Sargent asked Mr. MacLean to clarify whether or not he would be able to participate
7 in this review now that the property has actually changed hands. During the previous application
8 Mr. MacLean recused himself because his law partner was representing the seller during
9 negotiations that continued during the amendment review. Mr. MacLean will check with
10 members of his law firm to make sure there is nothing that would cause him recuse himself this
11 time around.

12

13 There being no further business before the Board they adjourned at 7:25 pm to reconvene
14 as the Comprehensive Plan Committee.

15

16 Respectfully submitted,

17 Jeanne Hollingsworth, Recording Secretary