

1 CAMDEN PLANNING BOARD  
2 MINUTES OF MEETING  
3 July 26, 2012  
4

5 **PRESENT:** Acting Chair Lowrie Sargent; Member: Richard Householder; Alternate Member  
6 Sid Lindsley; Don White, Select Board Liaison to the Planning Board; and CEO Steve Wilson  
7 **ABSENT:** Chair Chris MacLean and Members Jan MacKinnon and Kerry Sabanty  
8

9 Mr. Sargent called the meeting to order at 5:00 pm.  
10

11 **1. PUBLIC COMMENT on NON-AGENDA ITEMS:**

12 No one came forward to speak.  
13

14 **2. MINUTES:**

15 June 7, 2012:

16 The original draft minutes have been revised starting on Page 8 Line 37 through Page 10 Line 7.  
17 Those revisions were accepted as written. Previous corrections made at the June 21, 2012  
18 meeting have been entered.

19 **MOTION by Mr. Householder seconded by Mr. Lindsley** to approve the Minutes of June 7,  
20 2012 as revised.

21 **VOTE: 3-0-0**  
22

23 June 21, 2012:

24 Page 10 Line 20 now reads: "...presented by the developer showing whether the..."  
25

26 Recording Secretary's Note: This language is taken directly from the Subdivision Ordinance  
27 which also needs to be corrected.  
28

29 Page 12 Line 39 now reads: "...meeting regarding the ~~lack of specifying~~ fact that signage within  
30 Private Ways is not addressed by the Ordinance."  
31

32 Action on the Minutes was deferred until the Recording Secretary could clarify the content  
33 beginning at Page 13 Line 11. After listening to the tape this is the rewritten sentence: ~~Mr.~~  
34 ~~MacLean asked if the businesses that would~~ Mr. Sargent and Mr. Householder together..."  
35

36 July 12, 2012:

37 Page 2:

38 Line 22 now reads: "They are intended ~~to~~ more for pedestrian use ~~that~~ than to be seen..."

39 Line 42: the term "v." was replaced by the word "versus"

40 Page 6 Line 20 now reads: "He agrees that perhaps Off-premise Signs should be pulled..."  
41

41 Page 7:

42 Line 2 now reads: "...it is close to the business district..."

43 Line 17 now reads: "...concerned about trailers, and agrees..."

44 Line 25 now reads: "Martin Cates: He supports reaching back [to the time the Ordinance was  
45 put in place] to help these small businesses [that were made non-conforming]."

1 **MOTION by Mr. Householder seconded by Mr. Lindsley** to approve the Minutes of July 12,  
2 2012 as amended.

3 **VOTE: 3-0-0**

4  
5 **3. PUBLIC HEARING: ARTICLE XI SIGNS:**

6  
7 Mr. Sargent asked Mr. Householder to inform those in attendance of the changes made  
8 to the proposed Ordinance amendment since the last Public Hearing. Mr. Householder noted  
9 the following changes referring to the draft version of the proposed draft dated 7-18:

10  
11 Section 7: The following language has been added: "...permit from the Code  
12 Enforcement Officer. Any permitted "open" sign shall not advertise or contain a logo of  
13 any product or company."

14  
15 Section 9: The specifications for permitted sandwich board signs were moved to a new  
16 Section 11(e).

17  
18 Section 10: Language in (1) now prohibits all off-premise signs (except the existing  
19 OBDS signs permitted previously. The new paragraph (3) that would have permitted off-  
20 premise signs has been entirely removed from this draft.

21  
22 Section 11 (5): Home Occupations and Tradesman Shops have been separated into new  
23 categories (a) and (b) respectively.

24  
25 Mr. Householder announced that the Final Public Hearing on the proposed changes will  
26 be held at the August 2, 2012, Planning Board Meeting.

27  
28 The Acting Chair, noting that those in attendance were probably familiar with the  
29 procedures for Public Hearings, opened the floor to comments asking those who wanted to speak  
30 to come forward and identify themselves for the record:

31  
32 Deb Dodge: Thanked the Sign Group for being so open to the concerns expressed as the  
33 previous Public Hearing and for making good changes to the Ordinance.

34  
35 Meg Quijano: Informed the Board that there would have been more business owners willing to  
36 come speak in favor of the proposal, but it is too difficult for most of them to make a 5pm  
37 meeting. Members of the Downtown Business Group have signed onto these changes, and agree  
38 that the overall changes to the Ordinance as shown in this final draft are good ones. It is good  
39 that the Sign Group listened to the concerns and objections from citizens and made changes to  
40 address them; she hopes no one will find anything objectionable in this proposal.

41  
42 There were no other comments from the Public. Mr. Sargent offered his compliments to  
43 members of the Sign Group as well. He appreciates the great amount of work that has gone into  
44 this project.

1 Meg Quijano offered this comment: Now that the “Parking” directional signs are up, it is  
2 possible to find parking spaces right downtown on a regular basis – something that has not  
3 happened during the summer for as long as she can remember.  
4

#### 5 **4. PUBLIC HEARING: ARTICLE VI NONCONFORMANCE**

6

##### 7 Section 3 Nonconforming Uses:

8

9 The Acting Chair noted that the comments heard at the last Public Hearing have been addressed  
10 by Mr. Wilson in two versions of a revised draft; those drafts are titled 7-18- 12 CEO Edits and  
11 7-18-12 no ceo edits. Mr. Wilson clarified that the “no ceo edits” takes into consideration what  
12 was said at the last meeting; “CEO Edits” is a version he did to further address concerns about  
13 the ZBA being able to sufficiently address concerns that might be raised. This language is found  
14 in changes to the last sentence in the second paragraph of (3)(c): “The Zoning Board of Appeals  
15 ~~may require additional buffering or screening to offset potential impacts~~ place additional  
16 requirements to offset current and possible impacts of the nonconforming use and such  
17 requirements will becomes part of the approval once accepted by the applicant.” He believes this  
18 will give the ZBA additional leeway in addressing something that is not specifically spelled out,  
19 rather than keeping them focused, it gives them a broader scope to address concerns of the  
20 neighbors of that particular use.  
21

22 Mr. Householder asked if the sentence should read: “The Zoning Board of Appeals may make  
23 changes to offset current and possible impacts...” Mr. Wilson replied that this gives the ZBA  
24 the ability to place additional requirements on the Applicant. Mr. Householder is looking at the  
25 prior sentence: “In determining there is no greater adverse impact, the decision is to be based on  
26 the probable changes to traffic (volume and type), noise, and dust.” Mr. Wilson replied that  
27 some of these items are hard to quantify – like changes in traffic. For example, if the hours of  
28 operation change there may not be any changes to traffic, but that isn’t saying that there isn’t  
29 some impact somewhere else that could be addressed. So, he was trying to broaden the language  
30 to give the ZBA the opportunity to react to the concerns of abutters and the general public on an  
31 item that comes before them.  
32

33 Mr. Lindsley believes the draft has to give the public some way to get those items addressed;  
34 right now all they can complain about is traffic, noise and dust. He recalled how upset neighbors  
35 were when a business tried to expand their parking lot; they wouldn’t be able to ask the ZBA to  
36 consider those concerns the way this is written now. He wants the public to be able to address  
37 more impacts, especially in the B-3 zone, or he wants the B-3 taken completely out of this  
38 change. Mr. Wilson replied that he intended that the language “offset any “current and possible  
39 impacts” broadens the language enough that opens it up and gives the ZBA the leeway to address  
40 *any* impact; that is the intent of this and that is the way the ZBA has interpreted this language. If  
41 someone has a concern that is beyond traffic and dust and noise, and if it can’t be mitigated to  
42 make everyone happy, then they (the ZBA) will have the right to deny the application. The  
43 Recording Secretary, who had been asked to report back to the Planning Board along with the  
44 CEO, offered that the ZBA liked the CEO Edits version because they wanted to be able to look  
45 beyond the limited impacts of traffic, noise, and dust. They understood that if they have concerns  
46 -- concerns that don’t necessarily originate from a complaint -- they can put the proposal through  
47 a full review and look at everything. Mr. Sargent noted that he understood from the beginning

1 that this was to be a fairly rigorous review, and that is why the application was sent to the ZBA.  
2 Mr. Wilson added that the ZBA is not taking these applications lightly; they aren't going to just  
3 "dust over" the proposal and move on. They want to look at the proposals very intently, the way  
4 they would a variance or an appeal for example.  
5

6 Mr. Sargent:

7 He thinks the language "The Zoning Board of Appeals may "place additional  
8 requirements" is a little too broad. It doesn't limit what issues they can address in placing  
9 additional requirements, and he want to ensure that these requirements are limited to design  
10 requirements or specifications to ensure that they are good changes that improve the overall  
11 appearance of the project. Mr. Wilson suggested that the language could read: "The Zoning  
12 Board of Appeals may place additional requirements to the design requirements of the project..."  
13

14 He also has concerns about the notion of addressing changes to traffic; one of these  
15 businesses would have to change hugely before there was a major impact to traffic. Mr. Wilson  
16 offered that it might help the whole thing if the wording was changed to read: "In determining  
17 there is no greater adverse impact, the decision is to be based on ~~the probable changes to~~ impacts  
18 such as traffic..." – this would mean these items are examples rather than a strict guideline.  
19

20 The Recording Secretary reminded the Board of the history of this particular issue: The  
21 Board had originally intentionally narrowed the scope of this review because it was important to  
22 an applicant that they know ahead of time just what kind of information would be needed to  
23 present with their application – what subjects would be covered. Mr. Sargent would think that  
24 how this will happen is this: The Applicant will meet with the CEO to discuss the proposal; then  
25 the CEO meets with the ZBA to say "You might have this proposal come to you. Before the  
26 Applicant spends any money, what kind of information do you want to see?" The CEO replied  
27 that typically it might be easier to have the Applicant meet with the ZBA; and typically it might  
28 also be better at the same to contact the neighbors also so they can hear concerns up front. You  
29 have the whole gambit there, and have the conversation up front as a neighborhood since that is  
30 where the people are that will be impacted. It will make the whole process much more efficient  
31 to meet together at the beginning to know what is going to be on the table, and to determine then  
32 what kind of information they will need for review.  
33

34 Mr. Wilson noted that on the second page in paragraph (d), he will need to make the  
35 same changes there that he will make in (c) so language is consistent. Mr. Sargent recommended  
36 this correction as well to (d): "...may be expanded by up to the extent allowed by the district  
37 regulations..."  
38

39 Mr. Lindsley: He expressed his concern again about the B-3 zone: Although changes to the  
40 original draft now mean that expansion is limited to 30%, and is less that would have been  
41 permitted, he remains convinced that no expansions should be permitted here and relies on the  
42 Comprehensive Plan in support of his argument. The Comp Plan *discourages* expansion in this  
43 zone, and he believes this proposal for the B-3 goes against that intent.  
44  
45  
46  
47

1 Deb Dodge:

2 She is concerned about limiting the ZBA to only addressing design criteria as additional  
3 conditions of approval. There may be instances where changes are *not* an improvement; she  
4 would like visual impact added as an impact they could address.

5 She also wonders if trailers allowed to stay after an expansion is approved. Mr. Sargent  
6 replied that the ZBA can add getting rid of trailers as a Condition of Approval. Mr. Wilson  
7 replied that the Board had discussed various approaches to dealing with them, and the Board  
8 liked this short-term permitting plan in particular: Trailers would be allowed with permits only.  
9 These permits would be based on a specific time duration with short-term extensions available to  
10 address time overruns. They will consider addressing the broader subject of out-door storage to  
11 include other forms of storage units as well. Ms. Dodge wonders if trailers would be permitted  
12 after an expansion was allowed, and Mr. Wilson replied that is how the subject of controlling  
13 storage trailers came up. But, as a caveat, the ZBA could require trailers be taken away if an  
14 expansion is permitted. Mr. Sargent agreed they would have the ability to make add an  
15 additional design requirement that the trailers be removed, or perhaps screened from view.  
16

17 Ms. Dodge brought up the issue of how the 30% figure is obtained: There is square  
18 footage of the building, but then there is the term “area of use” – does that include the volume of  
19 the storage trailers, and can that be included in the expansion? Mr. Sargent replied that “area of  
20 use” refers only to the amount of impervious surface on the lot. Mr. Wilson explained the  
21 process of determining a 30% expansion allowance based on square footage and volume; and  
22 Mr. Sargent noted that the trailers are not a structure and there is no credit toward the expansion  
23 that can be applied using this space. Ms. Dodge asked if the expansion could be applied to allow  
24 more trailers; Mr. Wilson replied that right now they can add as many trailers as they want, and  
25 that is why discussion about both residential and commercial outdoor storage trailers will  
26 continue.  
27

28 Don White: Asked how long it would take the Board to deal with the trailer issue once the  
29 Nonconformance changes have gone into effect. Mr. Sargent replied that at their workshop on  
30 August 16, the Board will discuss which ordinance revisions they will begin to work on in the  
31 coming year; trailers will be part of that discussion. Mr. Wilson will check with Attorney Kelly  
32 to determine if existing trailers will be grandfathered if a new regulation requiring permits is  
33 adopted. Mr. Sargent wonders if they say that within so many days of passing an Ordinance that  
34 *all* trailers must be permitted, if that would allow them to bring these existing trailers under the  
35 rule. There was a question if those trailers at Cooper Tire and Party Fundamentals might fall  
36 under the Junkyard Ordinance if they are not registered or licensed; Mr. Wilson will check into  
37 this to see if it applies. The vehicles must be unserviceable, unlicensed and uninspected for this  
38 Ordinance to apply.  
39

## 40 41 **5. DISCUSSION:**

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43 1. *Minor Field Adjustments:* There were none  
44

45 2. *Future agenda items:*

46 August 2: Public Hearings on Signs and Nonconformance

47 August 16: Workshop

1  
2 3. *Pending Applications*: There are none  
3

4 4. *Comp Plan Update*:

5 Mr. Sargent encouraged *all* members to read and familiarize themselves with the Plan  
6 and make notes on a chapter-by-chapter basis so they can have a productive meeting; the areas  
7 they will be discussing for each chapter: What kind of writing would be appropriate for each re-  
8 write – some will be significant, some just updating; who could be involved in the work – Town  
9 staff, citizens, local experts, committee members, regional resources; and what kind of schedule  
10 to set to pace the work and still reach the June 2014 deadline. They also need to draft chapter-  
11 by-chapter summaries to interest possible volunteers in the subject of the work. Mr. White  
12 reported that Eric Gallant of Mid-Coast Regional Planning has offered his services to draft  
13 classification chapter information and other data; Mr. Sargent agreed that would be helpful,  
14 especially in gathering the detailed data that is required. In addition, the Downtown Plan and the  
15 Select Board’s Annual List of Goals need to be included. There is also work on Gateway,  
16 CAFCA, CEDAC, etc. Mr. Lindsley asked if Brian Hodges would be involved in these  
17 Economic Development issues; Mr. Sargent replied that he, along with other Department Heads  
18 would be involved. The Board needs to report to the Select Board -- at least the first half of their  
19 report -- in September. Mr. Wilson will provide copies of the Gateway work that Jeff Nims did.  
20

21 *Ordinance revision priorities for potential Ordinance Amendments for next June:*

22 Possible Ordinance amendments to be added to the list: Home Maintenance Ordinance to  
23 address abandoned houses; Site Plan Review Time Line; Re-zoning the Keefe property; options  
24 for the Bifulco property (new letter from Jesse Bifulco received); and Outdoor storage units.  
25

26 Mr. Lindsley reminded the Board that when the original Plan was written the Town hired  
27 Evan Richert to help guide the Plan and do much of the technical writing; he thinks it is vital that  
28 someone like this is on board this time. It was noted that this was to take on the drafting of an  
29 original Plan and this will be a re-write. The last revision was shepherded through – and written  
30 in most part – by former CEO/Planner Jeff Nims; with some help from Eric Gallant. Although  
31 Mr. Lindsley raises a good point about having an expert on hand to do some of the more  
32 technical writing, a revision is different than a new plan. Mr. Sargent agrees that Mr. Wilson  
33 will be taking a large role in this re-write as will Brian Hodges; most every Department in Town  
34 will have a role to play. They need to talk about the amount of work that will be required.  
35

36 6. *Other*:

37  
38 Membership on the Planning Board: Mr. Sargent asked if the Select Board had advertised  
39 the vacant Alternate seat; Mr. White did not think there had been any applicants and Mr.  
40 Wilson said that was what he had found when he checked. Mr. Sargent hopes that a young  
41 person might come forward.  
42  
43

44 There being no further business before the Board they adjourned at 6:30 pm.  
45

46 Respectfully submitted,  
47 Jeanne Hollingsworth, Recording Secretary