# CAMDEN PLANNING BOARD
# MINUTES OF MEETING
# September 24, 2015

**PRESENT:** Chair Lowrie Sargent; Members Richard Bernhard, Richard Householder, and Jeff Senders; Alternate Member Jan MacKinnon; and CEO Steve Wilson
**ABSENT:** Members Jim Elliott and John Scholz

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:

Cheryl and Steve Beveridge, owners of Beveridge Farmstand on Turnpike Drive, came hoping to interest the Board in a discussion about signage specific to farmstands and farmers' markets. Right now, Camden's Sign Ordinance does not differentiate between those businesses and non-agricultural enterprises. In particular, the current Ordinance does not permit any off-premise business signs. The Beveridges would like the Board to consider permitting farmers markets and farmstands to install seasonal off-premise signs within limits – perhaps limiting the number of signs and/or defining how far from the business signs could be installed. Mr. Beveridge noted that the State has separate regulations for farm markets and many towns have adopted those State standards. He is not recommending that Camden do the same because the Sign Ordinance here has worked well to prevent "sign creep" and he supports that goal. He would like a level playing field with the Camden farmer's Market and other farm stands by requiring that all follow the same rules. The Beveridges are grandfathered for their current signs on their property and they are grateful for that; Door Yard Farms, however, is not and they are permitted only one sign. He believes the Town should be doing everything they can to encourage farmers in the area and relaxed signage rules would be a great help.

Despite repeated conversations with the Camden Farmer's Market vendors explain the Sign Ordinance, off-premise signs continue to proliferate on market days. This situation has gotten much worse this past summer, and the Beveridges believe this creates unfair competition. They will not violate the Ordinance to put up similar signs, and do appreciate the fact that the CEO has taken steps to inform vendors at the market that they must stop posting signs all over Town. The State law permits farmsstands to place up to four signs in a public right-of-way; perhaps Camden could consider permitting 2 or 3 signs on a seasonal basis in the same ROW to be determined on a case-by-case basis.

Mr. Householder and Ms. MacKinnon – as members of the Sign Committee – agreed to meet with Steve Wilson and Steve Beveridge and a representative from the Farmer's Market to start a discussion.

## 2. MINUTES:

August 6, 2015:
Page 2 Line 62 now reads: *Site Plan Trigger for a Change of Use*

Page 2 Line 66: The word "changes" should have been "changes"
Page 3 Line 112: "…go to Steve Wilson…"
Page 4 Lines 178 – 179: Both lines will be removed; they do not apply to this meeting

**MOTION by Ms. MacKinnon seconded by Mr. Bernhard** to approve the Minutes of August 6, 2015, as amended.
**VOTE: 3-0-2 with Mr. Householder (absent on 8/06) and Mr. Senders (not yet a member) abstaining**

**3. POSSIBLE ORDINANCE AMENDMENTS:**

1) Reduction in minimum lot size for dwelling units: Paul Gibbons

Mr. Gibbons returned for the third time to continue discussing his proposal to reduce the minimum lot area required for a dwelling unit in the Village District, but only when any new dwelling unit(s) will be contained within the existing footprint of a residential structure which was in existence at the time the Ordinance was created and that are a minimum of 5000SF in size -- the structure itself may be non-conforming with regard to lot coverage or setbacks. Mr. Gibbons had considered proposing that giving a property owner the option to create additional dwelling units under these conditions could be reviewed as a Special Exception, or he could ask that the Non-conforming provisions of Article VI be amended; he prefers the latter because it is a more predictable outcome for an applicant.

*Comments/Questions from the Board*:

Mr. Bernhard: He is not convinced that multi-family units are appropriate in some of the areas of the Village where this change would apply. He received the document Mr. Gibbons provided with details on the four properties Mr. Gibbons - using data from the Assessor's office - found that fit the three criteria: 1) 5000SF$^{+}$ dwelling; 2) on a non-conforming lot; and 3) in the Village District.

Mr. Bernhard visited all four properties after obtaining assessment information from the Town's website. He found the home at 4 Stetson Avenue especially troubling if multi-family dwellings were part of the future of this particular property: The property is valued at $2,360,000 and the property next door at $1.8M – he wonders how this change would affect the property values of neighboring properties and if it was practical to think that any owner who could afford 4 Stetson Avenue would want to create multi-family units there; Stetson Avenue itself is very narrow and any increase in traffic that might result from more dwelling units could cause problems here – it doesn't seem that this property should be included in Mr. Gibbon's list. He finds the Zonitini home a perfect example of where this concept would work, but is concerned about the practicality of including the others – especially the property at 2 Bay Road which is built lot-line to lot-line and already has no parking. Perhaps Mr. Gibbons should consider finding a way to make this change more specific to areas where it is appropriate. It seems as if the only property suitable for this change is the Zontini's. The question of whether or not this was Spot Zoning was raised and Mr. Gibbons responded that Spot Zoning was legal; Mr. Sargent replied that the citizens of Camden have made it clear that they do not like Spot Zoning.

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Mr. Gibbons suggested that some of Mr. Bernhard's concerns could be addressed if he added the condition that the structure also is located on a non-conforming lot – both 4 Stetson Avenue and 4 Union Street would be disqualified in that case.
Mr. Senders: He wonders what happens if Mr. Gibbons missed including properties where this might apply in his research; he doesn't want to see unintended consequences.
← Mr. Gibbons will re-check his findings.

Mr. Householder: He wonders if this change might set a precedent for similar requests to come forward for other Districts in Town; he was reminded that the Planning Board is not held to precedents, but he was still concerned about how this might lead to future requests.

Mr. Sargent: He asked the Zontinis what their original intent was when they purchased this building. Mr. Zonitni replied that they took advantage of the opportunity to buy a very unusual property that was in disrepair and put it in back in good condition. They have always had two units there and the third section of the house was used for a Home Occupation that is no longer located in the building. Now that they have improved the property to such a great extent the taxes are forcing them to try to find extra income to cover that expense.

Mr. Sargent also wondered how Mr. Gibbons arrived at using 5000SF as the threshold. Mr. Gibbons responded that he started his research at 7000SF but found no other properties in the Village where this would apply and he wanted to avoid having this provision apply only to the Zontini property because he likes to avoid creating a Spot Zoning request. Mr. Sargent suggested that the request sounds more like Mr. Zontini got himself in a financial fix and now wants the Board's help fixing things.

Mr. Senders asked about the house along the street – he would like more information about these properties in the general area so he could better judge the impact of Mr. Zontini's request.

← Mr. Gibbons will return on October 1 with more information about other properties in the area.

**4. MINOR SUBDIVISION AMENDMENT: Map 120 Lots 131 and 131-1**
**Traditional Village District (V)**

*Declaration of Conflict*:

Members will be asked to declare any possible conflicts of interest they might have regarding the application before them. Mr. Senders, who works for the Applicant's representative – Gartley and Dorsky Engineering and Surveying – recused himself and stepped down.

*Applicant's Presentation*:

The original two lot subdivision was approved in 2001. The reason subdivision approval was required originally because a portion of what would become the second lot was broken off from a third lot. Now the lot with the original structure is for sale and it has been discovered that the access drive to the upper lot is partially outside the deeded Right-of-Way. The easiest fix for that is to adjust the width of the ROW where that misalignment occurs and create a revised ROW. That, however, is a line adjustment, and accordingly requires review as a Subdivision Amendment.

**MOTION by Ms. MacKinnon seconded by Mr. Householder** that the Applicant's request can be heard as a Subdivision Amendment.
**4-0-0**
**MOTION by Mr. Householder seconded by Ms. MacKinnon** to Find that the proposed changes to the Subdivision Plan are acceptable.
**VOTE: 4-0-0**

The Board recessed for five minutes to sign the Amended Plan.

**5. DISCUSSION:**
1. Minor Field Adjustment:
The CEO informed the Board that P.A.W.S. has decided not to change the approved Site Plan and to go with the originally approved design; they have already removed all the tarmac from the John Street side of the building.

2. Future Agenda Items:
10/01: Site Plan Review: Riverwalk - Seabright Section
The CEO informed the Board that Chief Gagne has compiled the data on noise levels he recorded through-out the summer. That will be ready for Board discussion at the 10/01 meeting. Ms. MacKinnon thought that the Noise Ordinance itself had been put on hold and she is not anxious to bring that proposal back before the Board. The drafters did not appear to heed the Planning Board's directions on proposed changes to the draft – from one meeting to the next the draft did not reflect Board discussions. Unless those changes, and the Board's changes are made, she is unwilling to spend any more time in further discussions. Mr. Sargent reminded everyone that the proposed Noise Ordinance was not back for discussion at this time. Once the Board has discussed the Chief's findings they can then discuss how they want to proceed.

**6. COMPREHENSIVE PLAN:**
The CEO had not had time to gather the information requested of him at the September meeting, so the following items will be carried over to the October 10 Comp Plan meeting.
1. Answer Transportation Chapter questions
2. Discuss Population Chapter
3. Discuss Land Use Ordinance Chapter
4. Review Updated Schedule

Mr. Sargent asked Mr. Wilson about the timing for providing the funding to hire, and the issuing of the contract for the Comp Plan Editor they have selected; he is afraid she may not be able to fit the Plan into her schedule if it is too much later in the year before she gets started. Mr. Wilson replied that he had not yet had an answer from Pat Finnigan who must approve the funds and reach a contract agreement with the editor. Members expressed extreme frustration over the lack of responsiveness to this request and the lack of respect for the time and effort they have put into the work to rewrite this Plan over the past years.

There being no further business before the Board they adjourned at 7:15pm.

Respectfully submitted,
Jeanne Hollingsworth, Recording Secretary

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