

1 **CAMDEN PLANNING BOARD**

2 **Minutes of Meeting**

3 **September 15, 2011**

4
5 **PRESENT:** Chair Chris MacLean; Members Richard Householder, Jan MacKinnon, and
6 Lowrie Sargent; Alternate Members Sid Lindsley and Nancy McConnel; Select Board Liaison
7 Don White; and CEO Steve Wilson

8 **ABSENT:** Kerry Sabanty
9

10 The meeting was called to order at 5:00 pm
11

12 **1. PUBLIC COMMENT on NON-AGENDA ITEMS:**
13

14 1. William Anderson: 218 Mechanic Street: Purchased a part of Rokes Farm several years ago
15 and has been working on that property. During the time that Horace Rokes was farming next
16 door, there were also many activities going on that were not farm activities, but activities that
17 Mr. Rokes had engendered or allowed to happen: in addition to the storage facility started by
18 Mr. Rokes, in 1989 Mr. Rokes was given a permit by the Zoning Board of Appeals for four
19 tradesman shops that were located in the farm buildings. Mr. Anderson is here because Mr.
20 Wilson tells him that the activities are grandfathered and can continue when the Rokes' farm is
21 sold. The ZBA approval for the tradesmen shops had come with three conditions, none of which
22 are being adhered to. In addition, there is no business entity at the farm – the farmer has died
23 and the family does not live on the property, so there is no farmer working there. They lease the
24 house, and provide minimal security to the rest of the farm in the form of three huge street lights;
25 these lights over-illuminate the farm property as well as his property. The kinds of activities that
26 go on, the non-farm activities that surround his lot on a 24-7 basis are the reason he is here. The
27 ZBA conditions of approval required all activities of the tradesmen shops occur wholly within
28 the shops themselves – that is not happening; there should be no more than two full-time
29 employees which translates to only two parking spaces; and there should be no exterior storage
30 on the property. Farm activities are a dawn to dusk operation – that is not the case now; it is a
31 storage facility used by numerous business operations at all hours of the day and night.
32

33 Mr. MacLean: He understands Mr. Anderson's concerns, but the Planning Board does not have
34 the enforcement powers; the issues Mr. Anderson has are not issues that the Planning Board is
35 able to do anything about – even if they did agree something should be done. He asked Mr.
36 Wilson if he was aware of Mr. Anderson's concerns; Mr. Wilson replied that he has heard some
37 of them, but not others like the illumination issue. He would have to look at the situation to see
38 if there were any violations. Mr. MacLean went on to say that the ZBA was the Board with the
39 original jurisdiction, and Mr. Anderson wondered if he was before the wrong board. Mr.
40 MacLean added that the Planning Board likes to hear from citizens on issues like this so they can
41 determine if changes need to be made to the Zoning Ordinance, either now or in the future to
42 address these kinds of concerns. The Board can learn, perhaps, how to do things better in the
43 future so things like this don't happen. He suggested to Mr. Anderson that if there were
44 violations, Mr. Wilson was responsible for enforcement, and perhaps the problems can be
45 resolved this way. If not, perhaps Mr. Anderson might consider retaining an attorney for private
46 action. There may be legal remedies if the neighbor has created a nuisance that interferes with
47 Mr. Anderson's quiet enjoyment of his property. Mr. Sargent recommended that Mr. Anderson
48 try to speak to his neighbor to see if the problems can be resolved; Mr. Anderson has tried this –
49 it has not worked.

1 2. Martin Cates, John French, Jim Heard, and Don White (all members of the Camden Select
2 Board): Mr. Cates informed the Board that the Town Attorney has confirmed that four Select
3 Board members attending a meeting together to express a point of view does not constitute a
4 Select Board meeting.

5
6 John French: He hopes that the Planning Board does not take personally what happened at the
7 Opera House. (Note: On September 6th the Select Board voted not to send forward the Board's
8 proposed Historic Preservation Ordinance.) He knows the Board worked very hard on the
9 proposal, but he had heard from many people around the area that now was not the right time to
10 do this. He hopes there are no hard feelings. He realizes this proposal is not dead, that it could
11 come back some day. But people suggested to him that the Town stop first and actually
12 inventory what would be considered "historic", and then go from there. He wants the Board to
13 know that the Select Board appreciates what the Planning Board does and asked them to please
14 continue with their work.

15
16 Martin Cates, Camden Select Board Chair: He wants to make it very clear that he appreciates all
17 the work the Board did, all the research that Mr. Householder did, and the work that the Board
18 continues to do. This Planning Board is considered the hardest working Board in Town; it is the
19 longest-tenured Board; and one of the most knowledgeable groups of people the Town has. He
20 certainly appreciates this hard work and wants the Board to know this.

21
22 Jim Heard: From his perspective, it is the incremental changes that concern him; the Town can
23 change in ways that may not even be noticed as it happens, and then the character itself has
24 changed. He urged the Board to keep up the good work to keep this Town like it is to the extent
25 that they can.

26
27 Don White: He has attended a lot of Planning Board meetings, and believes that much of what
28 was said at the Public Hearing was probably ill-advised, and spoken by people in the community
29 who may not have really thought about what they were saying. No matter what, even if the
30 Boards have their differences, they need to work through how they will handle those differences
31 with a good amount of civility so the good work can continue.

32
33 Mr. Householder: Appreciates the Select Board coming this evening and saying what they did.
34 It is hard to get everybody on board when the Board is constructing an Ordinance. Members of
35 the Downtown Business Group, for example, who don't participate in the development of an
36 ordinance that affect them: business owners oppose the concept from the beginning; refuse to
37 work with the Board; and then turn out at Select Board meetings to oppose it. There had been a
38 Motion at the Select Board's hearing that the Planning Board should continue work to the
39 proposal working with members of the Downtown Business Group; Mr. Householder had been
40 told after the hearing that there was no way this group would work with the Board on this
41 proposal. So, where does that leave the Board? He still believes in the Historic Preservation
42 Ordinance because it is in the Comprehensive Plan. It is unfortunate that certain business owners
43 refuse to look at the Comprehensive Plan and work with the Board on determining what is best
44 for the Town. There are two downtown buildings that are up for sale at this time. Hopefully,
45 someone local will purchase the buildings and not someone from away who won't agree with the
46 historic preservation articles in the Comprehensive Plan that the Town voted to support.

47
48 Mr. MacLean could not attend the hearing, but he has no hard feelings about the Select
49 Board's decision. What has frustrated him in the past is when the Planning Board's hard work

1 was before the Select Board, and one citizen showed up to oppose the proposal, never having
2 been before the Planning Board. This happened several times, and the Select Board voted to
3 support that citizen instead of the Board, ignoring all the Board's long, hard work. This
4 particular issue was political. The Planning Board's role was to look to the future and plan
5 through this Ordinance. The Select Board, being elected by the people, has to respond to what
6 voters want here and now, and do what is best for the Town here and now --it was quite obvious
7 from the level of opposition, that the Townspeople did not want this Ordinance at this time. He
8 is happy that the Select Board members came this evening, and that there is agreement that both
9 Boards are in this for the Town and need to work together. Other members also expressed their
10 appreciation for the fact that members of the Select Board came to work through the differences.

11
12 **2. MINUTES:**

13 Review of the Minutes September 1 was deferred until the Recording Secretary is present.
14

15 **3. SITE PLAN REVIEW: Preapplication Meeting**

16 Megunticook Lake Woodside Home: Map 103: Lot 27; Rural 1 District (RU-1)
17 139 Beaucaire Avenue LLC: Beaucaire Avenue and Start Road
18

19 The owners were represented by Applicants and authorized agents: Bruce Norelius,
20 Architect, owner of Bruce Norelius Studios; and Emma Kelly, a Landscape Architect with
21 Richardson and Associates. They are here this evening hoping to discussion submissions -- what
22 is completed and what is missing -- so they can move ahead without further delay with the actual
23 review for a new residence on Beaucaire Avenue.
24

25 Ms. Kelly summarized the proposed project and went through the drawings: The proposal is for
26 a single family residence - a year-round house that will primarily be used in the summer. The
27 entire area of site disturbance will probably fall under the 40,000SF threshold for Site Plan
28 Review, but the owners want to be up front and pro-active on the project.
29

30 SP1: Site Plan: The property is about 8 acres at the intersection of Start Road and Beaucaire
31 Avenue. The major site feature is a ravine that the DEP has determined to be a stream, and there
32 are some uphill forested wetlands. The lower portion of the lot along Beaucaire Avenue is
33 within the 250' setback from Megunticook Lake.
34

35 SP2: The Plan shows where they have sited the development on the upper edge outside of the
36 stream and shoreland setbacks. They are proposing a new 12' drive entering from Start Road
37 that will be wide enough to accommodate emergency vehicles. They want to avoid coming in
38 from Beaucaire through the Shoreland setback even though that would have been a shorter
39 distance to the house. They will cross the ravine through a pinch point (where they will avoid
40 wetlands on either side) to arrive at the home. They also show a small 6' winding path leading
41 from the owner's shorefront property on the far side of Beaucaire to the house and on up to a
42 small writer's studio at the top of the hill; the paths will be surfaced with wood chips, or a similar
43 product, to accommodate ATV or other small vehicle access.
44

45 The home itself is shown on SP4 and SP5, with the drawings serving as the required elevations
46 submissions for the house and garage. There is an existing shed in the NE corner of the lot at
47 Beaucaire that they will improve to serve as the gateway to the trail as well as for storage. This
48 building will not be improved or changed in any major way because it is within the 100' setback
49 from the shore as well as the 25' setback from the road. Also shown schematically are some

1 probable locations of future footpaths within the site that will require no clearing. General
2 locations of stone patios and plantings are shown, as is an area off the Start Road assigned to
3 overflow parking.

4
5 SP3 illustrates the key issues that show how the project meets the criteria for landscape
6 preservation and enhancement, as well as the proposed erosion controls. They are proposing
7 minimal lot coverage: to the north of the house they anticipate a small terrace with fire pit – this
8 is associated with a long screen porch off the house; to the east another small terrace with a lot of
9 plantings; in a space adjacent to the garage/guest house will be another small terrace; and
10 perhaps another small terrace at the writer's shed. In all, the disturbance for all this construction,
11 including the drive and parking areas, will come close to 40,000SF.

12
13 The driveway is proposed at 600', and Mr. Sargent asked the Applicants if they realized that
14 the Private Way Ordinance would apply to a driveway that long. Ms. Kelly did not seem aware
15 of this fact, but Mr. Wilson replied that it was discussed briefly when it was decided that the
16 overflow parking area could serve as the turn out passing area that is required by the Private Way
17 Ordinance. Mr. Sargent asked if they realized that under the Private Way Ordinance the police
18 and fire departments will be asked to review and comment on the Plan. Ms. Kelly noted that they
19 have been speaking with the fire department already simply because of the length of the drive
20 and the size of the house, and they are looking at engineering features to address the distance the
21 home will sit off the road.

22
23 The house itself will be about 4400SF with porches adding another 1100SF. The footprint of
24 the guest house/garage is 900SF, with 300SF additional in porches; there will be no kitchen
25 facilities so this is not considered a dwelling unit. Although it is not certain that the writer's shed
26 will be built at this time, a footprint of 15' x 25', the largest the building would ever be, will be
27 included on the Site Plan to avoid having to come back with an amendment to the Site Plan
28 requiring an amended Storm Water Permit.

29
30 Mr. Sargent noted that the driveway is on Start Road but the address listed on the drawings is
31 140 Beaucaire Avenue; Mr. Wilson noted that the final address assignment, yet to be done, will
32 depend on the driveway location and the orientation of the house to the road – it may well
33 change to a Start Road address, and he has discussed this with the Applicants.

34
35 The Chair proceeded to review of the Site Plan submission criteria:

36
37 **Site Plan Content**

38 In the instance when there are authorized agents, the Chair likes to see a letter confirming
39 this appointment; there is a letter to that effect in the file.

40
41 (a) *Owner's name and address:* **Provided on Application.**

42
43 (b) *Names and addresses of all abutting property owners:* **Provided.**

44
45 (c) *Sketch map showing general location of the site within the Town:* **Provided.**

46
47 (d) *Boundaries of all contiguous property under the control of the owner or applicant regardless*
48 *of whether all or part is being developed at this time.*

- 1 → On SP1, 139 Beaucaire Avenue, which is under the same ownership, is only partially shown.
2 A drawing showing the full contiguous lot is required.
3
- 4 (e) *Zoning classification(s) of the property lines of the property to be developed and the source*
5 *of this information: **Shown on SP1.***
6
- 7 (f) *The bearing and distances of all property lines of the property to be developed and the source*
8 *of this information. The Board may require a formal boundary survey when sufficient*
9 *information is not available to establish on the ground, all property boundaries: **Provided on***
10 **SP1.**
- 11
- 12 (g) *The location of all building setbacks required by this Ordinance.*
13 → *Provided on SP1 showing 15' on Start Road and 25' along Beaucaire, but because there are two*
14 *boundary streets, two front setbacks are required – each at 25'.*
- 15
- 16 (h) *The location, dimensions, front view, and ground floor elevations of all existing and*
17 *proposed buildings in the site.*
18 → *A picture of the existing shed will be provided as well as a sketch of the proposed writer's*
19 *studio. Other elevations provided.*
20
- 21 (i) *The location and dimensions of driveways, parking and loading areas, and walkways.*
22 → *Sufficient for Site Plan, but the Private Way Ordinance requires more detailed information than*
23 *provided here.*
24
- 25 (j) *Location of intersecting roads or driveways within 200 feet of the site.*
26 → *Outstanding: The Board cautioned the Applicants to consider the line of sight requirements*
27 *from the Private Way Ordinance in locating the drive. Only driveways along the Start Road and*
28 *Beaucaire Avenue boundaries need to be shown.*
29
- 30 (k) *The location and dimensions of all provisions for water supply and wastewater disposal*
31 → *The possible septic disposal sites are shown as well as the setbacks that would be required for*
32 *wells; the septic site has not been selected nor the system designed, and no well has been drilled.*
33
- 34 (l) *The location of open drainage courses, wetlands, stands of trees, and other important natural*
35 *features, with a description of such features to be retained and of any new landscaping planned.*
36 **The notes on SP3 describe the proposal in general and members of the Board find those**
37 **notes sufficient.**
38
- 39 (m) *Location and dimensions of any existing easements and copies of existing covenants or deed*
40 *restrictions: **There are none.***
41
- 42 (n) *Location, front view, and dimensions of existing and proposed signs: **There are no signs***
43 **proposed that would be covered by the Sign Ordinance.**
44
- 45 (o) *Location and type of exterior lighting.*
46 → *Although the owners don't want very much lighting as a general rule, these decisions have not*
47 *yet been made; they may be able to provide some details of location and design but many of those*
48 *decisions are far into the future. Ms. Kelly will add a Note to the Plan that says that any lighting*

1 that will be installed that is not shown on the Plan will adhere to the requirements of the
2 Ordinance.

3
4 (p) *Copies of applicable State and Federal approvals and permits, provided, however, that the*
5 *Board may approve site plans subject to the issuance of specified State approvals and permits*
6 *where it determines that it is not feasible for the applicant to obtain them at the time of site plan*
7 *review:*

8 A DEP permit for wetland impact will not be required – the wetlands on the property are
9 classified as wetlands of significance and the development is being kept away from those
10 wetlands.

11 A DEP Permit-by-Rule will be needed for the stream crossing. Preliminary discussions have
12 been held at the site and the site chosen for the stream crossing is the one preferred by DEP. The
13 permit itself will be required before the Plan is signed.

14
15 (q) *A signature block on the site plan, including space to record a reference to the order by*
16 *which the plan is approved.*

17 **Provided, but reference to Site Plan and Private Way must be included.**

18 19 Section 4. Supplemental Information

20 The Planning Board may require any or all of the following submissions where it determines
21 that, due to the scale, nature of the proposed development or relationship to surrounding
22 properties, such information is necessary to assure compliance with the intent and purposes of
23 this Ordinance.

24
25 (1) Existing and proposed topography of the site at two-foot contour intervals, or such other
26 interval as the Board may determine, prepared and sealed by a surveyor licensed in the State of
27 Maine. *1' intervals are shown on the Plan.*

28
29 (2) A storm water drainage and erosion control plan prepared by an engineer or landscape
30 architect registered in the State of Maine, showing:

31 (a) The existing and proposed method of handling storm water runoff.

32 (b) The direction of flow of the runoff through the use of arrows.

33 (c) The location, elevation, and size of all catch basins, dry wells, drainage ditches, swales,
34 retention basins, and storm sewers.

35 (d) Engineering calculations used to determine drainage requirements based upon a 25-year
36 storm frequency, if the project will significantly alter the existing drainage pattern due to such
37 factors as the amount of new impervious surfaces (such as paving and building area) being
38 proposed.

39 (e) Methods of controlling erosion and sedimentation during and after construction.

40 → **Details for the continuous berm and other controls shown on the Plan need to be provided.**
41 **Storm Water controls will have to be addressed in Private Ways.**

42
43 Ms. McConnel asked if the stream was adequate to handle stormwater from the new
44 construction without causing problems at the Beaucaire culvert. Ms. Kelly replied that they
45 anticipate that the aggressive re-vegetation and the planted buffers will control run-off. They
46 have observed that the culvert appears to be oversized and handling water quite well, and the
47 DEP officer did not present any concerns in this regard during the stream determination site visit.
48

1 Mr. Householder suggests the drive appears to run down a valley with 20' to 30' elevation on
2 either side which makes it a conduit for water. Assuming the drive will be gravel could be a path
3 for run-off right to Start Road. Ms. Kelly replied that Start Road is actually the high point for the
4 beginning of the drive, and their strategy in drive design is to work with grades to create a cross-
5 pitching so that water flows across sections of the drive and does not channel down the course of
6 the drive; extensive vegetation on the downhill pitch further controls erosion. Coming from Start
7 Road, the grade of the drive will reach its low point just before the stream crossing, and rise
8 again so any debris from the drive is caught in vegetation before it gets to the stream. Their
9 strategic plan, without an actual design in place, is to avoid gathering large amounts of water in
10 catch basins, but to shed it in continuous sheets into vegetated areas instead.

11
12 Mr. Householder is concerned about emergency vehicles having access in the winter and
13 asked where snow removal will go. Mr. Norelius says he believes that along the flat of the drive
14 there is room for snow off to the side; at the house site there is an area to the south of the garage
15 where snow can be piled.

16
17 (3) A utility plan showing, in addition to provisions for water supply and wastewater disposal,
18 the location and nature of electrical, telephone, and any other utility services to be installed on
19 the site: *Utilities will be run underground; no further plan is required.*

20
21 (4) A planting schedule keyed to the site plan and indicating the varieties and sizes of trees,
22 shrubs, and other plants to be planted: *The location of plantings generally shown is sufficient.*

23
24 The Chair urged the Applicants to review the Approval Criteria for both Ordinances before
25 returning to ensure they have sufficient documentation for the Board to make their decisions.
26 Mr. Householder added that the Private Way is a key element in the construction on this site, and
27 he will be looking at erosion controls closely.

28
29 The Applicants will appear at the October the 27th meeting: a Site Walk will be held at 4pm
30 that day just prior to the meeting; and the Public Hearing will be advertised for the 27th as well.

31
32 **5. DISCUSSION:**

33 1. *Minor Field Adjustments:* There were none

34
35 2. *MUBEC and Legislated amendments:* Tabled for discussion at a future meeting.

36
37 3. *Sign Article:*

38 Mr. Wilson informed the Board that several business owners have stopped in to inquire about
39 the sign ordinance work and are impressed that the Board is bringing the matter to the front. Mr.
40 Wilson informed the Board that he took photos of 20 signs in the downtown that are actually in
41 violation. These are the kinds of signs the Board wants to work on. Mr. Householder noted the
42 need to change the color of the directional signs, but the Board knows that is a decision to be
43 made by the Select Board – the Planning Board can take the initiative and make a
44 recommendation.

45
46 Mr. Wilson reported on a sign proposal some of the Bayview Street shop owners have
47 spoken of that would be a sign post with removable slots for various businesses. Business
48 owners would buy the sign but give it to the Town. The Board will take the lead in the effort to
49 ensure that the work gets done and wants to have a conversation with some members of the

1 Downtown Business Group about this proposal. Mr. Wilson was asked to contact these business
2 owners and ask them to let him know when they are ready to present their concept to the Board;
3 he should let them know that if they want these signs ready for this summer they need to get
4 started right away.

5
6 Mr. Wilson is keeping track of what portions of the Sign Ordinance will need amending as
7 various changes are recommended.

8
9 *Other:*

10 Mr. Wilson suggests the Board discuss rolling food trucks and ice cream trucks. These
11 vendors now have to be tied to a permanent location, and there is no way, under the current
12 ordinance to allow ice cream trucks to drive through neighborhoods; they must be parked on a lot
13 with permission from the owner. Ms. MacKinnon wants to find a way to allow ice cream trucks
14 to drive around – create a category of novelty foods or something that would be more specific to
15 them. Mr. Wilson replied that it isn't so simple: health laws regulate prepared vs. ready-to-eat
16 foods, and right now these food vendors can be permitted. Does the Town want them and if they
17 do there should be rules specific to the business. Other areas are struggling with the issue as
18 well.

19
20 5. *Priority list of amendments*

21 Mr. Wilson would like the Board to sort what should go this year versus what can be held
22 over.

23
24 6. *Board Member matters for discussion:*

25 The Select Board started the workshop on committees, one of which was the
26 Conservation Commission. The Select Board asked the Planning Board to discuss the role of
27 the Conservation Commission as it relates to the Board; they want each committee tied to a
28 paid staff person and asked for recommendations to see if there could be a way to put this
29 committee to work, perhaps tied to the Boards work. There are some links within the
30 Comprehensive Plan for the two to cooperate – are there changes that can be made here? Mr.
31 Sargent asked if they had the right to become involved in private property. Mr. Wilson said
32 they are mostly assigned to Town property, but they are strictly advisory in nature even on
33 private property.

34
35 The Commission has done a lot of good work in the past, but they haven't had a project
36 to attract members recently and they need to be rejuvenated.

37
38 Mr. Sargent and Mr. Wilson suggested to the Select Board that the Commission and the
39 Board discuss among themselves possible interactions, then meet together to discuss any
40 formal interaction. The Select Board wants a report in November, and right now the
41 Commission doesn't have a quorum of members. Mr. Sargent asked Mr. Wilson to email the
42 Comp Plan sections where the two are assigned to interact; then the Board can discuss the
43 options.

44
45 There being no further business before the Board they adjourned at 7:00 pm

46
47 Respectfully submitted,

48
49 Jeanne Hollingsworth, Recording Secretary