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2
3 **CAMDEN PLANNING BOARD**
4 **MINUTES OF MEETING**
5 **October 1, 2015**

6 **PRESENT:** Chair Lowrie Sargent; Members Richard Bernhard, Richard Householder, and John
7 Scholz; Alternate Members Jan MacKinnon and Jeff Senders; and CEO Steve Wilson

8 **ABSENT:** Member Jim Elliott
9

10 The meeting of the Planning Board convened at 5:00 pm. These minutes are a summary of
11 the Board's discussions. A video recording of the full meeting is available from the Town's website
12 at <http://www.camdenmaine.gov/> or at <http://www.townhallstreams.com/locations/camden-me>
13

14 **1. PUBLIC/BOARD MEMBER INPUT ON NON-AGENDA ITEMS:** No one came forward
15

16 **2. MINUTES:**
17

18 September 24, 2015:

19 Page 1 Line 31 now reads: "...Farmer's Market vendors to explain..."

20 Page 2 Line 48: The word "changes" should have been "change"

21 Page 2 Line 82: "...owner who ~~could afford~~ lives at 4 Stetson..."

22 Page 3 Line 119: "Mr. Senders asked about the other houses along the street..."
23

24 **MOTION by Mr. Householder seconded by Ms. MacKinnon** that the Minutes of September 24,
25 2015, as amended, be approved.

26 **VOTE: 5-0-1 with Mr. Scholz (absent on 9/24) abstaining**
27

28 **3. POSSIBLE ORDINANCE AMENDMENTS:**
29

30 *1) Police Chief Randy Gagne: Decibel Study/Recommendation Re: Noise Ordinance*
31

32 The Chair and Mr. Scholz provided a brief overview of the genesis of the joint project of the
33 Planning Board and Police Department to look at the issue of noise in Camden: Last spring Chief
34 Gagne was part of a discussion at a meeting of the Select Board about Cuzzy's bar which had been
35 named in several complaints of excessive noise. At that meeting, Planning Board member John
36 Scholz informed the Select Board that the Planning Board was considering when to begin on a
37 proposal for a Noise Ordinance. Although it is not always normal for a Planning Board to work on
38 a Police matter, Mr. Scholz had offered to work with the Chief to see what, if any, recommendations
39 they would have so the Police force could better enforce noise limits – both current and proposed.
40 The Select Board accepted the offer, and a Noise Ordinance Work Group was formed. They came
41 up with a draft proposal for an ordinance that was discussed at length by the Planning Board. That
42 draft dealt with noise generated in four settings: 1) "Bar noise" from downtown; 2) Town-
43 sanctioned events or events being held at Town-owned facilities; 3) Residential neighborhoods; and
44 4) Randomly generated noise/impulse noise. However, before moving forward with a specific
45 proposal the members of the Planning Board wanted to better understand what levels of noise
46 actually occur in Town. The Planning Board asked Chief Gagne to conduct a decibel level study
47 over the summer during the early and late evening hours at various locations around Town. The

48 Chief is here this evening to present the findings of that study and to offer his recommendation on
49 how to move forward.
50

51 Chief Gagne: His data was gathered by officers who tried to take two to three readings a night -- in
52 some instances from different distances -- at three different locations: 1) Cuzzy's Bar: from Bay
53 View Street out front; at the Post Office behind the bar; and up Chestnut Street in an area where
54 many complaints originated last year; 2) Smokestack Grill: from Mechanic Street out front; on the
55 deck near the waterfalls; and from the parking lot out back; and 3) The parking lot gate at the Snow
56 Bowl. A copy of this report can be obtained from the Codes Office.
57

58 The Chief noted that although there were several instances where the readings were above
59 those recommended in the Draft Noise Ordinance prepared by the workgroup, the number of
60 complaints the Police received for the period encompassing the study (June through August) was
61 down from last year: 31 complaints this summer compared to 38 for the same timeframe last year.
62 He also noted that nuisance calls as a whole comprised about 1% of the total calls to the station and
63 all involved noise of some kind. He has reached the conclusion that there is not a real significant
64 noise problem in Town that would justify a request of the Select Board to support a decibel-based
65 Noise Ordinance, and speculates that because there have not been continual complaints about noise
66 in the test areas, that the levels of noise generated appear to be tolerated by those who live nearby.
67 If he was to make any recommendation to the Select Board regarding a Noise Ordinance, it would
68 be to make the noise provisions in the current Police Ordinance apply across town with a town-wide
69 "noise curfew" running from 11pm to 7am. The Chief noted that the Special Amusement Permits
70 issued by his Department after approval by the Select Board, could also set a decibel level for
71 amplified music. Currently he cannot add that stipulation to these permits, but Town Attorney Bill
72 Kelly says that could easily be changed. Special Amusement permits allow places to stay open until
73 12:30 am; his change would require that music/noise is cut off at 11pm. This is a small town and he
74 is not a fan of over-regulating when it not does appear to be necessary. He prefers face-to-face
75 discussions to see if the problem can be resolved, and so far that approach seems to be working.
76

77 *Comments from the Board:*
78

79 Ms. MacKinnon: She supports the Chief's recommendation – he knows what he needs at this time.
80

81 Mr. Scholz: Agrees that something like the Chief's recommendation should be sufficient. Also
82 agrees that data doesn't support district-by-district regulation.
83

84 Mr. Householder: He does not want to create a separate Noise ordinance and agrees that regulating
85 residential neighborhoods could end up infringing on personal property rights. He believes that
86 certain problems can be solved on a case-by-case basis.
87

88 Mr. Bernhard: Supports Mr. Householder's position in particular. He saw neighbors solve a noise
89 problem emanating from the White Hall – a face-to-face conversation changed the way the new
90 owners operate their business.
91

92 Mr. Senders: He agrees, and believes that the data that the officers have collected gives the Town a
93 good baseline to work from if a real problem occurs in the future.
94

95 The Board asked Mr. Scholz to draft a letter to the Select Board expressing what the Board
96 has learned and to inform the members that they are recommending support for the Chief's
97 recommendations. Chief Gagne noted that the process to change the Police Ordinance is much
98 easier that it is to change the Zoning Ordinance.
99

100 2) *Reduction in Minimum Lot Size for Dwelling Units: Paul Gibbons*
101

102 Mr. Gibbons returned for the fourth time to continue discussion of the proposal to reduce the
103 minimum lot area required for a dwelling unit in the Village District. At the Board's request Mr.
104 Gibbons had prepared a more extensive neighborhood map for each of the four properties he found in
105 the Village District that would be impacted by this change. This information is intended to show that
106 there are no other properties that are non-conforming in lot area and structure in the proximity of the
107 four subject properties.
108

109 *Comments/Questions from the Board:*
110

111 John Scholz: Mr. Scholz was not present at the previous meeting but has watched the video. He
112 believes the protections offered by the Subdivision Ordinance are sufficient to address any concerns
113 about a property being improperly developed. He also believes the Zoning Ordinance should be
114 flexible in order to address the evolution of the Town as illustrated by the changes considered for
115 Fox Hill and the B&B situation. He hopes the Board gives this proposal a fair hearing.
116

117 Richard Bernhard: He is not convinced that his concerns about inappropriate development can be
118 addressed by Subdivision Review – there are simply some properties that should not be included in
119 this provision. Mr. Gibbons suggested that Subdivision looks at the impact to the neighborhood, but
120 if the Board wanted a more in-depth review they could make this option available as a Special
121 Exception where there is more control over the final outcome. If the proposal is honed down to the
122 point where only the Zontini property would be included, that would be Spot Zoning. While it is not
123 illegal, Spot Zoning is not the preferred way to go. He believes there will be minimal impact from
124 this change and thinks the Board could reduce the threshold square footage if they wanted and still
125 not have a problem.
126

127 Mr. Bernhard suggested that while Subdivision review might address some of his concerns he
128 would prefer to see the option offered as a Special Exception.
129

130 Jeff Senders: He is not opposed to the proposal as offered but is cautious about impacts on the
131 neighborhood. He is not opposed to going forward to consider this concept in more depth.
132

133 Mr. Sargent: He would prefer to apply the Special Exception provision but as long Subdivision
134 Review is required he can be satisfied. He did recommend that Mr. Bernhard's concerns might be
135 addressed if this provision cannot be applied within the Shoreland setback – no waterfront properties
136 would be included. Mr. Gibbons noted that the Town has no control over what is considered a
137 "subdivision" and cannot make it apply unless it meets the State's thresholds. They will agree to
138 make the Shoreland change.
139

140 Jan MacKinnon: She supports the exempting properties in the Shoreland, but would rather see this
141 as a Special Exception so they can all be reviewed. Mr. Scholz, Mr. Senders, and Mr. Bernhard all
142 agreed with these changes to the proposal.

143 Mr. Gibbons agreed that a Special Exception would eliminate any claim that the Zontinis were being
144 given any special consideration.

145 ← Mr. Gibbons, Mr. Wilson and Kristin Collins will work together to fit new language into the
146 Ordinance and bring that language back to the Board to review.

147

148 **4. SITE PLAN REVIEW: Seabright Section of the Riverwalk**

149 **Town of Camden: Map 113 Lot 34-2: River Business District (B-R): Mount Battie Street**

150 *Declaration of Conflict:*

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

154

155 *Applicant's Presentation:*

156

157 Geoff Scott and Mac Thomas were before the Board on behalf of the Pathways Committee
158 which has worked to obtain the grant to construct this segment of the Riverwalk. Consulting
159 Engineer Will Gartley was also present. Mr. Scott noted that this portion of the Riverwalk will have
160 the same look and feel as the first segment along the river at the Tannery Site. The pathway is on
161 property owned by the Town except the top end. Coastal Mountain Land Trust (CMLT) will grant a
162 trail easement for this last portion of this segment of the pathway. The length of this segment of the
163 pathway is purely a function of the amount of the grants available. They will be using the same
164 group for the construction – the Maine Conservation Corps who will be assisted by various Parks and
165 Recreation volunteers. The grant is one that can be matched by the Town with "in kind" donations
166 that can include Town employees being paid to do work on the project - they hope to be able to get
167 some time with the Town backhoe as part of the contribution.

168

169 Mr. Gartley went over more technical aspect of the Application. (The submissions being
170 reviewed are included as Attachment 1.)

171

- 172 ➤ The pathway will follow the sewer line which is shown as an easement although it is a Town-
173 owned line -- it always has been shown this way. That easement is a level area built up to rise
174 above the surrounding land that is 30' wide and more in places -- it is a perfect area that lends
175 itself well to wheelchair access

176

176 Discussion:

177

178 Mr. Householder noted that the easement area drops off 5' on either side and 20' from north to
179 south. He wondered if there were sufficient silt barriers proposed to prevent erosion on the
180 inland side. Mr. Gartley replied the berms are bark mulch and intended to stay in place. Mr.
181 Scott added that the way the pathway is designed is so the end result is flush with the grade and
182 water will either seep into the rock base or sheet over the surface. The same design was used at
183 the Tannery with great success. The Park Service guidelines for ADA compliance govern grade
184 over run and those guidelines rule.

184

185 Mr. Sargent found a discrepancy in the details for the pathway - the Plan calls for 4"
186 of stone dust and 4" gravel. The Permit-by-Rule (PBR) approved by DEP says the base will be
187 12" of gravel. Mr. Scott says the Plan is correct, but Mr. Sargent wants both documents to agree
188 -- either they build it as described in the PBR or that permit needs to be corrected. Mr. Gartley

189 added that it is very expensive - and unnecessary to use 12" of gravel; submitting a new PBR
190 could delay the 10/26 start of the project.

191 ← Mr. Wilson will contact DEP to see if they will email approval for an "amended" permit.

192 ➤ 1' Topo lines were added using LIDAR data

193

194 ➤ The pathway will cross two wetlands with a culvert planned for the lower crossing. At less
195 than 100SF of impact they are well under the threshold for a NRPA permit; and, they are 25'
196 outside the river so no DEP permit is required for the other trail work

197

198 ➤ Parking near the sewer pump station was changed at the recommendation of Public Works
199 Director Rick Seibel who was concerned about drivers backing into the street - there are now
200 two parallel parking spaces shown

201 Discussion:

202 The parking spaces could say "possible future parking" if that is not going to be part of the work
203 done at this time. In any case they need to be differentiated from the road.

204

205 This parking area should be well-marked and made inviting so people aren't tempted to park in
206 the CMLT lot. CMLT has given the OK to test parking on their property but will say no more if
207 it gets to be a problem.

208 ← The Plan shows the pathway ending short of the street at the parking area -- it needs to be taken
209 out to its actual end.

210

211 ➤ The Trail Easement - more accurately Trail License - has not been finalized with CMLT so
212 they have just shown the line where it would begin

213 ➤ The second line in this area is labeled "proposed split rail fence" which was recommended by
214 Wastewater Superintendent Dave Bolstridge as a way to delineate the boundary of the
215 easement and steer people away from the dam area. The design will be coordinated with
216 CMLT who has no problem with the fence being installed

217 Discussion:

218 ← Mr. Sargent wants the area on the Plan that will be encompassed by the Trail License cross-
219 hatched so it is distinct from the surrounding property. The wording on the Plan should be changed
220 as well.

221 ← The Board will need a copy of the formal license once it is negotiated.

222

223 ➤ There will be an easement for the pathway along the sewer line - very much like the one
224 drawn up for the Tannery pathway. Mac Thomas noted that CMLT gave the Town the area
225 known as Seabright Park with many covenants attached and granting a perpetual easement for
226 use as a Town Park - there is no chance it will be sold but this easement satisfies the grant

227

228 ➤ Signage will include signs with the Riverwalk logo and a copy of the Trail map; and one for a
229 dog "mutt mitt" dispenser (these are Town signs and no permit is required)

230

231 ➤ Letters from two Department Head offered comments:

232 Mr. Seibel wanted to see the parking changed - that is done; and he called for shoulder
233 improvements for any parallel parking spaces

234

235 Fire Chief Farley wanted the Pathways Committee to begin thinking about access for
236 emergency responders and vehicles (perhaps an EMT equipped ATV) as they continue

237 adding to the Pathway - especially in more remote or harder to access locations. He also
238 asked if they had thought about providing any life saving equipment like life buoys at stations
239 where the path comes closest to the river. The Board discussed this and decided the
240 equipment wasn't practical, and the chances of it being stolen were good.
241

242 The Board reviewed Article XII Sections 3 and 4 for Site Plan Content. (See details of the
243 review at Attachment 2). The Applicants will return on October 15 to determine that the submissions
244 are accurate and complete. If so they will continue on to review of the Approval Criteria.
245

246 Landon Fake, Director of the Parks and Recreation Department will be the contact person for
247 the project moving forward.
248

249 **5. DISCUSSION:**

250 1. Minor Field Adjustment:

251 There were none.
252

253 2. Future Agenda Items:

254 10/15: Site Plan Review: Riverwalk - Seabright Section
255
256

257 Karen Brace: Mr. Wilson will invite the new Community Development Director to come
258 to discuss the Board's Priority List so she can share the work she is doing (or planning) that may
259 be related to these proposals.
260

261 The Board will review Mr. Scholz "Noise Ordinance" letter to the Select Board
262

263 **3. 3) Discussion** of Planning Board Priority List:

264 The list was revised and will be updated for discussion on 10/15. Mr. Wilson informed the
265 Board that he has learned that the DEP has issued a revision of the Shoreland Rules regarding
266 determining expansion credits in the Shoreland. He finds this revision easier for Applicants to
267 calculate and believes it meets the Department's intent to level the playing ground for expansions --
268 everybody gets something. He recommends that the Board look at the changes and consider putting
269 them forward to a vote in June.
270

271 **6. COMPREHENSIVE PLAN:**

272
273 The next meeting is October 7. Mr. Wilson will provide the missing information for the
274 Transportation Chapter. The Committee will discuss the Population and Land Use Ordinance
275 Chapters and review the schedule.
276

277 Mr. Sargent announced that Robin McIntosh has resigned from the Committee due to her
278 heavy work load.
279

280 There being no further business before the Board they adjourned at 7:45pm.

281 Respectfully submitted,

282 Jeanne Hollingsworth, Recording Secretary



**CAMDEN RIVERWALK, SEABRIGHT SECTION
SITE PLAN REVIEW**

SUBMISSION LIST

<u>Description of Document</u>	<u>Date</u>
1. Town of Camden Application for Site Plan Review	September 15, 2015
2. Site Plan Review Letter: Article XII Sections 3 (Site Plan Content), 4 (Supplemental Information) and 6 (Approval Criteria)	September 15, 2015
3. Warranty Deed (BK2508 PG073)	August 18, 2000
4. Sewer Line Easement (BK2729 PG210)	January 31, 2002
5. Abutters List	-----
6. NRPA Permit by Rule Notification Form	July 23, 2015
7. Coastal Mountain Land Trust Trail License Letter	September 1, 2015
8. Proposed Signs and Pet Refuse Bag Dispenser	September 15, 2015
9. Photographs of existing conditions	September 15, 2015
10. Sketch Map	September 15, 2015
11. AE-1 Aerial	September 15, 2015
12. Michael J. Cummons – Standard Boundary Survey	Rev. Nov. 13, 1998
13. Michael J. Cummons – Standard Boundary Survey	January 3, 2000
14. Site Plan Sheet C-1	September 15, 2015

(a) *Owner's name and address*

Included in Application Narrative

(b) *Names and addresses of all abutting property owners*

Included in Application Narrative

(c) *Sketch map showing general location of the site within the Town*

Included in Application Narrative

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

Shown on Sheet C-1

(e) *Zoning classification(s) of the property lines of the property to be developed and the source of this information.*

Provided in Application Narrative

(f) *The bearing and distances of all property lines of the property to be developed and the source of this information. The Board may require a formal boundary survey when sufficient information is not available to establish on the ground, all property boundaries.*

Shown on Sheet C-1 and on Cummons Boundary Survey

(g) *The location of all building setbacks required by this Ordinance.*

Not applicable - there are no buildings

(h) *The location, dimensions, front view, and ground floor elevations of all existing and proposed buildings in the site.*

Not applicable - there are no buildings proposed or existing

(i) *The location and dimensions of driveways, parking and loading areas, and walkways.*

Shown on Sheet C-1

(j) *Location of intersecting roads or driveways within 200 feet of the site.*

Shown on Sheet AE-1 Aerial

(k) *The location and dimensions of all provisions for water supply and wastewater disposal*

Not applicable

(l) *The location of open drainage courses, wetlands, stands of trees, and other important natural features, with a description of such features to be retained and of any new landscaping planned.*

Shown on Sheet C-1

(m) *Location and dimensions of any existing easements and copies of existing covenants or deed restrictions.*

Provided Deeds and copy of CMLT Trail License letter in packet

(n) *Location, front view, and dimensions of existing and proposed signs.*

Provided in packet

(o) *Location and type of exterior lighting.*

Not applicable - there will be no lighting

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

← Need revised/amended Permit-by-Rule

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

Met by C-1

The Applicant also addressed Section 4. Supplemental Information: Items 1, 2 a - c and e were provided on Sheet C-1; Item 2 (d) is not applicable; and Items 3, 4, 5, and 6 did not apply. (See the Ordinance for exact language.)