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CAMDEN PLANNING BOARD
MINUTES OF MEETING
October 15, 2015

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

Alternate Member Jan MacKinnon has submitted her resignation to the Select Board.

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/BOARD MEMBER INPUT ON NON-AGENDA ITEMS: No one came forward

2. MINUTES:

October 1, 2015: In addition to minor changes and corrections the following substantial changes were made:

Page 1 Line 7: Mr. Senders was incorrectly listed as a Regular Member instead of an Alternate

Page 1 Line 34: "~~about one of the bars downtown that~~ Cuzzy's which had been named..."

Page 2 Line 62 on now reads: "He also noted that nuisance calls as a whole comprised about 1% of the total calls to the station and all involved noise of some kind. He has reached the conclusion that there is not a real significant noise problem in Town that would justify a request of the Select Board to support a decibel-based Noise Ordinance, and speculates that because there have not been continual complaints about noise in the test areas, that the levels of noise generated appear to be tolerated by those who live nearby. The Chief noted that the Special Amusement Permits issued by his Department after approval by the Select Board, could also set a decibel level for amplified music."

Page 2 Line 92: "Mr. Senders: He agrees, and believes that the data that the officers have collected gives the Town a good baseline to work from if a real problem occurs in the future."

Page 4 Line 186 now reads: "...the Plan calls for 4" if stone dust and 4" of gravel."

Page 5 Line 190 now reads: "...and unnecessary to use 12" of gravel;"

Page 6 Line 241: "...equipment was ~~necessary~~ practical..."

MOTION by Mr. Householder seconded by Mr. Senders that the Minutes of October 1, 2015, as amended, be approved.

VOTE: 5-0-1 with Mr. Elliott (absent on 10/01) abstaining

3. SITE PLAN REVIEW: Seabright Section of the Riverwalk

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

Mr. Senders, who works for the Applicant's representative – Gartley and Dorsky Engineering and Surveying – recused himself and stepped down.

47 *Article XII Section 3: Site Plan Content Continued*

48

49 Mac Thomas and Landon Fake were before the Board on behalf of Parks and Recreation
50 Department and the Pathways Committee to go over changes made to the Plan as shown on the
51 revised C-1 dated October 14/2015:

52

53 ✓ A revised “Typical Walkway Section” has been provided showing correct dimensions. Mr.
54 Wilson contacted DEP to see if they will email approval for an "amended" permit – they
55 agreed to accept any specifications the Planning Board approves – Mr. Wilson will notify
56 them upon approval

57

58 ✓ The pathway has been realigned slightly to avoid traveling over the sewer manholes near the
59 Pump Station (and elsewhere) – those manholes are now shown on the Plan. The contours of
60 the silt barriers have been changed as well to remain in alignment with the path

61

62 ✓ The Plan shows the pathway extended out to its actual end at Mt. Battie Street

63

64 ✓ The area encompassed by the Trail License is cross-hatched so it is distinct from the
65 surrounding property. There will eventually be a permanent Easement granted by Coastal
66 Mountains Land Trust, but that has to wait until the Board of Directors can meet to approve
67 the agreement. Meanwhile there is a five-year license granted to allow construction to go
68 forward

69

70 Mr. Elliott confirmed that he had read the Minutes of the previous meeting and reviewed
71 the submissions. He also stated that he has no Conflict of Interest in this Application. It was
72 agreeable to all that Mr. Elliott participates in the final review.

73 ← Mr. Elliott will sign an Affidavit Affirming Knowledge for the file

74

75 Mr. Scholz recommended that the Planning Board find the Site Plan Application for the
76 Camden Riverwalk Seabright Section complete.

77

78 *Public Hearing*

79 The Chair read the procedure for Public Hearings. No one came forward during either of the
80 Public Comment periods; and Board members had no comments or questions. The Public
81 Hearing was closed.

82

83 *Article XII Section Site Plan Approval Criteria*

84

85 After reviewing the criteria of Article XII (see details at Attachment A) the Chair stated the
86 following: Having found that the Application either satisfied the Approval Criteria or that the
87 Criteria did not apply, the Planning Board is overall in favor of approving the Application.

88

89 **MOTION by Mr. Bernhard seconded by Mr. Scholz** that the Planning Board temporarily
90 adjourns and reconvenes as the Comprehensive Plan Committee.

91 **VOTE: 5-0-0**

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The Board reconvened as the Planning Board at 6:25pm.

4. POSSIBLE ZONING ORDINANCE AMENDMENTS

1) Noise Ordinance: The Board reviewed Mr. Scholz’s most recent draft letter to the Select Board summarizing the Planning Board’s actions regarding a possible Noise Ordinance; the Board agreed to send it forward.

An email dated October 14 from Dennis McGuirk to John Scholz regarding the disposition of the proposed noise ordinance had been distributed to members for their review. Mr. McGuirk disagreed with the recommendation of the Board and the Chief of Police as is his right. The Chair asked that the email be made part of the -Noise Ordinance file; a copy is attached to these Minutes.

2) The Board reviewed the October 2 updated Priorities List prioritizing within that list which of the projects each member will work on for June.

Members briefly discussed the Lodging Definitions and how to approach this issue this time around: Mr. Wilson recommended that members first look at what works and what doesn’t work with regard to the whole lodging issue and then discuss how to fix any shortcomings. He suggested they set out their overall goals first instead of just heading into discussions with innkeepers and B&B owners. Richard Bernhard and John Scholz will be taking the lead on this issue and agreed that determining the scope of the work is the best place to start.

5. DISCUSSION:

- 1. Minor Field Adjustment:
There were none.
- 2. Future Agenda Items:
Nothing for the agenda at this time

6. COMPREHENSIVE PLAN:

The next meeting of the Comp Plan Committee is November 12: The Population and Land Use Ordinance Chapters will be reviewed and the schedule to completion updated.

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

Respectfully submitted,

Jeanne Hollingsworth, Recording Secretary

(1) *Preserve and Enhance the Landscape*

The landscape shall be preserved in its natural state insofar as practical by minimizing tree removal, disturbance of soil, and by retaining existing vegetation during construction... neighboring land uses.

MOTION by Mr. Householder seconded by Mr. Scholz that the Plan reflects #1, Preserve and Enhance the Landscape, because the Applicants are taking care to locate the pathway so major trees are not removed.

VOTE: 5-0-0

(2) *Erosion Control*

- (a) preservation and protection of natural vegetation where possible.
- (b) keeping duration of exposure of disturbed soils to as short a period as possible and stabilizing the disturbed soils as quickly as practicable.
- (c) use of temporary vegetation or mulching to protect exposed critical areas during development.
- (e) use of debris basins, sediment basins, silt traps or other acceptable methods to trap the sediment from storm water runoff.
- (f) no storage of fill materials within 50 feet of the banks of any stream, intermittent or perennial, or water body.
- (g) no removal of topsoil from any lot, except for that removed from areas to be occupied by buildings, paving, or other surfaces that will not be re-vegetated.

MOTION by Mr. Householder seconded by Mr. Scholz that Item #2, Erosion Control, is satisfied by the location of the berms on the side of the pathway toward the River.

VOTE: 5-0-0

(3) *Relationship of the Proposed Building to Environment and Neighboring Buildings*

MOTION by Mr. Householder seconded by Mr. Scholz that Item 3 is not applicable because there are no buildings proposed.

VOTE: 5-0-0

(4) *Vehicular Access, Parking, and Circulation*

The proposed site layout shall provide for safe access to and egress from public and private roads:

MOTION by Mr. Bernhard seconded by Mr. Scholz to accept the proposed plan with respect to Parking and Circulation because the Applicants responded to the letter from the Director of Public Works and made the changes he recommended.

VOTE: 5-0-0

(5) *Surface Water Drainage*

MOTION by Mr. Scholz seconded by Mr. Bernhard that the Applicant has addressed this by including on the Plan information on drainage runs, culverts and general direction of water drainage flows and therefore has satisfied this Criterion.

VOTE: 5-0-0

(6) *Public Utilities:*

The development shall not impose an unreasonable burden on sewers and storm drains, water lines or other public utilities...

MOTION by Mr. Bernhard seconded by Mr. Householder that #6, Public Utilities, is not applicable because there is no impact on Public Utilities.

VOTE: 5-0-0

(7) *Special Features of Development*

Exposed storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings and similar structures shall have setbacks and screening to provide a buffer to sight...

MOTION by Mr. Householder seconded by Mr. Scholz that Item #7, Special Features of Development, is satisfied because the only exposed machinery is the Pump Station which is not part of this project.

VOTE: 5-0-0

(8) *Exterior Lighting*

MOTION by Mr. Householder seconded by Mr. Scholz that Item #8, Exterior Lighting, is not applicable because there are no exterior lights.

VOTE: 5-0-0

(9) *Emergency Vehicle Access*

MOTION by Mr. Sargent seconded by Mr. Householder that Item #9, Emergency Vehicle Access, is met because the Applicant has met the burden of providing emergency vehicle access to the greatest extent possible.

VOTE: 5-0-0

(10) *Special criteria for Piers, Wharves, Breakwaters, Municipal Boat Tamps, Municipal Piers...*

MOTION by Mr. Scholz seconded by Mr. Householder that Item 10 is not applicable because there are no piers, wharves, breakwaters, etc. that are part of this project.

VOTE: 5-0-0

(11) *Design standards for new construction, additions or exterior renovations in the B-1, B-TH or B-TR Zoning Districts.*

MOTION by Mr. Scholz seconded by Mr. Householder that this Criterion does not apply because this project is not in any of those Districts.

VOTE: 5-0-0

(12) *Overlay Design Standards for the Business Opportunity Zone (BOZ) ...*

MOTION by Mr. Scholz seconded by Mr. Bernhard that the criteria for a BOZ do not apply to this project and Item 12 is, therefore, not applicable.

VOTE: 5-0-0

Stephen Wilson

From: Lowrie Sargent [lsargent@midcoast.com]
Sent: Wednesday, October 14, 2015 9:54 AM
To: Scholzandbarclay; Stephen Wilson; Jeanne Hollingsworth
Subject: Re: Fwd: Faulty logic & my last words on the noise issue

I agree with John, we should distribute Dennis' email at the mtg on Thursday

From: [Scholzandbarclay](#)
Sent: Wednesday, October 14, 2015 8:01 AM
To: [Steve Wilson](#); [Jeanne Hollingsworth](#)
Cc: [Lowrie Sargent](#)
Subject: Fwd: Faulty logic & my last words on the noise issue

Steve & Jeanne,

I suggest this email from Dennis be distributed to the board members for Thursday's review on the noise ordinance letter unless Lowrie feels otherwise. I am forwarding it as a matter of disclosure under the established protocols.

Thank you, John

John B. Scholz, AIA
Scholz & Barclay Architecture
PO Box 1091, Camden, ME
04843 207.446.3132

Begin forwarded message:

From: "Dennis McGuirk" <dennis.mcguirkmyfairpoint.net>
Date: October 14, 2015 at 6:59:04 AM EDT
To: "Scholzandbarclay"
<john@scholzandbarclay.com> **Subject: Faulty logic
& my last words on the noise issue**

Faulty logic:

John,

My very last words on the noise issue follow, and I thank you for your tolerance.

I don't know what your timing is regarding preparing something on the noise issue for the Select Board, but here are some things to consider when you do. I understand the reluctance to enact too much regulation, and I share that reluctance. But too much and none are not the only choices. Furthermore, the logic used to reach the conclusion that nothing new is needed in the down town area is faulty.

Richard Bernhard uses the example of the Whitehall's "bell ringer" of a wedding as an example of how a "friendly" town should handle these issues. But, he mixes apples and oranges. His example was a rare event (one, so far) and suggests that just speaking to the proprietor is enough. But, the noise issues near Cuzzy's and Smoke Stack are every night, as the Chief's measurements prove. This is not the same thing —the proprietor already knows he has a noise issue and has asked for guidance.

The Chief uses the relatively small number of complaints and their lack of annual increase as a justification for doing nothing new downtown. This is essentially saying to nearby residents: "Unless you complain consistently about the noise, it does not matter that we know the levels you have to put up with every night are 4 to 8 times louder than is acceptable in (unfriendly?) towns,- learn to live with it".- not a very friendly town.

We heard nothing about the effectiveness of the noise complaints in actually reducing the level of noise that night or subsequently. The noise measurements suggest there is no reduction on subsequent nights. How many times would you continue to complain if it failed to have any effect?

Even if all of the worse noise comes from patrons outside Cuzzy's and Smoke Stack, it does not mean nothing can be done. A quantitative standard throughout the down town applied equally to all establishments would not put any one of them at a competitive disadvantage. The police would still have the discretion to advise/warn patrons to keep the level down or cite them for noncompliance, and an objective standard removes the likelihood of the officer in question being labelled as just a "hard ass" or some such term.

If the town Boards decide that nothing is to be done to address the noise issue, it should be based on good logic, not *a priori* reasoning, mixing apples and oranges, or ignoring the issue. Perhaps a conclusion that nothing can be done without undue burden on the police or destroying the viability of commercial enterprises would justify no action, but I have not heard that argument made.

With respect,

Dennis