

1 **CAMDEN PLANNING BOARD**  
2 **MINUTES OF MEETING**  
3 **November 20, 2013**  
4

5 **PRESENT:** Acting Chair Lowrie Sargent; Members Richard Householder, Jan MacKinnon, and  
6 John Scholz; Alternate Members Richard Bernhard and Kim Tuttle; Don White, Select Board  
7 Liaison; Town Attorney Bill Kelly and CEO Steve Wilson

8 **RECUSED:** Chair Chris MacLean  
9

10 The meeting of the Planning Board was convened at 5:00 pm in the Camden Opera House.  
11

12 Ms. Tuttle was absent at the last Public Information Gathering Meeting. She has signed  
13 an affidavit (on file in the Town Office) stating that she has read the Minutes and watched the  
14 video of the October 17, 2013, meeting. Ms. Tuttle is fully up-to-date and is eligible to continue  
15 to participate fully in these proceedings.  
16  
17

181. **Public Input on Non-agenda Items:**

19 No one came forward.  
20

21 **2. Minutes of October 17, 2013:**

22 The Minutes will be reviewed at a later date; there were no comments regarding accuracy  
23 and members can reference them during the evenings' proceedings.  
24

25 **3. PUBLIC HEARING: FHRE Proposed Amendment to the Zoning Ordinance**  
26

27 *Public Hearing Process*  
28

29 Mr. Sargent introduced the Board's new procedure for Public Hearings and informed  
30 speakers they will be allotted five minutes each, with a time-keeper signaling at four minutes.  
31 Time limits will not apply to attorneys, but will be imposed on all other speakers. There will be a  
32 second of comments round open only to those with new information to present. The Chair will  
33 exclude any irrelevant or redundant comments during either round and speakers will be asked not  
34 to continue unless they have new information. Mr. Sargent informed the audience that comments  
35 this evening should be confined to the language of the proposed amendment and to how the  
36 changes are supported, or not supported, by the Comprehensive Plan and the Zoning Ordinance.  
37

38 *Comments by Applicant's Attorney Paul Gibbons*  
39

40 Mr. Gibbons presented the Applicant's position in summary form:  
41

42 **Special Exceptions:**

- 43 ♦ This proposal does not seek to change the entire Coastal Residential District
- 44 ♦ The Ordinance already allows certain Special Exceptions in this zone - day care centers,  
45 nursery schools and golf courses among them
- 46 ♦ They want to add a Private Residential Treatment Facility to this list

- 1 ♦ If this proposal is approved they will have to meet the same standards of a Special
- 2 Exception as the other uses already allowed
- 3 ♦ Their evidence shows that this use is similar to those uses allowed already and that their use
- 4 will have less impact than those already allowed

5 Comparison of needs:

- 6 ♦ The needs of clients at this facility are the same as the needs of the residents of the
- 7 neighborhood – privacy, quiet, safe, serene and an elegant setting - a good test of whether or
- 8 not the facility will fit into the neighborhood
- 9 ♦ The needs of clients at this facility for privacy, quiet and serenity are greater than those of
- 10 residents of a single family dwelling and a better fit.
- 11 ♦ Any of the other uses that could occur at Fox Hill – a single family home, a nursery school or
- 12 a real estate development, e.g. – will not meet these needs to the same degree

13 Traffic:

- 14 ♦ This is a residential facility and traffic impact will be minimal with staff and deliveries the
- 15 only traffic generated – clients will not be allowed to have cars
- 16 ♦ Traffic generated by this use cannot be compared to the traffic to the property in the recent
- 17 past because there has been no residential use at Fox Hill for many years
- 18 ♦ Traffic generated by this use is much less than either of the other Special Exceptions that
- 19 would be permitted on the property. A day care center and a nursery school would have both
- 20 concentrated periods of heavy traffic – this use (the facility) will have traffic on a regular
- 21 schedule as an even low-volume flow
- 22 ♦ The specifics of traffic to a facility would be reviewed by the Zoning Board of Appeals and
- 23 the Planning Board

24 The Purpose of this Special Exception:

- 25 ♦ To preserve the open space on the property
- 26 ♦ To preserve the historic buildings
- 27 ♦ To preserve the beauty of the neighborhood – there will be no change in the overall
- 28 appearance of this property
- 29 ♦ To address the purpose of the Coastal Residential District to “retain their scenic landscapes
- 30 and vistas”
- 31 ♦ A real estate development would not do any of this

32 Protections for Neighbors:

- 33 ♦ The general standards for Special Exceptions within the Ordinance
- 34 ♦ The additional special criteria that will apply to this Special Exception
- 35 ♦ Site Plan approval is required
- 36 ♦ The Performance Standards of the Ordinance must be met
- 37 ♦ In all there are over 50 requirements that must be met
- 38 ♦ Because of this NIMBY fears common to these projects can be set aside: The Applicants
- 39 have shown that a facility like this has no impact on neighbors or on property values using
- 40 Princeton, MA as a working model - the experience in Princeton can be used to show how
- 41 well an ordinance can work to offer sufficient protections

42 Good Planning:

- 43 ♦ This is a rare opportunity to implement good planning goals
- 44 ♦ Avoids turning this property into a seasonal residence like so many others on Bayview Street
- 45 ♦ A source of year-round activity, year-round stable high-quality jobs, and year-round
- 46 spending with local businesses
- 47 ♦ All this is done without disturbing the neighborhood – that is good planning

1  
2 The proposal is consistent with the Comprehensive Plan and it contributes to the local  
3 economy – this facility will benefit the Town.  
4

5 *Comments by Opponents’ Attorney Rendle Jones*  
6

7 Mr. Jones’ is presenting for his partner, Jack Sanford, who has been consulting with  
8 Pierce Atwood, the law firm retained by neighbors opposed to the proposal.  
9

10 Important issues raised on behalf of the Opponents by Attorney Matt Manahan have been  
11 the questions of standing, compliance with laws, rules and ordinances, compliance with the  
12 Comprehensive Plan, and the likelihood of litigation if this facility goes forward in the proposed  
13 location. Mr. Jones will address the following:  
14

15 The Comprehensive Plan, the Ordinance and the Planning Board’s role:  
16

17 Mr. Jones provided the Board with his credentials regarding Camden’s Comprehensive  
18 Plan from 1983 when he was Vice-Chair of the Committee that drafted the original Plan to 1988  
19 when he chaired a committee to assess that Plan to see how it was working. The core of that  
20 Plan resulting from this effort remains in effect. The issue before the Board is entirely about  
21 upholding that Plan.  
22

23 The Zoning Ordinance in effect at that time did not contain a commercial use for private  
24 residential facilities to be considered as a Special Exceptions in residential neighborhoods. There  
25 were few uses, other than those already in existence, considered when the Plan was developed –  
26 the omissions were deliberate. Even though the Planning Committee was aware of the desire for  
27 more commercial districts in Town, their goal was to allow Camden to grow modestly while  
28 maintaining its character. The drafters did not believe commercial uses were appropriate to  
29 residential districts and they were already seeing business develop along Elm Street and High  
30 Street outside of the central downtown area. They wanted to control strip development, to  
31 prevent the proliferation of non-conforming businesses, and to preserve the character of these  
32 neighborhoods. They addressed existing activities, but deliberately included few if any others –  
33 uses that must eventually be found to be non-intrusive.  
34

35 The CR District was viewed as especially in need of protection. This was an area of the  
36 most expensive homes where traffic was high, and where some intrusion had already begun.  
37 Adaptive reuse appears in the Plan for this District, but the uses were intended to be those which  
38 would benefit the neighborhood. Those uses are now included in the Zoning Ordinance as  
39 Special Exceptions.  
40

41 Mr. Jones quoted the Plan at Chapter 17 Goals Policies and Implementation: Page 17-6  
42 Local Economy: #8. “Those who choose to live in Camden during their retirement are vital to the  
43 local economy. To continue to attract retirees, it is essential that Camden remain a community  
44 with a recognized high quality of life: a healthy and scenic environment, a rich array of cultural  
45 and recreational activities, established neighborhoods, a complement of goods and services  
46 within its boundaries needed for daily living, and a village scale with integrated land uses. Land

1 use regulations and growth management policy should be directed at maintaining the elements  
2 that comprise this quality of life.”  
3

4 Mr. Jones noted that the Applicant’s argues that the CR District is classified in the Plan  
5 as “transitional,” saying that this means that the Plan intended the CR to be a district where  
6 commercial transitions to residential with a mix of each. Instead, the term the drafters intended  
7 that this term reflect the District’s role in connecting the residential Village to an area more rural  
8 in character.  
9

10 The Applicants say their goal in including standards in half the language of their  
11 proposed amendment is to keep the facility from being intrusive, not to create spot zoning. But  
12 what they are actually doing is shoehorning what is tantamount to a hospital into a residential  
13 neighborhood. This will lower property values and result in fewer taxes to the Town.  
14

15 This proposal is not about McLean Hospital or the facility in Princeton, Massachusetts, it  
16 is about protecting Camden. As part of their argument Applicant’s say that Fox Hill cannot be  
17 sold as a residence, but Mr. Jones disagrees. In support of this position he quoted realtor Scott  
18 Horty’s letter to the Board in full. In this letter Mr. Horty says that his many years of experience  
19 marketing high end properties lead him to believe that the property can return to use as a single  
20 family home.<sup>1</sup>  
21

22 Mr. Jones continued: The Planning Board is the guardian of the Comprehensive Plan and  
23 must protect the public interest. When voters see the proposed Ordinance before them for a vote  
24 they will trust that the Planning Board has done its job to ensure that this is in the best interest of  
25 the Town. But the way the proposal is written, it is a charade designed to appear as if it will  
26 protect the neighbors when the actual goal is to make money for the investors. There is not a  
27 medical need filled in requiring that the parcel of is ten acres in size, nor is there a medical need  
28 filled in preserving a parcel of land and historic buildings. This charade is illegal spot zoning,  
29 and the members of the Planning Board are not fulfilling their role if they allow this proposal to  
30 go forward.  
31

### 32 *Testimony from the Public*

34 During this public portion of the meeting the Acting Chair asked speakers to speak only to  
35 relevant issues; any comments classified as irrelevant by Mr. Sargent are not included here.  
36

37 Parker Laite: The original Comprehensive Plan and Zoning Ordinance were written by  
38 committees led by professionals, and they were written to ensure that property values were  
39 protected. The Applicants, 24 unnamed investors, want to profit from the results of this planning  
40 with this request for spot zoning – a bad planning policy. If this spot zoning is approved it will  
41 set a precedent and apply to all zones.  
42

43 Phillip Montgomery: In support he referred to two Comprehensive Plan cites:  
44 Chapter 17-3 (Goals, Policies ...): B. THE LOCAL ECONOMY - Fox Hill will create  
45 professional jobs.

---

<sup>1</sup> See Attachment 1 to these Minutes for the full text of Mr. Horty’s letter.

1 B- 2. Fox Hill fits all parts of this goal - Fox Hill can be adapted and it also meets the goal of  
2 adaptive reuse being preferred to new construction

3  
4 Rob Merrill: 1) This is spot zoning – a specific use for a specific property; 2) The use is not  
5 appropriate to the property; 3) The proposal trades on Camden’s good name, beauty and  
6 elegance for commercial gain that will be detrimental to the neighborhood; and 4) Hard to close  
7 “Pandora’s Box” once opened

8  
9 George Stevens: 1) Traffic in the summer is already very busy on Bayview – this will be summer  
10 traffic year round; 2) The proposal fits the definition of hospital; and 3) There are lots of empty  
11 properties – including several large homes - where this facility could be located

12  
13 Julie Cawley: 1) Former owner of Fox Hill who now lives across the street who wants to set to  
14 rest rumors that the use was commercial – it was not. Their family, and their extended families,  
15 all spent much time there - as the family grew so did Fox Hill. It was purposefully enlarged to  
16 accommodate family and friends; 2) They hosted many gatherings there for MBNA whose  
17 employees were just like family; 3) They are astonished and sad that the owners want to change  
18 the use just to make money, and wonder how they will handle sewer and water needs

19  
20 Joe Cooper: 1) Real estate developer who looked at this property but found the 60,000SF not  
21 practical – fitting 20 or 30 people into that amount of space will not have an impact; 2) He is a  
22 supporter of zoning changes when they are made for the right reasons – this change will fit in  
23 with the Zoning Ordinance and the Comp Plan because commercial use is already allowed in this  
24 zone; 3) The weekly MBNA meetings were business oriented with some entertainment thrown in  
25 – this property has already been used commercially

26  
27 Michael Cawley (North Carolina) – son of former owner: 1) Opposed to spot zoning - which this  
28 is; 2) Takes issue with charges that Fox Hill was used commercially – it was his home and a  
29 home for his family, not a commercial property; 3) The commercial uses permitted for this  
30 District are meant to benefit the community – this will not help Camden citizens; and 4) The  
31 Owner/Applicant is a “straw man” created when the property did not sell

32  
33 David Hague: 1) Changing the character of this property will have negative consequences; 2)  
34 Camden is going in the right direct re: growth and should not change its Ordinance; 3) It is  
35 demeaning to opponents to say their opposition stems from being NIMBYs – they want to  
36 preserve the residential character of their neighborhood; 4) the Applicants are asking the Board  
37 to stretch the term “residential” to apply to this use – it is not; and 5) This use is not supported by  
38 the Comp Plan

39  
40 Wynne Phelan: Texas resident who owns property on Bayview: 1) The use needs a better  
41 definition - as it is now it seems to imply that there will be a need for infrastructure that is not  
42 there. The infrastructure must be addressed – what happens to neighbors downhill if the septic  
43 fails? 2) The traffic count is now up to 70 trips per day – how much higher will it go? 3) The  
44 reason for zoning is to preserve this zone as is because there are certain amenities there that are  
45 not found elsewhere

1 Deb Dodge: 1) The letter from Mr. Goodall dated 11/13 contains an incorrect assertion  
2 regarding the Comp Plan: He quoted Chapter 18 (Future Land Use Plan) Page 3 saying that  
3 “suburban-style subdivisions would generally violate the character of the Coastal Scenic  
4 District”. The Plan does not say that all subdivision wouldn’t fit. We generally recognize  
5 suburban-style subdivisions to be those “where houses fit check to jowl in cookie cutter lots  
6 generally on land that has been deforested.” In Camden a subdivision with three or more lots  
7 within the CR District requires open space zoning, and this is supported in Chapter 17 – Land  
8 Use Patterns – of the Comp Plan. Page 17-19 (f) which requires clustering and the preservation  
9 of open space in areas outside of the Village; 2) Applicants insinuate that if they don’t save the  
10 Borden Cottage it will be bulldozed or destroyed – this is a scare tactic. A small subdivision with  
11 the Borden Cottage fully preserved and sold separately would be fully in compliance with the  
12 Comp Plan and the Zoning Ordinance.; and 3) It is not the Town’s job to change zoning to bail  
13 out investors when a property stays on the market too long – who judges too long and what  
14 precedent will this set?  
15

16 Dana Strout: 1) The Planning Board is getting ready to approve spot zoning and he fears what  
17 the future will bring – without the security that zoning provides the future of neighboring  
18 properties is unknown; 2) The \$50,000 cost of treatment at the facility will not go to Camden, it  
19 will go to the investors; 3) The economic study shows that food and supplies will be bought here  
20 but many of the owners of the businesses where money will be spent are not local; 4) The  
21 workers at this facility will not be able to afford to live here – the current median house price is  
22 \$260,000 which is not affordable – the economic data in the study is not relevant; and 5) With  
23 the Comp Plan and the Zoning Ordinance that are in place now he has to ask, “What are we  
24 doing here?”  
25

26 Dennis McGuirk: 1) The economic study presented by the Applicant is one of the worst misuses  
27 of economic modeling he has ever seen; \$6.6M in local benefits is a total distortion; what income  
28 benefits they show is County-wide not local. In order to reap their benefits every penny earned  
29 would have to be spent here. They cooked the books and misrepresented these figures to support  
30 their argument; 2) The Town can’t replace the money lost when MBNA left with commercial  
31 operations in residential neighborhoods; and 3) They have promised a good thing but who is  
32 going to enforce what actually happens there?  
33

34 Dorie Klein: 1) Don’t let the tail wag the dog – enforce the Comp Plan and don’t make changes  
35 to accommodate a “renter”; 2) The goodness of the tenant is irrelevant; 3) Spot zoning opens the  
36 door to other situations where the tenant isn’t good; and 4) If the zoning laws are changed who  
37 will enforce them to protect the Community?  
38

39 Des Fitzgerald: Shares a 900’ back boundary with the property and supports the proposal: 1)  
40 Consideration of a change in zoning is appropriate – those who drafted the Ordinance could not  
41 foresee the future, and it is necessary to change with the times; 2) The claim that approval of this  
42 request creates a “slippery slope” does not pass the straight face test as case law and experience  
43 show; 3) The quality of the business model in this proposal demands, and relies, on privacy and  
44 quiet for success; and 4) The Town should not pass on this opportunity to help the Town thrive –  
45 we are becoming a seasonal Town. Residents and businesses say they want the year-round  
46 business and activity back. He hopes that folks will take the big view and ask if we want a Town  
47 full of 30-60 day residents; and 5) He asked the Planning Board to ignore the veiled threats of

1 law suits if the proposal passes. The Board stands on firm ground as shown by the advice of  
2 counsel.

3  
4 Bob Oxton: He is responding to the misinformation he has read about the commercial use of  
5 Fox Hill by Charlie Cawley, and is here to say the claims that corporate activities took place  
6 there are false: All business meetings took place at MBNA's Point Lookout; they hosted many  
7 dignitaries and fund raisers at Fox Hill; there was never one paying customer in the bowling  
8 alley or hairdressers – Fox Hill was consistently used as a residential use. Hosting large social  
9 events is no reason to classify Fox Hill commercial.

10  
11 Judy McGuirk: 1) Regarding Fox Hill's many amenities making it an unlikely family home, she  
12 referenced a *Wall Street Journal* article about multi-million dollar homes – there is an amazing  
13 number of those homes that are for sale that have bowling allies; 2) It is disingenuous to say that  
14 the Applicants must do this because the home was on the market too long and didn't sell. Many  
15 very expensive homes in the area have been on the market for several years and there are many  
16 reasons they don't sell quickly; and 3) Saying there are too many amenities doesn't qualify the  
17 property to be rezoned – they are misrepresenting the facts to get protection for their investment  
18

19 Craig Mudge: Important to preserve residential neighborhoods with their social fabric of  
20 neighbors and residents. The entire community uses this neighborhood to walk, jog and bike,  
21 and it is the interaction of people that make it a neighborhood. While the facility might generate  
22 income to preserve the buildings the residents wouldn't belong to the neighborhood, and the  
23 change could begin to alter the character.

24  
25 Charles Lawton speaking for the Applicant: He wrote and presented the Economic Study done  
26 for the Applicants came forward to respond to the earlier criticism of this work as  
27 misrepresenting the continuing economic benefits that would be seen by the community: 1) In  
28 his report he makes a clear distinction between initial and continuing benefits. Operational  
29 impact and incomes are ongoing, and are realized in the regional economy of which Camden is a  
30 part;

31 2) The thrust of his report, however, was to address the planning challenges the Town faces in  
32 the future:

- 33 ♦ A loss of population;
- 34 ♦ A rise in the percentage of older residents;
- 35 ♦ A loss of jobs;
- 36 ♦ An increase in the seasonal nature of the Town; and
- 37 ♦ A slower-than-average rebound in property values; and

38 3) He wanted to present the planning challenges of demographics and sustainability, and discuss  
39 the significance of this opportunity as the community addresses these imbalances  
40

41 Anita Brosius-Scott: 1) When the last Comp Plan was written MBNA was here with 500 jobs  
42 and the economic outlook was upbeat. Now we must be more imaginative in finding solutions to  
43 the problem of precious little room for commercial development or expansion; 2) We lost the  
44 commercial space and opportunities with the conversion of the Knox Mill so we must look hard  
45 at this opportunity to change the ordinance; 3) Is it appropriate to re-zone this property and look  
46 at a carefully controlled proposal? Comp Plan Chapter 18 Future Land Use Page 18 - 8 says the  
47 area that includes the CR District should permit some light commercial activities; Chapter 19

1 Land Use Regulation Page 19-2 says “The Planning Board should explore tools such as  
2 conditional and contract zoning, which might allow innovative subdivision design at densities  
3 tailored to the particular site in question.” The Plan encourages the Board to explore new uses,  
4 assess their impacts and re-evaluate whether or not there are potential benefits to making changes  
5

6 Judy Emery: 1) Has had her business for 15 years and seen Camden grow quieter and quieter  
7 over the years. She, along with many other small business owners, would love to see more year-  
8 round businesses come to Town; 2) McLean wants to come here *because* of Fox Hill and not  
9 some other place in Town; and 3) There is a high degree of substance abuse and addiction in this  
10 area, and it would be a shame to lose McLean and the opportunities they offer for help  
11

12 Dan Demensch: A licensed substance abuse counselor with no ties to the facility. 1) One of the  
13 reasons the quality of life here is what it is because of the abuse work that has been done over the  
14 past many years; 2) In favor of sending this to a Town vote – this is a very narrow proposal that  
15 matches the Ordinance and the Comp Plan; 3) it is a positive addition to the commercial viability  
16 of Camden – all facets of the proposal are positive  
17

18 Brenda Gowsky: 1) She is a physician who travels to work in the area and sees how Belfast and  
19 Rockland are thriving and building because they have room to grow; 2) McLean does a good job  
20 and they would be a welcome addition to Town  
21

22 Lucinda Zeising: The largest abutter to Fox Hill: Her first reaction was apprehension, but she is  
23 now very much in favor of going forward: 1) It is the best use of this space; 2) It maintains the  
24 privacy the neighborhood desires which developing the area would not; 3) Spot Zoning is not  
25 illegal and allows better use of land; 4) Will it hurt or will it be beneficial? It will bring economic  
26 vitality; this health facility fits into Camden’s inherent acceptance of wellness; and 5) Asks the  
27 Board to pass it on so the conversation in Town can continue  
28

29 Carla Ferguson: 1) Spoke to the “Malibu” experience and the results of the precedent set there in  
30 approving a single facility; 2) Asks if this change is being made because the facility will be  
31 catering to the wealthy and it is, therefore, acceptable to put it in a residential neighborhood?  
32

33 Dr. Phil Levendusky, McLean Hospital, speaking for the Applicant: 1) He is impressed by the  
34 process in Town - “NIMBY” has not been part of the discussion and concerns are very sincerely  
35 expressed; 2) There still is a misunderstanding that the facility is actually a hospital – it is not: A  
36 hospital is an institution that has clear licensing criteria and standards that must be met. If they  
37 tried to get this facility licensed as a hospital they could not do so; 3) Addressing comments that  
38 some of the standards they have written into the proposal have no basis in medical treatment, Dr.  
39 Levendusky remarked:

- 40 ♦ The facility will be residential because that is the nature of a successful treatment  
41 program;
- 42 ♦ The ten-acre minimum lot size is not an arbitrary number – the success of a residential  
43 program depends on privacy and the ability to walk the grounds without be observed.  
44 The facility in Princeton is also on ten acres and they have found that size property to be  
45 the ideal minimum;
- 46 ♦ With regard to harm to property values, Dr. Levendusky related the story of very high  
47 end residential development that includes some \$1.5M condos on a parcel adjacent to

1 McLean's Belmont, MA facility. There is no documentation that proximity to a mental  
2 health facility harms property values;

- 3 ♦ Where they have located their other facilities, McLean has been found to be a good  
4 member of the community

5  
6 Michael Thompson: Caretaker at Fox Hill for the previous and current owners: 1) He is in favor  
7 of sending this proposal to voters. He understands the concerns expressed – the biggest ones  
8 being traffic, spot zoning and destroying the character of the neighborhood. But, this proposal  
9 has been developed to fit within the Comp Plan goals as an adaptive re-use that will benefit  
10 Townspeople and create good jobs; 2) Regarding the charge that the proposal was developed to  
11 bail out the investors – they had to purchase the property to be able to submit the proposal.  
12 Many people speaking in opposition could have purchased the property instead, but everyone  
13 thought it was too much to deal with; 3) The property was rented out once for a wedding and that  
14 event was the only time he ever received complaints about noise going late into the night and  
15 very heavy traffic – that could occur every week-end under the current ordinance; and 4) He sees  
16 no downside to this proposal

17  
18 Tom Rodman – An Applicant: 1) The property attracted him – he didn't go looking at properties  
19 to buy for this purpose. Someone told him they saw a property that would be a perfect rehab  
20 facility. He looked at it and the property was perfect; 2) This was one of the few prospects for  
21 residential use; 3) He explored the use as a high-end rehab by hiring a consultant who knew  
22 facilities world-wide – upon seeing Fox Hill the consultant said this would be the finest rehab  
23 facility in the country, and the finest operator would be McLean Hospital; 4) A residential  
24 facility with 8-9 clients staying from 3 to 6 weeks will do no harm. He will be a neighbor  
25 himself so it is important to him that there is no disruption; 5) Everything they do will be done  
26 knowing that they cannot risk violating the privacy of their clients; and 6) They will do good  
27 with year-round jobs employing thirty well-paid individuals who will spend money locally

28  
29 Felicity Farrell: 1) There are a great many philanthropists in this neighborhood who have given a  
30 lot of money to local facilities and organizations – this will be a kick in the teeth to put this  
31 facility in their very special neighborhood; and 2) This proposal does not fit into the Comp Plan  
32 and it will destroy the neighborhood

33  
34 Charles Aultschul: 1) The vibrancy of the Town has changed since he has been here - it is quieter  
35 and quieter every years; 2) Saw the lost opportunity for commercial development with the  
36 conversion of the mill property to residential and has seen other lost opportunities as well – it is  
37 time to reverse a trend of saying “No” by the community; 3) Seems unlikely that Fox Hill will be  
38 a single family residence again. Any scenario of development would involve major homes that  
39 would want water views for the price they will pay – trees will come down and change the  
40 neighborhood drastically. Residential development is his NIMBY; 4) This proposal is  
41 consistent with the Comp Plan, and saving historic structures is much better than 10  
42 McMansions; 5) Please pass on to the voters

43  
44 Harold Amsell: 1) When he drives up High Street many homes are for sale and he believes it is  
45 because the area needs an injection of jobs – this facility would bring good jobs; 2) He is a Dr.  
46 specializing in rehab and knows the area has an ugly underbelly. Camden is suffering from  
47 denial as a community as to what the abuse problem is doing – it is a huge problem; 3) This

1 proposal is a perfect storm, and will put Camden on the map as a place of recovery. The loss of  
2 McLean would be the loss of a great opportunity to help the members of the community  
3 suffering from addiction; 4) Many of the abuse and suicide problems are related to the economy.  
4 This is an excellent use of this space that will help the economy  
5

6 Mark Dierckes: Former construction project manager at Fox Hill: 1) He supports the proposal  
7 from an economic point of view because it will bring any jobs to the area; 2) The property is too  
8 big for any other residential use; 3) Traffic will be much less impactful than when the Cawleys  
9 owned it as a private residential property; 4) With regard to Scott Horty's letter and his statement  
10 that he showed the property to no one other than residential buyers – it is not true. He sold the  
11 property to Matt Simmons who was clear from the beginning that he had a commercial interest in  
12 the property – the entire letter should be disregarded; 5) The market has spoken – no one other  
13 than commercial interests are coming to look at Fox Hill; and 6) The Applicants want to come to  
14 Fox Hill and only to Fox Hill – there is nowhere else that will suit them. If we say no, they go  
15 away and we miss the opportunity  
16

17 James LaChance, Princeton, Massachusetts: He sat on the Planning Board when McLean  
18 proposed Fernside. Princeton is similar to Camden – a prime location where residents are very  
19 protective of the residential nature of the Town. Their process of review is somewhat different,  
20 but compatibility with the Comp Plan and Zoning Ordinance are required, as is the need to show  
21 that the proposed use will mesh appropriately with the neighborhood.  
22

23 Mr. Jones interrupted at this point to object to Mr. LaChance's testimony as irrelevant.  
24 Mr. Sargent responded that it is valuable to the Board to hear from someone with 7 – 8 years  
25 worth of actual experience working with McLean running a similar facility instead of hearing  
26 about what "might" happen – he asked Mr. LaChance to continue:  
27

28 Mr. LaChance continued:

- 29 ♦ By all exterior indications no one would think Fernside was anything but a normal part of the  
30 neighborhood;
- 31 ♦ They have seen no reduction in property values;
- 32 ♦ Fernside is very tuned into being good neighbors;
- 33 ♦ They have been a boon to the local economy – local restaurants have good year-round;  
34 business now and new jobs have been created;
- 35 ♦ The Town Manager has written that there has been no increase in traffic and no stress or  
36 burden on local police; and
- 37 ♦ This has proven to be an appropriate use in a neighborhood that before was strictly  
38 residential  
39

40 Bob Perkins: 1) There is a constant process of change that has happened in Camden over many  
41 years – the Mill used to be a mill and the Tannery used to be a Tannery – change continues to  
42 happen; 2) It is clear that Fox Hill is a unique residence that was a residence; 3) The proposal is  
43 also unique – there are very few of these facilities in the region; 4) But, this is a policy judgment  
44 – What is coming down the road? What will the impact be on neighborhoods? It is really the  
45 kind of question that voters should decide. There is a lot more to learn, and many questions to be  
46 asked and answered. This is a big deal to the Town, and he for one would like to have the

1 opportunity to vote. He asks that the Board send this on because he doesn't want to see five  
2 people on the Board make a decision that the voters should be making.

3  
4 Leslie Simon: She came forward to address Scott Harty's letter: She was the listing realtor  
5 when the Applicants purchased Fox Hill, and she discussed the kind of the exposure and  
6 marketing done for the property: The priced dropped from \$6.95M to \$5.5M in three years time.  
7 In April of 2012 she listed the property for \$4.95M and marketed it aggressively with targeted  
8 mailings and print ads in publications like the *Wall Street Journal* and the *New York Times*. The  
9 property had its own website that had international exposure.

10  
11 On July 11 of that year the one offer received on the property was withdrawn – the  
12 property was to be used as a corporate retreat. With regard to other prospective buyers – they all  
13 decided it was too much property for a residential use.

14  
15 Joan Phau: 1) She wants the proposal to go to voters: There is enough substance to the issues  
16 that the Town needs to be able to have more conversation before a decision is made; 2) This  
17 discrete quiet use of a residential property makes great sense and people just need to keep talking  
18

19 Wendalyann Lagunas: 1) This is a very complex and sensitive issue, but the positive  
20 components far out-weight the negatives and the "what ifs"; 2) She finds there are thoughtful  
21 benefits: year-round jobs, a steady infusion of new spending and work with the community on  
22 substance abuse; and 3) She asked the Board to please bring the proposal to a vote so the people  
23 can turn their voices into votes.

24  
25 Phil Fowler: 1) The focus should be on zoning and not on the facility – no one opposes such a  
26 facility, or the benefits it will bring. He could support it if the request were being done properly  
27 by locating the facility in an existing commercial district; 2) He spoke to the sanctity of zoning  
28 and the protection it offers to property owners; 3) This proposal is arbitrary and the parameters  
29 are absurd. It would be found discriminatory if another facility was denied and brought a  
30 challenge, and the Town would have to pay to defend against this charge. The FHA and the  
31 ADA insist on fairness, and it is the Board's responsibility to legally make sure that Pandora's  
32 Box isn't opened; 4) This is Spot Zoning with all the arbitrary features; and 5): Zoning promotes  
33 harmony and security against illegal intrusions with legal liabilities

34  
35 *Second Round of Public Testimony*  
36

37 Don Abbott: He read aloud a comment from Senator Angus King speaking to the value of New  
38 England villages – Camden's Comp Plan and Zoning Ordinance have served Camden well and  
39 have given residents confidence that the character of this New England village is protected; 2)  
40 He is opposed to carving out a non-compatible hole in the midst of a neighborhood – it violates a  
41 trust that citizens have with the Town; 3) it is inappropriate to pre-empt the re-drafting of the  
42 Comp Plan that is occurring at this time with a new definition; and 4) Part-time home owners in  
43 Camden rely on the Planning Board to protect their investments  
44

45 Tom Rodman - Applicant: Regarding charges that the facility will create a non-compatible hole  
46 in the neighborhood – the facility will be welcoming the same kind of people that the Town  
47 welcomes as visitors when they arrive by yacht in the harbor or otherwise. The clients will be

1 the same kind of people as their neighbors, and if they do decide to return to live here they will  
2 be productive citizens.

3  
4 Dave Waulk: 1) Despite what people have claimed, the Comp Plan isn't working:

- 5 ♦ Population has decreased by 8% in 10 years
- 6 ♦ There has been a steep rise in the 65+ age group and a steep drop in the 25 – 35 year-old  
7 age group
- 8 ♦ Jobs in Camden have decreased by 35% and Camden residents have seen jobs for them,  
9 no matter where, drop 19%
- 10 ♦ CHRS grads are not returning to live here after college because there are no jobs in  
11 industry or professions
- 12 ♦ Besides MBNA, there have only been four businesses that employ over five people  
13 created in the past twenty years: Merry Gardens Estates, Quarry Hill, Windward Gardens  
14 and Camden Hills Villa – they are all residential care facilities. Taking care of the  
15 declining aged is the only work
- 16 ♦ Increasing seasonality results in a lack of year-round well-paying jobs
- 17 ♦ The residential tax base is declining – not the intent of the Comprehensive Plan, and taxes  
18 will go up
- 19 ♦ There are 17 properties for sale along High Street – high priced properties – and they are  
20 not selling
- 21 ♦ Camden has a chance to bring 35 year-round well-paying jobs to Town and add \$6M to  
22 the local economy to begin to reverse some of these trends and get the Plan back on track

23 2) If only one or two clients a year move here and start a business that would have a big impact;

24 3) The opposition NIMBY speakers are not just individuals speaking out – it is a coordinated  
25 effort backed by big money; and 4) McLean has said they will not go anywhere else in Town,  
26 and the argument that there are 85 other properties where they could locate is simply not true  
27

28 Anita Brosius-Scott: There are many places in the Comprehensive Plan that assign the  
29 responsibility for revisiting the Zoning Ordinance and incorporate commercial uses and re-use  
30 residences for commercial purposes.

31  
32 No one else came forward and the Public portion of the Public Hearing was closed.

33  
34 *Closing Comments by Opponents' Attorney Rendle Jones*

- 35  
36 ♦ This proposal here does not guarantee that McLean Hospital will be the operator of any  
37 facility. Those who have been urging the Board to move forward because there is a good  
38 operator have placed much emphasis on McLean, but the Ordinance doesn't assure that  
39 will happen and the Board doesn't know what the future holds
- 40 ♦ The Board needs to look at whether this proposal is within the meaning and purpose of  
41 the current Comprehensive Plan, but when things are working satisfactorily within a  
42 District, there should be no change unless the Board is convinced that the Applicant has  
43 meet the burden of proof to show that the zoning change will be beneficial
- 44 ♦ In the absence of that proof the Board should not permit the matter to go forward  
45

1                                    *Closing Comments by Opponents' Applicants' Attorney Paul Gibbons*  
2

- 3        ♦ This real issue was stated when a speaker remarked that the proposal should go before the  
4 voters because they are talking about jobs in a sustained manner  
5        ♦ As for the legal issues, they are confident that this complies with the Comprehensive Plan  
6        ♦ They are also confident that this constitutes very good planning  
7        ♦ Their proposal meets the needs of the neighbors  
8        ♦ The facility will bring good jobs to Camden  
9        ♦ The facility will be well-run and well-maintained  
10       ♦ There for, the proposal complies with the Comprehensive Plan and is good for Camden  
11       ♦ But, it is up to the voters as a whole to reach this conclusion and they believe that the  
12 voters' judgment will work  
13

14                                    *The Process*  
15

16                Mr. Sargent informed the public that the second Public Hearing is on Thursday December  
17 12 and 5pm in the Opera House. As they hear from speakers, they are looking for *new*  
18 information and *new* opinions, so if someone came to speak tonight they don't need to speak  
19 again unless they have something new to add. The Board anticipates going to deliberation and  
20 making a decision at this meeting, but this depends on who comes and on what information the  
21 Board hears. They do not intend to begin deliberations if the hour is late, but they also don't want  
22 to keep bringing people back for yet another meeting.  
23

24                There being no further business before the Board they adjourned at 9:00 pm  
25

26                Respectfully submitted,  
27

28  
29                Jeanne Hollingsworth, Recording Secretary  
30

1 **ATTCHMENT 1: SCOTT HORTY LETTER**

2  
3 To: The Planning Board, Code Officer, Town Attorney and Concerned citizens of Camden:

4  
5 November 18, 2013

6 As a resident of the greater Camden community for over 30 years (15 in Camden and 15 in  
7 Hope) and a real estate broker for the majority of that time, I began Camden Real Estate  
8 Company in 1995 after working for another local agency for 6 years. In the last 5 years Camden  
9 Real Estate Company has sold over 150 million dollars' worth of property in the town of  
10 Camden.

11 Camden Real Estate Company originally listed Foxhill for sale for Mr. and Mrs. Cawley when  
12 Mr. Simmons purchased it in September 2009. I represented Mr. Simmons during that  
13 transaction. We also handled the property for sale for Mrs. Simmons when it was initially offered  
14 by her, following Mr. Simmons' untimely death. I feel I have a very good understanding of  
15 Foxhill and the real estate market in Camden.

16 During the time that Camden Real Estate was involved with the property most of the buyers who  
17 looked at it were planning to use it as a residence (its allowed use). Due to national economic  
18 conditions, property values dropped and the length of time on the market increased so the  
19 amount of time it was listed is relative to those conditions. During this period of the market,  
20 many properties at this price level took numerous years to sell. At the time of sale, Foxhill was  
21 listed for sale at nearly 5 million dollars. The recorded sales price was \$2,700,000. I know for a  
22 fact that at that price level there were buyers who would have bought the property for residential  
23 use. Seldom does one expect such a dramatic price reduction from list price to sales price; this  
24 represented a 45% reduction. Typical reductions run from 5-20% at this price level.

25 Foxhill was built in 1903 and has been a residential home since then, as have all the neighboring  
26 homes on upper Bay View Street. This is Camden's most sought after residential neighborhood  
27 for its ambiance, privacy and long term value. Value that is impacted by the zoning currently  
28 existing that most people anticipate will be maintained when they purchase a property there.

29 The application for this special exception is being presented based to a certain extent On the  
30 assumption that the property would not be suitable for a single residence and I believe that's  
31 misleading. There are buyers in this market for the property as a single family residence and also  
32 as a small scale subdivision of single family homes. Both of which are consistent with the  
33 current zoning for the property. I hope that the Planning Board will look at the Big Picture. That  
34 picture is one that respects the zoning currently established for this neighborhood.

35  
36 Regards,

37 /R/

38 Scott Horty