

CAMDEN PLANNING BOARD
Minutes of Meeting
June 16, 2010

PRESENT: Chair Chris MacLean; Members Richard Householder, Jan MacKinnon, Kerry Sabanty and Lowrie Sargent, Alternate Members Sid Lindsley and Nancy McConnel; CEO Jeff Nims; and Select Board Liaison Deb Dodge

Mr. Sargent sitting as Chair in the absence of Mr. MacLean to open the meeting:

When Mr. MacLean did arrive, he remained in the audience as he had recused himself for the duration of a law partner's involvement with the proposal before the Board, and Mr. Sargent continued to sit as Chair until that discussion ended. Mr. Lindsley was appointed as a voting member for upcoming business.

1. PUBLIC COMMENT:

No one from the Public (or from the Board) came forward to comment.

2. MINUTES:

Partial Minutes from June 2, 2010:

Page 1:

Line 25: The word "reply" was replaced with the word "rely"

Lines 28 – 39: Mr. Householder commented on the revisions made to the May 19, 2010, discussion at his request, and stated that he found this replacement summary acceptable.

Page 3: Line 41: The word "Special" had been misspelled.

Page 4:

Line 12: The Motion was corrected and now reads:

MOTION by Ms. MacKinnon seconded by Mr. Householder that based on the submission of the DEP permit, the Department of Conservation Submerged Lands Lease, the accompanying submissions from the Army Corps of Engineers, and the May 19, 2010, letter on construction methods that the Board is satisfied that there is no impact on the criteria of this section.

VOTE: 5-0-0

Line 26: "stating that it is their policy..."

MOTION by Mr. Lindsley seconded by Mr. Sabanty to accepted the revised minutes of June 2, 2010.

VOTE: 5-0-0

Neither Mr. MacLean nor Ms. McConnel was present for the vote on the minutes.

3. DISCUSSION:

3. Proposed New C-R Use (Taken out of order)

Mr. Sargent informed the public present of the status of the proposed new Conference Center use letting them know that the process of creating draft amendments is just at the beginning stages. Mr. Thompson and Mr. Elliott, who are not applicants, came to the Planning Board on behalf of Matt Simmons and his wife to request the Board consider Zoning Ordinance Amendments to create a definition for a new use in Town, a Conference Center, and then allow it in the Coastal residential District. Standards for such centers for things like setbacks, noise, traffic, parking –

these all have to be developed as well. This proposal is difficult to consider in that it will apply, not just to the Simmons' property but to the entire Coastal Residential District. The Planning Board will hold at least two Public Hearings to receive Public comment, but during this process there will be a series of other meetings where the Public will be allowed to participate. Even when there is not Public Input, the public can always attend and listen to the discussion. The Planning Board's work ends with a recommendation to the Select Board, and then that Board will decide at a Public Meeting whether or not the amendments will go to a Town vote.

It is too premature to know at this time whether or not this proposal would be ready for the November ballot, but all the work would need to be done by August and there is a lot yet to be done and to consider.

Jim Elliott added only that the concept of Mr. Simmons's particular project was fairly general at this stage but as general overview he can say that Mr. Simmons strongly believes, that with current technology, he can build an environmentally friendly, world-class conference center. In thinking about this proposal he is not just concerned with minimizing impacts to the neighbors like noise, fumes and traffic, but he also wants to make sure it fits in the neighborhood. That is why they have built the Zoning Board of Appeals review into their proposal by making Conference Centers a use that requires review for a Special Exception. The role of the ZBA in granting these permits is to determine if there will be any "undue adverse impact" to the neighborhood – exactly what Mr. Simmons wants to avoid. In order to minimize impact, they are looking at things like using shuttles -- solar charged electric powered shuttles perhaps, or some other alternative fuel -- to move guests to and from the property.

Mr. Lindsley asked if there was any change to the proposal from the first meeting and Mr. Elliott replied that they had drafted a change to the traffic Ordinance in response to the Board's concerns about traffic, that would allow changes to the parking requirements when shuttles are used -- now the Ordinance says that parking requirements must be met on site. Mr. Simmons is convinced that he can reduce the big two impacts of a center -- traffic and noise -- using the latest in technology.

Beryl Sexton: She used to live in this house and has seen the enormous changes made recently and the huge impact the place already has on the neighborhood. It no longer nestles into the neighborhood by any means and neighbors have been hugely impacted by what goes on here. She knows that things change, but Camden needs to expand in a way that doesn't impact the old neighborhoods – perhaps the concept of a greenbelt would work to that end. Camden already has enough empty buildings – some of them perfectly suited for this purpose. They should be used before something like this is created.

David and Faith Hague: They are opposed to this concept for many reasons:

The change would allow limitless conference centers

The proposed amendment lacks in specifics:

There is no maximum number of attendees

What do "short-term" and "intermittent" mean exactly? How long can guests actually stay?

Will social events be permitted as well?

It seems as though the numbers of rooms could be as high as 65 in some cases – it is not limited.

The road is heavily used – by walkers, bikers, joggers and by cars. It is not designed for heavy use and this dangerous situation will be elevated if there is alcohol use at these functions

There are many places to hold conferences and he wonders why the rush to meet a compelling need that just doesn't exist. A letter dated June 15, 2010 had been sent by the Hagues when they thought they couldn't attend this evening's meeting. That letter will be added to the record for this amendment.

He reiterated Ms. Sexton's comments about the impact the recent past use of the property has had on the neighbors – they are the closest house – they picked it because of the tranquility, and don't want that further impacted.

Mr. Householder asked Mr. Nims where the boundaries of the Coastal District parcels were, and the CEO had a zoning map ready for that purpose. In the Simmons section (outer Bayview and Chestnut Streets), there is only one property that would meet the proposed minimum lot size of 12 acres for a center – and that is the Simmons' property. There are none in the central Sherman's Point area, and there are 12 properties (11 owners) in the Route 1 north section. These properties range in size from 12.93 acres to 89 acres in size.

Ms. MacKinnon asked about the number of rooms that would be allowed if these were hotels. Mr. Nims stated that existing motels and hotels can expand, but that the zoning ordinance does not permit new hotels or motels in this district.

Mr. Nims also responded that in searching for ordinance language from other towns he found nothing – there were no uses defined as Conference Centers. He found recreational uses and public assembly definitions, but none like this.

Mr. Sargent asked if there were other facilities like the one Simmons' proposes, and learned that one model they are looking at is the Aspen Institute, and there may be a few others.

Mr. Sabanty: wants a lot more studying done. He knows that the first thing they have to ask is if this is a good use for Camden to have – should it occur here? Then they should know if there is a demand. There are many places for social events and conferences and other large events.

Mr. Sargent asks who locally would know if there is an unmet demand that isn't currently being met by other facilities in Town. Is the area losing this business to other places because there is no suitable facility?

Mr. Householder: His concern is in asking for an amendment that impacts such a large area of Town -- and that there is such a sizeable number of people that the Board needs to hear from.

Ms. MacKinnon: Cannot see that they can be ready for November. Although she agrees with the concept in theory – especially something like the Aspen Institute or the Wye River Plantation in Maryland – this proposal is too broad.

Mr. Sargent: Knows how hard it is for the public to comment when there is not a specific proposal for a center being offered. He had one question: How often do they see the center being used. Mr. Thompson replied that they have not gotten to the point where they have done a demand analysis. They are working on getting a group of people together to discuss this center but he imagines it would be used by think tanks and for symposiums. They want to differentiate themselves from a place to hold.

Mr. Sargent notes that this is a complex project – the Board has to figure out how to look at the big picture – how will this impact the entire District. Mr. Thompson replied that he understood that this part of the process – the ordinance amendments – was to be broad; they were asking Camden if they wanted this concept in a general sense. Then Mr. Simmons, if the Town says they do want conference centers, comes back with his specific proposal. That is when the ZBA has the opportunity to look at the specific impacts of Mr. Simmons’ proposal on the neighborhood and the Town.

Mr. Sargent added that there is no way to know if the Planning Board will agree that a Special Exception Permit is the way to go. That review adds some uncertainty to the process that may be troubling. He feels there is more comfort if the ordinance is very specific rather than left up to the ZBA to interpret. In any case, it is too premature to be discussing Mr. Simmons’ specific plan – the Board needs to look overall at traffic levels and noise and what is acceptable in the general district.

Ms. MacKinnon added that one problem is that this zone is fairly diverse – especially the Route 1 section – businesses and residential are already mixed. Mr. Lindsley added – except for hotels. Mr. Householder had already made the point that from all aspects, this project looks like a hotel in nearly every way. Mr. Lindsley reminded the Board of the history of an attempt to add inns in an existing building as a permitted use in this district – it failed a couple of different times, and even though the applicant would change something or other with her proposal each time to address complaints, nothing would pass – he thought it had been made very clear – no hotels.

Mr. Sabanty asked if there had been any response to the letter to abutters that had been sent out by the Applicant and Mr. Thompson replied that there had been two direct replies by telephone – both expressing concerns, but nothing else. They had just gone out recently though, and some people are just arriving for the summer and finding that letter waiting for them.

Mr. Thompson added to the discussion regarding the need for such a center by saying that the owner already has many potential groups that he visualizes he would like to draw to the area – he is not sure how busy they will be on a regular basis, but that is not the goal.

David Jackson: He is playing only a minor role in developing this proposal, but he is in line to play a large role in the actual conference and meeting planning part of the business once the center is up and running - he has been in that business for many years. He responds to the question of demand for this service by saying that the demand is there for small professional meeting space – there are all kinds of other meeting spaces available in this area, but not spaces that can be used as “break-out rooms” for large conferences or for small specialty conferences. There is a great potential to attract that kind of business to the area, and the owner is the perfect person to take the lead on bringing his specialty -- the alternative energy business – here. He is one of the leading experts in the country - if not the world - on alternative energy and he becomes the icon around which to build the meeting business. There is a huge potential in Maine to develop wind power, for example, and to have a leading expert calling small professional meetings to discuss how to develop this business further will be a benefit. Mr. Jackson envisions perhaps 50 people at most of these meetings – many will be smaller. But the ordinance should be written in a comprehensive manner to allow up to 200 – 300 people space to attend. Not to stay over – just to attend. He urges the Board not to be too confining.

Ms. McConnell has many serious questions yet unanswered about traffic, noise, lighting, etc. She also wonders if there are not some existing buildings that would be perfectly suitable for the purpose. But most importantly, she wonders if this is the appropriate area for a Conference Center. She wants a lot more information before she knows how she feels about the proposal.

Cila Silas: There are many more people that will be impacted by this proposal that live outside the area where letters were sent. Mr. Sargent asked if property owners should be notified and Mr. Thompson noted that they sent these letters on their own hoping to engage neighbors from the beginning of the process – they did not even have to send that letter, but wanted to do so to keep abutters and neighbors informed.

Deb Dodge: There are many more stakeholders than just abutters: there are nearby property owners, lodging establishments in Town, existing conference centers, the Camden Opera House, professional conference planners. The Board needs to bear in mind what maximum use and maximum potential could result with the changes made when they draft these amendments.

Mr. Sargent asked the CEO who had done the research in the past to answer all the Board's questions? Mr. Nims replied that in the recent past the Board had relied on community-based round-table discussions to determine the local feeling on the subject. The Board discussed having a round table discussion and inviting representatives from the following organizations/businesses:

The Camden/Lincolnton/Rockport Chamber, the Camden Conference, Pop!Tech, Downtown Business Group, the B&B Association, the Samoset Hotel and Resort, Maine Coast Artists, the Bay Chamber Concert, etc. The Board scheduled this discussion for their next meeting.

Mr. Jackson rose once more to say that the situation will not be so much based on a matter of demand as it is on creating an opportunity for more local business. Otherwise, these opportunities may go elsewhere.

The date of July 7th was chosen as the date to hold an informal roundtable to gather information.

Mr. MacLean reclaimed his seat as Chair for the balance of the meeting.

1. *Site Plan Review pre-applications:* There were none.

2. *Minor Field Adjustments:* There were none.

4. *Other Ordinance Amendments:*

Mr. Nims went over the proposed amendments for November – four to the Zoning Ordinance and two to the Subdivision Ordinance. The amendments are nearly ready to go to Public Hearing in August – on schedule for November.

5. *Revised Downtown Design Standards:*

Susan Howland of the Downtown Business Group will work to get their Executive Committee together to review the latest proposal. Mr. Sargent added that he learned that the group is probably about ready to vote on changing their policy to permit formal organizational endorsements of issues, etc.

6. *Gateway 1/Comp Plan amendments:*

Don White, the Town's representative to the Interim Steering Committee was present. Mr. Nims reported on the progress to date of the Comp Plan work:

Out of 48 ordinance amendments required:

- 10 are complete
- 18 are already met by the Plan
- 2 are not applicable
- 3 are nearly done but need clarification
- 15 are yet to be done

Before he leaves in September Mr. Nims would like to have at least half of these done and he believes the subject matter of these amendments means that the Planning Board will probably have to do the work. There are some definitions (Rural Lands, e.g., that aren't quite ready from the State yet, and until these items are final the work can't be completed.

Mr. White reported that Gateway is looking at towns to be ready for Town Meetings next year to adopt their own amendments or to endorse the Gateway 1 proposed amendments instead. The formal Inter-local Agreement will also be ready for adoption at that time. It should be ready for review by towns sometime in August.

He reports that the various committees are all working on their projects and that funding for the grants is now being distributed. There is a group that will be practicing a run-through of a bi-annual work plan to see how that will work. Bath has fully adopted the entire package – amendments and, evidently, in advance of it being finalized, the Inter-local Agreement.

Mr. White informed the Board that the Select Board had appointed Anita Brosius-Scott as Camden's Alternate Member of the Steering Committee.

7. *June 16th Meeting:*

- High Elevation Timber Harvesting
- Proposed C-R Conference Center Roundtable
- Other Ordinance Amendments
- G-1/Comp Plan amendments

8. *Other*

Mr. Nims reported that he had participated in a web seminar called "Sex in the City" about ordinances controlling x-rated "adult" businesses.

It was re-iterated that the businesses cannot be prohibited altogether, but one legally acceptable approach is to limit that actual percentage of square footage these businesses can occupy within a town: 1% is too little, but wording that says something like "up to 5% of (the total acreage of the town)" is probably acceptable. There are restrictions beyond this that have legally been placed on these businesses as well: 1000' separation from schools; a strict business licensing program; allowing no private rooms; no video booths; and no products visible through the windows, e.g. but, most interesting, was learning that towns that had these businesses come in without restrictions didn't appear to be having problems – in fact they had positive things to say about the end-results: signage for these businesses is minimal; there is a lot of creative adaptive re-use

of buildings; there is no visible increase in crime around these businesses – in fact, because of increased police presence that came with the businesses moving into these areas, crime in some places has gone down – there are more people on the streets and they are safer; and there have been well-done building renovations in older parts of some cities.

Two ordinance amendments the board may want to take on for next June:

- Adding a requirement to Site Plan to include a signature block on the Plan.
- Demolition Delay: This may be important to incorporate into the work on Historic Buildings as that goes forward.

Mr. Sabanty asked Mr. Nims if the docks at the site of the proposed wharf had been moved – looking at the area from the water it appeared that something had changed. Mr. Nims knows that Mr. Blake has advertised for tie-ups so everything must still be operating as usual for now and he is not aware of any changes. He did inform the Board that he learned that the DEP may take another look at whether or not this wharf is actually intended to be used for marine-related activities -- they only grant wharf permits for marine-related uses – period. Evidently the owner had just submitted a request to DEP for an elaborate landscaping plan for the general area, and that raised suspicions that the use of the wharf could be recreational. They will look into this further to see what is actually happening and how this landscaping plan fits into the mix. But, if they determine that this will not be a marine use wharf, they could pull the permit.

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

Sincerely submitted,

Jeanne Hollingsworth
Recording Secretary