

## CAMDEN PLANNING BOARD

### Minutes of Meeting

July 7, 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

#### 1. PUBLIC COMMENT:

The Chair polled the nearly two dozen citizens in attendance to ask how many were present for the matter of the proposed zoning ordinance amendments concerning a Conference Center – nearly all were. He informed the public that the proposal had been withdrawn, perhaps to be re-submitted sometime this fall, but that the Board would hear the comments of those who had taken the time to come out. The Chair also stated that, although he had recused himself for the deliberation on the zoning amendment proposal at the previous meetings, he was comfortable sitting as chair for this portion of the meeting to hear comments because there was no proposal before the Board. He did ask that comments from the public *not* address the proposal for the Simmonses' property, because that would put him in conflict. He asked that comments be limited to the subject of a conference center and their concerns about that issue in general.

Ken Carlson: Mr. Carlson spoke of the history of the neighborhood created by divisions of the original Ogier Farm that encompassed an area running from Beacon Street to the Rockport Cemetery in between outer Chestnut and Bayview Streets. The farm was divided into eleven lots most ranging in size from four to six acres. One, the lot the Simmonses currently own, was the largest at twelve acres. Strict privacy was the goal of the owners of the lots, many of whom were friends and business associates of the owner of the Ogier farm who made these divisions. The road, now known as Outer Bayview Street, was actually a private carriage road serving these properties, and neither its' character, nor the character of the neighborhood, has changed much since that time. This narrow, winding carriage road is still much used for walking and biking by the neighbors, and is totally unsuitable for the addition of more traffic.

David Hague: He doesn't consider this an issue that will just affect Bayview Street, but one that will impact the entire Coastal Residential District. He noted that the conference center proposal runs the gamut in size and he thinks the Board needs to look at the concept of conference centers being allowed in any residential district – these are not business districts. He has spoken with many people and has heard no one in favor of a conference center in the Coastal Residential District.

Leonard Lookner: He urges the Board to look at the future when they tailor zoning. He thinks the Ordinance is delinquent in allowing uses of property for short-term uses. He believes this circumvents the purpose of the Ordinance. There are issues like people being able to rent their properties out for events like weddings when those events, if they were required to be held on a commercial property, would not be allowed in that district because that use is not permitted.

Rachel Bok Goldman: Has summered on Ogier Point, part of the original farm, since 1942 and does not want to see the neighborhood ruined. She is afraid that many of the trees that line the road will be taken if the road has to be widened. She also wonders how the Board will prevent what could happen in the future if the place (Fox Hill) is sold.

Bill Jack: Looking to the future he wonders what kinds of changes can be made from a planning point of view that will protect the special character of the Town. He urges the Board not to make changes that would change a residential neighborhood especially.

The Chair explained why he has recused himself from the Conference Center proposal (his law partner represents the property owners who want this change), and that there is a chance the proposal will be reintroduced later on. The Planning Board will decide what to do, if anything, about this proposal at that time. People in the audience asked how they can find out if the issue will be discussed again, and were informed of the options (website, Town Office, and issues lists for email). Mr. Lindsley asked that the names and addresses of those attending be obtained for the record. A letter from Nancy and Win Padgett, 250 Bayview Street, dated June 28, 2010, was entered into the record.

## 2. MINUTES:

June 2, 2010:

### **2<sup>nd</sup> Partial Minutes from June 2, 2010:**

Although the first portion of the minutes had been approved at the June 24<sup>th</sup> meeting, Ms. MacKinnon found two additional errors that were corrected:

Page 5:

Line 1: A comma was added after the name, Jim Elliott.

Line 11: “the ~~Simmons~~ Simmonses would like...”

Line 14: “share the ~~Simmons’s~~ Simmonses’ goal...”

Page 6: Line 19: “The ~~Simmons~~ Simmonses hope to go...”

Page 7: Line 7: The word “that” was replaced by the word “than”.

Page 8:

Line 8: The word “understand” was changed to the word “understands”.

Line 24: The word “awing” was changed to the word “awning”.

Page 9: Line 6: “Gateway 1 ~~has~~ is making an application...”

**MOTION by Mr. MacLean seconded by Mr. Lindsley beginning on Page 7 Line 40 through the balance to approve the revised Draft Minutes of June 2, 2010 with changes noted.**

**VOTE: 6-0-1 with Ms. McConnel abstaining due to her absence.**

It was noted that the Chair was able to Vote on the balance of the June 2<sup>nd</sup> Minutes because it does not pertain to the subject from which he has recused himself, but that he had abstained from voting on the first portion which did pertain.

### **June 16, 2010:**

Page 2:

Line 1: “the Simmons’ Simmonses’ property...”

Line 39: Mrs. Hague’s name is Faith, not Kate.

It was also noted that the record should reflect that a letter dated June 15, 2010, had been received from the Hagues. That addition was made to the Final Minutes at Page 3 Line 2 which reads:

“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 of this proposed amendment.”

Page 4: Line 7: “there is no ~~saying that~~ way to know if the Planning Board will agree...”

**MOTION by Mr. Sabanty seconded by Mr. Householder to approve the Minutes of June 16, 2010 with corrections.**

**VOTE: 6-0-1 with Mr. MacLean abstaining**

### **3. DISCUSSION:**

1. *Site Plan Review pre-applications:* There were none.
2. *Minor Field Adjustments:* There were none.
3. *High Elevation Forestry:*

Howard Wright is back before the Board after repeated requests of the Board to consider amending the Zoning Ordinance restrictions on cutting in high elevations (above 500'). He was assisted by Paul Miller, his forester, who put together a packet of information for the Board concerning Mr. Wright's property. Mr. Wright suffered severe damage to his upper elevation woodlot during the ice storm many years ago. Since that time he has employed several foresters to help him support his request to clear-cut his property so it can regenerate back into a productive woodlot. This property has been a woodlot for many, many years - he has owned it for forty-three years himself. He needs a change to the ordinance so he could apply for a variance. He noted that one nearby woodlot owner had clear cut his property several years ago and now it looks great. He is a member of the Small Woodlot Owners Association of Maine, and hopes that the regeneration of this lot can serve as a model to other members.

Mr. Miller's explained his plan which calls for "group selective cutting", but in this case leaves only some of the biggest and oldest of the oaks. Some of the areas of talus slope have some trees, but they won't be cutting here regardless. There is some softwood at the top of the lot that would be left as well. The talus slopes are the area of the property that is over 25% grade. That is still in the natural state and will be left that way.

There was discussion about abutters – there is one on three sides up the upper level where the damage is – Coastal Mountains Land Trust (CMLT). The organization's official stand on cutting is that they believe in a policy of "forever wild" and don't practice any forest management. They have spoken to CMLT about gaining access to the woodlot using the same route that Mr. Wright has used previously to take out wood – CMLT now owns that property and, as Mr. Miller put it, they are "not anxious to" grant them access again. Another lower abutter has granted them a deeded easement access across a portion of her property, but that still means they have to come up a long steep woods road, and that is why they need the ordinance change. The difficulty in accessing the lot means that unless a woodcutter can come in and take out all the good wood that is there, it is not worth it economically to take the job on. Mr. Miller admitted that his original projection on the amount of timber that would die within a couple of years of the ice storm was off. But, what has happened is that the tops of the damaged have died and now rot is going down into the standing trunk. If they can't get the wood out soon there is much that won't be worth taking at all.

The Board asked Mr. Wright and Mr. Miller to prepare some actual draft language to the ordinance that would accomplish what they need. Mr. Sargent noted that one component of any kind of exception to the current ordinance would be the requirement that the plan be prepared by a licensed forester. Members of the Board agreed that they would be willing to hear more on the concept if a proposal to cut more than the current percentage allowed was limited to

extraordinary circumstances, and that the change didn't shortcut the process of review and included notification to abutting landowners. Mr. MacLean would like to know from the CEO just how many acres in town could be impacted if this change were to be implemented. The Board also wanted abutters to those properties that could benefit from this change notified of the proposal.

Ms. McConnel noted that sometime CMLT's hands are tied by the landowners who gift them properties, but that their staff is well trained and would understand the need to manage this woodlot.

Mr. Sargent noted that timber is a crop, and woodlot owners should have the right to harvest that crop.

Members asked Mr. Nims to set aside the bulk of the July 21<sup>st</sup> meeting for discussion of this subject. They also would like to hear from a variety of other interested groups: Beedy Parker initiated the original ordinance amendment and Mr. Lindsley wanted to make sure that she, along with other citizens that have expressed interest in this subject previously, are notified; CMLT should be informed; and there are possibly others as well.

*4. Proposed CR conference center use – request for postponement:*

Mr. MacLean stepped down as chair and Mr. Sargent stepped in:

The Board discussed the email from Jim Elliott (Copy attached) requesting a delay in holding the round-table discussion originally slated for this evenings meeting until sometime this autumn. In the meantime his client will move forward with developing a more specific proposal for his property.

Mr. Sargent thought it was a good idea to withdraw the proposal – their concept seemed scattered and he is not sure that what the Board was saying about the kind of information they needed and the various concerns they had, was heard; there seems to be a lot of confusion.

Ms. McConnel told other members that she has heard several conversations lately on the subject, and there seems to be some mistrust about the actual motive for the center. Some people are concerned because Mr. Simmons owns so many properties that this center may be part of a larger picture that is not being shared.

The Board decided to wait to see what they come back before deciding whether or not to act on the proposal otherwise. Meanwhile, Mr. Nims will contact Mr. Elliott thanking him for the update and asking him to keep the Board advised.

Mr. MacLean stepped back in as Chair.

*5. Ordinance Amendments:*

They are ready to go to Public Hearing in August.

*6. Revised Downtown Design Standards:*

There is no response back yet from the Downtown Business Group regarding their opinion of the proposal. Susan Howland who has been the Board's contact there is extremely busy this time of year. Her co-chair is one of the owners of the Camden harbor Inn – Mr. Nims will try reaching him or Arthur Kirklian to see if there is any update. Copies were provided to the former working

group, and Mr. Nims informed the Board that David Dickey did not like any of the changes made by the Board to the group's proposal.

*7. Gateway 1/Comp Plan amendments:*

The proposed amendments are nearly all done. Mr. Nims went over some of the recent changes. Discussion turned to who decides whether or not an amendment satisfies Gateway1. Don White, Camden's representative to the Interim Steering Committee, informed the Board of the recent development regarding the implementation of a scoring system but the Plan Adoption Sub-Committee who will make this decision. Each particular requirement is scored and if a town hasn't made sufficient changes the Steering Committee finds acceptable, their proposal could fail – they'd have to do things over until the proposal passed. A town needs as many points as there are action items. You get one point if you simply address the requirement, two or three points depending on if, or how far, you go beyond the basic requirement, and no points if you didn't address the issue at all. Stacy Benjamin, the Executive Director for the project, will be looking at the proposals, but the State Planning Office will simply rely on the Steering Committee's decision that a proposal has passed.

*8. Election of Officers:*

The Select Board has reappointed Jan MacKinnon to a second five-year term as a full member and Sid Lindsley and Nancy McConnell to one-year terms as Alternates.

**MOTION by Mr. Lindsley seconded by Mr. Householder to nominate Chris MacLean as Chair and Lowrie Sargent as Vice-Chair.**

**VOTE: 5-0-2 with Mr. MacLean and Mr. Sargent abstaining**

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

Sincerely submitted,

Jeanne Hollingsworth  
Recording Secretary

**From:** Jim Elliott [mailto:jim@camdenlaw.com]  
**Sent:** Tuesday, June 29, 2010 2:47 PM  
**To:** Jeff Nims  
**Subject:** Conference Center Use proposal

Jeff:

Over the past three weeks there have been two Planning Board meetings at which the proposal for amending the zoning ordinance to permit a new conference center use in the Coastal Residential District was discussed. The second meeting was especially helpful because of the feedback received from both the Planning Board and neighbors. It is clear from the public responses that our plan to first seek a general ordinance amendment and then put together a specific plan involving input from neighbors as well as planners, engineers, architects, etc has created uncertainty in the minds of the community. Our letters and other communications to neighbors which stated my client's desire to work collaboratively on the development of a plan have failed to reassure some neighbors and others as to my client's stated intention to design and operate a center for small and medium-sized conferences that will have little impact on the neighborhood and that will provide needed economic benefits to the Town. I also sense from comments from the Planning Board members that they foresaw the difficulty of determining the specific impacts of a general concept.

Because of the apparent uncertainty and difficulties which a general concept seems to engender, my client would like the opportunity to provide the Town with a more specific proposal for a conference center on Fox Hill after some preliminary engineering and other planning work has been completed. This would not have the specificity of a site plan, but could address some of the larger issues such as the total number of persons attending conferences, traffic and parking management, drainage and waste-water management, and energy conservation. We would also be able to provide more specificity with regard to the projected economic benefit to the Town and area, which the Planning Board stated was an important consideration in its deliberations.

My client believes that the round-table meeting which the Planning Board wishes to hold is a great idea, as we continue to want to work collaboratively and public input is desirable. However, we believe that the value of such a meeting would be greatly enhanced if the round-table participants were able to react to and evaluate a more specific plan. For this reason, my client requests that the round-table meeting which is scheduled for early July be postponed until Autumn.

Although we found that our initial general approach does not appear to provide a clear path to evaluate the merits of the proposed conference center use, it was nevertheless very helpful as a means to introduce the the idea of a conference center and its potential to generate economic growth for the community.

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Attendance list: Bay View Street/Conference Center

Rachel Bok Goodman 210 Bayview Street	<a href="mailto:allengoldman@gmail.com">allengoldman@gmail.com</a>
Ken and Mary Carlson 204 Bayview Street	
Nancy Padgett 250 Bayview Street	<a href="mailto:nancypadgett@earthlink.net">nancypadgett@earthlink.net</a>
Chase and Nan Lasbury	<a href="mailto:nslasbury@aol.com">nslasbury@aol.com</a>
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