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CAMDEN PLANNING BOARD
MINUTES OF MEETING
February 7, 2013

PRESENT: Chair Chris MacLean; Members Richard Householder, Jan MacKinnon and Lowrie Sargent; Don White, Select Board Liaison; and CEO Steve Wilson
ABSENT: Member Kerry Sabanty

The meeting of the Planning Board of February 7, 2013, was convened at 5:00 pm.

1. PUBLIC INPUT ON NON-AGENDA ITEMS:

Paul Gibbons: Mr. Gibbons is here to present his client's request for an Ordinance amendment that would permit a private, residential, medical alcohol-treatment facility as a Special Exception in the Coastal Residential District. Specifically, his client, H. Thompson Rodman, is proposing to partner with McLean Hospital of Belmont, Massachusetts, to purchase the Fox Hill property on Bay View Street. The group would run the alcohol treatment facility as an adjunct to the hospital to treat alcohol and other co-addictions in a residential setting.

Mr. Gibbons is working with Attorney Jim Elliott who represents the sellers. The Chair stated for the record that Mr. Elliott is his law partner; he intends to recuse himself if this request goes forward formally.

Mr. Householder asked Mr. Gibbons how many other uses could open up with this change, and how many properties would be involved. Mr. Gibbons replied that answer depends on how tightly the amendment is written. If it is as specific as allowing alcohol rehabilitation facilities on properties of more than eight acres or more where existing buildings are set back by a large distance from their neighbors, then there are very few properties in this district that would qualify.

Arguing in support of the amendment, Mr. Gibbons said that he believes that single-family use is not the highest and best use for this property; in support for this claim, he cited the fact that the property has been on the market for such a long period of time without a buyer. There will be up to eleven patients, and up to five staff; the main house has twelve bedrooms, and would be nearly turn-key for this use. There will be no changes made to the exterior of the buildings, and there will be no visual impact on neighbors. Most of the patients won't have cars, and he believes that this use will not create any more traffic than existed when Mr. Cawley owned the property. There will be less traffic and noise than there is currently from the weddings that are being held most week-ends in the summer. The current owners rent the property out on a weekly basis and guests hold functions – something that has been determined to be a lawful use of the property.

His client has wanted to partner in one of these facilities with McLean Hospital for many years, and Mr. Gibbons spoke to the excellent reputation that McLean hospital has with regard to treating addictions and research in the same field. The Fox Hill property is attractive to them for many reasons: The patients will be paying \$50,000 - \$60,000 for a month's stay at what is

1 intended to be a first-class facility; and this property is all ready to serve that goal; there will be
2 very little work required and the partners believe they could be in operation soon after receiving
3 Planning Board approval; there are cottages where the psychiatrists can stay on site, and room
4 for staff as well; and, PenBay Hospital is so close by. McLean's rehabilitation program requires
5 that the patients go through detox before they are admitted to the facility; that process would take
6 place in the hospital's detox unit, and the McLean doctors were very impressed with Pen Bay's
7 facilities and the doctors there.

8
9 However, they can go no further in their negotiations with the sellers because obtaining
10 financial support requires that the Zoning Ordinance be changed at the June Town Meeting. The
11 facility would still have to go through the Planning Board for Site Plan approval for a change of
12 use from residential to commercial use. In addition, because Mr. Gibbons suggests that the use
13 be permitted as a Special Exception, this would require approval from the Zoning Board of
14 Appeals as well.

15
16 Mr. Gibbons is asking the Board to consider his request at their meeting on February 21.
17 By that time he will have drafted language for the Board's consideration. Mr. Sargent suggested
18 that if this amendment is to make it to the voters in June, the Board must have it to the Select
19 Board by the first of April. That means the Planning Board may need to hold an additional
20 meeting if they are to give the public two opportunities to comment as is the Board's practice.
21 He suggests that the Board meet on February 13 and 21 to work on the amendment, then hold a
22 Public Informational Meeting at the first meeting in March. The previous owners of this
23 property made a request for an ordinance amendment to permit a conference center, and many
24 neighbors turned out to voice their many concerns. Mr. Sargent expects the same level of
25 interest this time around, and all members of the Board want to make sure that good information
26 gets to the neighbors before misinformation is disseminated. Mr. Gibbons will be provided with
27 an email list of those who expressed interest in being kept informed of changes proposed to this
28 property. His client lives in New York City and cannot do as the previous owners did and meet
29 with neighbors. In addition, many of those neighbors live out of Town and are only here in the
30 summer. But, Mr. Gibbons does realize how important it is to communicate with them in a
31 timely manner. He believes that they will find that this proposal will have the least impact of
32 any of the other possible uses, and it will preserve their property values because there will be
33 virtually no changes to the exterior of the property.

34
35 Because the ZBA would be involved with any application to change the use, Mr. Sargent
36 suggested to Mr. Wilson that he invite members of that Board to attend the meeting on the 13 so
37 they are aware of what is happening.

38
39 Jan MacKinnon: She wanted to remind everyone that the Toboggan Nationals will be held this
40 coming week-end, and she urged them to attend.

41
42 Paul Cartwright: Mr. Cartwright is also requesting an Ordinance Amendment. This proposal
43 concerns the restrictions in place in the River Business District that require street level
44 commercial use and multi-family residences only on second floor above those uses. He wonders
45 if the Board would consider a proposal that would require the commercial use along street
46 frontage, but permit single-family residential use behind those buildings, on property that may

1 not be easily accessible to commercial traffic. The mixed use would still be required, but the
2 change would allow more flexibility in the use of the properties.

3
4 Mr. Wilson noted that this could open the door to allowing single-family residence along
5 the river, something the Ordinance meant to prohibit. Mr. Sargent replied to Mr. Cartwright's
6 question about the intended purpose of the district, saying that the rationale behind the Ordinance
7 language was to protect what little land is left in Camden that is available for commercial
8 development available for that purpose. Mr. Cartwright noted that the way the Ordinance is
9 written now it allows for massive development in that area. Allowable building coverage on a
10 lot is 70%, and buildings can be up to 40' in height; based on past history, he is not sure that
11 level of development would be well-received in that part of Town.

12
13 Ms. MacKinnon believes that Mr. Cartwright's proposal is worth a look if it will allow
14 the land to be developed and used. It seems there should be a way to stipulate that property in
15 this District cannot be further divided into single family residential lots. The Board agreed to
16 hear an actual proposal from Mr. Cartwright, and to discuss the matter further. Mr. Cartwright
17 will work with Mr. Wilson to put language together that will accomplish his goal of flexibility
18 while trying to protect the river from residential development.

19 20 **2. MINUTES**

21
22 January 3, 2012

23 Page 1 Line 41: "~~Mr. Lindsley~~ Mr. Sargent believes that creating back lots..."

24 Page 2 Line 32: "...when ~~the~~ they take them..."

25
26 **MOTION by Mr. Householder seconded by Mr. Sargent** that the Planning Board Minutes of
27 January 17, 2013, are approved as corrected.

28 **VOTE: 4-0-0**

29 30 **3. ZONING ORDINANCE AMENDMENTS**

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32 The Board went over the list of proposed Zoning Ordinance Amendments prepared by
33 Mr. Wilson and dated 2/7/2013. They selected three from the list:

- 34
35
- 36 • Storage trailers and vault box regulations
 - 37 • 162 Camden Street re-zoning: aka the Anne Keefe property. Instead of trying to change
38 the uses allowed for properties in the B3 District where this lot is located, the Board
39 believes the best solution is to move the zoning line, and to include both this lot and the
40 McDuck's lot in the adjacent B4 District along with Hannaford and Subway. Neither of
41 the properties is residential in use or appearance at this time, so there is no residential
42 character to protect. It opens up both these lots to other uses more in line with their
43 immediate neighbors.

44 → Mr. Wilson will do a side-by-side comparison of allowed uses for the B3 and B4 districts

- 45
46
- 47 • Zone change for 4 properties from V to B-4: aka the Jesse Bifulco zone change. The
Board has never discussed this proposal with the intention of making a decision whether

1 or not to act on the request, either now or in the future. The request has been before them
2 for a couple of years, and members believe it is time to let the property owners know
3 what the Board intends to do.

- 4 • Fox Hill property proposal for a zoning amendment
- 5 • Paul Cartwright's proposal for a zoning amendment

6
7 Once they have determined which, if any, of the last three amendment requests might
8 move forward, members can look again at the list to see if there is anything else they want to
9 work on for November.

10 **4. DISCUSSION:**

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12 1. *Minor field adjustments:* There were none

13
14 2. *Future Agenda items:*

15 02/13: Fox Hill Ordinance Amendment

16 Paul Cartwright Ordinance Amendment

17
18 3. *Permit Fee Structure:*

19
20 Mr. Wilson had prepared a spreadsheet showing comparisons of fees at all levels for
21 Rockport, Rockland, Thomaston, Hope and Lincolnville (Camden and Lincolnville have
22 essentially the same fee schedules so Camden's fees were not shown).

23
24 → At the direction of the Board, Mr. Wilson will take the highest fees from any of the towns
25 shown and list them compared to Camden's current fees.

26
27 → Mr. Wilson will use a couple of recent permit applications to show the difference in income
28 using Camden's current fees compared to the proposed higher fees.

29
30 4. *Pending Applications:* There are none

31
32 5. *Other:*

33
34 Mr. Sargent wants to revisit the possibility of amending the Ordinance to require that
35 return receipts for registered mail required during the review of an application are the
36 responsibility of the applicant – both in time and expense – instead of the Town. Mr. Wilson
37 said that there will have to be some kind of adjustment made because the fees for those mailings
38 has just risen to \$6.25/letter, and his office cannot absorb those costs.

39
40 → Mr. Wilson will check to make sure that there is no mandate from the State making the Town
41 responsible for actually doing the mailings.

42
43 There being no further business before the Planning Board they adjourned at 6:25 pm.

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45
46 Respectfully submitted,
47 Jeanne Hollingsworth, Recording Secretary