

1 **CAMDEN PLANNING BOARD**
2 **MINUTES OF MEETING**
3 **February 21, 2013**
4

5 **PRESENT:** Acting Chair Lowrie Sargent; Members Richard Householder and Jan MacKinnon;
6 Don White, Select Board Liaison; and CEO Steve Wilson
7 **ABSENT:** Chair Chris MacLean; Member Kerry Sabanty
8

9 The meeting of the Planning Board of February 21, 2013, was convened at 5:10 pm.
10

11 **1. PUBLIC INPUT ON NON-AGENDA ITEMS:**
12

13 Paul Gibbons: Mr. Gibbons was present to give the Board an update on the Fox Hill property
14 ordinance amendment proposal. He thought he was to have been on the agenda, but because he
15 did not see Fox Hill listed he is coming forward to speak at this time. Mr. Wilson noted that he
16 had taken Fox Hill off the agenda when he did not hear from anyone that they still wanted to
17 appear; Mr. Gibbons did not realize he needed to do this - he thought the agenda had been set at
18 the previous meeting. Mr. Sargent asked Mr. Gibbons if he could remain for the discussion of
19 Proposed Future Zoning Amendments – Item #4 on the agenda; Mr. Gibbons replied that he
20 would make himself available.
21

22 Elinor Masin-Peters: Ms. Peters asked about the story in the paper announcing that the owner of
23 Cappy’s Restaurant had purchased the adjacent Village Restaurant; his plans are to take over the
24 Village space making Cappy’s into a 225-seat restaurant. Ms. Peters asked if the resulting
25 restaurant was grandfathered with regard to parking requirements. Mr. Wilson answered that
26 unless seating capacity changes, both restaurants are grandfathered. Any permits for changes to
27 the interior are the purview of the CEO, not the Planning Board.
28

29 Jeff Pittman: Mr. Pittman read his written request to the Board, and asked them to consider
30 amending the Zoning Ordinance to include a provision requiring a delay in issuing demolition
31 permits when demolition of primary structure is involved. (Copy of statement attached.)
32

33 The Board discussed his request noting that the item used to be included on their list of
34 possible amendments, but has evidently fallen off; it may be time to look at the idea again. Mr.
35 Householder reminded the Board that demolition delays was included in the failed Historic
36 Preservation Ordinance, and that it had never been added back to the list after that work was
37 done. Mr. Sargent suggested that the concept might be included in the Comp Plan work that is
38 being done at this time – the problem is differentiating between what is historic and what is just
39 old. Mr. Pittman is concerned that the provision applies equally across the Board to all principle
40 structures, and not just to properties classified as historic. Having a delay in place would give
41 the public an opportunity to comment. They will let Mr. Pittman know when they will be
42 discussing the matter again.
43

44 **2. MINUTES**

45 February 13, 2012

46 Page 1 Line 40 -41: “...Dr. Philip Levendusky ~~was~~ is present this evening to present...”

1 Page 4

2 Line 41: The term “in-tact” was changed to the word “intact”

3 Line 44: The word “co-curing” was replaced by the word “co-occurring”.

4 Page 5 Line 34: “All staff ~~in~~ is trained in the use...”

5

6 **MOTION by Mr. Householder seconded by Ms. MacKinnon** that the Minutes of the Special
7 Meeting of the Planning Board of February 13, 2013, be approved as amended.

8 **VOTE: 3-0-0**

9

10 **3. FRIENDS of MIDCOAST MAINE: PLANNING TOOLS ~ A PRESENTATION:**

11

12 Jane LaFleur is the Executive Director of the Friends of Mid-Coast Maine, a non-profit
13 working to prevent sprawl in the mid-coast region. Part of their work is to alert town planning
14 boards and commissions to new planning tools and concepts. Deb Dodge had asked Ms. LaFleur
15 to make a presentation to the Board, and she prepared this slide show for that purpose. After an
16 hour-long presentation, during which she addressed the relationship of zoning ordinances to
17 meeting smart growth goals using these various tools, Ms. LaFleur took questions from the
18 Board. She explained the various ways that Friends has been involved in local planning efforts,
19 and offered the organization’s assistance if the Board wanted to discuss any of the principles she
20 had introduced this evening in greater depth.

21

22 A copy of the handout left with Board members – *Friends of Midcoast Maine Smart*
23 *Growth Principles* – can be seen in the Codes Office, as well as a hard copy of her slide
24 presentation. That presentation can also be viewed by visiting the organization’s website at
25 www.friendsmidcoast.org, or by emailing Ms. LaFleur at info@friendsmidcoast.org .

26

27 **4. CONSIDERATION of PROPOSED ZONING ORDINANCE AMENDMENTS**

28

29 *1. Letter from Leonard Lookner:*

30

31 Mr. Lookner had written to the Board through CEO Steve Wilson. In that letter dated
32 2/21/2013, Mr. Lookner had expressed his concerns about the Board’s consideration of
33 amending the Zoning Ordinance to allow more uses at the Town’s Sagamore Farm property.
34 The Board expressed surprise that the item was included on the list of proposed amendments at
35 all since they had taken no action to revisit that concept since the last time it was proposed
36 several years ago; they asked Mr. Wilson to inform Mr. Lookner of their discussion this evening,
37 and to assure him that it was not under discussion at this time.

38

39 Mr. Lookner also expressed concern about making changes to the rules governing
40 combined fast food and sit-down restaurants, but did ask that they look at the standards for
41 storage trailers and the use of rights-of-ways as lot frontage; both of which are on the list for
42 possible amendments.

43

44 *2. Change to Coastal Residential District:*

45

46 Attorney Paul Gibbons returned to the podium to inform the Board about the current
47 status of an agreement between the sellers of the Fox Hill property; his client Tom Rodman and

1 his company, FHRE, the buyer of the property; and a possible investing/managing partner,
2 McLean Hospital of Massachusetts. They believe that their proposal for an alcohol rehabilitation
3 facility is a desirable use that will not cause harm to the neighboring properties; it is a stable use
4 that will not increase traffic to the neighborhood; and the use will produce no noticeable changes
5 to the property – there will be no harm to property values. His client is fearful to wait until
6 November and chance losing the property to another buyer; someone else could be in
7 negotiations to purchase Fox Hill if they wait that long. His client is willing to enter into a
8 Purchase and Sales Agreement next week that would expire in July, and that commitment would
9 be in place by the Board’s next meeting. It is questionable whether or not the sellers would sign
10 an agreement extending this option to December - especially without some commitment from
11 McLean, and he cannot rush McLean Hospital to make that commitment. The hospital wants to
12 have all their ducks in a row before they make a commitment, and they still have a lot of research
13 to do first. The best he can hope for is that McLean *can* make a commitment to move forward
14 with negotiations by early June.

15
16 The Board wants to know if the parties will make a good faith effort to go forward with
17 the deal before they agreed to commit the time and expense of meetings and public hearings
18 required to move the amendment request forward. Mr. Gibbons proposed that the amendment be
19 heard with the intention of moving forward to the June Town Meeting with the understanding
20 that McLean will decided whether or not they will move forward by that time. In the meantime,
21 his client will work on securing the property for purchase.

22
23 What this means, however, is that the final answer as to whether or not McLean is going
24 to be part of a project will not be known before the ballot has to go to the printers. And, if
25 McLean declines to participate, the proposal could be withdrawn prior to the Town Meeting;
26 Tom Rodman, Mr. Gibbons’ client, is not interested in doing the project without McLean. Mr.
27 Gibbons realizes that this is not the best scenario to present to the Board, but he cannot
28 realistically expect that McLean will be able to commit before the warrant is finalized in early
29 April. Mr. Gibbons encouraged the Board to allow the proposal to be heard because his client is
30 confident that they will have a commitment from McLean before the Town Meeting.

31
32 Mr. Sargent asked Mr. Wilson if an item can be withdrawn from the Warrant after it has
33 been printed; Mr. Wilson replied that the item would remain active on the Warrant and voters
34 would vote the proposal up or down – once the wording on the ballot is finalized there can be no
35 changes. Mr. Gibbons, who feels that this proposed use is a good fit for this property, does not
36 believe it would necessarily be a bad thing if voters were to have their say regardless of his
37 client’s involvement; they would only be permitting that single use – any other use would require
38 a Zoning Amendment. It is just not practical to think that the property will remain a single family
39 residence, and if the voters did approve this use requiring a Special Exception it would at least
40 mean the property could be used for this limited commercial purpose. Otherwise, the probable
41 use of the property is to divide it into six to eight house lots; this would require demolition of
42 existing buildings and create a lot more traffic. Ms. MacKinnon agrees that it would not be bad
43 if the Town had to address the question in June even if the parties were not moving forward; to
44 her way of thinking, the question the Board should be addressing is not if McLean’s proposal is a
45 good one, but whether or not the use is a good fit for the property and the district. The Board,
46 and the voters, should be looking at the amendment and what it would allow - no more than 15

1 beds in an in-house treatment facility where patients stay for 30 days on a property of ten acres
2 or more.

3
4 *Memorandum of Understanding:*

5
6 Mr. Householder reminded Mr. Gibbons that the previous meeting had ended with a
7 request of the three parties involved to present the Board with a signed agreement as to their
8 intentions. The Board is looking at a lot of time working on this proposal and the Town will
9 incur expenses. The three parties had been asked at the end of the February 13, meeting to
10 commit to: 1) Moving forward with the requested amendment for June Town Meeting;
11 2) Moving forward with the requested amendment for November Town Meeting; or 3) A
12 statement that the parties were not willing to make a commitment at this time. Mr. Householder
13 asked Mr. Gibbons if he had that signed memorandum with him, and Mr. Gibbons replied that he
14 did not. The parties are located all over, and he had not had time to get all three to sign an
15 agreement even though he had tried writing, and then circulating, four different versions. He is
16 here this evening to find out whether the Board will allow them to move forward to June, if so,
17 he is sure that he can get an agreement - a Letter of Intent - signed by all parties within two
18 weeks. The main reason for the hold-up however, is that MacLean, which is part of the Partners
19 hospital partnership, cannot make this kind of commitment without going to the full Board of
20 Partners, and that could not happen quickly. Mr. Gibbons had been asked to have this Letter of
21 Intent signed by the three parties prior to the March 8 Public Hearing, and he said he will.

22
23 Mr. Sargent confirmed that Mr. Wilson will alert abutters and other interested parties of
24 these upcoming meetings. Mr. Gibbons notified the Board that his client had offered to meet
25 personally with all the abutters before the June Town Meeting. Members were concerned that if
26 Mr. Rodman waits until that point in time to contact the abutters – when the opportunity for
27 public comments is passed –there could be the perception that he was trying to put something
28 over – to rush it though. In addition, Mr. Rodman should know that most of these people live out
29 of state in the winter, and he may have a hard time finding them at their Bayview Street homes;
30 perhaps he should think of another way to reach out to them. Mr. Gibbons will relay these
31 concerns – he is sure that Mr. Rodman will do whatever he can. Mr. Sargent wondered if it
32 would be more helpful for Dr. Levendusky to speak to these abutters since he can more easily
33 answer questions about the operation of the facility.

34
35 Mr. Wilson noted that the Select Board always has the option of calling a Special Town
36 Meeting, and the Board discussed this option. Mr. Gibbons stated that he has served as legal
37 counsel to area towns for over thirty years, and he would not be hopeful that the Select Board
38 would agree to convene a meeting so soon after the June Town Meeting. He added that he would
39 not want to be in the position to ask them to do so. Mr. Wilson commented that he thinks there
40 is a danger in moving to June with the resulting perception that the applicants are trying to pull
41 something over by moving so quickly. The Board has worked very hard to encourage public
42 participation in the amendment process, and he has a lot of concerns about being able to get good
43 information out to the public in the time remaining. He thinks this will take more time than they
44 have, and rushing things may put the Board’s hard-won reputation for working with the public to
45 address their concerns, and the trust they have earned by doing so, at risk.

1 It was noted that copies of the DVD from the last meeting can be purchased, and that Mr.
2 Rodman could send copies to abutters so they could listen to Dr. Levendusky explain the
3 proposal in his own words; they would also be able to hear the Board's questions and discussion.
4 Abutters could be also be informed that Board agendas and minutes are available on the Town's
5 website, and given information on how to access that information and on how to submit
6 comments for the Board's consideration.

7
8 *Proposed Schedule of Review:*

9 Public Informational Meeting: Thursday February 28 5pm: Presentation of the proposal

10 Dr. Levendusky has agreed to come to this meeting to make the same presentation he
11 gave earlier and to answer questions. The public will be encouraged to ask questions and offer
12 comments.

13
14 The Budget Committee begins work on the budget each Thursday in March, the Planning
15 Board must move the day of their meeting or hold meetings in another place. Members agree
16 that it is important to televise these meetings, and that can only be done from the WSCR;
17 meetings will be moved to Wednesdays in March. Mr. Wilson wondered if the Board wanted to
18 consider moving the hearings to a larger venue. Members noted they have used the Opera House
19 previously, but there is no guarantee it will be available. The Board will see what kind of
20 interest there is at the PIM next week and go from there.

21
22 *Public Hearings:*

23
24 1st: Wednesday March 6 5pm: Board discusses the proposed language and accepts public
25 testimony; changes may be made to the language based upon the discussions and the testimony.

26
27 Because of the change from the original anticipated hearing schedule, the Letter of Intent
28 that was to have been received prior to the initial hearing will not have been received. Mr.
29 Gibbons offered, and the Board agreed, that if no Letter of Intent has been received by March 8
30 the Board would not go forward with the 2nd hearing.

31
32 2nd: Wednesday March 13 5pm: The Board will receive public testimony and then deliberate
33 and vote whether or not to send the Amendment forward to the Select Board for their review.

34
35 The Select Board would hold their Public Hearing on the proposed Amendment on
36 Tuesday, March 19 at 6pm.

37
38 *Public Outreach:*

39
40 Returning to the subject of attempting to provide the public with good and accurate
41 information in a timely manner, Mr. Sargent noted that there was a reporter from the local paper
42 present, and thanked her for coming. He asked her to consider including information about the
43 DVD's and the website in her article.

1 *3. Zone Changes: Bifulco, Cartwright and Keefe:*

2
3 Christy Bifulco was present, and voiced her concern that Mr. Rodman’s amendment was
4 going to displace consideration of the request made two years ago by the Bifulcos to move their
5 property from the Village District to the B-4 District; the Bifulcos have been joined by three
6 abutting property owners making the same request.
7

8 Mr. Sargent explained that consideration of this request was not delayed; the decision to
9 consider the request for inclusion on the November Warrant - and not the June Warrant - had
10 been made prior to the Rodman application. In addition to some simple housekeeping
11 amendments, there are two other amendment requests pending consideration as well. The Board
12 will hear the Bifulco’s request and one other – either Ann Keefe’s request to move her property
13 (and now the former McDuck’s as well) from the B3 to the B2 District; or Paul Cartwright’s
14 request to amend the River Business District street level commercial requirement. Ms. Keefe’s
15 request was submitted first, but she may be out of Town for the winter. If that is the case, Mr.
16 Cartwright’s request will be considered now.
17

18 Mr. Sargent added that the Board had asked Mr. Wilson to prepare a comparison of the
19 permitted uses in the V and B-4 Districts so the Board can easily see what the differences are.
20 The first meeting the Board will have an opportunity to begin these discussions will be at their
21 meeting of March 21. With Mr. Rodman scheduled for March 7 and 14, meeting on the 21
22 would mean the Board will have met 6 weeks in a row. Members wanted a break, and
23 rescheduled their second regular March meeting for the 28; the Bifulco’s request will be on the
24 agenda for discussion at that meeting, as will one other proposed zoning amendment. The
25 Bifulcos will be asked to present their argument for the requested change; the Board will ask
26 questions and then discuss the request.
27

28 **5. PERMIT FEE STRUCTURE**

29
30 The Board reviewed two handouts prepared by the CEO: The first was a copy of
31 Camden’s current permit fee calculator based on the value of construction; the second was a
32 draft of the newly proposed per square foot fees showing how the cost of a recently issued permit
33 (\$565 for a 26’ x 44’ modular ranch in Lupine Terrace) would have been calculated using the
34 proposed fees (\$943). Mr. Sargent asked if these proposed fees are in line with surrounding
35 jurisdictions, and Mr. Wilson replied they were – except for Lincolnville where cost of
36 construction fees are applied. (Copy attached)
37

38 To determine if the new fees would cover actual costs to the Town, Mr. Sargent asked the
39 CEO how much time would be spent on inspections for this particular home. Mr. Wilson replied
40 that because it is modular construction, there are a lot fewer inspections required than for a stick-
41 built home inspected under MUBEC. The modular home industry is responsible for reviewing
42 the design and construction standards for modular homes; his responsibility in such cases is the
43 foundation and attachment. He estimates his time for a modular home -- inspections, etc., at 4 –
44 6 hours; a stick-built home at 12 – 14 hours.
45
46
47

1 *Modular Construction:*

2
3 The Board requested a new category of permits for modular homes using the same rate
4 per square foot as that for unfinished living space - \$0.25/sf. Any stick-built
5 additions/expansions would be permitted at the same rate as new construction of habitable space,
6 etc – whichever designation applied. This new category more fairly represents the cost of the
7 permit to the Town in staff time.

8
9 Other costs that were never compensated are now covered as well:

10
11 • *Abutter Notices:*

12
13 Mr. Wilson’s research found that towns are responsible for mailing the certified letters of
14 notice to abutters when an ordinance requires them. The Board wants to pass the cost of these
15 notices on to applicants, and there will be a per letter fee for “Abutter notices required by any
16 public hearing” added to the schedule that will include the actual cost of each mailing (currently
17 \$6.25), as well as staff time (TBD).

18
19 • *Public Hearing Fees:*

20
21 The “Public Hearing Fee” category at a rate of \$100 will now include applicants for
22 permit review (Subdivision and Site Plan reviews, and ZBA issued permits and appeals). This
23 fee will also apply for the first time to citizens requesting ordinance amendments that go on to
24 Public Hearing(s).

25
26 • *Costs to the Town:*

27
28 These fees mean the hourly rate returned to the Town for permitting, for plan review, and
29 for construction inspections is about \$67/hour of staff time. Mr. Sargent believes this is very
30 reasonable compared to what an applicant would have to pay a licensed engineer or inspector for
31 the same, and it more than covers staff time and expenses.

32
33 *Recommendation to Select Board:*

34
35 The Select Board is charged with reviewing these fees on an annual basis. Usually the
36 Board simply sends a recommendation through the CEO to the Select Board with their
37 recommendations. This year, because an entirely new fee structure is being recommended, Mr.
38 Sargent will present the proposal to the Select Board, and he asked Don White to see this is put
39 on the agenda of the March 19 Select Board meeting. Mr. Sargent also wants the Select Board to
40 have a copy of the proposal to review prior to that meeting. Although it is not required, Mr.
41 Wilson suggested that the Select Board may want to hold a public hearing on the proposal before
42 they make a decision.

43
44 There being no further business before the Board they adjourned at 7:30 pm.

45
46 Respectfully submitted,
47 Jeanne Hollingsworth, Recording Secretary

1 Jeff Pittman's testimony 2/21/2013 regarding demolition permits:
2

3 It bothers me considerably that in this town it is possible to be issued a *demolition* permit with no
4 review process at all except for the approval of the code officer, who in turn legally must
5 approve the permit as long as only some very basic criteria are met.
6

7 I am proposing to the planning board that they consider the idea of creating a provision that
8 could be incorporated into the zoning ordinance which would require a delay period before the
9 granting of a demotion permit involving any primary structures in Camden.
10

11 This period should be specifically and sufficiently long enough to allow a proper review process
12 to determine and address any potential negative impact that the demolition or any subsequent
13 rebuilding on the site might create for the town or the affected neighborhood.
14

15 There seems to be woefully few if any protective measures in place to preserve or prevent the
16 loss of structures that are an important part of the town image, history and livelihood.
17

18 Properly crafted, this provision might help provide a little more serious scrutiny when one of our
19 valuable assets is at risk and would give the residents of this town the feeling that they have at
20 least a certain degree of control over some of the things that made them want to live here.
21

22 I hope that someday a viable historic preservation ordinance can be adopted. In the meantime,
23 creating some simple restraints might help us hold on to what we still have left.
24

Camden Fee Structure -- PROPOSED

<i>residential 1 & 2 family</i>	<i>type</i>	<i>qty</i>	<i>unit</i>	<i>cost</i>	<i>total</i>
					\$
Application Fee Construction permit	residential 1 & 2 family		app. Fee	\$ 40.00	-
					\$
Fences Residential	residential 1 & 2 family		app. Fee	\$ 25.00	-
Permit fees in addition to application fees					
New Construction of habitable space (6'+)	residential 1 & 2 family		sf	\$ 0.40	-
					\$
Modular home / New Mobile Home unfinished living space (Basements etc. 6'+)	residential 1 & 2 family		sf	\$ 0.25	-
	residential 1 & 2 family		sf	\$ 0.25	-
					\$
Renovation alteration and repair	residential 1 & 2 family		sf	\$ 0.25	-
					\$
Garages sheds accessory buildings	residential 1 & 2 family		sf	\$ 0.25	-
					\$
decks porches ramps stairs	residential 1 & 2 family		sf	\$ 0.25	-
					\$
Home Occupation (ceo permit)	residential 1 & 2 family		ea	\$ 50.00	-
					\$
			Permit fees		-
					\$
			Total		-
After the fact permit multiplier			ea	2.00	
Commercial and Multifamily (3+ units)					
	<i>type</i>	<i>qty</i>	<i>unit</i>	<i>cost</i>	<i>total</i>
	Comm. & Mult.				\$
application fee	Fam		app. Fee	\$ 75.00	-
	Comm. & Mult.				\$
new construction	Fam		sf	\$ 0.50	-
	Comm. & Mult.				\$
Renovation alteration and repair	Fam		sf	\$ 0.30	-
	Comm. & Mult.				\$
Assessory Structures	Fam		sf	\$ 0.30	-
					\$
Towers	Commercial & wireless		1,000 cost	\$ 30.00	-
					\$
			Permit fees		-
					\$
			Total		-
After the fact permit multiplier			ea	2.00	

Flat Fees

Demo Permit (entire structure)	All	Fee	\$ 50.00	-	\$
Move / remove Mobile Home (used)	All	Fee	\$ 50.00	-	\$
Sign permit	per sign	ea	\$ 25.00	-	\$
Move Building	All	Fee	\$ 50.00	-	\$
Timber Harvest	All	Fee	\$ 75.00	-	\$
Clearing of Vegetation (not Timber Harvest)	Shoreland Zone	Fee	\$ 75.00	-	\$
Fill & Excavation	All	Fee	\$ 50.00	-	\$
Fences Commercial	Comm. & Mult. Fam	Fee	\$ 75.00	-	\$
Change of Use (Commercial - Commercial)	Comm. & Mult. Fam	Fee	\$ 100.00	-	\$
					\$
				Total	-
After the fact permit multiplier		ea	2.00		