

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

CAMDEN PLANNING BOARD
MINUTES OF MEETING
March 27, 2013

PRESENT: Chair Chris MacLean; Members Richard Householder and Kerry Sabanty; Don White, Select Board Liaison; and CEO Steve Wilson

ABSENT: Member Jan MacKinnon

The meeting of the Planning Board of March 27, 2013, was convened at 5:10 pm.

1. Public Input on Non-agenda Items: No one came forward to speak.

2. Minutes:

There was not a quorum of members present who had attended the meetings of February 21 and 27, 2013, and those minutes could not be approved.

3. Proposed Future Zoning Amendments

The Board had asked the CEO to contact Ann Keefe, one of three property owners who had brought forward requests for changes to the Zoning Ordinance. Mr. Wilson reported that he believes Ms. Keefe is still out of Town. He suggests that the Board may want to look at making sense of the zones at the intersections of Route 1, John Street/Camden Street and Conway Road even without a formal proposal.

River Business District (B-R):

Paul Cartwright came forward with his request to amend the River Business District (B-R). Mr. Cartwright had worked with Mr. Wilson to come up with language to make changes to the Ordinance in order to accomplish two things:

1) Change the requirement at Article VIII Section 13 B (3) to allow other than multifamily residential use, and to permit those residential uses to occur at street level. Mr. Cartwright contends that this would still address the purpose of the River Business District to retain lands for commercial uses. If the intent of the Ordinance is to require commercial uses at street level for reasons of accessibility, while allowing residential uses on floors above that, the accessibility goal is still met. Requiring multi-family dwellings instead of others does not make sense; if mixed uses are allowed, what difference does it make whether or not it is multi-family instead of single family, as long as the business is at street level. In addition, he does not see the requirement for multi-family residences addressed in the Purpose of this District.

2) Change the requirement that residential uses be located above the commercial uses. As long as they don't occupy street frontage, and as long as the residential use occupies no more area than the commercial use, residential uses should be permitted elsewhere on the lot. He spoke specifically of the lots in the BR District that are vacant and available for development, noting that the topography of the lots, combined with the fact that much of the land contains

1 wetlands or is remote from the street, makes commercial development in the interior of the lots
2 impractical and expensive.

3
4 He presented two options for amending the Ordinance to accomplish these goals which
5 would preserve either some -- or all -- street level road frontage for commercial uses:

6 B. Permitted Uses:

7 The following residential uses:

8 (3) Single, duplex, and mMultifamily dwellings, except that no residential use shall occur on a
9 floor at street level without an equivalent area of non-residential floor area at street level.

10 or:

11 (3) Single, duplex, and mMultifamily dwellings, except that no residential use shall occur on a
12 floor at street level within 125 feet of the centerline of a public way. (It was noted that if this
13 option were to go forward, the term “public way” would have to be defined.)

14
15 Mr. Householder asked about setback requirements for buildings in this area. Mr.
16 Cartwright responded by talking about the current Ordinance language which is very open as to
17 what is allowed in this District. He believes the standards - zero setback requirements from the
18 street; 70% lot coverage allowance; zero building setbacks for structures on the same lot; and 40'
19 height allowance – could lead to the kind of dense commercial development that is not the
20 highest and best use of this land.

21
22 Mr. Sargent is not supportive of this request. The Town is strapped for places where
23 commercial development can occur, and he does not support a proposal that would allow *any* of
24 this limited land area to be used for residential development. Mr. Cartwright suggested that
25 given the history of development in the area, it is highly unlikely that these lots will be built out
26 to the greatest extent permitted. Mr. Sargent disagreed, saying that the lots could eventually be
27 filled by in-fill development as the years pass and there is no other land for development
28 available. It may not be something that happens immediately, but if the land is to be reserved for
29 future commercial development, it must remain available.

30
31 Mr. MacLean is not certain how he stands on this proposal; he would like to know how
32 much property would be affected by this change, and what the broader impact would be beyond
33 this particular piece of property.

34
35 Mr. Wilson reminded the Board that this property was previously owned by MBNA who
36 wanted to build on this lot and met great opposition. Perhaps the Board might consider
37 permitting residential development on lots where they abut residential development. Mr.
38 Cartwright agreed suggesting that his second option takes into consideration the fact that there is
39 residential development on the back borders of this lot, and by putting residential development in
40 this area the property owners would be protected from commercial development in their
41 backyards. Even if this development came with an increased setback requirement from existing
42 residences, there would not be the chance that very large 40' tall commercial buildings could be
43 built within 25' of their lot lines.

44
45 Mr. Wilson asked the Board to consider if the zone needs to be looked at again. What
46 happens when the trailer park isn't a trailer park any longer? Those are single family residences
47 that could be replaced with the same – does this need to be addressed? He agrees that when the

1 zone was created the hope was to encourage businesses to locate there, but that hasn't happened,
2 and perhaps the zone needs to be looked at again to see what can be done here to encourage
3 businesses to locate here.

4
5 Jeff Brawn: He is an owner, with his wife, of the large parcel in question. He believes that Mr.
6 Cartwright's proposal is worthy of consideration. The Board should consider the past record Mr.
7 Wilson referenced. MBNA's proposal at that time was in total compliance with the Ordinance,
8 but because of the response of neighbors to impacts like increased traffic, etc., the proposal was
9 withdrawn. Since owning the property, he and his wife have had several proposals from
10 prospective buyers - the proposals may or may not have complied with the Ordinance.
11 Regardless, the Brawns did not think that they were good for the neighborhood and declined the
12 offers.

13
14 Mr. Householder asked Mr. Cartwright what his concept for commercial use of the
15 property would be if this were to be adopted: Mr. Cartwright replied that it was the same as
16 before; the owners of the same businesses want to build shops at the street, and they want to live
17 close to where they work – just not on top of the business in a multi-family building. He also
18 believes that the Board should consider that it is better that some businesses are located there
19 rather than having the lots lie empty, and this lot has been for sale now for a very long time.

20
21 Mr. Wilson noted that he learned during the recent Hedstrom Site Plan application in the
22 same zone that because MUBEC was not in place when the Ordinance was written, there is
23 going to be a great deal of expense required of a developer who must put residences on top of
24 businesses – especially when they are multi-family in nature. There will now be sprinkler
25 systems required, and perhaps even elevators, and that may discourage anyone from building a
26 mixed use building as the Ordinance envisions. With all this in mind, it may be time to look at
27 this zone.

28
29 The Chair took a straw poll of the Board to determine whether or not they favored
30 keeping Mr. Cartwright's proposal on the agenda for further discussion. He favors keeping the
31 doors open to business proposals and votes to continue discussions; the other three members
32 agreed. Mr. Cartwright will work with Mr. Wilson to propose language that addresses some of
33 the Board's concerns he heard this evening.

34
35 **Northern Gateway District (B-5):**

36 Marian Shanahan, owner of the Hawthorne Inn on High Street, came forward to present a
37 new proposal to the Board intended to replace the one formerly referred to as the Bifulco
38 proposal. Ms. Shanahan and other residents along the first block of High Street came together
39 with the Bifulcos to refine and expand upon the original proposal to move some of these
40 properties to the B-4 District. Instead, they propose the creation of a new business district (B-5)
41 called the Northern Gateway. The district would include #s 1 – 12 High Street, a total of ten
42 properties, and be bounded as follows: On the south by the Bean House and the Library; on the
43 north by Rockbrook Bridge; on the east by Library Park; and on the west by the next lots in
44 facing Harden Avenue. Of the ten properties, four are commercial (inns); two are multi-unit
45 residential rentals; and three are residential (leaving one unspecified for now). Four of the
46 properties are for sale – one of them has been unoccupied for eighteen months, and another is
47 recently vacant. In addition, the Gallery building at 10 High Street is also closed and is for sale.

1 It is their opinion that the two residential rentals have contributed to the deterioration of
2 the neighborhood, and led to the current situation; they would like to address this by not allowing
3 this as a permitted use in the new district. They realize these two buildings would be
4 grandfathered, but it might prevent other buildings from going the same way. In response to a
5 question of why these buildings create such problems, Ms. Shanahan replied that it is the
6 clientele that are the problem. Some of the issues like problems with drugs have been cleaned up,
7 but the situation is still causing problems for the commercial businesses that are in such close
8 proximity to the buildings in question.
9

10 The concept of the Northern Gateway District is an amalgam of the Village District to
11 which they now belong, and the B-4 District that would permit additional uses. They see
12 themselves as enough different from the downtown – a high-end area of historic homes (many on
13 the National Register of Historic Buildings), and different from the rest of High Street because of
14 the high percentage of commercial uses in that block-long stretch, and the proximity to other
15 commercial uses on Route 52 and downtown. By expanding the list of uses while offering the
16 protection of preserving the historic nature of the area, it may make the sale of some of the
17 buildings easier because of the increased potential for new uses. One vision they kept in mind
18 when they defined this area is an area in Stockbridge, Massachusetts where there are similar
19 kinds of homes adjacent to the downtown. That area is tied together with the downtown
20 physically with the use of similar style street lamps and sidewalks, etc. It has become an
21 extension of the downtown while retaining its own historic character.
22

23 Mr. Householder asked about the goal of the group to not allow multi-unit rentals, and
24 how this would help the current situation. Ms. Shanahan replied that both the buildings are for
25 sale, and they hope someone might buy them to turn them back to single family homes. Mr.
26 Wilson noted that any grandfathered use as a multi-unit building would be lost after two years as
27 a single family home, so it might help down the road.
28

29 Mr. Sargent believes this is a good approach, and better that the original request in that so
30 many properties are now involved. He asked if the group had talked to the owners of properties
31 just up Harden Avenue to see if they might be interested in joining this District. Ms. Shanahan
32 replied they had not, but that they did have the support of the affected property owners they had
33 spoken to although they have not yet talked to all of them.
34

35 Mr. Sargent informed Ms. Shanahan that this proposal would require Town approval of
36 the new district, as well as their approval of a new Zoning Map. Ms. Shanahan indicated they
37 were aware of the process, and ready to hear what others in Town think of the proposal. Jesse
38 Bifulco came forward to say they they were excited about how the proposal had evolved, and
39 looking forward to working with the group further on developing the final proposal. The Board
40 agreed to consider the proposal, and will move forward with gathering public comments.
41

42 **Keefe Property:**

43 Ann Keefe, who made a request to the Board previously to consider re-zoning her
44 property at Route 1 and Camden Street, is not available to present a proposal. Mr. MacLean
45 believes that the issue of re-zoning that intersection as a whole merits review. They would then
46 be looking at the zone more broadly instead of at just a single property. Mr. Wilson noted that is
47 a long-term goal of the Select Board to “clean up” this intersection and make it safer. There is

1 discussion with Hannaford and the owner of the Subway regarding relocating the latter business
2 and using the current site as an alternative access point to Conway Road and the supermarket.
3 This would remove traffic from that awkward and dangerous intersection, but the talks are in the
4 very beginning stages and it may be a year or two before any property changes hands. That may
5 be the time to look at better aligning the three districts that come together in the area. Mr.
6 Wilson is a proponent of clear delineations of zones. Right now these three zones jog in and
7 around properties in a way that make no sense; that would be easy to change.
8

9 Mr. Householder noted that after hearing this, that a lot of information has to be gathered
10 before any change could be considered. It could be that the Chamber is involved, and the Town.
11 In light of the fact that there is no proponent bringing the request forward, and because the Board
12 cannot initiate a change to properties on their own, they agreed to defer discussion of this
13 change. In addition, there remains the question of whether or not there are covenants on the
14 Keefe properties that would impact how they could be used in the future, so a zone change for
15 that single property cannot go forward until that information is in hand and they have heard from
16 Ms. Keefe what she wants to do. In the meantime, the Chair asked Mr. Wilson to be in touch
17 with some of the Committees or groups in Town that might be interested in improving the zoning
18 situation in this area, and who would be willing to work on a proposal to be heard next June.
19 The Board could start holding discussions sometime after they finish with the hearings with the
20 Select Board later this summer.
21

22 **Roundabouts:**

23 Discussion of the Subway/McDucks intersection gave rise to a discussion of the
24 effectiveness of roundabouts in solving traffic problems like the ones that exist here. Mr. Wilson
25 noted this design is gaining in popularity because people are learning not to confuse them with
26 rotaries like the ones in Augusta - they are not the same thing. Roundabouts do not take up
27 nearly as much land as people imagine – not much more than is required for a safe, traditional
28 intersection. They are more attractive, and there are no traffic lights to deal with. The Chair
29 noted that he had observed many roundabouts in a recent trip to Europe, and was impressed with
30 how smoothly heavy traffic flowed through narrow roads; he hopes it is a concept that will be
31 considered here and asked about the process of talking with DOT in this regard.. Mr. Wilson
32 replied that a town approaches DOT to request consideration of a roundabout. The Department
33 is actively seeking local cost-share partnerships for projects like this, and Mr. Wilson believes
34 that the Board’s successes on other recent projects would give them credibility with the Select
35 Board, and the townspeople, if they decided this was an idea worth discussing. He also noted
36 that roundabouts were discussed as part of work on the Downtown Plan.
37

38 **Other requests for amendments:**

39 The CEO had circulated a list of Possible Ordinance Amendments dated 3/26/2013, but
40 the Board did not review them in detail. They have already decided they want to move ahead
41 with developing an ordinance to regulate storage trailers and vault boxes, and with that to work
42 on as well as the two zoning change requests, that will fill their slate for November. They did
43 give the CEO the OK to add some housekeeping amendments to the list if he felt there were
44 some issues that needed attention now, and Mr. Wilson suggested that he address making
45 commercial parking a principle use to avoid the scenario where a building was demolished to
46 make room for a commercial parking lot.

1 Mr. Householder asked the Board to consider reviving the committee that worked on the
2 Historic Ordinance, and set them to work preparing an amendment for the June 2014 ballot;
3 members agreed that should be done. They also believe that would be the time to address the
4 multiple requests for a demolition delay provision. They need to decide whether or not it would
5 apply only to historic buildings, or to all buildings in Town as has been requested. Mr.
6 Householder notes that there has been interest by the public in this provision, but Mr. Sargent
7 believes it will be tricky to make a delay apply across the board because the issue of private
8 property rights will have to be addressed first. Mr. MacLean agrees that it is difficult to impose
9 restrictions on private property owners. Mr. Householder suggested that there is a way to bring
10 in private property when the owner has not registered the building as historic. If the person
11 making the request for a delay has sufficient information to convince the Select Board that the
12 building warrants consideration, the Select Board can declare the property historic and it would
13 then fall under the Historic Ordinance. Mr. Householder believes that there are advantages to
14 this classification, and one of them is access to funds for maintenance and repairs.
15

16 Mr. Householder asked Mr. Wilson to put together information on storage trailer
17 ordinances for discussion. Mr. Wilson has a couple of examples from other towns he will
18 circulate. Mr. Sargent asked Mr. Wilson if, because these trailers are not real property, an
19 ordinance can be made retroactive so people will have to do something about those trailers that
20 already exist. Mr. Wilson replied that he would have to check with the Town Attorney. Mr.
21 Sargent doesn't want to put those businesses in a bind, but perhaps the Ordinance could require
22 those trailers that already exist be screened somehow.
23

24 **Scheduling Workshops and Public Information Meetings on Amendment Proposals:**

25
26 April 4th Meeting:

27 Representatives of the High Street proposal will be invited to come to talk to the Board
28 further with the goal of sending the applicants home having heard the Board's concerns and with
29 a list of the particular information the Board would like to have regarding the proposal.
30

31 The Board asked the CEO to notify all the abutters who could be interested, including the
32 owners of the funeral home and High Mountain Hall. Mr. Wilson suggested that property owners
33 along Main Street from Tannery Lane up to Central Street be notified as interested parties as
34 well. They are the only properties on Main Street that are in the Village District, and there are
35 some home occupations mixed in with some straight residential. There is also the B-4 district
36 across the street making for a convergence of four zones here. Even if these properties aren't
37 considered for a zone change, the property owners should be informed of what is being proposed
38 that could impact their neighborhood.
39

40 April 11th Special Meeting:

41 Public Information Meetings on both proposals:
42

43 There being no further business before the Board they adjourned at 6:30 pm.
44

45 Respectfully submitted,
46

47 Jeanne Hollingsworth, Recording Secretary