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CAMDEN PLANNING BOARD
MINUTES OF MEETING
June 3, 2015

PRESENT: Chair Lowrie Sargent; Members Richard Bernhard, Jan MacKinnon and John Scholz;
Select Board Liaison Don White; and CEO Steve Wilson

ABSENT: Richard Householder

The meeting of the Planning Board convened at 5:00 pm. These minutes are a summary of the Board's discussions. A video recording of the full meeting is available from the Town's website at <http://www.camdenmaine.gov/> or at <http://www.townhallstreams.com/locations/camden-me>

1. PUBLIC INPUT ON NON-AGENDA ITEMS: No one came forward to speak

2. MINUTES:

April 16, 2015:

Action on these Minutes is deferred until there is a quorum of those present on April 16 to vote.

May 7, 2015:

Page 1 Line 7: Ms. MacKinnon and Mr. Scholz had both been present

Page 1 Line 42: "... noise complaints come from neighbors of the businesses in the downtown ..."

Page 4 beginning at Line 160: The Discussion Section had been carried over from the Minutes of April 16. It will be re-written based on the discussion held on May 7.

MOTION by Mr. Scholz seconded by Ms. MacKinnon to approve the Minutes of May 7 as amended.

VOTE: 4-0-0

May 20, 2015:

In addition to the correction of two typographical errors, the wording to Line 93 on Page 2 will be changed to read as follows: "HRC - possible amendments: Richard Householder: There is nothing new to report."

MOTION by Ms. MacKinnon seconded by Mr. Bernhard to approve the Minutes of May 20, 2015 as amended.

VOTE: 3-0-1 with Mr. Scholz abstaining because he was absent

3. POSSIBLE ORDINANCE AMENDMENTS: Continued Discussion with the Harbor Committee regarding proposed amendments to the Harbor Ordinance (and related amendments to the Zoning Ordinance)

Three representatives of the Harbor Committee -- Gene McKeever, Chair and members Steve Gold and Richard Stetson -- were present to continue the discussion of the Harbor Committee's proposal to amend the Harbor and Waterways Ordinance. The proposal amends two sections of the Ordinance: Article II Definitions; and Article VI Regulations Concerning Construction of Piers, Wharves, Breakwaters, Bulkheads and Landfill. Also present was Steve Pixley, Camden's Harbormaster.

Mr. Pixley was asked to comment on the Harbor Committee's comments at previous meetings that the impetus for making the changes to the Harbor Ordinance was the construction of the Passieri

50 pier near the Camden Yacht Club; he was asked what he has heard about this particular pier. Mr.
51 Pixley replied that the only negative he has heard has to do with safety concerns regarding the
52 proximity to the area where the Yacht Club conducts their summer beginner's sailing program and
53 races. Members of the Board were surprised to learn that races were also held in this area - that
54 information had not been provided during their review of the Passieri pier and they wished it had.
55 Many of them had reservations about the proximity, but trusted that those concerns had been
56 addressed when members of the Yacht Club said they could work with Mr. Pixley to simply adjust
57 the location of the Club floats. Mr Gold replied that area boaters tend to avoid sailing through there
58 just because of the many small boats that are out on the water around the pier. In response to a
59 question concerning the scope of the proposed changes to the Harbor Ordinance, Mr. Pixley replied
60 that the only other issue the Committee has discussed that is not in this draft proposal is houseboats -
61 they have decided that it is not a pressing issue at this time and chose not to address it at this time.
62

63 When asked if he supports the Harbor Committee's arguments that limiting piers in the Outer
64 Harbor will improve small boat safety and improve navigation in the harbor as a whole, Mr. Pixley
65 replied as follows: As Harbormaster he sees no problem with safety or navigation resulting from
66 additional piers; however, from a personal point of view he would like to see no more piers. When
67 the Committee started this draft to limit piers they understood there could be as many as eight more
68 piers in the Outer Harbor - there have been three new piers built in the past couple years and there is
69 an application for another pier before the Planning Board now. It used to be when you pulled into a
70 harbor and saw a cluster of piers it meant that there was commerce in the harbor - fishing or other
71 marine businesses. That is no longer the case - these are private piers for the use of just one person --
72 they don't represent a healthy working harbor but personal wealth; that is a big difference and why he
73 does not care to see any more piers in this harbor. Camden has one of the most beautiful harbors in
74 the whole area and visitors come here because of that. He thinks it is worth protecting.
75

76 Members of the Committee quickly reviewed the proposal stressing that the main focus of the
77 Committee has been to address the needs of the many users of the harbor as opposed to the few
78 property owners that would be impacted.
79

80 *Comments from the Board:*

81 Mr. Scholz: Looking at the harbor from an aerial perspective, he does believe that additional piers
82 would change the aesthetics of the harbor and sees this change as a management tool to control
83 change.
84

85 Ms. MacKinnon: She strongly opposes changing the ability of property owners to have piers when
86 they may have purchased a particular property with a future pier in mind. If the change were to
87 apply to only future property owners that would be different, but it is not fair to blind side these
88 owners by changing the rules. Members of the Board and members of the Committee responded that
89 property owners will have until the day after any Town vote to submit an application for a pier under
90 the current rules. If a pier is approved they then have a year to begin construction -- that is plenty of
91 time to take advantage of the opportunity.
92

93 Mr. Bernhard: He is conflicted between property rights and the impact on aesthetics -- new piers are
94 disruptive to views from both the shore and the water - especially at low tide. He strongly feels that
95 the Planning Board has a duty to decide whether or not to recommend that the proposal go to the
96 voters and not simply send it on without real deliberation on their part.

97 Mr. Gold responded to Mr. Bernhard's comments about how disruptive a pier can be to those
98 viewing it from the water or from along the shore and asked the Board to remember that a pier rises

99 16' to 20' out of the water at low tide -- it is a massive structure that dominates the view. Speaking
100 for the Committee he reminded the Board that the entire Harbor Committee thinks the proposal is a
101 good one and they hope to send it on to the voters.
102

103 Mr. Sargent: He noted that the proposal still has to go to Attorneys Kelly and Collins for their
104 review. He believes it will be helpful if the Harbor Committee prepares an aerial photo of the harbor
105 showing all current piers and the possible locations of any future piers. Will Gartley of Gartley and
106 Dorsky Engineering and Surveying was present and offered to assist the Committee in putting an
107 informative graphic together for the Public Hearings.
108

109 The Planning Board will consider the changes to the Zoning Ordinance that are needed to
110 come into compliance with the Harbor Ordinance in Public Hearings to be held on June 9th and 23rd.
111 They have yet to decide what components of the Harbor Committee's proposal they will propose for
112 amending the Zoning Ordinance, and plan to make that decision on the 9th when there are five
113 members present. Mr. Sargent asked the Harbor Committee to come to the hearings to explain to the
114 Public the reasons they proposed the changes.
115

116 **4. SITE PLAN REVIEW: New Residential Pier: Site Plan Content/Public Hearing**
117 **Jay Kislak: Map 126 Lot 44: Coastal Residential District (CR): 10 Dillingham Point**
118

119 Will Gartley of Gartley and Dorsky Engineering and Surveying came before the Board
120 representing the Applicant in his request to construct a new residential pier at the end of Dillingham
121 Point at the site of a former pier.
122

123 Before discussion began Mr. Scholz asked the Board to consider whether or not he should
124 recuse himself from this review based on the probability that he will be contracting with Mr. Kislak
125 to perform architectural services related to the renovation of the cottage. Even if that does not
126 transpire, Mr. Kislak is a friend and Mr. Scholz has been offering him advice related to the pier
127 project. The other three members of the Board were unanimous in their opinion that any future
128 payment for services by the Applicant would result in a clear case of conflict of interest. Mr. Scholz
129 stepped down.
130

131 *Applicant's Presentation:*
132

- 133 ➤ The ??? feet long wooden access-way to the proposed pier across the rocky shore will be
134 supported on some of the remains from the original pier. By definition, the actual pier does
135 not begin until the Mean Low Water Line and this walkway is not part of the actual pier
136 structure
- 137 ➤ The actual pier structure is proposed at 70' long with a seasonal 50' ramp and 12' float
138 attached
- 139 ➤ The pier will be supported by wooden piles socketed into ledge because the bottom is too
140 uneven at this location to use granite blocks. Granite is preferred because it requires no
141 maintenance, but (wooden) piles have less environmental impact
- 142 ➤ The pier platform will be supported by a 14" thick steel beam resulting in a shallower profile
143 than a laminated wooden beam and providing more freeboard above the water at high tide.
144 The beam will be padded out with timber and only a narrow strip of steel will be visible
- 145 ➤ There will be 4' of water at the float at low tide

- 146 ➤ The owner is proposing 14 pair of low voltage lights along the pier attached to railing posts.
147 He may decide not to install them; but, if he does he will not have to return to the Board for
148 permission to amend the Site Plan
149 ➤ The DEP has accepted the permit as complete, but a site visit scheduled for 6/18 or 6/19 is
150 required before the permit can be approved
151 ➤ The Harbor Committee has agreed to hold a special meeting to review the pier application
152 and provide the required recommendation to the Planning Board
153

154 ← The dates shown on the Plans are incorrect - they should be dated May 20, 2015
155

156 *Comments/Questions from the Board:*

157 Mr. Bernhard: The entire structure at over 300' seems prodigiously long. He asked Mr. Gartley is he
158 knew when the original pier was last in use. Mr. Gartley replied that they know it was still there in
159 the 70's but are not sure when it went into disrepair.
160

161 Mr. Bernhard also asked about the distance from this pier to the next and was told that it was
162 900' measured diagonally -- that distance is less when measured diagonally that it is when measured
163 along the harbor line.
164

165 **Littoral Zone Discussion:**
166

167 Article XII Section 3: Site Plan Content:
168

169 The Board reviewed the submissions and found there was sufficient information to move
170 forward with review.
171

172 *Comments from the Public:*
173

174 Glen Montgomery: His wife's family owns 7 Dillingham Point and they will be the property most
175 impacted by this pier. The location and orientation of this pier will change the view from the cottage
176 porch forever since they will be looking out directly at the side view of the pier. Their hope is that
177 there will be low impact both in the construction phase of the project and in the implementation and
178 use of the pier. Lighting and the height of the pier - especially at low tide - are the main concerns.
179 Mr. Gartley confirmed again that the lights will only be on when in use -- lighting will be on a switch
180 and not timed to come on at dark. He repeated again that Mr. Kislak is not even sure he wants to
181 install lighting.
182

183 There were no other comments.
184

185 ← A Site Walk was scheduled for June 8 at 7:30 am.

186 **MOTION by Mr. Sargent seconded by Ms. MacKinnon** to continue the Public Hearing to June
187 18, 2015.

188 **VOTE: 3-0-0**
189

190 **5. DISCUSSION:**
191

192 1)
193
194

195 There being no further business before the Board they adjourned at 7:45 pm.

196

197 Respectfully submitted,

198

199 Jeanne Hollingsworth, Recording Secretary

ATTACHMENT 1: KISLAK PIER: Section 3 Site Plan Content:

(a) *Owner's name and address*

Shown on C-1

(b) *Names and addresses of all abutting property owners*

List provided

(c) *Sketch map showing general location of the site within the Town*

Tax Map provided

(d) *Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time.*

There is none

(e) *Zoning classification(s) of the property lines of the property to be developed and the source of this information.*

Shown on C-1 in Plan Notes

(f) *The bearing and distances of all property lines of the property to be developed and the source of this information. The Board may require a formal boundary survey when sufficient information is not available to establish on the ground, all property boundaries.*

Shown on C-1

(g) *The location of all building setbacks required by this Ordinance.*

Shown on C1

The Applicant's Agent has confirmed that the pier to pier separation distance is met

← **The building setback line does not correctly represent that required in the Coastal Residential District -- it should be changed to 25'**

(l) *the location of open drainage courses, wetlands, stands of trees, and other important natural features, with a description of such features to be retained and of any new landscaping planned.*

Shown on C-1

(m) *The Location and dimensions of any existing easements and copies of existing covenants or deed restrictions.*

The Applicant stated there are no known easements or covenants and has provided a copy of the deed.

(o) *Location and type of exterior lighting.*

← **Mr. Bernhard asked that the Applicant reconsider the number of lights proposed; cut the number by half; and install them on the Bay View Street side of the pier only to reduce the impact to abutters. Mr. Gartley will pass the request along to Mr. Kislak. Mr. Gartley confirmed that the lights will be on only when the pier is in use**

← The numbers of light finally decided upon needs to be reflected correctly on the cut sheets

(q) A signature block on the site plan, including space to record a reference to the order by which the plan is approved.

Provided on C1.

Section 4(5): Additional Information for Piers

In addition to items (a), (c), (d), (l), (m), (o) and (q) in Section 3, applications for Piers, Wharves, Breakwaters and Boat Ramps shall include:

- (a) A site plan stamped and sealed by an engineer registered in the State of Maine.
C-1 is stamped and sealed by Will Gartley, PE
- (b) An elevation showing the height of the pier in relation to normal high water.
Shown on C-1
- (c) A pier section.
Shown on C-1
- (d) A detailed erosion control plan, including a schedule of construction. The schedule shall include the kind of motorized equipment, how and when it will be used below high or low water.
There will be no excavation -- work will be done from a barge
- (e) A detailed plan showing how oils, greases or other contaminants will be separated and handled.
Not Applicable
- (f) Copies of required Maine Department of Conservation submerged lands lease, Maine Department of Environmental Protection and United States Army Corps of Engineers permits, provided, however, that the Board may approve site plans subject to the issuance of specified State and Federal approvals and permits where it determines that it is not feasible for the applicant to obtain them at the time of site plan review.
Applications for permits have been submitted, but not yet received

Section 4: Supplemental Information

The Planning Board may require any or all of the following submissions where it determines that, due to the scale, nature of the proposed development or relationship to surrounding properties, such information is necessary to assure compliance with the intent and purposes of this Ordinance.

- (1) Existing and proposed topography of the site at two-foot contour intervals, or such other interval as the Board may determine, prepared and sealed by a surveyor licensed in the State of Maine.

Contour intervals are shown on C. The Plan is stamped and sealed by Will Gartley, PE.

- (2) A storm water drainage and erosion control plan prepared by an engineer or landscape architect registered in the State of Maine, showing:
 - (a) The existing and proposed method of handling storm water runoff.
 - (b) The direction of flow of the runoff through the use of arrows.

- (c) The location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers.
- (d) Engineering calculations used to determine drainage requirements based upon a 25-year storm frequency, if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed.
- (e) Methods of controlling erosion and sedimentation during and after construction.

These submissions are not required – there will be no construction on land.

- (3) A utility plan showing, in addition to provisions for water supply and wastewater disposal, the location and nature of electrical, telephone, and any other utility services to be installed on the site.

Shown on C-1.

← The information will be corrected to show revised plans for water supply

- (4) A planting schedule keyed to the site plan and indicating the varieties and sizes of trees, shrubs, and other plants to be planted.

Not applicable to this project.