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**CAMDEN PLANNING BOARD
MINUTES OF MEETING
June 6, 2013**

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

The Board was later informed that Member Kerry Sabanty had tendered his resignation in a phone call to the Town Manager; it was accepted.

The meeting of the Planning Board was convened at 5:00 pm.

1. Public Input on Non-agenda Items:

No one came forward to speak.

2. Minutes:

May 16, 2013:

Page 1 Line 9: "...May ~~2~~16, 2013..."

Page 1 Lines 30 – 37 were deleted

Page 2 Line 24: The word sixteen was misspelled

Page 4 Line 15: "...the ~~Blasting~~ Demolition Ordinance proponents..."

MOTION by Mr. MacLean seconded by Mr. Sargent to approve the Minutes of the Camden Planning Board of May 16, 2013as corrected.

VOTE: 3-0-1 with Ms. MacKinnon abstaining due to her absence

3. Proposed Future Zoning Amendments

1) River Business District: Public Information Meeting

Paul Cartwright gave a brief presentation on his proposal to change two aspects of the current zoning for this district: He would like to see the 2nd floor multi-family dwelling requirement changed to allow single family residences; and he would like to see the restriction on no dwellings at street level eliminated *only if* there is the same square footage of non-residential use created. He bases his arguments on the specific physical characteristics of the vacant lots remaining in this district where the terrain makes it very difficult – and expensive - to develop commercial space on the back areas of the lot.

Mr. Cartwright has contacted all the owners of lots that could be impacted by this change and has heard back from all but one – the owner of the boat storage facility; that lot is already heavily developed commercially. None of the other owners expressed any objections. The Shepherd family which owns Eaton’s Trailer Park believes that the Hedstrom building – commercial with a single family residence over the shop – fits in well with the neighborhood.

Mr. Sargent is concerned that an issue that has surfaced in similar situations where the construction of commercial space is required in order to build residential units may come into play here as well: There is no guarantee that the commercial space will really be commercial in

1 use. If the owner cannot find a tenant will they still be allowed to occupy the residential space if
2 the commercial space is vacant? Mr. MacLean replied that if someone builds a building capable
3 of use for commercial purposes it shows their intent to have that space used.
4

5 Mr. Cartwright believes the Board needs to look at what happens to the properties if these
6 changes aren't made. He cited testimony by property-owner Jeff Brawn that the Board needs to
7 look at how to encourage mixed use that will fit with the neighborhood. Ms. MacKinnon
8 suggested to Mr. Cartwright that he change wording in his proposal. Currently his proposed
9 change to the Ordinance reads as follows: "...except that no residential use shall occur on a floor
10 at street level without an equivalent area of non-residential floor area at street level." She
11 believes the word "commercial" should be used instead of the term "non-residential". The Board
12 discussed how to define what was commercial, and agreed that this could be done by referring to
13 the permitted uses in the district. The proposal would say that the commercial space cannot be
14 used for any other purpose than the commercial uses permitted in the district as defined in
15 Article VIII Section 13 B items (7) – (41); all other uses are prohibited. This ensures that
16 activities accessory to residential uses are not considered acceptable commercial uses because
17 they do not meet the intent and purpose of the district.
18

19 PUBLIC COMMENTS:
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21 Sherry Frazier: She asked if greenhouses would be permitted as a commercial use in this
22 district; Mr. Wilson replied they would not. They are a seasonal business and would not meet
23 the intent to create year-round businesses.
24

25 Phil Gerard: He founded the Watershed School and has been interested in this property for a
26 while. The fact that multi-family dwelling units were required has been a sticking point in the
27 past because he does not want to be a landlord. He is excited to see these changes because it
28 makes the potential for the property very interesting. He sees this as a place where he could live
29 and conduct research in his profession as a biologist, and perhaps develop a lending library of
30 scientific tools to encourage scientific learning.
31

32 Mr. MacLean suggested to Mr. Cartwright that he look closely at the listing of permitted
33 uses in the BR to see if there are any businesses he could anticipate attracting that should be
34 added at this point in time. Mr. Cartwright believes, on first glance, that the list of uses is fairly
35 inclusive, but he will look closely with the Chair's suggestion in mind.
36

37 Mr. Cartwright will work with Mr. Wilson to come up with some final language for the
38 Board to review at their June 20 meeting. There had been discussion previously about creating
39 two River Business Districts to address the differences in the upper river portion of the district
40 and the Tannery property, and that issue should be resolved as well. Mr. Wilson suggests that is
41 not necessary because the use of the Tannery lot has been determined by a vote of the Town and
42 cannot be changed – it does not matter what the Zoning Ordinance says. After June 20, the next
43 step for this proposal will be to take the adopted language to a Public information Meeting on
44 July 11.
45
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47

1 **4) Northern Gateway District (B-5): Workshop**
2

3 Jesse Bifulco was present to discuss a proposal that has been drastically revised since the
4 last presentation to the Board. From a proposal that had evolved to include all property with
5 frontage on Route One from Mountain and High Streets north to the far side of the Norumbega
6 property, the new proposal would apply only to three existing B&B's at 6, 8 and 9 High Street.
7 They still want to be able to enhance their offerings by creating a new use called "Multi Use
8 Lodging" so they can add amenities found in other inns along the coast –spa and salon services
9 and retail sales; they want to be able to serve dinner to their guests and to the public; and they
10 want to be able to be able to serve as a Function Hall so they can host additional functions.
11

12 When Mr. Bifulco started talking to property owners along High Street about the
13 expanded proposal offered at the last meeting he found that there were some that were not
14 interested in the change; the owner of 10 High Street for example was not opposed – just not
15 interested. He realized that the new district would be too large and too unwieldy and decided to
16 go back to the original small-scale proposal, but now include only the commercial properties
17 closest to Main Street. All of these properties have been commercial in use for over 30 years.
18 He has spoken to all of the abutting property owners and the response was mostly positive. They
19 were most excited about having more places to eat nearby. Mr. Bifulco explained that the
20 market has changed, and that the inns that are doing well do serve dinner – they want to be able
21 to compete. His proposal is a hybrid between a limited commercial district and the Village. He
22 selected these three lots to include in the new district because of their legacy of continued
23 commercial use, but he sees this change as a way to get experience with the new classification to
24 that could gradually be expanded up High Street to include other B&Bs.
25

26 Mr. Bifulco had prepared a written proposal including new language along with pictures
27 illustrating the results of adding new uses (dining) and the required increase the size of his
28 parking and delivery areas; his was the only one of the three properties with the before and after
29 illustrations, and the Board had questions about what the change would mean to the owners of 8
30 and 9 High Street. Where would their expanded parking be located? What uses do they intend
31 on adding? Mr. Householder believes they need the same information for all properties involved
32 – those owners need to show the Board where additional parking would go and address the
33 screening and setback requirements as well. Do they intend to serve dinner to the public as well?
34 The Board needs much more information.
35

36 Mr. MacLean: He likes the concept, but it is evolving very quickly. This illustrates that
37 the applicants are thinking through all the issues but he wonders about the time remaining to firm
38 up the proposal and address all the issues and concerns of the neighbors. Mr. Wilson informed
39 the Board that the Downtown Business Group had asked him to come to a meeting to answer
40 questions about this particular proposal. They will not take a stand as an organization, but they
41 did not voice any objections and are open to the idea of more business.
42

43 Mr. Wilson also noted that in the Village District existing B&Bs can expand through a
44 Special Exception permit which requires ZBA review and approval. He wonders if this wouldn't
45 address the concerns of these owners. Each application would be business specific, and if the
46 uses permitted with a Special Exception were expanded to include some of those these owners
47 want to see, it might work for them instead of creating a new district and a new use.

1 Mr. Sargent noted that historically the Town has fought the expansion of B&Bs along
2 High Street, even so far as having taken the denial of an expansion proposal to court where the
3 Town prevailed in being able to limit these businesses to existing conditions. The general mood
4 in Town seems to be *not* to allow expansions.
5

6 Mr. Bifulco noted that the discussions have all been televised since the beginning
7 discussions a couple of years ago but no one has come to oppose the proposal. Mr. MacLean
8 replied that no one was here in support either. These uses are not new – the businesses already
9 exist, and the proposal may not create the kinds of dramatic changes that get people’s attention.
10 But, it is not uncommon that the public does not come forward until the very end of the process
11 to voice their concerns and objections.
12

13 Mr. Sargent: He suggests that serving dinner to guests has much less impact than serving
14 dinner to the public – that is a big change. The area is still majority residential and this change
15 will mean more traffic at night, car doors slamming and car lights in parking lots. This is not a
16 business part of Town and these changes could make the area less residential,
17

18 Mr. Bifulco was puzzled by the seeming change of position of Board members from
19 being supportive of the original proposal to now expressing objections; he does not know what
20 has changed in their minds and why. He sees a dramatic shift in their comments and reminded
21 members that the original proposal was expanded based on comments of the Board at previous
22 workshops.
23

24 Mr. Sargent replied that he first became concerned when the district became so large that
25 the impact on the neighborhood would be dramatic.
26

27 Ms. MacKinnon doesn’t have a problem with what Mr. Bifulco is proposing, but she
28 agrees with Mr. Wilson that these changes would be better served using the Special Exception
29 procedure. She is concerned, however, that only three properties are involved and is afraid that it
30 appears to be “Spot Zoning” – something the Board works hard to avoid. Mr. Wilson stated that
31 there are 7 other inns and 2 hotels on High Street with current parking spaces that range from six
32 up to 35. Special Exception permits address parking requirements, but then there are state
33 license requirements that these B&B’s will have to meet to add public dining facilities, and
34 MDOT would have to review the driveway entrance for a change of use.
35

36 PUBLIC COMMENTS:
37

38 Deb Dodge: Although she personally knows these owners and understands their business
39 concerns, she does not believe this proposal is in the best interest of Camden as a whole. She is
40 not sure there is a need for new places to eat – there are already 22 places in Town now to eat
41 dinner - 18 places in the winter. Opening up these B&Bs to serve the public dinner will have a
42 negative impact on the neighbors. These applicants have in the past expressed their concerns
43 about the negative impact of the nearby Function Hall on their businesses but now they want to
44 add that use to their properties. She also reminded Mr. Bifulco, who has said it isn’t fair that
45 some inns in Town can serve dinner to the public while they cannot, that *all* the other inns in
46 Town that serve dinner are in a commercial district where that is permitted. They should have

1 considered the location of their B&B's in the Village District when they purchased their
2 property.

3
4 She thinks this is a really bad idea. Especially the concept of making this new use a trial
5 for other B&B's up the road; this is the tail wagging the dog. People in this area live in a
6 residential zone, and they moved there with some confidence that the area would remain
7 residential. These people are her neighbors, but she wants them to remember that she is a
8 residential neighbor in a residential neighborhood.

9
10 Kristi Bifulco: She is the resident Camden says they want to attract and retain: She is under 40
11 and raising three children. They want to stay here, but they need to be able to make more
12 money. They have tried to compete with other inns, but Camden is not user friendly. She also
13 reminded the Board that High Street is Route 1 which is already commercial in nature; she
14 doesn't see why it is a big deal to increase commercial activity on Route 1.

15
16 Joanne Ball: Owner of A Little Dream B&B at 60 High Street: She has been in business there
17 for 25 years – longer than any other B&B owner in Town. When she began her business she
18 dismissed her neighbors' concerns that this would be the first of many B&Bs and that her
19 business would have an impact on them even with the protections offered by the Special
20 Exception permits which is designed so that neighbors' concerns prevail over business
21 considerations. Every time a business comes in or wants to expand their ability to rely on the
22 residential character of the neighborhood is jeopardized. The saying is that commercialization
23 jumps then leaps. Even though a Special Exception permit allows for a limited number of
24 weddings and special events, many B&B owners have refused this kind of business because of
25 the impact to their neighbors. However, she has seen with each new owner of these B&Bs an
26 expansion of these uses; the impact has been noted by way of complaints. These Special Events
27 can be dinners instead of weddings, so there is already a mechanism for these owners to serve
28 their guests on occasion throughout the season.

29
30 With regard to the lack of public concern being heard by the Board, Ms. Ball believes it
31 will be a different story once word actually gets out about the proposal.

32
33 The Chair responded to these comments by saying how lucky the Board is to be able to
34 hear articulate speakers on both sides of an issue conducting themselves in a civil manner that is
35 respectful of their neighbor's differences. This has been a good and useful dialogue, but it is not
36 fair to Mr. Bifulco that he keeps coming back to be met by different responses from the Board.
37 He believes that even if Board members have strong feelings about the proposal that is not a
38 reason not to move forward.

39
40 Mr. Householder: He believes it is beneficial to the Board and the Applicant to hear both sides
41 of the arguments in these Public Informational Meetings; he believes they should continue to
42 receive comments.

43
44 Mr. Sargent: He seems to like this proposal less as he hears more about it. Portions of it may be
45 acceptable, but he sees too many problems down the road with this proposal as written.

1 Ms. MacKinnon needs to hear from more of the public; tonight is the first the Board has
2 heard from anyone but the applicants. This proposal is not new - it has been around for nearly 2
3 years. The Board needs to get the word out that what exactly is being heard and that they want
4 to hear from the public.
5

6 Mr. Householder doesn't believe that Mr. Bifulco needs to do any more work to change
7 the proposal as it has evolved. He simply needs to come to the June 20 meeting prepared to
8 make a presentation to the public. Ms. MacKinnon believes it would be important for him to
9 include the history of how the proposal has evolved.
10

11 **5. DISCUSSION:**

- 13 1. Minor field adjustments: There were none.
- 14
- 15 2. Future agenda items:
16 June 20: Public Information Meetings: River Business District proposal and High Street
17 Gateway District proposal
18
- 19 3. Pending Applications: There are none
20
- 21 4. Other:
22

23 The regular meeting of the Board would be held on July 4. The CEO is on vacation the
24 entire week, so the meeting was rescheduled to July 11 with the second meeting moved to July
25 25 to accommodate notice timeframes for any public hearings the Board may want to schedule at
26 their meeting on the 11.
27

28 The CEO announced that the Select Board has a contract with a provider to stream their
29 meeting lives on the company's website. He wondered if the Planning Board also wanted to take
30 advantage of this opportunity. Mr. White said that the cost to the Town for the contract is
31 \$2000/year, and the Chair asked if it would cost the Town extra if that were to take place; if not,
32 the Board agreed it would be helpful to be able to view their meetings without having to obtain a
33 DVD. Live streaming would also benefit those citizens who do not have access to the cable TV
34 broadcast.
35

36 Mr. White announced that there are two applicants for Planning Board seats, and that the
37 Select Board will probably take up those appointments the first meeting in July.
38

39 5. Regulation of Storage Trailers

40

41 The CEO had distributed copies of ordinances from Bath, Newport, Rockland and
42 Scarborough. Mr. Wilson noted that Scarborough has provisions that allow for long-term and
43 short-term use of storage trailers; they also have a definition that brings in all the variations of
44 "container" and one that defines "Outdoor Storage".
45

1 Members like the Town of Newport's ordinance because it was short and clearly written;
2 and they liked the Performance Standards outlined in Scarborough's Ordinance. Mr. Wilson will
3 take these various sections and put together a draft for Camden. He did want the Board to clarify
4 what they wanted to see by way of permits. It was suggested that there could be one fee for
5 existing trailers (one year) and new units would have a permit not to exceed six months with the
6 option to extend. Mr. Wilson will look into whether or not screening can be made a requirement
7 for a permit for an existing unit.

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10 There being no further business before the Board they adjourned at 7.00 pm.

11
12 Respectfully submitted,

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14
15 Jeanne Hollingsworth, Recording Secretary