

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
June 7, 2012

PRESENT: Acting Chair Lowrie Sargent; Members: Richard Householder and Jan MacKinnon; Alternate Member Sid Lindsley; Don White, Select Board Liaison to the Planning Board; and CEO Steve Wilson

ABSENT: Chair Chris MacLean; Member Kerry Sabanty and Alternate Member Nancy McConnell

Mr. Sargent called the meeting to order at 5:00 pm.

1. PUBLIC COMMENT on NON-AGENDA ITEMS:

Kristin Bifulco: 6 High Street: Ms. Bifulco is here to begin a discussion with the Board on how she might be able to increase the use of her property – an inn which has been used for lodging for more than 27 years. She stated that the surrounding properties have become more commercial in nature in the past several years and this has impacted her ability to offer a restful lodging experience. Her use is non-conforming, and she is looking for an ordinance change that would permit her to build a new building to use for events year-round. In order to accomplish this there would also need to be a change that would allow her to host more than the eight special events permitted by her designation as an inn. In addition, she would like to be able to serve dinner to the public in the front room of the existing building.

She is looking now at a landscaping project that is expected to cost about \$65,000. She needs to know if she can increase her business in order to pay for these improvements. She is in the Traditional Village District but abuts the B4, and she has access to the back lot by way of Route 52.

The Board discussed how this request in the context of the work they have been doing with non-conformities: Mr. Sargent asked Ms. Bifulco if she had spoken to other property owners in the area who also might have the same interest in expanding the use of their properties so she could show that there was more wide-spread interest in this kind of effort; she had not. The business that most conflicts with hers is the house next door with five rental apartments and a lot of people that come and go late at night; it is not conducive to selling sleep. The CEO confirmed that Ms. Bifulco is not even close to the 25% lot coverage permitted in this district; he estimates that the current lot coverage is about 15%. However, the draft proposal dealing with nonconformities does not permit any expansions with the Village District. The CEO explained that currently, there is no relief for Ms. Bifulco through the ZBA because to obtain a Special Exception the use would have to be an allowed use in the next zone, and that just doesn't work for her.

The Board invited Ms. Bifulco back to talk again when they next discuss non-conformance. Anything she wants to do would require an Ordinance change, and the next time that can happen is November. So far, they have not been discussing changes to the Village District, and that would require a lot of work be done by August. There was an inn up the road that asked

1 permission to expand and were turned down. They went to court and lost – what she is asking
2 may be possible but it won't be easy. Ms. Bifulco asked if the limit on eight events could be
3 lifted for her area, and it was explained that was also an Ordinance change. Mr. Lindsley
4 suggested that Ms. Bifulco obtain a copy of the Zoning Ordinance for the Village District and
5 make the changes she would like to see so the Board can begin their discussion.

6
7 Randy Luehman: 83 Mountain Street: Just purchased a cottage next to the water tower site and
8 wondered where the new tower will be located. He has to attend a meeting and can't stay for the
9 presentation. Mr. Sargent asked the water company representative to show Mr. Luehman where
10 the new tower will be located.

11
12 Mr. Sargent: 1) Bog Bridge Boat Ramp: People are parking in the area that was intended to be a
13 swing-out for boat trailers before they cross Route 105 to the parking lot -- the Town needs to
14 install "NO PARKING" signs. The CEO thought it was time to ask the police to patrol the area
15 as well to enforce the new rules. 2) Bob Gasset has resigned as Chair of the Conservation
16 Commission. Mr. Sargent regrets that he will no longer be serving as Chair because he was so
17 effective in re-energizing and re-organizing the Commission into an effective group of citizens.
18 He may be willing to participate in work to the revised Comp Plan, however.

19
20 **2. MINUTES:**

21 Consideration of the Minutes was deferred.

22
23 **3. SITE PLAN REVIEW: Replace Water Tower**

24 Maine Water Company: Map 113 Lot 64: Village Extension District (VE): 125 Mountain
25 Street

26
27 Rick Knowlton, Vice President of Operations, is representing the water company and
28 requesting permission to construct a new 40' x 80' tall water tower in preparation for removing
29 the 110 year-old existing tower. He informed the Board that every 100 years or so water tanks
30 need replacing. This one was rehabbed twenty years ago – re-coated and repaired. The
31 company had to decide whether to do that again and possibly buy 10 or 20 more years of use,
32 or whether to replace the tower. The company applied for and was awarded low interest
33 financing for this public project and they decided to move forward with a new tower.

34
35 The new tower will be 80' away from the old one, and will be adjacent to the newly
36 refurbished gravel drive. The old 80' tower has a capacity of 500,000 gallons. The increase to
37 a 40' diameter will give improved fire protection capacity – about 3000 gallons/minute for
38 several hours without interruption to customer service. The tower also helps accommodate
39 demands on water supply during peak use assuring that there is no disruption to service.

40
41 The old tower will be removed, and the new location will be further away from the
42 stream. They have cut many trees already to open up the site, and done site work to improve
43 drainage so the construction site can dry out; they may need to cut a few more trees now that
44 they have selected the specific site of the tower to give them the room the large equipments
45 needs to work. They will construct a retaining wall that will offer frost protection to the base
46 of the tower, and will do some grading work to create a level work surface around the tower.
47 That level surface is needed for equipment during construction, but it will also serve to

1 facilitate the continuing maintenance work that will be needed during the tower's working life
2 time.

3
4 There will be no exterior lighting on the site except the one existing fixture on the
5 equipment building that is on a motion sensor. That building will stay in the same location; it
6 holds all the electronic real-time pressure monitoring equipment that links the tower to the
7 main office and engineering by computer.

8
9 There is a "possible stream" located on the Site Plan that acts as a seasonal drainage
10 swale during heavy spring and falls rains. The stream on the far side of the existing tower is
11 an actual stream that is at full capacity draining the mountainside after every rain.

12
13 The CEO confirmed that because this is a Public Utility, the project is exempt from the
14 space and bulk standards of the district. He noticed this meeting as a Public Hearing, and Mr.
15 Sargent informed the Board that they can decide whether or not to proceed to a hearing once
16 they find the Plan complete. Mr. Wilson confirmed that abutters were notified, and Mr.
17 Sargent noted that there are citizens in attendance who may want to be heard. The Board
18 proceeded to review of the submissions:

19
20 **Site Plan Content**

21
22 The Site Plan Application consists of the following:

- 23 • The Application packet which includes the Application for Site Plan Review signed and
24 dated 5/24/2012
- 25 • Due to the size of the site the Site Plan is shown on two sheets:
26 Plan C-1: Site Plan dated 5/24/2012
27 Plan C-2 Site Plan dated 5/24/2012
- 28 • Plan C-3: Site Details dated 5/24/2012

29
30 → The Application has the wrong item checked: This is a new non-residential building not an
31 enlargement

32
33 (a) *Owner's name and address*

34 Provided on the Application

35
36 (b) *Names and addresses of all abutting property owners*

37 Provided in the Application Packet

38
39 (c) *Sketch map showing general location of the site within the Town*

40 Provided in the Application Packet

41
42 (d) *Boundaries of all contiguous property under the control of the owner or applicant regardless
43 of whether all or part is being developed at this time.*

44 There is none.

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

3 Included in General Site Notes on C-1

4
5 (f) *The bearing and distances of all property lines of the property to be developed and the source*
6 *of this information. The Board may require a formal boundary survey when sufficient*
7 *information is not available to establish on the ground, all property boundaries.*

8 Shown on C-1 and C-2

9
10 (g) *The location of all building setbacks required by this Ordinance.*

11 Shown on C-1 and C-2

12
13 (h) *The location, dimensions, front view, and ground floor elevations of all existing and*
14 *proposed buildings in the site.*

15 Photos of the existing building and the old tower, as well as one representative of the new tower,
16 were included in the Application packet.

17 → *The height of the new tank is entered incorrectly on the Application form and needs to be*
18 *corrected: The actual height according to the Site Plan, and confirmed by Mr. Knowlton, is 95'.*

19
20 (i) *The location and dimensions of driveways, parking and loading areas, and walkways.*

21 Shown on C-1 and C-2

22
23 (j) *Location of intersecting roads or driveways within 200 feet of the site.*

24 → *C-1 and C-2 show driveway curb-cuts but there are no distance dimensions. The Board asks*
25 *that center-line to center-line distances be added to the Plans.*

26
27 (k) *The location and dimensions of all provisions for water supply and wastewater disposal*

28 Water supply shown on C-1; there is no wastewater disposal.

29
30 (l) *the location of open drainage courses, wetlands, stands of trees, and other important natural*
31 *features, with a description of such features to be retained and of any new landscaping planned.*

32 Shown on C-1 and C-2

33 → *The CEO asked that the amount of loam needed to stabilize the site after construction that is*
34 *shown on the Plan (2") be reconsidered and discussed with him; he does not believe that 2" is*
35 *adequate for the job.*

36
37 (m) *Location and dimensions of any existing easements and copies of existing covenants or deed*
38 *restrictions.*

39 There are none

40
41 (n) *Location, front view, and dimensions of existing and proposed signs.*

42 There are none proposed

43
44 Discussion: Mr. Knowlton responded to questions of why there will not be signage alerting
45 people to the fact that this is a public water supply: Ever since 09/11/2001, Homeland Security
46 policy is *not* to bring these kinds of facts to anyone's attention in order to prevent terrorist
47 attacks on water supplies – sites now routinely go without any signage at all. There may be a

1 sign on the security gate with information on how to contact someone in case of an emergency,
2 but that is it.

3
4 (o) *Location and type of exterior lighting.*

5 → Add a note to the Plan that the light on the equipment building is on a motion sensor. Mr.
6 Knowlton will add what he can find about wattage as well.

7
8 (p) *Copies of applicable State and Federal approvals and permits, provided, however, that the*
9 *Board may approve site plans subject to the issuance of specified State approvals and permits*
10 *where it determines that it is not feasible for the applicant to obtain them at the time of site plan*
11 *review.*

12 There are none required.

13 Discussion: There are no Federal or State approvals required. In order to obtain funding there is
14 an environmental review component, but there is no review of the impact when there is a tower
15 replacement on the same lot. The Maine Drinking Water Program will conduct a technical
16 review the construction against structural standards, but that is the extent of that kind of review.

17
18 (q) *A signature block on the site plan, including space to record a reference to the order by*
19 *which the plan is approved.*

20 Shown on C-1

21

22 → The North Arrow label is upside down and should be corrected

23

24 The company hopes to get a spring start in 2013 on a four-month-long project. The tank
25 arrives in sections and construction begins with the top section being installed first and raised
26 up section by section.

27

28 Section 4. Supplemental Information

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

32 *The topography is shown at 1' intervals on the Plans.*

33

34 (2) A storm water drainage and erosion control plan prepared by an engineer or landscape
35 architect registered in the State of Maine, showing:

36 (a) The existing and proposed method of handling storm water runoff.

37 (b) The direction of flow of the runoff through the use of arrows.

38 (c) The location, elevation, and size of all catch basins, dry wells, drainage ditches, swales,
39 retention basins, and storm sewers.

40 (d) Engineering calculations used to determine drainage requirements based upon a 25-year
41 storm frequency, if the project will significantly alter the existing drainage pattern due to
42 such factors as the amount of new impervious surfaces (such as paving and building area)
43 being proposed.

44 (e) Methods of controlling erosion and sedimentation during and after construction.

45 *The Board determined the information shown on the Plans, including sediment and erosion*
46 *control plans, is sufficient to serve this purpose.*

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

4 *Existing is shown on C-1 and C-2.*

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

8 *There is no landscaping proposed.*

9 Mr. Knowlton: The intent of the clearing done so far was to open up the site for security
10 reasons. A permanent tent site was found in the woods during the initial site work, and
11 neighbors confirm that the site has been used for late-night parties for many years. By opening
12 up the view of the property from Route 52 it is hoped that these kinds of visits will be curtailed.
13 No more cutting is proposed in the Route 52 buffer at this time, and when the undergrowth fills
14 in, the construction site will not be so visible.

16 The Board determined that the Plan was complete except for a few minor changes. They then
17 agreed to hold the Public Hearing that had been advertised.

18
19 **PUBLIC HEARING:**

21 The Acting Chair read the procedures and opened the floor to comments:

23 Rich Wellman: 128 Mountain Street: Mr. Wellman asked if there were any provisions to
24 redirect water in case of an emergency like a tower failure. Where would the water go? Mr.
25 Knowlton gave a lengthy response detailing the integrity of the tower design with regard to
26 failure from earthquakes and other disasters. The towers are engineered to last at least 100 years
27 and the kind of installation they are doing – a standpipe – has a very low risk of failure. The
28 level of maintenance set by the water company prevents failures that can happen if strict
29 schedules of maintenance aren't maintained. The tank will be inspected on 3 and 5 year cycles
30 with the full internal and external examinations done every 5 years. In addition there are both
31 high level and low level alarms in the tank and that real-time information is sent via computer to
32 the engineers so immediate action can be taken. There is also a rate-of-change alarm that alerts
33 when water levels change more rapidly than normal. The old tank never had a failure, and it
34 might go another 10 years or more. But, it would cost \$200,000 to refurbish the tank and
35 \$800,000 to replace it; since borrowing money is cheap right now the decision was made to
36 replace instead of refurbish.

38 But, if there was a failure the water would flow down the site to Mountain Street and that
39 drainage system and to the drainage swale to the river. This drainage swale takes more water
40 during a heavy rain event than it would during a catastrophic failure. The amount of water from
41 a failure would resemble a 50 or 100 year flood event.

43 Mr. Wellman agreed that the swale could carry a lot of water, but it is at capacity during a
44 heavy rain; a failure at the same time would be catastrophic. Mr. Sargent asked Mr. Knowlton to
45 confirm that any damages resulting from a failure would be compensated by the water company.

47 No one else came forward to speak.

1 Mr. Wilson confirmed that he would like to see at least 4” of loam to stabilize the staging area
2 site after construction. Mr. Knowlton mentioned that there had been discussions of whether or
3 not to leave that area a gravel pad for storage of pipes and other materials so they would be
4 handy to make repairs in the Camden area. If that pad will be visible from Mountain Street,
5 however, there may be buffering or fencing required to screen that area from the view of drivers.
6 Mr. Knowlton thought the new vegetation coming in after the cutting along the street would hide
7 that area, but decided to leave the Plan as is for now and see how the new low growth comes in
8 before making that decision.

9
10 The old tower will be removed once the new one is completed and has been leak tested
11 by transferring water from the old tower to the new one. If there are any weak spots, the water
12 goes back into the old tower and repairs are made.

13
14 The Public Hearing was continued to the next meeting, June 21, at 5pm. Following that the Plan
15 will be reviewed against the Approval Criteria.

16
17 DISCUSSION:

18
19 1. Minor Field Adjustments:

20
21 There were none.

22
23 The CEO reported that he found the licensing for the antenna on the Brace Building and
24 issued the permit for the U.S. Cellular cell tower installations as a co-location.

25
26 2. Future agenda items:

27
28 June 21, 2012:

29
30 1st: Continuation of Public Hearing and review of the Maine Water Company tower.

31 2nd: Maple Grove Subdivision Final Plan Review

32
33 July 12, 2012: The Board will cancel the July 5th meeting (too close to the holiday) but will
34 hold a Special Meeting on July 12th instead for a Worksession only – applicants will be told
35 that there is no other business on the agenda. The Board will finish up work on Non-
36 Conformance and then work on the Comprehensive Plan. The Board discussed the request of
37 Ms. Bifulco as it related to their work on Non-Conformance. So far they had discussed not
38 permitting expansions within the Village District; perhaps they want to look at that again.
39 But, Mr. Sargent noted that Ms. Bifulco was asking for more than an expansion of a Non-
40 conforming business; she wanted to create a new business with a new building on her site –
41 that is totally different from what the Board has been discussing so far. A new business will
42 make her situation even more non-conforming, and that has been one of the situations the
43 Board has worked to avoid. None of the members wants to hold up the work they have done
44 so far while they consider something totally different, and that may be what Ms. Bifulco’s
45 request will entail. They would consider how Ms. Bifulco’s situation might be addressed by
46 the current proposal, but will go forward to the workshop in July with the draft they have.

1 Mr. Wilson suggested that one of the options might be to move her to the B-4 District, but
2 Ms. MacKinnon suggests that unless other B&B's are interested in making the same changes,
3 it would be being done for just one property. Mr. Wilson agreed that they would need to
4 look at what else is happening in that District to see if there is a way to address this issue.
5

6 Ms. MacKinnon asked if there were any limits to the people who attend these special events
7 at the B&B's, and Mr. Wilson said the permit is issued by the Select Board which has certain
8 criteria they must meet for parking and things like that.
9

10 Sign Working Group Update: Mr. Householder:

- 11 ▶ 90% of the parking signs are up; they are still scouting the best locations for the few
12 remaining.
- 13 ▶ The Group asked for a prototype of the revised "Welcome" sign so that can be finally
14 approved.
- 15 ▶ Work on Kiosks has been postponed: The Group had trouble finding someone to
16 design and build them at this particular time.
- 17 ▶ The revisions to the Sign Ordinance, which the Group hopes to send to voters this
18 November, are complete and ready for Planning Board review and comments. They
19 were intent on making the Ordinance more business friendly, and the Downtown
20 Business Group representatives have done an outstanding job in keeping lines of
21 communication between businesses and the Group open and productive. Sue
22 Michaud was given especially high marks in this regard; her efforts have been much
23 appreciated by the Group and very helpful in moving things along so quickly.

24 3. Other:

25
26 *Membership on the Board:*

27
28 Mr. Householder asked if there will be advertising done to fill positions on the Board. Mr.
29 Wilson notified the Board that Ms. McConnel intends just to drop off and not re-apply for the
30 Alternate's position. He is not sure how long Mr. Sabanty will be absent, but hopes he is able to
31 return and suggests just holding as is for now.
32

33 They can advertise for the Alternate's position, and Mr. Lindsley suggested that the Select Board
34 can easily fill that slot. Mr. Sargent informed the Board that he has heard that new applicants
35 will be more closely scrutinized for membership in the future.
36

37 *Sandwich Board Signs:*

38 Sandwich Board Signs are permitted on private property, and the Board discussed
39 whether or not to regulate the placement of these signs within a Private Way. Currently the
40 Camden Police control the placement of such signs on public property (like sidewalks), and
41 enforce violations. Even on Private Ways, the issue is pedestrian safety, as well as the safe
42 passage of vehicles. If signs are permitted within these ways it could cause unsafe conditions. It
43 was suggested that the CEO use his discretion with regard to the placement of signs when he is
44 issuing the required permits. Mr. Wilson suggested that the term "Private Way" does not include
45 privately owned sidewalks, so merchants in the private shopping areas can install these signs on
46 the sidewalks outside their shops if they wish. However, with regard to the private streets, he
47 could deny a sign placement there. When he was asked if it would make his job easier if the

1 Ordinance support that position, he responded that it would. Don White supported including
2 prohibitions on Private Ways for safety reasons. The Board agreed and the Draft will be
3 changed accordingly.

4
5 *Off-premises Signs:* The term “Off-Premises” should be consistently hyphenated.

6
7 Mr. Sargent suggested that there be a limit to how many Off-premises Signs a business is
8 allowed -- permitting only a specific number and size of Off-premises Signs per business. It may
9 be necessary to have two if traffic can come at a business from different directions, but there
10 should be a limit. Perhaps the size of the State’s official business signs is a good standard which
11 is 1’ x 3’, but there may be a need for each business to have flexibility as to shape and size of
12 different signs, but something specific needs to be included in the Ordinance itself. Perhaps the
13 Ordinance should say you can have two and they can be of “this” size.

14
15 The intent of the changes here are to: continue the ban on the MDOT directional signs
16 which the CEO says no one on the Sign Group wanted to see proliferate everywhere; and permit
17 businesses to post small individual directional signs either on their own building or where
18 someone has given them permission to place a sign. They are intended to more for pedestrian
19 use that seen from passing vehicles so they don’t need to be large.

20
21 The CEO clarified that sign permits are good until a sign comes down to be repainted or
22 replaced, then a new permit is required at \$15. This allows non-conforming signs to be
23 addressed and brought into compliance – it would not be possible if the permit were good
24 forever. Some of the “illegal” directional signage posted now can be corrected in this way.

25
26 The Sign Group will take these suggestions into consideration at their next meeting.

27
28 *Tradesmen Shops:*

29
30 Mr. Sargent suggested adding a classification for Tradesmen Shops to Section 11 Item (5)
31 Home Occupations since they are very similar businesses. He also proposed increasing the size
32 of Home Occupation signs to 6 SF within the V and VE Districts, and increasing the *total*
33 allowed square footage of signs in the RU-1, RU-2 and CR Districts to 16 SF. The Sign Group
34 had intended to do something along these lines, but the change never got made. Mr. Sargent
35 believes this is important because it offers flexibility: If someone wanted a large free standing
36 sign near the road and a small sign on the building they could adjust the sign sizes accordingly so
37 the road side signs were large enough to be seen by drivers going by at a higher speed. Mr.
38 Householder asked how the differences in signs sizes allowed in the Village v. the rural districts
39 would work on John Street where one side of the Street is V and one side is rural: A business on
40 one side of the street could have a 16 SF sign and one on the other only allowed a 4 SF sign –
41 that did not seem right. Ms. MacKinnon suggested that the line has to be drawn somewhere and
42 doing this by districts is the best way to keep very large signs out of the V and VE Districts
43 where they would be out of place.

44
45 Mr. Sargent then noted that Item (2) defining what signs are allowed in the various
46 districts gives businesses in all districts 16 SF signs. For consistency’s sake, he suggested
47 limiting signs in the V and VE District to 6 SF and allowing 16 SF of signage for the other

1 districts – just like Home Occupation and Tradesman’s Shops discussed above. To prevent a
2 proliferation of very large signs in the RU 1 and 2 and CR districts, the Board decided that
3 limiting the *total* square footage of sign to 16 SF – in whatever combination the business owner
4 wishes – offers the best protection.

5
6 Mr. Wilson will make sure that this “total” sign area concept is consistent over this
7 section.

8
9 *Site Plan Review:*

10
11 Mr. Sargent brought the following to the Board’s attention:

12
13 Page XII-3:

- 14 (5) Within sixty (60) days after the date on which the site plan application first appears on the...
15 (a) In connection with the review, the Planning Board shall hold a Public Hearing within
16 thirty (30) days after the site plan application first appears on the Planning Board agenda,
17 however, the Planning Board may waive the public hearing for applications under Section 1,
18 (8); the time limit for scheduling such public hearing may also be extended by mutual
19 agreement of the Planning Board and the applicant. Any mutual agreement for extension of
20 the time for a public hearing or of the time for review set forth in Article XII, Section 2(5),
21 shall be in writing, signed

22
23 Mr. Sargent thinks this should be changed because it is not always possible to hold the Public
24 Hearing within the prescribed time-frame, and that a written agreement shouldn’t be necessary if
25 the time frame is reasonable. He suggests making it 45 days or something that could always
26 work and not rely on calendar limitations.

27 → **These may be State-mandated time-frames; the CEO will check.**

28
29 *Wireless Communications Ordinance:*

30
31 After the embarrassing situation involving the last Cell Tower applicants, Ms. MacKinnon
32 believes the Board should take a hard look at the Ordinance and correct several problems she
33 saw during that discussion. It is confusing and contradictory, and considering what might be
34 coming down the road, especially with the new technology that is being developed.

35
36 There being no further business before the Board they adjourned at 7:30 pm.

37
38 Respectfully submitted,

39
40
41 Jeanne Hollingsworth, Recording Secretary