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**CAMDEN PLANNING BOARD**  
**MINUTES OF MEETING**  
**July 2, 2014**

10 **PRESENT:** Chair Lowrie Sargent; Members Richard Bernhard, Richard Householder, Jan  
11 MacKinnon and John Scholz; Town Attorney Bill Kelly; and CEO Steve Wilson

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

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14  
15 **1. Public Input on Non-agenda Items:**

16 Raffi Baeza: Mr. Baeza read a prepared statement, a copy of which is provided as Attachment 1  
17 to these minutes.

18  
19  
20 **2. MINUTES:**

21 June 5, 2014:

22 There was one substantive change made to the draft Minutes; other corrections and  
23 recommendations for editorial changes have been included in the Final version.

24 Page 3 Line 29: “Mr. Sargent will ~~draft~~ write a letter for the Board’s review to the  
25 Superintendent.”

26 **MOTION by Mr. Scholz seconded by Mr. Householder** that the Minutes of the Planning  
27 Board meeting of June 19, 2014, be approved with changes.

28 **VOTE: 5-0-0**

29  
30  
31 **3. SUBDIVISION: THIRD AMENDMENT TO AN APPROVED PLAN**

32 **Mountain Arrow Village Green: Map 123 Lot 4-9 (RU-1 and V Districts) within**  
33 **subdivision and Map 121 Lot 138 (RU-1 District) abutting lot (part of remainder land)**  
34 Mountain Arrow Village Green, Inc.: 38 High Street

35 Will Gartley of Gartley and Dorsky Engineering and Surveying was before the Board to  
36 represent the Applicant in his request to move the Lot Line for Lot 4-9 to create a smaller lot.  
37 The Applicant was also requesting permission to correct a “scrivener’s error” in the listing of the  
38 owner of the Subdivision carried over since the original approved Plan was first amended. In  
39 support of these requests the Applicant has submitted the following:

- 40
- 41 • Application for Subdivision Amendment dated June 6, 2014
  - 42 • REC-2: Corrected Third Amended Subdivision Plan dated June 4, 2014
  - 43 • An Affidavit dated June 19, 2014 signed by Will Gartley attesting to the history of the  
44 Village Green Subdivision with regard to the identity of the Applicant
  - 45 • A Corrective Quitclaim Deed with Covenant transferring title in the Village Green  
46 Subdivision from Mountain Arrow, LLC to Mountain Arrow Village Green, Inc. dated  
47 and notarized June 19, 2014 and signed by Trygve Bratz, Mountain Arrow, LLC
  - 48 • Warranty Deed transferring property from Mountain Arrow LLC to Trygve Bratz dated  
June 19, 2014

Attorney Jim Elliott, representing the potential buyers of the newly revised Lot 4-9,  
offered an explanation of the effort undertaken to correct the Amended Subdivision Plans which

1 showed Mountain Arrow, LLC as co-owner and Applicant along with Mountain Arrow Village  
2 Green, Inc. This is basically a housekeeping matter to set the recorded record straight: Mountain  
3 Arrow, LLC was the original owner of the property; Mountain Arrow Village Green, Inc. was  
4 the original Applicant for Subdivision. As owner, Mountain Arrow, LLC was added to the  
5 original Plan as an Owner/Applicant at the request of the Planning Board. After approval,  
6 Mountain Arrow, LLC conveyed all of the property to Mountain Arrow Village Green, Inc. That  
7 change to sole ownership was never made on the subsequent amendments to the Plan. It has  
8 been corrected with this Third Amendment. An Affidavit prepared by Mr. Elliott will  
9 accompany that Plan to explain the correction. In addition, a Corrected Quitclaim Deed was  
10 prepared to further address the error on the recorded Plan. Mr. Elliott is confident that these  
11 actions will avoid any future question regarding clear title to his clients' land.

12  
13 Mr. Gartley discussed the amendment to the Plan:

14  
15 Lot 4-9, which has been the subject of previously amended Plans had last been reverted back to  
16 its original configuration. This amendment will remove a portion of that Lot and return it to the  
17 Remainder Land still owned by Mountain Arrow LLC. The new Lot 4-9 is encumbered by a 30'  
18 easement to benefit the owner of a new lot that will be conveyed to Trygve Bratz (Warranty  
19 Deed included). That easement follows the line of the drive to the original house on the property  
20 prior to subdivision. Future access to the new parcel in the back land will be by way of a  
21 driveway shared with the new owners of Lot 4-9. Access here is limited by the easement to two  
22 lots – maintenance will be shared. The lots owners will be liable for fees assessed by way of the  
23 Mountain Arrow Road Maintenance Agreement.

24  
25 The Board discussed whether or not this was a minor change to the subdivision as  
26 described in the Subdivision Ordinance:

27  
28 ARTICLE 12 - REVISIONS TO APPROVED PLANS: Section 2. Amendment

29  
30 “A proposed amendment is not required to go through the complete review process unless in the  
31 judgment of the Planning Board, the amendment alters the character of the originally approved  
32 subdivision.”

33  
34 Discussion: Within the subdivision, the only changes are the reduced size of Lot 4-9 and the  
35 new easement which largely follows the path of an old driveway. Because of the restrictions  
36 contained in the easement language neither of these changes will alter the character of the  
37 subdivision. The changes made with regard to listed ownership are being made to correct a  
38 recording error that does not affect the actual ownership of lots within the subdivision.

39  
40 **MOTION by Mr. Scholz seconded by Mr. Householder** that the Board finds that this is a  
41 Minor Subdivision Change.

42 **VOTE: 5-0-0**

43  
44 **MOTION by Mr. Scholz seconded by Mr. Householder** that the Planning Board is willing to  
45 approve this change.

46 **VOTE: 5-0-0**

47  
48 The Board signed the amended Plan.

1 **ZONING ORDINANCE AMENDMENT: PUBLIC HEARING**

2 Amend Article VI 2 (2) (c): By adding the following language:”except an Inn abutting High  
3 Street and within 500' of a zone where restaurants are an allowed use may be granted a Special  
4 Exception to be allowed to serve meals to overnight guests only, subject to meeting the standards  
5 of a Low Impact Use as determined by the Zoning Board of Appeals.”  
6

7 The Chair read the procedure for a Public Hearing and Kristi Bifulco, owner of  
8 Windward House Bed and Breakfast who proposed the amendment, presented her argument.  
9

10 *Applicant’s Presentation:*

11  
12 Ms. Bifulco read from a prepared statement (See Attachment 2). She supplemented this  
13 statement with a Power Point slide presentation which can be seen as part of the live streamed  
14 video of the meeting at [http://www.townhallstreams.com/locations/camden-](http://www.townhallstreams.com/locations/camden-me/events/18343/camden_town_hall)  
15 [me/events/18343/camden town hall](http://www.townhallstreams.com/locations/camden-me/events/18343/camden_town_hall).  
16

17 In sum, Ms. Bifulco argues that her proposal:

- 18 • Fixes inconsistencies within language of the Ordinance
- 19 • Bring the Ordinance into compliance with the goals of the Comprehensive Plan for this  
20 area of Town
- 21 • Will create no adverse impacts on her neighbors, the neighborhood or the Town
- 22 • Addresses the unfair competitive edge that Inns outside this District have because they  
23 can serve dinner
- 24 • Will bring additional people to Town not take guests from other inns
- 25 • Correct inequities within the Ordinance:  
26 Inns in the Village District have been unfairly restricted and do not have the same ability  
27 to build their business as inns elsewhere in Town  
28 The Ordinance contains a provision that permits other businesses elsewhere in Town to  
29 apply for a Low Impact Special Exception – a 2005 Zoning Amendment meant the rule  
30 did not apply to Inns in the Village District. This 2005 amendment over-regulates Inns  
31 in the Village instead of encouraging business development to take place where  
32 commercial activity already takes place
- 33 • Deserves to be heard and debated by the Town before the Select Board and hopefully  
34 voted upon by the Town as a whole  
35

36 With regard to concerns that this change could endanger the National Register listing of  
37 the High Street Historic District, Ms. Bifulco produced a letter dated June 25, 2014, from Christi  
38 Mitchell, the National Register Coordinator at the Maine Historic Preservation Commission, who  
39 outlined the program as it applies here. She indicated that her understanding of Ms. Bifulco’s  
40 project was that it was small in scale with only interior changes - the changes proposed by this  
41 amendment are not prohibited by the designation. The National Register designation is  
42 dependent upon the district as a whole maintaining a sense of the importance of the area to the  
43 history of Camden, and one of the important historic components represented within the District  
44 is the importance of tourism to the Town.  
45

46 Ms. Mitchell’s letter, along with all other written comments received by the Board within  
47 the allowed time-frame as testimony for this hearing, is posted on the Town’s website at

1 <http://www.camdenmaine.gov/>. From the Town Government Menu, link to the Planning Board  
2 and find the July 2 letters.

3 Ms. Bifulco also made public her new business plan to create a niche market catering to  
4 those who follow vegan diets and argued that this is a new class of customers that will be  
5 attracted to Camden – she will not be competing with other inns or with restaurants. They have  
6 already been recognized as a “Green Leader” in Maine’s hospitality industry and their new  
7 marketing plan will trade on that reputation. Their unique food offerings have already been  
8 noted in stories in the *Portland Press Herald* and the *New York Times* in articles about lodging  
9 establishments that feature locally sourced food. They are confident that the clientele is there to  
10 make this a successful step to take to increase their business – but they need to be able to serve  
11 dinner to make it work.

12 *Questions from the Board:*

13  
14 Mr. Scholz asked if the wording of the Amendment should clarify which standards the ZBA  
15 would apply by referencing the specific Article and Section (for reviewing) Low Impact Uses.  
16 Bill Kelly believes it is not necessary to change the wording – the ZBA is limited in what it can  
17 and cannot do by the Ordinance.

18  
19 Mr. Householder: He asked Ms. Bifulco the following questions:

- 20 ➤ What is the average percentage occupancy rate at Windward House during the “season”  
21 Ms. Bifulco replied that her highest occupancy rate is between 70% - 80% during the  
22 Town’s June through October tourist season
- 23 ➤ What is your average occupancy rate for the remainder of the year?  
24 Ms. Bifulco replied that she averages between 2% - 5% occupancy from November  
25 through May. She also confirmed that she has eight rental rooms.
- 26 ➤ In order to serve dinner would she have to expand the Dining Room or add new kitchen  
27 facilities?  
28 Ms. Bifulco replied that she and Mr. Wilson had discussed this, and she has spoken to the  
29 State licensing officials. She understands that she may need to install a new sink and  
30 perhaps make some other minor changes. Other than that nothing else is needed.
- 31 ➤ What is the current delivery schedule of food supplies?  
32 Ms. Bifulco replied that they receive regular deliveries of Maple Syrup; they occasionally  
33 receive goods from Crown of Maine; and they have one beer delivery at the start of every  
34 season when they stock supplies for the entire summer. Other than that all shopping is  
35 done locally by her or her husband and there are no other deliveries. She does not  
36 anticipate this practice will change since they have chosen to rely on locally grown and  
37 produced food.
- 38 ➤ There will be two other inns impacted by this change – has Ms. Bifulco spoken with  
39 either of these owners.  
40 MS. Bifulco replied that she has in the past and neither of them expressed any interest in  
41 applying for the Low Impact Use. She has not spoken with the new owner of the  
42 Hawthorne Inn.

43  
44 Mr. Bernhard:

- 45 ➤ How many employees does the inn currently employ and will they need to hire more  
46 employees if they serve dinner?  
47 Ms. Bifulco replied that they currently hire three morning employees to help with  
48 cleaning, but that she and her husband cover breakfast service and cooking. If they serve

1 dinners she may need to hire two more people to ensure dinner service is covered in a  
2 professional manner.

3  
4 ➤ Do they hope to offer packages that would include meals?

5 Ms. Bifulco replied that they already offer packages as incentives to stay longer. Her  
6 experience has been that most travelers are passing through for one night on their way to  
7 Bar Harbor. If they can fill a niche with their dinners they might entice them to stay.  
8

9 Ms. MacKinnon: Ms. MacKinnon asked Mr. Kelly if the Select Board members who are  
10 attending this meeting can speak during the Public Hearing if they know this matter could come  
11 before them. Mr. Kelly replied they could if they wish.  
12

13 *First Public Comment Period:*

14  
15 NOTE: Comments of speakers, who are permitted three minutes to speak, are condensed to a  
16 few words to illustrate the reasons they either support or oppose the proposal. Those interested  
17 in reviewing a complete record of this hearing should view the streamed video at the site  
18 provided above, or obtain a copy of a DVD of the meeting from the Codes Office  
19

20 Hillary Steinau: Supports: Guests are already staying at the Inn so the changes won't adversely  
21 affect other restaurants; there will be no impact the historic nature of the neighborhood  
22

23 Betsy Perry: Opposed: Economic activity not in keeping with residential nature of neighborhood  
24 – other B&B's on High Street will want the same privilege and the area will change from  
25 residential to commercial; finish updating the Comprehensive Plan before making any changes  
26

27 Ann Sziklas: Opposed: High Street is zoned residential; this is spot zoning  
28

29 Neale Sweet: Opposed: There should be no changes made that allow increased business activity  
30 in a residential zone. Don't decide what to do based on whether or not the change is business  
31 friendly - Protect the Zoning Ordinance  
32

33 James Cook: Supports: Change the Ordinance to reflect the Comprehensive Plan - build a  
34 strong community by supporting small family businesses and jobs; find a way to fit people who  
35 are already here into the business community  
36

37 Pete Kalajian: Supports: If there is already a B&B in the neighborhood there is already  
38 commercial activity there; they already have a kitchen and are allowed to serve food – what if  
39 they decided to serve breakfast at dinner time – would that be allowed? There will be no change  
40 if they serve dinner to their guests – it will just create an opportunity for them to spend more  
41 money where they are already staying  
42

43 Jenny Dow: Supports: Supports good zoning and supports change as long as the impact is kept  
44 in perspective and the request is reasonable. Serving a second meal to the same guests is the  
45 very definition of a Low Impact change – a good example of the best way to make small and  
46 regulated changes to the Ordinance -- and to support small business trying to remain viable. Also  
47 offers support to the Historic District by keeping these properties out of the hands of out-of-state  
48 property owners who won't have the same local interests

1 Jonathan Carlson: Supports: Inns are the anchor of this neighborhood – they are already in place  
2 and doing business; unlikely that any single family could afford to maintain these homes as a  
3 residence unless “uber” rich who come to Town a couple of week a year  
4

5 Colleen Duggan: Supports: Board should evaluate potential benefits v. negative changes: Plus –  
6 bring new business to Town (vegan); serving only 16 people at the most – very low impact on  
7 restaurants; character of neighborhood won’t change – all abutters are commercial; this is a good  
8 clean business  
9

10 Claudio Latanza: Opposed: Owner of Maine Stay Inn spoke to disadvantages caused to the four  
11 other inns on High Street who won’t be able to compete if they can’t offer packages that include  
12 dinner; asks why these four should be treated differently – he will have to ask for the same  
13 privilege  
14

15 Elinor Masin-Peters: Opposed: Supports those who have been here and struggled to survive;  
16 understands reasons to increase business opportunities but not fair to others who also struggle but  
17 play by the rules  
18

19 Mary Jo Brink: Opposed: Owner of Hartstone Inn – bought property in district where business  
20 plan to serve dinner could be accomplished; rather have bought a High Street property but dinner  
21 not permitted – based decision on zoning; spoke to the very confusing definitions of “lodging”;  
22 wonders who is monitoring whether or not current rules are being followed. B&Bs are allowed to  
23 do special functions – who makes sure they don’t do more than allowed? Who will monitor the  
24 weekly rental properties to ensure they are not doing the same? She knows people in town who  
25 arrange for guests to stay with them often want to join them for dinner and she is sure this will  
26 happen at the Windward House – who will monitor this?  
27

28 Mr. Sargent asked Mr. Wilson if the change is approved, how his office will verify the rule  
29 regarding only guests for dinner is being followed. Mr. Wilson replied that compliance is, by  
30 necessity, monitored on a reactive basis following complaints – usually from neighbors or other  
31 businesses - or following reports from the many other “eyes” watching businesses in Town.  
32 Police patrols, for example, will pick up overflow parking situations – if they occur frequently  
33 police will share that information with his office; the same goes with noise complaints.  
34 Anything that looks out-of-the-ordinary can suggest a follow-up on his part. There is simply no  
35 way he has the time or resources to be proactive and monitor every inn every night to determine  
36 if the rules are being followed.  
37

38 Mr. Sargent also addressed the “Lodging” definition allowing that the Board was very much  
39 aware that the definitions are confusing. But they can only judge this proposal based on the way  
40 the Ordinance is currently written.  
41

42 Mary Jo Brink continued: There is no definition of a “function” and there should be. Mr.  
43 Wilson agreed, but added that most people follow the rules and come into the office for permits  
44 when they are required. In addition to needing an Eating Establishment License from the State  
45 and a Victular’s License from the Town to serve food, inns that serve liquor must also receive  
46 licenses from the State and the Town for this purpose. Knowing who has these various licenses  
47 is one source of information that lets him know what is happening with the business.  
48

1 Jim Ostrowski: Opposed: Inns at Blackberry Common: Business plan also included being able  
2 to serve occasional dinners - bought based on very clearly defined zoning rules; purposefully  
3 don't compete with downtown businesses - don't serve dinner except for one night a week in the  
4 off-season as part of a package; this change will create an uneven playing field –knowing what  
5 the rules are and following them keeps field level; he might have to change his business plan – as  
6 will other inns on Elm Street – if change goes through in order to compete  
7

8 Lavanna Snyder: Opposed: Lives in between two B&Bs – OK because she knew zoning rules;  
9 this change will impact residential owners as well as other businesses – protect residential  
10 character and don't change rules  
11

12 Cindy Ostrowski: Opposed: Inns at Blackberry Common: Fact that many innkeepers and  
13 business owners here on busy July 4 week-end shows how important they think this change will  
14 be; addressed the 500' transitional zone – if this is permitted nearly every other building in Town  
15 would be within 500' of a business district where a use currently prohibited where they are is  
16 allowed; this is a huge unintended consequence  
17

18 Parker Laite: Opposed: Supports what those opposed have said; this creates a slippery slope  
19 with unknown unintended consequences  
20

21 Oscar Verest: Opposed: Camden Harbor Inn: Very pro business but can't support because this  
22 would impact restaurants already struggling to survive – those restaurants who have survived  
23 over three years in business are still vulnerable and restaurants are a very important tourist  
24 attraction in Town; this change may have less impact in ten years but not now when businesses  
25 are still recovering from the recession  
26

27 Shane Flynn: Mr. Flynn read his written testimony into the record beginning by saying that there  
28 are many reasons to be cautious as the Board reviews this proposal. See Attachment 2  
29

30 Marie Collins: Supports: Businesses need to be more creative and more innovative to survive;  
31 the Bifulcos are aware of a niche that can be filled and are aggressively seeking to get there;  
32 variety in a Town is good for visitors and encourages competition; changes made orderly and not  
33 driven by fear are good for businesses  
34

35 Mike Lampley: Opposed: Ordinances need to protect the current revitalization of High Street;  
36 concerned about more pressure on the restaurants already in Town; noticed that from November  
37 through May the Windward House had a “No Vacancy” sign out front yet they say they need  
38 more business; there will be positive and negative impacts: Negative - increased traffic will  
39 affect everyone in the neighborhood; restaurants will suffer from competition; historic nature of  
40 district will suffer. Positive impacts – only the Bifulcos benefit. Board must question this  
41 balance.  
42

43 Nancy Hughes: Supports: Addressed comments about neighbor becoming commercial – it was  
44 once much more commercial than it is now ; there has been “residential creep” into an area that  
45 was once a vital commercial space in Town; when people say they don't want change do they  
46 mean from now or from before? More and more commercial space is being sucked into  
47 residential use – the Knox Mill and the Kodak Center are major examples. The Town needs  
48 commercial balance to survive as a vital community

1  
2 Raymond Collins: Supports: Camden’s economy is based on selling services – inns sell services  
3 and entrepreneurs in service businesses should be supported to improve their chances to survive  
4 Russ McKenna: Opposed: The Ordinances are confusing; he bought his home in the historic  
5 district on purpose because of the protections offered by the Ordinance; needs to be a valid  
6 reason to make changes and this proposal has not been judged for its validity; there are ways to  
7 support local businesses without changing ordinances  
8

9 Leonard Lookner: Opposed: Thinks the Board has been “worn down” by the repeated return of  
10 this proposal; they have said “No” in the past but eventually – if the past foretells the future –  
11 they will say “Yes”; thinks it is important that inns don’t advertise on their signs that they serve  
12 dinner to guests – creates temptation to serve non-guests who might stop in; Ms. Bifulco had  
13 referred to the amendment that redefined B&Bs as inns and set limits on expansion as the  
14 “Lockdown Amendment” because it locked inns in the place where they were when it was  
15 passed and took away the possibility of growing the business. Mr. Lookner helped draft that  
16 amendment – it was done to limit the number of rooms because of the negative impact B&Bs –  
17 with no real controls over expansion - were having on the High Street residents  
18

19 John O’Connell: Opposed: Good zoning has meant the Bifulco family was able to run their  
20 B&B and make a nice place for their family to live; poor zoning is whittling down the Ordinance  
21 until there are no protections left; what he has heard from those supporting the proposal makes  
22 sense but good zoning makes more sense; keeping this area residential in nature has worked – it  
23 is good zoning  
24

25 Janis Kay: Supports: Owns a Main Street business and supports the Bifulcos proposal because  
26 she thinks it will bring new people to Town who will walk downtown after dinner and look  
27 around at the shops and come back the next day to spend money; other businesses who want  
28 more business in Town are good for her business; good idea to keep the tourists in Town longer;  
29 the Town needs input from young people like this about what the Town needs to keep them here;  
30 this change could create a slippery slope – if it does then the Planning Board will just have to be  
31 careful going down that slope  
32

33 Deb Dodge: Opposed: Noted that all but one of the letters received by the Board as testimony  
34 were opposed; in addition the submitters live all over Town – there are more than High Street  
35 residents opposed to this change; don’t let empathy for one small business owner or the fear of  
36 being called anti-business sway your decision; Ms. Bifulco claims the Ordinance is inconsistent  
37 because it deals with inns differently from district to district; it is common that Zoning  
38 Ordinances treats businesses in residential neighborhoods differently – the Ordinance is not  
39 inconsistent  
40

41 Dennis McGuirk: Opposed: Ordinance allows small businesses to run in residential areas and  
42 be successful; current regulations balance the interests of non-conforming inns and residents –  
43 that is the reasons for the restrictions on use; this proposal will changes the rules of competition  
44 in mid-game and is not fair; the concept of a Low-Impact Zone is a bad one -- adhere to the Code  
45 which says that in the event of any conflict in the Ordinance apply the stricter of the options  
46

47 Judy McGuirk: Opposed: There are four new businesses in Town that were established where  
48 they are legal – that should be encouraged; don’t chip away at the Ordinance one piece at a time

1  
2 Beth O'Connor: Supports: Owns Abigail's Inn – one of the three B&Bs that would benefit from  
3 the proposal: does not believe that these three inns with a total of 24 rooms should be held  
4 responsible for the health of all of the restaurants in Camden. Although it is hard to say no to  
5 guests who want some supper when they arrive late or the weather means places in Town have  
6 closed, she has no current plans to apply for the Low Impact Use. She has four rooms – that  
7 would mean eight people for dinner; no more traffic than there is now; no more deliveries than  
8 there are – all three inns have off-street parking for delivery trucks in any case; this is not  
9 creating a “slippery slope” – the language limits the change to three inns; if this passes it will be  
10 a bonus giving her more options –if not they will continue on as they have

11  
12 No one else came forward and the first portion of the public hearing was closed.  
13

14 *Comments from the Board*  
15

16 Ms. MacKinnon: Considering Mr. Lookner's comments about the signage; the definition of  
17 Lodging needs to be addressed and she hopes it will be a priority to set it straight; believes  
18 planning and thoughtful Ordinance changes are important as they relate to the Comprehensive  
19 Plan, but there is a proposal before them that deserves their consideration now. It shouldn't be  
20 held hostage from the voters until revisions to the Ordinance are done; not concerned that  
21 changes will be visible or have an impact, or that change will create a slippery slope. Using that  
22 fear implies that requests for amendments that come before the Board are automatically  
23 approved and that is not the case.  
24

25 Mr. Householder: Some of the comments he has heard ring true some not: there won't be an  
26 increase in traffic on High Street; those who worry about the impact on the Historic District  
27 should worry more about what would happen if a new owner were to buy one of the historic  
28 homes in the District – there is nothing to stop them from making significant changes to the  
29 building that would change the historic character of the neighborhood; neighbors shouldn't  
30 worry about what happens if they can serve dinner - inns are businesses already and the  
31 Windward House could serve a maximum of sixteen people on any given night – that is not an  
32 impact.  
33

34 Mr. Bernhard: The problem of finding work and having enough jobs is not new – those with an  
35 enterprising mentality can look forward to success in this community; people need to look to a  
36 larger vision and be willing to compromise to move toward that goal; a cost/benefit ratio is one  
37 way to determine if the compromise is worth making and in this case the benefits go to just one  
38 party alone and not to the greater public; the costs however go to all the other inns who can't  
39 compete or who must make changes to stay competitive; there is a cost to the restaurants in  
40 Town; a cost to the residents of High Street; but the largest cost is the diminishment of the  
41 Zoning Ordinance and the Comprehensive Plan in making a change that cannot be justified  
42

43 Mr. Sargent: He asked Ms. Bifulco to address the comment that she hangs out a “No Vacancy”  
44 sign in the off season. Ms. Bifulco replied that she did this – as do many other owners of B&Bs  
45 in the winter because they don't want traffic stopping by unannounced. She takes reservations  
46 by telephone and over the internet, but other than that she doesn't want people coming into her  
47 home looking for a room when she might not even be there. In the summer she expects to be  
48 continually on the look-out for people coming and going; in the winter she spends time at after-

1 school activities, etc., and she doesn't want to worry. There is no traffic going by in any case  
2 looking for rooms.

3  
4 Mr. Sargent asked about deliveries and what will happen if dinners are a success – does  
5 she really not anticipate more truck traffic? Ms. Bifulco replied that she has a great deal of  
6 refrigeration and can store enough food items that she would not need deliveries more often than  
7 now.

8  
9 Mr. Sargent commented on the 500' zone – he finds it an odd concept and noted that it  
10 has only been used twice. Perhaps it is time to revisit this issue. He noted that there have been  
11 two amendments that involved the definition of Lodging recently – one last winter was a  
12 proposal to let rooms on a nightly basis that was never pursued. The problems with the  
13 definition will be part of a discussion on Board priorities that will take place soon.

14  
15 *Second Round of Public Comments*

16  
17 Neale Sweet: The easy thing for the Board to do is to send this proposal to the Select Board  
18 saying the voters should decide; the hard thing to do, however, is also the right thing to do and  
19 that is to say no: The proposal creates a “disequity” [sic] situation for those who paid premium  
20 prices to be in the business district; they must make a fair decision and not let empathy for the  
21 applicant sway – the principles of zoning trump emotion

22  
23 Elinor Maslin-Peters: Protect the integrity of the Town of the people involved in the inns and  
24 restaurants downtown. There is more than meets the eye to running a successful restaurant –  
25 only one of the twenty here now closes for the winter and many of them struggle to stay going.  
26 Some restaurants have gone out of business totally, but most of them have just changed hands  
27 and the places are still in business.

28  
29 Jim Ostrowski: His concern is the effect this will have on other inns and how they do business.  
30 There will be many more lodgers than those staying at the 24 rooms of the three B&Bs involved  
31 – in order to stay competitive he will probably have to do more dinners and other inns down the  
32 street may have to start serving dinners – that would be an additional 44 dinners served outside  
33 of restaurants every night. Add that to the High Street diners and it totals just about 100 fewer  
34 diners going downtown to eat every night for four or five months of the year – that is a  
35 significant impact.

36  
37 Mary Jo Brink: She currently receives deliveries from five wine distributors, five beer  
38 distributors, a liquor distributor, the egg man, producers of fresh greens and fishermen – every  
39 week. These folks may not be coming to the Windward House now but they will be knocking on  
40 the door as soon as they sense a new customer. They run at 75% capacity – about 1800 lodgers –  
41 in the summer and must make enough money to last through the year when there is not enough  
42 income. Although the vegan business plan may work, it should not be considered in making the  
43 Board's decision – no business plan should because they change. She questioned Ms. Bifulco's  
44 ability to afford to hire two new employees with so few diners and what seems to be a low-ticket  
45 meal offering.

1 Mr. Householder asked if the Hartstone served dinner to outsiders – they do. They have  
2 twenty-two rooms but not all lodgers have dinner with them. Many are in Camden to attend  
3 functions – like weddings, some of which are held as Special Events as these B&Bs.  
4

5 Joanne Ball: Referenced Mr. Sweet’s plea to consider the benefits v. the costs and do the right –  
6 in this case the benefits are specifically given to one person. She also urged the Board to  
7 consider applying the more restrictive part of the Ordinance which would not allow this business  
8 to expand its use in any way.  
9

10 Russ McKenna: Thinks the intent of this change may be lost in the future. He believes there  
11 have been 31 zoning changes in the 22 years the Ordinance has been in existence, and there is  
12 still no checklist for helping the Board review requests for amendments. Other decisions the  
13 Board makes are guided by standards and checklists – there are none that exist and he wonders if  
14 members have made up their minds before they even hear public opinions.  
15

16 Dennis McGuirk: What *will* be allowed in Town if this passes: 4800 meals served every month  
17 – that figure is not ignorable. This *is* a slippery slope because the Board is ignoring the intent of  
18 the rule they are changing. Once they do that it is harder to say no the next time.  
19

20 Joanne Ball: If inns are already allowed eight functions a year they can use those events to serve  
21 guests dinner. A zoning change isn’t needed to do what the Windward House can already do.  
22 Eight functions would cover eight winter week-ends when they might want to feed their guests  
23 dinner.  
24

25 *Applicant’s Closing Statement:*  
26

27 She asked the Board to stay focused on the fact that this is an opportunity to make a  
28 positive change. She believes they do have a checklist to apply when considering proposals for  
29 amendments: They must ask:

- 30 ➤ Is the language of the proposal legal – will it withstand a challenge in court
- 31 ➤ Is the proposal consistent with the Comprehensive Plan
- 32 ➤ Is the proposal in conflict with other provisions of the Zoning Ordinance  
33

34 She added that if any of the other inns had proposals for Ordinance amendments they felt  
35 would make their businesses more viable, she would be there to offer support.  
36

37 *Board Deliberation:*  
38

39 Mr. Bernhard: He is inclined to vote “No” if only to represent the Ordinance. The Ordinance  
40 says what the voters wanted it to say – they want this District to remain residential. As the Board  
41 works on the Comprehensive Plan they should ask voters what they want to see today. If they  
42 say they want to see changes then the Plan should be written to guide those changes.  
43

44 Mr. Scholz asked Mr. Bernhard how he felt about delaying consideration of any  
45 Ordinance amendments until the Comp Plan was complete and the Board finishes their work on  
46 planning based on that Plan. Mr. Bernhard replied that he believes that the Board should take  
47 more time to examine proposed changes – they need to know what other businesses need in order  
48 to be able to co-exist with the proposal should it go forward.

1  
2 Mr. Scholz also responded to the charge that members of the Board come to the process  
3 with their minds made up; he knows that many of them came tonight not knowing how they  
4 would be voting and he is offended by this charge.

5  
6 Mr. Householder: He takes issue with the offensive charge that the Board gives preferential  
7 treatment to applicants by saying that is wrong - it isn't so, never has been and never will be.

8  
9 He noted that there is an assumption being made that everyone staying at an inn will have  
10 dinner there – based on personal experience he is sure this is not so.

11  
12 Mr. Sargent: This is a commercial use in a residential zone, but there are other commercial uses  
13 there, they have been there a long time and they are allowed. The 500' rule approaches being  
14 bizarre – he doesn't know why it is there nor can he find anyone else who knows why. He  
15 supports zoning lines defining uses on one side or the other -- but it is the law. In considering  
16 the burdens v. the benefits he realizes that the nature of a Special Exception is to benefit a single  
17 property. In order to assure that these benefits don't come at a cost to neighbors the ZBA applies  
18 standards – there are special criteria a Low Impact Use must meet and must adhere to. One of  
19 those standards addresses noise and set limits that are very low – 60 dBA – this is the noise  
20 emitted by a bathroom fan – very low. This is an example of the good safeguards that are  
21 contained in this process. The benefits *is* to the applicant, and if there is a benefit to the Town is  
22 that it shows support for the creative use of a property. As for burden – he can't imagine that  
23 this change will make any difference at all to the neighborhood. Because of the very tight  
24 strictures the ZBA can add and because State approvals are also required, he feels there are  
25 plenty of hurdles that must be crossed before approval.

26  
27 There were no other comments.

28  
29 **MOTION by Mr. Scholz seconded by Mr. Householder** that this proposal be passed on to the  
30 Select Board for consideration to be placed on the Warrant.

31 **VOTE: 4-1-0 with Mr. Bernhard opposed**

32  
33 Mr. Sargent passed out a revised version of the Open Space Zoning proposal and a list of  
34 Board priorities – both should be reviewed before the next meeting so there can be a productive  
35 discussion.

36  
37 Because of the late hour the remainder of the agenda was set aside.

38  
39 There being no further business before the Board they adjourned at 9:00pm

40  
41 Respectfully Submitted,

42  
43  
44 Jeanne Hollingsworth, Recording Secretary

## ATTACHMENT 1: BAEZA LETTER

Rafi Baeza  
Statement on Working Families in Camden,  
Maine Non-Agenda Item  
July 2, 2014

I grew up in the most beautiful town in the world. My grandparents moved to Camden in the 1950s and our family has been here ever since. I am a product of Camden. I started kindergarten at the Elm Street school and graduated high school up the street. This town is and always will be my home.

After graduating from Bowdoin College I had to leave Maine for lack of jobs and opportunity, moving to San Francisco and then Miami. When I had two kids of my own, my desire for them to have the same perfect childhood superceded my own career. So, my Cuban wife and kids, packed up and moved back to the house that my grandfather built on Union Street until we could find a place of our own.

For the most part the town had remained the same: an impossibly beautiful location, with great public schools and wonderful people. There was one more thing that was the same, no jobs. My story isn't unique. A lot of graduates have moved back to the area with their families, which in turn has encouraged even more families to believe that they can make it work. However, this often remains elusive. So, once the money we moved here with disappears with our oil bills, we have had to become resourceful.

The jobs aren't here so we are trying to make them ourselves. We are the dreamers and innovators of this town, whether it be Ben starting Ciff, Jason opening Hearstudio, Erinn doing stand-up comedy, Anneli with her explosive creativity on social media, Mark and Thor organizing a national paddle-board race, Maria opening Spoon, Liza self-publishing, Hillary starting Camden Design, the Bifolco's hoping to serve pizza to their guests, or my family developing a Pop-Up Cuban Kitchen on Facebook. These are all fledgeling ideas that have yet to make the money we envision, but are at least moving us forward, enriching the community.

We all love this town and value it's quaintness and charm. We are not here to exploit what is here, but are trying our best to make it better. The working class families are the heart of this town. We are the ones that make it real. The people who stay here year round because we can't afford to take a vacation beyond a car drive away. The ones that can't attend public meetings because we are working all day, driving our kids to all their activities, volunteering at a non-profit and then coming home and doing our bills.

Camden claims to roll out the red carpet, not the red tape. However, when it comes to doing something differently there are obstacles. The local families are not what is wrong with this town, we are

what's right with this town! There seems to be a handful of people that feel differently and have stifled any kind of progress. I'm tired of hearing that we can't afford a new middle school because the people making the decision don't happen to have young kids, or that high quality food cooked in a commercial kitchen can't be served to small groups of people. That is not what makes a community. We should all work hard to make sure there truly is opportunity here and begin to develop a sustainable economy that my kids can come back to and live in the future.

Thank You,  
Rafi Baeza

## ATTACHMENT 2: FLYNN TESTIMONY

July 2, 2014

Mr. Chairman, Members of the Planning Board, Ladies and Gentlemen:

My name is Shane Flynn, and I am a resident of Camden. As many already have and others will state, there are many reasons given to adopt caution when zoning changes are being considered and, in particular, if there is any suggestion of spot zoning. I intend to use documentation well known by a leading proponent for the zoning change before you to call into question both economics and motives.

Ms. Bifulco has made strong and well documented arguments before on zoning and in particular "economic impact of zoning changes on Camden." In April 2008, Ms. Bifulco submitted a letter to the Planning Board, a copy of which I have in my possession. Ms. Bifulco asked the Planning Board if it sought "wealth of statistics that Chamber of Commerce or the State has on economics and tax revenue of Camden?"

I believe this is a good question for three reasons:

1. If the proposed zoning change is adopted, will all beneficiary businesses be revalued for tax revenue purposes?
2. If the proposed zoning change is adopted, has the town sought to understand what the economic impact will be on existing downtown restaurants? Could not the impact of current B&Bs offering dinners during the economically quiet period not drive more restaurants into closing and, in fact depress economic vitality and ultimately reduce tax yield?
3. Will the town compensate those businesses, inns/hotels which invested in a zone expressly providing for serving meals? At the very least, if the zoning change is adopted, they should be entitled to a reassessment of property valuation. Ms. Bifulco also wrote in 2008 that the Planning Board restrict many uses in the B1 and BTH zones. She was very specific about activity on "the North side of Main St. and Bayview St." Clearly, in these locations, there are currently many restaurants that, should the proposed change be adopted, be in competition with B&Bs on High St. Yet in her 2008 submission to the Planning Board, Ms. Bifulco went on to state that "I am in the Tourism business and sell a vibrant downtown." Surely, the proposed zoning change would put further pressure on these "downtown" restaurants.

Finally, Ms. Bifulco stated in 2008 that " ... economics of Camden show that the town is not stable year round and that there is focus on a 4 month season." Ms. Bifulco went on to write "inns have proven to be a seasonal business and would further make Camden a seasonal downtown."

Surely the proposal before the Planning Board is to increase the inn-like character of B&Bs on High St. Ms. Bifulco's 2008 statements specifically target inns as a specific cause of "a seasonal downtown," something she clearly sees (or saw in 2008) as a negative. Today Ms. Bifulco advocates for more inn-like activity that would, using her argument, stifle "a vibrant downtown."

Thank you.

Note: All points within " " marks are from Ms. Bifulco's letter received by the Planning Board April 16,2008.

I am concerned that the Town is not being diligent and thorough in the planning of the downtown or the harbor. The suggested zoning changes from B-H to B 1 and BH to 8TH that will be submitted to a vote in June have been rushed and the economic impact to the downtown of Camden or to Camden as a whole has not been analyzed.

As a Camden resident and business owner my concerns are with the economic impact of the zoning changes on Camden. The Select Board asked the Planning Board if they received professional consult on the proposed zoning changes and the Planning Board replied yes. The Planning Board did consult the Mid- Coast Regional Planning Commission. I suggest the Select Board look at any documents the Commission prepared in this process. I would debate the research the Planning Commission did considering that there was no mention by the Commission of consulting the wealth of statistics that the Chamber of Commerce or the State has on the economics and tax revenue of Camden. Never was tax revenue statistics discussed in the planning of the downtown, in my opinion this being a major oversight into seeing where the money of the town is coming from and protecting that income. Further, I have a business one block from downtown and I was never made aware of any town meeting or business discussion groups that were conducted by the Mid-Coast Regional Planning Commission that asked for business input. I did attend the Planning Board meetings and have submitted my economic concerns to the Planning Board. To date, no discussions of the business concerns I have made have been considered.

I am asking that there be an amendment for no professional offices, financial use, Inns, nursery schools, daycares, funeral homes, hotels, motels, Publishing of newspapers, magazines, and books, Road construction uses, Home stay or home occupations be allowed on ground floor on the north side of Main Street and Bayview Street. These are just some, not all of the uses listed in the 8-1 and 8TH zoning. The suggested wording for these uses should be "use only on the second floor". These ground floor uses may be detrimental to a vibrant downtown. I asked for this because I am in the Tourism business and sell a vibrant downtown. I see a direct correlation between a downtown full of retail on the ground floor and a prosperous tourism business. Tourism may be one of the leading economic forces in the town of Camden right now.

The economic figures don't lie. Since MBNA left Camden, the economics of Camden show that the town is not stable year round and that there is a focus on a 4 month season. Camden is at a crossroads with its future. The Select Board should look at these statistics and figure out what direction the town would like to go in, should the town be seasonal or year round? The new zoning changes will allow a business use that may contribute to this unstable 4 month economy. The zoning will allow Inns by the waterfront. Inns have proven to be a seasonal business and would further make Camden a seasonal downtown. If the town would like to preserve its sense of place and not be seen as dependant on tourism as Bar Harbor is, then they should seriously look at the businesses that will be allowed on the waterfront. Inn use also has a residential component that would allow residents on the waterfront. Not to mention a home occupation use would allow a residential use on the waterfront. The proposed new houses in the Bean Yard should also be looked at closely. What are these new residences contributing to the town? Will these houses be summer residences or homes for families that will live here and contribute to a year round town? The economic impact of allowing residential in a commercial zone on such valuable commercial job generating marine property - such as the Bean Yard has not been evaluated, other than how these changes contribute to Wayfarer Marine economically.

The Select Board did such a great job in collaboration with the Knox County Economic Development group for plans for the Tannery. please take the same time and energy with the downtown and the waterfront as you did with the Tannery. Please do not rush a vote for zoning changes in the harbor.

I am asking that the Select Board consider not putting these zoning changes on the ballot. If the Select Board so chooses to put the zoning on the Ballot, than please put on the zoning the suggested word changes' such as "uses allowed only on 2nd floor". Please let there be more research so that the downtown and the Bean yard can be planned in a way that will benefit the town of Camden and make a vibrant downtown. -Kristen Bifulco