

CAMDEN PLANNING BOARD

Minutes of Meeting

July 20, 2011

PRESENT: Chair Chris MacLean; Members Richard Householder, Members Jan MacKinnon, Kerry Sabanty and Lowrie Sargent; Alternate Member Sid Lindsley and; CEO Steve Wilson

ABSENT: Alternate Member Nancy McConnel

The meeting was called to order at 5:00 pm

1. ELECTION of OFFICERS

MOTION by Mr. Sabanty seconded by Mr. Householder to re-appoint Chris MacLean as Chair and Lowrie Sargent as Vice-Chair.

VOTE: 4-0-2 with Mr. MacLean and Mr. Sargent abstaining

2. PUBLIC COMMENT on NON-AGENDA ITEMS:

The Chair informed members of the Board that he had heard from Mrs. McConnel how much she appreciated the card from the Board wishing her well. She is still unable to attend meetings, but hopes to return soon.

3. MINUTES:

The Minutes from July 6 will be available for review at the next meeting.

4. HISTORIC PRESERVATION: AMEND ARTICLE 13: DISPOSITION

The question now is whether or not to send the Ordinance Amendment forward to the Select Board for their review. The Chair gave a brief history of the many hearings, reviews and discussions the Board has conducted over the past year and a half. Mr. Householder recapped those Public Hearings held in 2009 where the Board consistently heard of the citizens desire to protect the character of the Town. He then referenced several sections from the 2005 Comprehensive Plan that spoke to this issue:

Chapter 4 DOWNTOWN

“People forgot how important their downtown and its historic commercial buildings were in reflecting their community's unique heritage.”

Chapter 17 GOALS, POLICIES & IMPLEMENTATION

K. HISTORIC AND ARCHAEOLOGICAL RESOURCES

Local Goal: To preserve the "historic landscape" of Camden and its contribution to the Town's coastal and village character.

“3. Amendments to the existing Zoning Ordinance or a separate historic preservation ordinance should be developed to assure the protection of those historic areas and buildings deemed significant.”

Chapter 18 FUTURE LAND USE PLAN

“The downtown commercial district should provide for a compact, pedestrian-oriented, year round business center with a focus on small scale, specialty and comparison shopping and services, compatible with the existing scale and character of the downtown.”

Mr. Householder then cited comments from some of the business owners who attended one of the several public meetings held during the development of this Ordinance and the Design Standards. The comments all concerned the importance of maintaining the character of the Downtown to encourage a good economy. He believes that this Ordinance does not restrict private property rights; that it is right for the Town; and it is enforceable. He has noticed that many of those who supported protecting the character of the downtown with the creation of the Historic Fire District a few years ago, are now opposed to this effort to do the same.

The Chair recognized those in attendance; although this was not a Public Hearing, anyone who wanted to offer comments to the Board was welcome to come forward.

Susan Snead: She has been involved with the Historic Resources Committee for many years and believes the historic character is *the* major economic asset in Town – this is what sets us aside from our neighbors. She has a friend who is a tour guide for the National Trust and the tours that come to Camden love the historic character. The fact that the townspeople living here after the Great Fire put the town back together the way they did is a testament to them and a real achievement, and now the buildings themselves are a great teaching tool for that period in Camden's history. There is a longstanding history of townspeople being involved in keeping the Town looking the way it does and this is the next step to take to ensure it continues.

Beedy Parker: The way the Town look *is* important, but not just the downtown. She has worked to get notification to neighbors of all the old buildings in Town in case there is something they can or want to do to try to save those buildings. With more and more money coming to Town there will be more and more people who can simply afford to demolish a building not caring about its history and simply build what they want. We shouldn't be lulled to inaction because the economy is slow and nothing much is happening now – it did happen a few years ago and it will happen again.

Kit Parker: She is the current Chair of the Historic Resources Committee and worked on this Ordinance. She defended the Committee's procedure in drafting this Ordinance and really feels it can make Camden a place to come to because of its historic reputation. She informed the Board the Amphitheatre is applying for recognition as a National Historic Landmark – that is a very significant acknowledgement that puts the park in the same league as the Grand Canyon and other such places. People travel specifically to see these places, and they will come here and see that the setting for the Park, the historic downtown, is important as well.

Kit Parker does not think the Ordinance will prevent people from doing what most of them want to do. She hopes the Board will send this on to the Select Board so more people can become informed about the Ordinance. It was too bad about the confusion caused by the mix-up with the notices for the Public Hearings. People will remember that, and not the hearing or what happened next.

Ms. MacKinnon asked a question of the Committee: Was there any thought to exempting current property owners from this Ordinance and having it apply only when a building changes ownership? Yes, they did consider this, but the Town Attorney quickly explained that would be discriminatory.

Kit Parker continued her comments saying that it has been a problem recruiting members to her Committee who have specific skills and knowledge of historic buildings. It is just a

committee, not a Board with the authority to actually make a project work. The Committee has been consulted on several occasions by building owners looking for their opinions, but that is not the same as having an actual impact. She thinks the Commission structure will attract those knowledgeable people to serve.

There were no other comments offered.

MOTION by Mr. MacLean seconded by Mr. Householder to forward along the Ordinance proposal to the Select Board with the recommendation that they send it along to the voters on the Town Warrant.

Discussion:

Mr. MacLean thinks it is a tough choice between preserving the character of the Downtown versus implicating property rights in a tough economic time when building owners say the new rules will impose a burden.

Mr. Lindsley had a question about the Demolition notice process. Section 11 (b)(2) describes the process of notice and uses the term “face market value”, Mr. Lindsley wondered what this value is based on – it could be so high as to make the building unmarketable. Mr. Wilson explained that the way this works in other Towns is that this value is often the same as the cost to demolish the building. There is a certain amount of money in the project budget for demolition and if that amount can be saved with the sale of the building fine, if not the figure is already part of the costs. Mr. Sargent explained that the intent was to preserve architectural features of buildings to be demolished as well as an attempt to save the building itself. But by requiring that these different features be offered for sale at least something of importance might be saved even if it is doors and windows. Mr. Wilson noted that the time frame is not onerous because the certification procedure can go forward during the 60-day posting period – there will be no delays caused by notice.

Mr. Sargent: Agreed with Mr. MacLean that this decision is not an easy one. The main opponents are building owners on Main Street and their concerns have been addressed in this revised amendment:

1. Time frame to approval is too long: Mr. Householder worked to squeeze this way down.
2. A burden to property owners: This is an unfair judgment of the process. If building owners benefit because of the character of the Town that is a good result.

Mr. Sargent knows that if this is sent to the Select Board people will come to speak at the hearing and will not be happy; if it passes it will be a rocky road to get there.

Mr. Sabanty agrees that the Town needs to have an Ordinance like this one but he is still unhappy that the Planning Board is left out of the review process – reviewing projects is their job. Mr. Householder responded to Mr. Sabanty’s concern and reminded him that the Zoning Board of Appeals also reviews certain projects; this Commission will simply be doing the same thing as the ZBA. Mr. MacLean added that this is a specialized area of expertise that needs a specialized group to review the project.

Ms. MacKinnon still believes that this adds another layer of bureaucracy that is not necessary. She also is concerned because it will affect business owners and landowners who have been here for so very long. Mr. Householder responded by saying there is no doubt that the

existing business owners have done a good job; the issue arises with a new owner coming in and wanting to make changes. Mr. Sabanty thinks it is more likely that a new owner would have purchased the building *because* of the way it looks, not to make changes.

Mr. Lindsley wonders if under this new ordinance the Commission would have approved the changes made to the old Masonic Building when Stuart Smith built the Lord Camden Inn with balconies and awnings – it certainly was a change. He doesn't want to see changes that are actually improvements denied because they aren't historic in nature.

Mr. Sargent hopes that people serving on the Commission are reasonable and fair; he thinks that the balconies at the Lord Camden Inn are examples of what could be approved.

Mr. MacLean noted that if the first review of a project by the Commission turns out to be a total fiasco, it won't take long for the entire Ordinance to be repealed.

Mr. MacLean: Politically this is a close call and the forum to decide the political questions here is the Select Board and, ultimately, the voters. He sees the Board's decision this evening as a planning issue and agrees with Mr. Sargent that it will take a long time to see the results of whether it works or doesn't. If Camden does see itself as a Historic Seaside Village then this Ordinance will give people the time they need to think before they allow big changes. It is not perfect, but it does offer a balance between property owner's rights and the future nature of the Downtown, and it merits being sent forward. This issue drew many people into the process, and that is good. Mr. Sargent agreed: This Ordinance has been changed more due to public input than any other he has worked on in all his years on the Board. They have also received more input on this issue than on any other.

VOTE: 4-1-1 with Ms. MacKinnon opposed and Mr. Lindsley abstaining

→ Mr. Wilson was asked to try to get the issue before the Select Board by their August 16th meeting, if not sooner.

5. SITE PLAN REVIEW

TOWN of CAMDEN: Grading/Construction to create Multi-use Trail

Camden Snow Bowl: Map 227 Lot 67: Rural Residential District (RR): Barnestown Road

Because all of the Applicant's representatives are out of Town, the item has been postponed until the next meeting

6. DISCUSSION:

1. Minor Field Adjustments:

The CEO met with Sarah Holland, an architect retained by the Community School to design some changes to the school's Washington Street entrance. Ms. Holland's memo to Mr. Wilson dated July 19, 2011 describes the school's wish to better comply with ADA requirements by relocating the handicapped entrance ramp to the front entrance. The plans are shown on the Site Plan by Holland and Foley Architects dated July 20, 2011. The Board discussed the scope of the project and determined that the changes constituted far more than a Minor Field Adjustment: the Plan as submitted is incomplete (the pipe connecting a catch basin to a dry well is missing); information is needed from Gartley and Dorsky whether or not the dry well can handle the

additional storm water from the new roof drains, or do they need to make the cut to the Washington Street drainage system that was previously approved (Mr. Wilson wondered if there might be a moratorium on cutting into the new pavement that would delay implementing this option); and, there are problems currently with water and drainage that warrant requiring information showing what impact the proposed changes will have on the existing stormwater flow. All members agreed that the school needs to come to the Board with a request for an amendment to their Site Plan.

2. *Select Board Board/Committee Survey*

The Board worked through the survey offering suggestions for responses to be filled in by the Recording Secretary, forwarded to the Chair for his review, and then circulated by email to members for their comments. The finished survey will be forwarded to the Select Board in time for their August 2 meeting. (A copy of the completed survey will be attached to these minutes after review and approval by the Board.)

3. *Planning Board Committee Interest Form final and Planning Board Attendance Policy final:* The final versions of the drafts were distributed.

4. *MUBEC update and legislated amendments required*

This issue is not ready for discussion, but Mr. Wilson continues to work on necessary amendments to bring Camden into compliance with the new State building and energy codes. The changes must go to the voters on the June 2012 Warrant, and the Chair wants to start work on the amendments at the first meeting in September.

5. *Sign Article Review*

Illegal signs: The Chair asked the CEO to document some of the illegal signs he spotted around the downtown area – he found lots of them, especially “For Rent” signs. These signs can be posted when there is a vacancy but there are seasonal and weekly rental signs posted everywhere. As Mr. Wilson reads the Ordinance, these are not permitted. Mr. Wilson suggests that one way to let people get the word out is to say that these rentals must be advertised through an agency. Mr. Sargent suggests that realty signs are innocuous – it is signs that create a hazard in the public way that are a priority for enforcement; the rest of these illegal signs are not a priority as far as he is concerned.

Directional Signs: Ms. MacKinnon and Mr. Householder, who sit on the Sign Committee, are frustrated that the sign project has not done what it was originally intended to do: direct traffic to parking and other sites via use of international symbols. The Select Board changed the proposed color scheme because they said blue and white would stand out too much; they changed to red and gold to blend in, and now the signs are nearly invisible and pretty much useless for their purpose. The budget was also cut by the Select Board so the remainder of the signage was never ordered or installed; there is no money left to make a change of color or order more signs. The Chair suggested that it should be easy enough to raise private money if the Chamber and the Downtown Business Group would take on the project to fund some very nice carved wooden signs to replace the current signs. Mr. Householder noted that the Ragged Mountain Redevelopment group was to assist in financing the signs directing people to the mountain.

→ The CEO will draft a letter to the Ragged Mountain Redevelopment folks reminding them of their commitment.

Ms. MacKinnon wonders why there can't be more State directional signs leading people all the way to the Snow Bowl; there is just one on Route 1 at John Street and that is not enough. Mr. Wilson explained that the MDOT's policy is that they won't put up the signs if they can't get drivers all the way to their destination. Mr. Wilson replied that Camden doesn't permit OBDS (official business directional signs), so the only ones in Town are posted in the State right-of-way. Ms. MacKinnon suggests that the Sign Committee take on the task of making these OBDS legal.

Sign Campaign: The Chair announced that he was wants to improve the Board's relationship with the downtown business community, and that he is beginning with a campaign to fix the Sign Ordinance.

→ The CEO will set up a meeting with the Chair, the Downtown Business Group's President and the Chamber to launch this campaign.

6. *Future agenda items & ideas:*

Priorities: Signs, MUBEC, and review priority list to update

7. *Other:*

1. Ragged Mountain Multi-Use Trail Site Plan:

The CEO received two letters regarding the Application – one from George Klein and a second letter from James Curtis.

The CEO received two documents from Dorie Klein: An "Issues to Consider" memo and a copy of the Ragged Mountain and Bald Mountain Focus Areas from the State Department of Fisheries and Wildlife's *Beginning With Habitat*.

They have all been made part of the record and may be discussed at the next review of the project.

2. Historic Ordinance Amendment:

Mr. Householder will make the presentation to the Select Board, and he asked that the packets contain a map showing the sites to be designated "historic" under this proposal. Summaries of the entire history of the Board's discussions and work-sessions involved in drafting this amendment had been provided to the Planning Board – those summaries, as well as Mr. Householder's summary and flow chart, will be included in the Select Board's packet as well.

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

Respectfully submitted,

Jeanne Hollingsworth, Recording Secretary