



Town of Camden
Minutes of the Select Board Meeting
May 15, 2012
6:00pm

PRESENT: Chairperson Martin Cates, Vice Chairperson Morgan Laidlaw, John French, Jr., James Heard, Donald White, Town Manager Finnigan and Town Attorney Kelly. Also present were members of the press and public.

1. Call to Order

Chairperson Cates called the meeting to order at 6pm.

2. Citizen Comments

There were no citizen comments so the Chair opened the floor to Board comments.

Donald White noted that new parking signs are going up around town and thanked the Sign Working Group and the staff for their efforts to make this happen.

White said he had attended the Penobscot Bay Regional Chamber awards dinner, and that the Community Person of the Year award had been given to Sara Montgomery for her leadership in businesses and in the community at large. He said that the honor is well deserved.

Lastly, White noted that the Business is Blooming in Camden event would be held the upcoming weekend, featuring sidewalk sales and extended shopping hours. He encouraged everyone to shop locally and support our downtown merchants.

3. Approval of Board Minutes

Donald White made a motion to approve the minutes of the May 1, 2012 meeting as presented. The motion was seconded by James Heard. It was unanimously approved.

4. Review and Consideration of the Downtown Master Plan

Chairperson Cates opened the discussion by stating that the process of creating the Downtown Master Plan had started six months earlier when the Select Board approved hiring consultants to work with the staff and community to develop the Plan. The goal, he said, was to build on our current strengths in order to develop a roadmap that would guide us toward cultivating a sustainable year-round economy and maintaining our quality of life. Most importantly, he said, we wanted a process that was inclusive where citizens could express their hopes and concerns. During the process, Cates continued, there had been two community meetings that were well attended as well as a community survey that more than 330 people had filled out. Cates thanked the staff and citizens who comprised the Downtown Working Group which had led the process and read their names, adding CEDAC was very involved as well. Cates outlined the outreach and publicity that surrounded the

Downtown Master Plan effort.

Chairperson Cates invited Development Director Brian Hodges to speak about the Downtown Master Plan.

Brian Hodges reviewed the process that had led up to the formation of the Downtown Master Plan. He said that in September of 2011, the Select Board had unanimously approved an expenditure of \$20,000 from non-tax revenues. This was followed by the selection of the Lachman consulting team to lead Camden through the process. The contract with the Lachman group had been signed in November of 2011, Hodges said. The next step had been a kickoff meeting involving the constituent groups that would play significant roles in formulating the Plan: CEDAC, the Camden Downtown Business Group, the Chamber of Commerce, Town staff, and members of the public who helped steer the process by volunteering to serve on the Work Group. Hodges thanked all those people who worked as part of the Downtown Master Plan Work Group through the six months that followed.

Hodges noted that community involvement has been a distinguishing feature of project. The level of citizen participation, as evidenced by the attendance at the Community meetings, had been high, he said, and had been the most important element in moving the project forward. He said that outreach had been conducted in the form of phone calls, emails, in-person visits, and a survey to which hundreds responded. High participation and synergy among the groups involved was continuing, he added, even after the publishing of the Plan. In conclusion, Hodges read a letter from the Department of Economic and Community Development commending the Town on its development of the Downtown Plan.

Following Hodges' remarks, the Chair invited public comments.

Meg Barclay, representing the Camden Historical Resources Committee, told the Board that the members of the committee had voted to support the Plan because they feel it acknowledges the importance of Camden's historical districts, linking them to the town's economic vitality.

Anita Brosius-Scott congratulated those who worked on the Plan and recommended passage. She suggested that TIF funds could support small businesses' technology efforts by helping them fund the development of websites to market their products.

Susan Dorr, Chair of the Camden Opera House Committee, told the Board that she was pleased that the Opera House figures prominently in the Downtown Plan as a lynchpin in the economic development of the community. The committee's goal of renovating the third floor of the Opera House works in concert with the Plan, she said. Dorr added that another factor in the committee's support of the Plan was the fact that the Town would be eligible for future grants with the Plan in place.

Dave Jackson, Parks Director for the Camden Public Library and member of the Board of Directors of the Camden Downtown Business Group, spoke next. He read a letter of endorsement from CPL Director Nikki Maounis. Maounis' letter noted that the Library is recognized in the Plan for its "vital role in the economic and cultural life of Camden," as it connects people and places.

Carolyn Snyder, president of the Knox Mill Condominium Association, told the Board that

she supports the Plan. She said that while her association has some questions, they appreciate the openness with which the community was working, the enthusiasm it has generated, and the opportunity for citizen participation that the process has offered.

Bernice Berger of Camden, a business owner, read a letter from Barrie Preble endorsing the Downtown Master Plan. The letter said that the Plan builds on the past “through evolution not revolution,” providing a roadmap to show how Camden can continue to thrive.

Deb Dodge of Camden told those gathered that this is not a time to rest on our laurels, but to take initiative as we move forward to prioritize and implement the concepts outlined by the Plan. She urged the group to be bold and not just “pick the low-hanging fruit.”

Geoff Scott, Chair of the Camden-Rockport Pathways Committee expressed support for the Plan, saying that elements of it jive with the Pathways Plan that had been created by the committee ten years ago. He noted that like the Pathways Plan, the Downtown Master Plan suggests ways to improve connectivity, increase walkability between local destinations, and ensure pedestrian safety.

Oscar Verest, Chair of the Camden Downtown Business Group, said he was happy to hear all the positive comments, noting that the collective thinking was reflective of the fact that several hundred people participated in creating the Plan. He told the group that the CDBG recommends approval of the Plan and feels that it can help guide us for decades to come.

Chris Glass of Camden spoke about his experience with the Maine Historical Preservation Commission as well as his work with the Maine Downtown Coalition, which exists to promote downtown vitality. He said that downtown revitalization activities have improved the economic atmosphere of several Maine villages, and gave examples of locations where these projects have injected energy into Maine towns and cities. He told the Board that he endorses the Plan, and added that Camden should keep pace with the growing communities around us.

Pete Brown, Camden resident, read a letter from Rick Bates expressing support for the Plan. The letter said that while the Plan is not a mandate, it offers guidance and provides information we will need to ensure that Camden maintains a vibrant business community.

Jane Lafleur, Executive Director of the Friends of Midcoast Maine, said that she feels that the current challenge will be how to prioritize the recommendations in the Plan. Lafleur urged the Board and the Work Group to use a similar public process when setting priorities.

Robin McIntosh of Camden expressed support for the concepts in the Plan, saying that while it is not a magic bullet, it gives us a place to start and offers a way to guide change through a public process.

Martin Cates read a letter from the Executive Director of the Pen Bay Regional Chamber of Commerce, Daniel Bookham. Bookham’s letter stated that the Downtown Master Plan process had been “edifying and inspiring,” that it celebrated the essence of community, and that the Chamber echoes the commitment of the Town government.

Peter Gross, Chairman of CEDAC, told those present that it had been a rewarding effort working with the consultants who had been charged with studying the town and pointing

out where we have issues. He said that while Camden may look physically similar to how it appeared a few decades ago, the makeup of the population has changed and the jobs available here need to be year-round in order to sustain the vitality of our area.

Nancy Caudle-Johnson said that she is glad that the Riverwalk has prominence in the Plan and commended the team that put it together. She called the plan a “tour de force.”

No other citizens asked to address the Board. The floor was closed to public comments and opened to comments from the Board.

Don White said that the Plan had successfully brought the community together in a spirit of volunteerism, and that he is impressed with the sense of energy it has created. He mentioned the Sign Working Group which had started as an offshoot of the project. White said he hopes that the Downtown Master Plan Work Group will consider informational kiosks and sign posts to direct visitors from parking areas to the various districts of Camden. White said that we should embrace the Downtown Master Plan and move forward to prioritize its recommendations with the same energy with which it had been created.

Morgan Laidlaw cited an idea that the consultants had spoken about during their presentation of the Plan two weeks prior, having to do with stagnation that can occur when a town’s economic, social and political forces are not connected. He said that when those circles are working in unison, a community can accomplish great things. Laidlaw recommended that the Board adopt the Plan and keep the energy going.

John French said that this was the best-energized group that he had seen during his time on the Select Board.

James Heard said that when he moved to Camden to raise his children here, it was primarily because of the people who live here rather than the buildings and the roads. He said that likewise, it was the people who made the Downtown Master Plan happen, and he thanked those who had offered their creativity and hard work to the effort.

Martin Cates suggested that the next step would be for the Downtown Work Group to begin working with the Town Manager and staff to recommend project timelines and priorities for the Select Board to consider.

Morgan Laidlaw made a motion to accept and approve the Downtown Master Plan. The motion was seconded by Donald White. It was unanimously approved.

Chairperson Cates encouraged other interested citizens to join in the effort as work continues on the concepts outlined in the Downtown Master Plan.

The Board took a five-minute break. When they reconvened they considered the Consent Agenda.

5. **Consent Agenda**

A. Consideration of the following Victualer’s License renewals: Atlantica, Birchwood Motel, Boynton McKay, Camden Cone, Camden Deli, Camden Harbour Inn, Cappy’s Chowder House, Captain Swift Inn, Grand Harbor Inn, Harbor Dogs, Hartstone Inn, High Tide Inn,

Lodge at Camden Hills, Lord Camden Inn, Mt. Battie Takeout, River Ducks Ice Cream, Scott's Place, Smokestack Grill, Subway, Swan House, Towne Motel, Waterfront Restaurant, and Whitehall Inn.

B. Consideration of the following Lodging Establishment License renewals: Birchwood Motel, Beloin's Motel, Camden Harbour Inn, Captain Swift Inn, Grand Harbor Inn, Hartstone Inn, Lord Camden Inn, Maine Stay Inn, Swan House, Towne Motel, and Whitehall Inn.

C. Consideration of the following renewal applications for Newspaper Vending Racks: Camden Deli at 37 Main Street, Boynton-McKay Food Co. at 30 Main Street, Bangor Daily News at 28 Chestnut Street.

D. Application for a Revocable License by Evelyn and Peter Martin of 72 Mechanic Street to install underground utilities

E. Request by Megunticook Rowing to hold a "Learn to Row Day" event at Barrett's Cove on June 2 from 8:00 a.m. until noon.

F. Consideration of application of Wayfarer Marine Corp, d/b/a *Toast* for a new victualer license at 59 Sea Street.

Donald White made a motion to accept the Consent Agenda. The motion was seconded by Morgan Laidlaw. It was unanimously approved.

5. **Communications, Presentations, and Recognitions**

A. Proclamation: National Historic Preservation Month

Martin Cates noted that May is celebrated around the country as National Historic Preservation Month to make citizens more aware of the historic places in their towns and cities.

James Heard made a motion to proclaim May as Historic Preservation Month and to give this Proclamation to Camden's Historic Resources Committee with our thanks for all their work. The motion was seconded by Donald White. It was unanimously approved.

B. Proclamation: Sunday May 20th as Arbor Day in Camden

Nancy Caudle-Johnson said that this would be the community's 18th Arbor Day. She said it would be celebrated on Sunday, May 20th in the amphitheatre.

Donald White made a motion to proclaim May 20 as Arbor Day in Camden, and to thank Nancy Caudle-Johnson and Doug Johnson for their 17 years of having Camden recognized as a Tree City, and for organizing our annual Arbor Day Celebrations. The motion was seconded by James Heard. It was unanimously approved.

6. **Select Board Member Reports**

Donald White said he had attended the May 3rd Planning Board meeting regarding the Maple Grove subdivision. A joint site walk with both boards from Camden and Rockport had

been held, and the subdivision will be taken up again at the next meeting of the Planning Board, he said. Also at the meeting there had been considerable discussion regarding Nonconforming Expansions, he reported. CEO Steve Wilson had presented a preliminary draft of changes to the current nonconforming uses in Camden's Zoning Ordinances. White said that the Board had offered several suggestions to be added to the expansions, and that they hope to bring the issue to voters in November.

White said he had also attended the Historic Resources Committee meeting on May 8th. At the meeting, Meg Barclay had been welcomed as the appointed member to fill Kit Parker's unexpired term. QR codes were discussed, he said, and members voiced concern about adhesives that may be used with the QR tiles and brick. At the meeting the members had also passed a motion supporting the Downtown Master Plan concept, he said.

White told the Board that the BUS committee had held a meeting on May 18th which had been led by Tom Crikelair, a transportation consultant. While Crikelair had said that the traditional direct transit service may not work in our area, other forms may. White said that the core committee will meet in June to discuss where to go from here.

White reported that the Camden Opera House Committee which had met on May 14th had heard from Brian Hodges about the Downtown Master Plan and had voted to attend the May 15th Select Board meeting in support of the plan's concepts. The Opera House Committee is still investigating forming a 501(c)3 in order to qualify to receive grants. White said that Opera House Manager Kerry Hadley had also reported to the committee on a plan to streamline ticketing and rental processes.

7. Town Manager Report

Town Manager Finnigan noted that at the last meeting, the Select Board had accepted funds along with a 1994 Camry secured as a result of a drug bust. She said that Steve Laite of the vehicle extrication team contacted Chief Gagne to suggest that the Town use the car for training and to practice various techniques. Since the only value of the car was as scrap metal, the Chief agreed that was a good use of the vehicle.

Finnigan reported to the Board that the Fire Department had recently held their annual Children's Safety Day at the YMCA which had been well-received. She also said that Assistant Chief Lowe holds a certification in Juvenile Fire Setters and has been helping one local young person who needs that type of assistance.

The Town Manager reported that Brian Hodges had been successful in securing a water quality grant to test and potentially improve the water quality situation in the vicinity of Laite Beach. Lastly, she told the Board that road construction on Wood Street is on track.

8. Old Business

There was no Old Business.

9. New Business

Chairperson Cates read the procedures for a public hearing and opened the hearing for public comments. Hearing none, the Board considered the following:

A. Anita Zeno, d/b/a The Belmont Inn located at 6 Belmont Avenue for a Class V malt, spirituous, vinous liquor license

John French made a motion to approve the liquor license for the Belmont Inn. The motion was seconded by James Heard. It was unanimously approved.

B. Michael Salmon and Mary Jo Brink d/b/a Hartstone Inn, Inc located at 41 Elm St. for a malt, spirituous and vinous liquor License

John French made a motion to approve the liquor license for the Hartstone Inn. The motion was seconded by Morgan Laidlaw. It was unanimously approved.

C. Zachary Cohn and Seth Cohn d/b/a Smokestack Grill located at 43 Mechanic St. for a Class XI liquor license and Special Amusement permit

The Board heard from Sarah Gilbert, representing Zachary Cohn and Seth Cohn d/b/a the Smokestack Grill, regarding noise complaints due to live music on weekends. She said there had been phone calls to the police department regarding the noise level, and that in nearly all the instances the Chief had investigated and had found noise levels were not “unreasonable.”

The Board then heard from Dick Snyder, a resident of the Knox Mill Condominiums at 40 Washington Street, who said that since living at the Mill it has been difficult to entertain guests on Friday and Saturday nights because of the noise coming from the bar. He also said that the noise interrupted their sleep. Snyder said that he and his wife had installed triple-pane glass in their unit to try to reduce the noise that had been getting through. Snyder urged the Select Board to make any approval of the Smokestack’s Special Amusement Permit conditional upon work to be done by the owners of the establishment to mitigate the noise.

Michael Nash, owner of the Knox Mill Condominium complex, said that no one wants to see the Smokestack close, and that a dialogue must be established to exchange ideas between the parties and to formulate a plan. Nash spoke about a report by a sound engineer that his company had funded that contains some good ideas that could be very helpful. Nash said that any conditions placed on the permit should offer sufficient time for implementing any changes that were deemed necessary.

James Heard asked when the sound study (the Rand Report) had been done. Nash said that it was done on Toboggan Weekend, February 23rd.

The next speaker was Stephen Hanscom, attorney for Snyder and other Knox Mill Condominium residents, who said that the noise from the Smokestack Grill creates an intolerable situation for his clients when they try to entertain friends, read a book, or sleep. Hanscom said that the owner of the bar needs to demonstrate that he will take active steps to control the noise within his own establishment, and he urged that the Board require the owner of the bar to make responsible, substantive steps to alleviate the problem.

Cindy Fraser spoke to the Board as an owner of a condominium at Knox Mill. She pointed out that the complaints that had been registered were not coming from the entire condominium community, as she resides there and has not lodged a complaint.

Bob Pieri, Camden resident, spoke next, saying that when you live downtown, you have to put up with some noise. He added that the mill district has always been the working part of town, and that the residential part is new. Pieri said he frequents the Smokestack and does not find the noise level to be unreasonable.

Sarah Gilbert made additional comments, noting that the words “sufficiently irritating” are subjective in their interpretation, that the police have determined in numerous reports that the noise level is “not unreasonable,” and that the fact that no decibel levels are defined in the ordinance makes it vague and difficult to follow. Gilbert spoke about possible ways to mitigate the noise such as sound curtains and/or a decibel meter.

Zach Cohn, co-owner of the Smokestack Grill, told the Board that he currently takes steps to be proactive with regard to noise at his establishment in order to keep the level of sound at an acceptable level.

Snyder spoke once again, saying that the ordinance is not vague if you’re living there; that on eight occasions the policy had found that the noise was not sufficiently irritating, and on two occasions they had said it was too loud when inside the Snyder’s’ apartment.

Randy Gagne reported to the Board that there had been 29 noise complaints, some before 11pm, and that each time they had visited the bar they had found the staff to be very cooperative. The department had performed 32 random compliance checks at varying times and had found no violations, he said.

John French asked Chief Gagne how a previous similar situation at Cuzzy’s on Bay View Street had been handled.

Town Attorney Kelly reviewed for the Board how that agreement had been arrived at in the case of Cuzzy’s, saying that the following stipulations had been put in place: (1) that no live music would be played with the exception of acoustic guitar; (2) that the staff would receive appropriate training; and (3) that the license would be reviewed in two months. He added that revocation proceedings can be instituted by the Town Manager or requested by the Police Chief if incidents occur that violate general health, safety and welfare standards.

Kelly asked Randy Gagne a series of questions in order to clarify the sequence of events that had taken place.

The floor was closed to public comments and opened to comments from the Board.

John French said that historically there had always been noise in that area of town since it had traditionally been an industrial site.

Attorney Kelly referenced the standard that exists and reviewed for the Board that the permit must be granted unless it is found that the issuance of the permit would be detrimental to general health, safety and welfare.

Zach Cohn stated that he had not been aware at the time that research for the Rand Report was being conducted on the night of February 23rd, and he added that the Saturday of the Toboggan Nationals is always his busiest night of the year. Cohn said that a meter would help them determine what an acceptable level of sound would be.

Martin Cates asked Cohn about the sound-proof curtains. Cohn replied that they are very expensive and said that it was probably not feasible for his business to purchase the curtains at this time.

John French said that the DJs every Friday night do not seem to be the problem, noting that it's the live bands that produce the higher noise level.

Donald White said that there are several groups who needed to establish a dialogue together to work together and come up with solutions: the condo owners, the owners of the Mill and the restaurant owner.

Morgan Laidlaw asked why there hadn't been any collaboration since this first came up in the fall. He suggested that if the permit were granted it could be with stipulations and future check-ins to see how things were going, similar to how the Cuzzy's issue had been solved.

John French asked how much the noise-dampening curtains would cost. Cohn answered that he wasn't sure but thought the cost would be high.

Morgan Laidlaw said that Cohn should show tangible measures he had taken to the Board, as the condo owners had taken tangible measures at significant expense to fix the situation.

John French said that at one point Gilbert's had been asked to spend \$20,000 on an air conditioning system so that doors to their establishment on Bay View Street could remain closed.

James Heard said he was surprised there had not been more dialogue, asking what conversations had taken place during the months after the issue had first come up. Cohn said that there had been no conversations since there had only been two complaints since September.

Donald White suggested that the restaurant could be moved around so that the band faced inside and would not carry toward the condos. John French noted that it would be difficult to do so without blocking an exit.

John French suggested that if the decibel meter were in place, a baseline could be established and the sound inside the restaurant could be adjusted to what would be considered an acceptable level.

Attorney Kelly suggested that the Board take a recess so that the parties could discuss the situation and report back.

The Board recessed at 8:25pm and reconvened at 8:48pm.

Attorney Kelly told the Board that a discussion between the parties had taken place, and that they had agreed to the granting of the Special Amusement permit with the following stipulations:

1. That the Smokestack Grill would install a sound meter. No number of decibels had been specified as far as what is acceptable to both the restaurant and the condo owners, Kelly noted.

He explained that the process would have to be that the police officers would visit the condominium, then the restaurant; they would see what the decibel meter reads, and through trial and error a compromise would be reached as far as what is acceptable.

2. That by July 1st sound-deadening curtains would be installed at the Smokestack Grill.

3. That the parties would come back before the Board at the end of July or in early August to report back as to what has been happening.

John French made a motion to approve the liquor license and the special amusement permit for the Smokestack Grill with the specified stipulations. The motion was seconded by Donald White. It was unanimously approved.

10. Select Board Closing Comments

There were no closing comments.

Adjourn

John French made a motion to adjourn as Select Board and reconvene as Wastewater Commissioners. The motion was seconded by Donald White. It was unanimously approved.

The Select Board convened as the Wastewater Commissioners

1. Approval of the Certificate of Commitment for Sewer User charges (as required by Title 30-A; M.R.S.A. §3406 for the period of January 12, 2012 to April 11, 2012

John French made a motion to approve the commitment for the sewer. The motion was seconded by Donald White. It was unanimously approved.

Adjourn

John French made a motion to adjourn the meeting. Donald White seconded this motion. The motion passed unanimously and the Board adjourned at 8:53pm.

Respectfully submitted,

Karen Brace
Recording Secretary