

Fox Hill App. Notes: General 11/26/13 Draft Doc. revised 1/02/14

Economic Impact Review:

1. The “FHRC” Economic Impact model can in major part apply to any owner of the property. For example:
 - a. Property taxes to Town regardless of perspective owner will be equal to or potentially higher if residential than that of applicant depending on how the property is developed.
 - b. Jobs and income resulting from capital/structural improvements or retrofits will most likely be equal to or potentially greater than that of the present applicant depending on how the property is developed by another owner.
 - c. Income to the Town in terms of retail sales and service/maintenance contracts will most likely be very similar to that of the applicant regardless of who owns the property and how it is used or developed.

Urban Design/Planning Principles:

1. The Comprehensive Plan states that the “character” of residential zones and neighborhoods should be respected, maintained:
 - a. There is of course “visual” structural character of each residential zone... ie. views, woods, open space, type/size/styles of homes/buildings, lots, etc. In addition there is the “social character” or “fabric” of a neighborhood meaning how individuals live and interact within a neighborhood.
 - b. There is consideration of the “historic” structures to take into account should there be merit in saving them. In any town that becomes an important factor in why people visit and ultimately may decide to move here.
 - c. There is the “perceived” overall character of a residential zone or neighborhood as looked at by an outsider or newcomer looking to move to and live in Camden.
 - d. The original “Borden cottage” which is “historic” in terms of Camden’s history has been severely compromised by the significant additions made to it. The several other structures built on the property over the past several decades are not of historical significance. This certainly can be rectified given an interested owner to create a development plan for the property consistent with our Ordinance.

Impact of Potential Zoning Changes:

1. The suggestion that our Ordinance is in “non-compliance” and therefore open to a court challenge because it does not list a “Rehabilitation Treatment Facility” is inaccurate at best. The Ordinance provides for both hospitals and Nursing or Convalescent Homes in appropriate zones.
2. Article II Purpose, Paragraph 1 of our Ordinance states: ...”to foster a pattern of development that respects both villages and the rural landscape while discouraging “sprawl”; to protect existing neighborhoods and encourage formation of new neighborhoods; to provide for vital business areas;... to promote a wholesome home environment.”
3. The specificity of the proposed zoning amendment as to performance requirements or conditions essentially limits the amendment to this one applicant, or possibly to one additional site within the CR Districts. Therefore, I do believe the question can be raised as whether this amendment can be considered “spot zoning”
4. While it may be true that the Planning Board can take any applicant’s proposal for an amendment on a case by case basis, changes of use for allowing additional commercial entities through permitted or special exception uses in the residential districts becomes a significant decision and raises the potential for altering the character of these neighborhoods over time, in fact weakening their residential integrity which the residents count on as their desired “way of life”.
5. If existing residents cannot rely on our Ordinance and the Planning Board to protect their residential neighborhoods, the character of those neighborhoods, they have selected to live in or potential newcomers considering to move to and live here after doing their research and selecting a neighborhood in which they would like to live cannot rely our Ordinance and Planning Board to protect the investments they are about to make, are we the planning board acting in our citizens best interests?
6. I believe recommending this amendment to introduce a stand-alone commercial enterprise of this scale into the CR zones, particularly this one, has the potential to erode the residential character and social fabric of the zone over time. It will leave open the possibility that other similar or related commercial ventures could apply and be approved. In my opinion the Planning Board has the obligation to protect the character of residential districts as stated in the Comprehensive Plan & Zoning Ordinance as presently drafted.
7. Presently Permitted Commercial Uses:
 - a. Outdoor & Indoor storage of boats with conditions.
 - b. Barn storage existing at time of Ordinance adoption.

Summary Notes: These activities existed at the time the Ordinance and CR districts were drafted.

8. Permitted Special Exception Municipal & Institutional Uses:

- a. Cemeteries (Open Space use.)
- b. Nursery Schools/Day Care (See definitions. Refers to “Home” as in “Home Occupation”.)
- c. Golf Courses (Open Space Use. Not enough open space in the Bayview St. CR zone)

Summary Notes: Golf Courses acts as “open Space” and are unlikely in this CR Zone given the lack of acreage available. A cemetery is a non-intrusive use with proper restrictions acting as open space. Nursery Schools are often found in residential neighborhoods, are consistent with residential/family living and home occupation, can and have been restricted as to student capacity through the special exception criteria. Definition refers to “Home”.

Initial Talking Points

- 1) Any applicant coming before the Planning Board with a proposal of significant importance such as the one before us is welcome as it provides the planning board and community the opportunity to take a detailed look at our comprehensive plan, zoning ordinance, and the direction in which our Town is evolving. It is a conversation worth having. The Comprehensive plan is being updated at present.
- 2) Comprehensive Plan and zoning ordinance are complimentary one to the other. I consider them “fluid” documents meaning that their mutual conclusions are not fixed for all time but must be reviewed and updated from time to time to stay current. The Comp. Plan being a guiding, policy document based on the Town’s history, where the Town had evolved to at the point the most current plan was drafted, and to attempt to project into the future as to the next stages of evolution. This last item is like looking into a crystal ball with no factual answers in hand. The ordinance derives its specificity in creating regulations from an understanding of the intent of Comprehensive Plan.
- 3) While the use of spot zoning or conditional contract zoning are available tools for planning boards to consider, I believe they should be used with great care and only in rare and compelling circumstances. Camden has three separate CR Districts to consider with the proposal before us. Therefore it is important to consider these zones individually and collectively and within the full context of both the Comprehensive Plan, the Zoning Ordinance, and the overall character, quality of life, and town planning when making our determination on this or any other significant zoning change.
- 4) I consider the economic stability and enhancement of same to include potential job growth vital to our community if we are to maintain a diversified, sustainable community and demographic balance. However, I believe the economic stimulus opportunities which may come along from time to time must be evaluated in terms of good overall planning policy and maintaining the quality of life of our

community which brought many of us here to reside and work, have kept many who have grown up here, and seen many return. I have been privileged to live and work in the Camden/Rockport area for 44 years and have seen many positive changes to the region and Camden over the years. This town is not getting quieter or less vibrant as some have suggested, quite the contrary when measured in terms of decades.

- 5) I believe in the premise that all residents, permanent and seasonal, who have chosen to live in Camden, select a neighborhood in which to live, and invest in the purchase of an existing property or build a new residence deserve the assurance that the planning and zoning boards through application of the comprehensive plan and zoning ordinance in effect will protect their investments and quality of life in their respective neighborhoods. In my opinion this view is consistent with stated language in both the Comp. Plan and the Ordinance.
- 6) Approving the proposal before us for introducing this stand-alone commercial enterprise into the the CR Districts is of concern to me because there is no guaranty that it will succeed and remain operational even with the best of intentions. FHRE, the property owner, and McClean Hospital, the tenant, cannot together or individually be bound to the proposed amendment language to continue operating a facility in perpetuity.
- 7) We have experienced the arrival of other businesses, Kodak to the Knox Mill with the promise of good paying jobs only to see them leave within a very short window. MBNA lasted a decade providing many jobs and much economic stimulus to our community and region. We were left with empty buildings which took a long time to retrofit and fill with viable businesses. Tibbets industries after many decades of providing good jobs is closed. The difference between these enterprises and the proposal before us is that they did not require a zoning change to set up and do business, or necessitate impacting a residential neighborhood.
- 8) I have concern that approval of this proposal may set a precedent for introducing further stand-alone commercial activities into the CR districts or other residential districts and thereby potentially over time eroding the quality of life in these neighborhoods, their character and unique social fabric. I believe any significant zoning district change should be initiated by the planning board and passed on to the select board as a stand-alone recommendation not tied to a specific applicant's proposal. This is simply good planning policy.
- 9) One last comment... During the past decade or more as several of you have mentioned, there has been a significant growth in the alternative healthcare/wellness professions established here. Just in the past several months and with the aid of the Penobscot Bay Chamber of Commerce, a group of community healthcare practitioners and related businesses and non-profits was formed to advance and promote the midcoast region as a healthy and

healing place to live, work and visit. Called “Destination Wellness – Midcoast Maine,” the group is currently working on creating connections between practitioners in various fields and building a multi-discipline website to connect residents and visitors to practitioners, services, and products. One might say that the proposal before us may fit into this group’s vision. That said is this particular CR district the proper location for this or any other stand-alone commercial facility? I believe that is the core question to ask.

Talking Points addressing the Comp. Plan & Zoning Ordinance

- 1) I believe there is adequate wording in both the Comprehensive Plan and the ZO to deny this application to move forward should we decide to do so. I shall return to the specifics in both the plan and the ordinance when in our discussion.
- 2) I believe that any resident who has invested in purchasing or building a home in one of our residential districts or neighborhoods based on the location, character, and fabric of the neighborhood they selected should be able to rely upon the Comprehensive Plan, our zoning ordinance, and the planning/zoning boards to assure that their the lifestyle and investment they have chosen will remain protected to the extent possible. In my view there is adequate language in both the Comp. Plan and the ZO to support my premise stated earlier.
- 3) I believe this application as proposed rises to the level of spot zoning, if not conditional/contract zoning based on introducing a stand-alone commercial entity into the CR District and the specificity of the proposed amendment language. While spot zoning may be allowed, it should be used sparingly and carefully. The commercial application before us may not be the best use of spot zoning in this particular Coastal Residential Zone.
- 4) There are several specific zoning items related to this application for which I wish to present my perspective:

First, the allowed special exception for a nursery school or daycare center in the CR district has been mentioned a number of times in terms of potentially 20 students in a stand-alone facility which therefore would be more disruptive than the proposed facility. This represents a misreading of the ordinance in my opinion. Under the definition of Day Care Center (or Nursery School) Article III-p.4 Definitions it states: “A facility licensed by the State of Maine for the care or instruction of more than three (3) preschool aged children, exclusive of children who may be living in the home which is serving as the day care or nursery school facility.” Home occupations, Article III—p.10 are an allowed “Accessory Activity”: “An occupation or profession which is accessory to a residential use is customarily carried on in a dwelling unit or other structure accessory to a dwelling unit; carried on by a member of the family residing in the dwelling unit; clearly incidental and secondary to the use of the dwelling unit for residential purposes, and conforms with the standards of Article X, Part II, Section 7...” This article states: 1) The occupation or profession shall be carried on wholly within the

principal building(s) and/or within building(s) or other structures accessory thereto. 2) There shall be not more than one full-time or two part-time employees not resident in the place of business. This limitation on the number of employees shall extend to all nonfamily employees working on the premises, but shall not extend to employees who do not work on the premises, but shall not extend to employees who do not work on the premises. Any employee working 30 hours or more in a week shall be considered full-time. 5) A home occupation located in a Rural-1, Rural-2, Coastal Residential, Village Extension or Traditional Village district shall not be permitted if it would generate more than a daily average of ten (10) vehicular trip ends on week days, or if in fact generates more than an average of ten trip ends per day in any seven day period. Nor shall the home occupation make or receive shipments in trucks more than 3 times in a seven day period. The proposal before us states there will be a minimum of 4 trip ends/day per occupant. Based upon a minimum of 8 single occupancy bedrooms to a maximum of 14 bedrooms as stated. The trip end range would be 32min. – 56max.

Second, it has been cited that the CR zone encourages professionals with small practices or businesses in the CR zone. Again this is consistent with the concept of allowing home occupations but not stand-alone commercial facilities.

(7) The home occupation shall not utilize more than 50% of the total floor area of the dwelling unit plus accessory structure(s). The intent of these referenced articles are to complement the guidance set forth in the Comp. Plan for protecting residential neighborhoods by controlling the scale of the allowed low impact professional occupations. The proposed stand-alone commercial facility does not meet the standards for a home occupation. There are 9 items in this section. They are all pertinent to this application in my opinion.

That all said, I believe this application provides a potentially significant impact for Camden as a whole whether we deny moving it forward or whether we recommend it to proceed to the next step. Should we deny moving it forward we will essentially be maintaining this CR district in its present residential form and sending a message that the other residential districts will be assured the same protections. Should we recommend the proposal to move to the next step we may be assuring that at some point it will be implemented. By denying the application, we will not know what might have been in the evolution of Camden. By recommending the application move forward we will not know the results of unintended consequences for changes to this CR District or potentially other residential neighborhoods until they unfold. This prospect concerns me with respect to maintaining a healthy balance between clearly business oriented districts, transitional business districts such as the B-3, and residential districts. Again this returns me to the principles for good planning in which I was trained, to foster enhancement of existing neighborhoods in order to assure continued quality of life and assure diversity through economic stability through the use of good planning policy.