

Stephen Wilson

From: Robert Shotwell [rshotwell07@gmail.com]
Sent: Wednesday, June 18, 2014 3:11 PM
To: Stephen Wilson
Subject: Windward House

Categories: Yellow Category

When you take total look at the number of current fine restaurants in the Camden and then consider that some of these restaurants are struggling to survive adding another restaurant is unjustified We really have an over supply If there was a real need that would be a different matter but the need is just not there Please take these facts

into concideration when casting your vote Thanks again BOB SHOTWELL



June 19, 2014

Michael Salmon
Hartstone Inn and Hideaway
41 Elm Street
Camden, ME 04843

Steve Wilson
swilson@camdenmaine.gov
Camden Code Enforcement Officer/Plumbing Inspector/Planner

Dear Steve,

I am sorry that I will not be able to make it to the upcoming planning board meeting on July 2nd, but this issue is too important to let slip by and I would appreciate the opportunity to voice a few of my concerns.

I am opposed to granting a special exception to the Inns on High Street, that would allow them to serve dinner to their guests. When we purchased the Hartstone Inn in 1998, our search was restricted by the fact that we needed an establishment that would allow me to practice my trade in the restaurant business. We ruled out several well established Inns on High Street because the possibility of serving dinner to our guests, and/or the public was not allowed due to zoning restrictions. The idea that these zoning restrictions, set in place to preserve the integrity of the Historic District, could be altered for my own personal benefit, never crossed my mind.

Real Estate brokers determine property values at the time of sale, for Inns and other businesses based on previous years financial records, and the potential that the property has for further development. That additional development is restricted by our zoning ordinances. A buyer that purchases a property and assumes that they will be able to modify ordinances to improve it's development (and increase property value for their sale of the property), has no grounds to plead hardship.

I can only imagine the opinions that local restauranteurs would have about this change. If every Inn in town requested a special exception to open their doors to dining guests, it would make it even more difficult for local dining establishments to survive, especially in the winter months. It is challenging enough to meet payroll, insurance and mortgage payments in the off season. Every winter we see a list of restaurants who decide it's not financially viable to operate a year round

restaurant in Camden and sadly, this year we lost 57 Bayview, Fromviandoux, Graffam Bros. & Fresh. Imagine how Innkeepers would feel if all of these restaurants could open a few guest rooms in their establishments to make ends meet.

Traffic flow is another concern that should be considered. As a restaurateur, I know the number of sales people that call on dining establishments. Wine salesmen, food purveyors, paper product salesmen, not to mention the delivery trucks (at least six a day) parked out front of the property with their hazard lights flashing and blocking traffic. It is a burden throughout town (especially in the summer), but you expect it in the business zone...not the residential areas.

In summary, I do not feel that "spot-zoning" is the correct path to be taken in Camden, and I believe this particular special exception request is a prime example of that. It will open the door to future controversy and turmoil. Three Inns that are within 500 feet of the business zone want the opportunity to expand this year...what is in store for next year?

Thank you for your time.

Sincerely,
Michael Salmon
Hartstone Inn and Hideaway



A Bed & Breakfast Inn

22 High Street, Camden, Maine 04843 (USA) • www.camdenmainestay.com

To the Town of Camden

To the kind attention of Steve Wilson

swilson@camdenmaine.gov

Camden Code Enforcement Officer/Plumbing Inspector/Planner

Camden, 06/23/2014

Object: Windward House amendment

Dear Steve,

I'm sorry to bother you again with this problem, but I don't understand why this issue keeps returning so often and now again after just a few days. This amendment was rejected last year, has been rejected again one month ago (it was a tie, 2-2, but, as the majority was needed, a tie meant "no"). Someone probably argued about this and now here we are again and I don't understand why the Planning Board holds continuous meetings about the same problem. It looks like this has to go on and on until the vote is positive. This sounds very strange.

The matter is very important to us, so I would like to voice some thoughts and concerns.

I was not in favor when this request came up last year and again one month ago, and I didn't change my mind.

The reasons for my worries are these:

- There are four Inns in this area; we are just a few steps from the other three. If three of them will be allowed to serve dinner, whether it be to guests or non-guests, we will have to face an unfair competition from the other three, as many people will prefer to make a booking where they can also have dinner rather than choosing a standard B&B. The other three Inns will have the possibility to offer attractive packages with dinner, and we will never be able to match this kind of offer. So our business, especially in wintertime when the inclement weather suggests people not to go out, will be highly affected. We already see this competition from the two Inns in town that serve dinner, and definitely don't need to expand this number. I hope and trust that the Planning Board will not take the responsibility to devalue our business. I appreciate that you care about the good health of businesses in town, but please don't forget that you could put in jeopardy one of the oldest lodging business in Camden.
- I think that we, as a community, have to care also of the other businesses already in operation. There are already many (perhaps too many!) restaurants in town and it would be sad to see others joining the list of those who had to close.

Roberta & Claudio Latanza  Owners and Innkeepers

Tel. +1 (207) 236-9636 • Fax +1 (207) 236-0621 • e-mail: innkeeper@camdenmainestay.com



A Bed & Breakfast Inn

22 High Street, Camden, Maine 04843 (USA) • www.camdenmainestay.com

- We will have a great increase in the street traffic flow. We don't need to have more trucks travelling on High Street, which is already too noisy and busy, especially in summer-time.
- Last, but not least, I have to say this. I would like to see no change at all, but it is clear that one of the main purposes of this request is to increase the commercial value of those three properties. We are just a few yards from these three Inns, and I don't understand why this benefit should be granted only to three of the four Inns located in the same area. We don't mean to have a restaurant, but if they will have the benefit of this increase in their commercial value, I think it would be right and fair that it be granted to us too.

Thanks a lot for your attention and your time.

Sincerely

Claudio Latanza
Camden Maine Stay Inn

Stephen Wilson

From: BARBARA DYER [barbaradyer820@yahoo.com]
Sent: Tuesday, June 24, 2014 9:43 AM
To: Stephen Wilson
Subject: Re: High Street

Categories: Yellow Category

For what it is worth, I don't believe that High Street should change its zoning so some B&B's can serve meals other than breakfast. I do not believe in spot zoning and our restaurants need that business and High Street should be residential. Thanks.

Barbara F. Dyer

In making this decision, the Board should consider the following 4 factors:

- 1. What the code change will actually permit vs. what the applicants currently intend**
- 2. What the proposed change will actually achieve and what it won't.**
- 3. Who benefits and who loses by enacting this proposal**
- 4. What the code actually says about whether the application should be approved**

(1) INTENDED VS. PERMITTED ACTIVITY:

Because the zoning ordinance is a legal document, it is crucial to focus on what the actual wording of the change will allow (both in the short term and the long term) not what is intended by the current operators. The merits of this change cannot be based on the assertions, intentions or promises made by the current owners of the applying Inns, or even what may be practical at the present time, because the owners' intentions can change as can the Inns' ownership (one of these Inns is already under contract), and as what is practical changes over time. Reversing later what is allowed by a change is extraordinarily difficult.

This is a far reaching decision, so it is also important to look beyond just the specifics of the impact on just immediate local environment of these 3 inns. The impact on the town as a whole and the implications of the zoning change for the future evolution of non-business zones as well as the integrity of the zoning code itself (more on this later) must be considered.

(2) WHAT WILL AND WON'T BE ACHIEVED:

- It won't help the Camden business environment. It will alter which businesses in Camden become more successful and which become less successful. By changing the competitive business rules, it will allow an increase in the profitability of the applying Inns and decrease the profitability of other businesses (not just other Inns) in town. Thus, it will not be a pro-business change, it does not bring in new business to the town, it just shifts the profitability, and it does so in a way that is neither good for the town nor its residents. A pro-business decision would encourage new, diverse businesses that are not exclusively tourist-related to locate in Camden. This proposal does nothing of the sort – it just reallocates the profits of already existing businesses.
- It will allow up to 44 dinners per day (220 to 308 meals per week) to be removed from the business our downtown restaurants otherwise could count on. This jeopardizes the viability of these businesses that are already challenged and which help make Camden a year round town. Almost all businesses stay open all year around for the benefit of the permanent residents in town even though most operate at a loss in the off season and depend on the profit they make during the rest of the year to carry them through the winter. Jeopardizing their futures by changing the business rules and allowing otherwise prohibited competition is not only unfair to them, it threatens the other businesses in town that benefit from the presence of these restaurants, and it threatens the livability of the town for its full time residents.
- It may seem unlikely for now, but this change will allow up to an additional 60 vehicle deliveries (trip-ends) per day to the three clustered inns covered by the zoning change. History shows that what is allowed will eventually be done. This would be a very significant impact on the residential neighborhood - certainly not low impact, but this is what the low impact criteria wording will allow.
- It will allow a nonconforming business in a residential zone to become even more nonconforming, in conflict with the provisions of our zoning code. This zoning clearly states that a nonconforming business should not be allowed to expand in functions or intensity. Implicit in virtually all zoning ordinances (from

San Francisco to Camden) is the expectation that nonconforming businesses are tolerated while they remain viable, but the expectation is that they will revert to fully conforming use over time. They are not allowed to expand and certainly not allowed to become even more nonconforming. Permitting this zoning change will enable what is intended to be prevented by the code.

- Prior owners of these Inns were able to operate them profitably and meet their financial needs. The current owners have claimed that they have different financial needs than prior owners. One can and should feel sympathy for their financial plight, but is it the responsibility of the Planning Board to fix their problem? Nearly every Camden resident's finances have been adversely affected by the current economy, but it is not appropriate to change the town's zoning just to fix one applicant's financial problems.
- In contrast to assertions of the applicant, modifying the zoning in the way suggested will not allow the aesthetic appeal of High St. to be better maintained. The assertion is utter nonsense, since through the substantial activity by others on High St., the area qualified as a historic district and is eligible for grant funding to enhance the area. Certainly no zoning change is needed (or even helpful) in preserving the aesthetic character of High St. Any largess from the Inns pales in comparison to the now available grant money. Furthermore, it is to the Inn's own advantage to maintain the aesthetics of their property regardless of any zoning change.

(3) IMPACT VS BENEFIT:

The following tables summarizes who will benefit and who will not from the proposed change:

Who Benefits from the Change	Impact	Who is disadvantaged by the change	impact
Three nonconforming Inns	New competitive advantages	Whitehall Inn	New competition previously prohibited
		Norumbega Inn	New competition previously prohibited
		Mainstay Inn, A Little Dream Inn, Timbercliff Cottage	New competitive disadvantage
		All Elm St. Inns	Removes advantage they pay for
		Homeowners nearby	Noise, kitchen odors, traffic problems(60 more deliveries /day allowed)
		Historic High St. Residential area	More intense commercialization
		All Homeowners in Camden	Can't rely on explicit protections in the zoning
		Restaurants in our vital downtown area	Competition previously prohibited. Changed competitive landscape. Year 'round viability at risk.
		Zoning code integrity	Undermined bit by bit
		Downtown economic viability	Degraded by competition not in vital downtown area.

			Reduced foot traffic in town

If the planning board is tempted to allow this change because it is a just “small change” with minimal additional impact, they should consider that the impact this change is greater than the previously denied change for the Maine Stay Inn to add an additional room for hire. This change was not only denied by the Planning Board as inappropriate for the zone and in contradiction to the code, but it was upheld in court when the Inn owners sued (Topper vs. Town of Camden – 2007).

The Board should also consider that the next incremental change will also be characterized as a “small change” over this new baseline. Thus, the applicant’s original intention of operating a restaurant on the premises (which was denied by the Board) will be achieved in “small” steps over time. By adopting this “small change” criterion for decisions, the Board is establishing a new basis for acceptability, to wit: “small changes” are acceptable whether or not they are consistent with the code. This undermines the code itself, and makes the “slippery slope” not only possible, but likely. This is a serious disservice to Camden and its residents. The attached map shows the Traditional Village neighborhoods in Camden that are at similar risk due to the combination of the “low impact” criteria and the 500 foot rule for special exceptions. Allowing this proposal to go forward jeopardizes all the areas within the red boundary in the future.

(4) CONFLICTING CODE SECTIONS AND RESOLVING THIS CONFLICT

1. ART VIII Section 7 – c (Uses Permitted as Special Exceptions), is item 12, which notes that “Inns on lots of 2 or more acres” are permitted commercial uses as special exceptions in the (V) District. Thus, operation of any Inn in this district **is already a special exception**. Furthermore, since all 3 Inns covered by the recent proposal are on less than 2 acres, they are also non-conforming according to our code. Nonconformance is covered by ART VI of the Ordinance.
2. Section 1 –(Purpose), of Article VI states: “The purpose of this Article is to regulate nonconforming lots, uses, and structures as defined in this Ordinance such that they can be reasonably developed, maintained or repaired, or changed to other less nonconforming or to conforming lots, uses, or structures.” (emphasis added). This makes clear that nonconforming uses and nonconforming lots are not to be allowed to become even more nonconforming. This is exactly what the current application would allow,
3. Looking at Art VI -Nonconformance, Section 2 -Nonconforming Lots, (2)- Lots With Structures, paragraph c states:
An inn located on a lot that is less than two acres in the Traditional Village District, shall **not** add sleeping rooms offered for rent beyond those legally existing as of the date of enactment of this ordinance, **nor shall it be used more intensely with respect to functions, services, or similar activities** otherwise allowed in inns beyond those being routinely and legally offered as of the date of enactment of this ordinance. (Amended – 11/15/05) (emphasis added).
4. However, since the applicant’s Inn is located in the Traditional Village District (V) which does allow the Inn to apply for a special exception (ART VIII, Section 7 – C (Uses Permitted as Special Exceptions), item 10) since it is within 500 feet of the B-H district, if it the activity considered is a “low impact” use. They are allowed to apply, but the code does not assure the application will be approved – that requires the Board’s decision.

So, how does the Board make this decision? There is some conflict between applicable sections of the code. In this case, one must refer to Article XV Section 2 of the Zoning Ordinance, which clearly says in such cases the more restrictive code should apply.:

Article XV Section 2. Conflict with Other Ordinances

Whenever the regulations of this Ordinance conflict with those of another Ordinance or other regulations, or wherever the regulations of one part of this Ordinance conflict with another part of this Ordinance, **the stricter shall apply**, except as expressly stated otherwise in this Ordinance. (emphasis added)

Finally, the Manual for Local Planning Boards, developed by and for the State of Maine, page 86 reinforces the prohibition of allowing a property to become even more nonconforming when it states:

**“Legal Nonconforming (“Grandfathered”) Uses, Structures, and Lots
Provisions dealing with nonconforming lots, structures, and uses legally must be included in a zoning ordinance to avoid constitutional problems with the ordinance. Such provisions commonly are called “grandfather clauses.”**

. . . .”To be “grandfathered,” a use must “reflect the nature and purpose of the use prevailing when (the ordinance) took effect and not be different in quality or character, as well as in degree, from the original use, or different in kind in its effect on the neighborhood.”

All this provides a sufficient basis for the Planning Board to reject the Windward House proposed zoning change, and it is the responsible thing for the Board to do.

With respect,

Dennis McGuirk

Camden, Maine



PAUL R. LEPAGE
GOVERNOR

MAINE HISTORIC PRESERVATION COMMISSION
55 CAPITOL STREET
65 STATE HOUSE STATION
AUGUSTA, MAINE
04333

EARLE G. SHETTLEWORTH, JR.
DIRECTOR

25 June 2014

Lowrie Sargent, Chairman
Camden Planning Board
PO Box 1207
Camden, Maine 04843

Re: Zoning Ordinance Amendment, High Street Historic District

Dear Mr. Sargent,

On June 24, 2014 the Maine Historic Preservation Commission received a request from Steve Wilson, Code Enforcement Officer, Plumbing Inspector, and Planner for the Town of Camden to comment on the potential effects that the above referenced Zoning Ordinance Amendment might have on the National Register of Historic Places listing for the High Street Historic District (and its subsequent amendments and boundary expansions). Accompanying his request was the *Notice of Public Hearing – Planning Board* announcing the July 2, 2014 meeting at which this topic would be discussed.

It is our understanding that this amendment specifically addresses a request from a property owner within the Historic District to add an evening dining option for the guests of her bed and breakfast. At this point there have been no plans developed for alterations to the building, and we have been told by the property owner and Mr. Wilson that the physical alterations to the building will largely be internal.

Without plans to comment on, the Commission cannot make a determination whether this project would have any effect on the continued ability of the property to contribute to the High Street Historic District. However, I would like to use this opportunity to provide the Planning Board with an overview of the National Register of Historic Places (National Register) program and with a summary of what listing does and does not require of property owners.

The National Register was authorized by the National Historic Preservation Act of 1966 and is administered by the National Park Service, under the Secretary of the Interior. Its primary goals are to foster a national preservation ethic, promote a greater appreciation of America's heritage, and increase and broaden the public's understanding and appreciation of historic places. It also serves as a mechanism for evaluating the effects of federally funding, licensed or permitted projects on historic resources that are listed in the National Register.

The Camden High Street Historic District was first listed in the National Register on January 5, 1989 in recognition of the neighborhood's architectural significance. Some of the individual buildings within the district also have significance in the areas of education, community planning and development,

entertainment and recreation, and landscape architecture. The primary significance of the district was described in the National Register nomination as follows:

Camden's High Street Historic District contains the largest and most architecturally diverse group of residential buildings in tis Knox county coastal community of approximately 4,500 persons. Built and occupied initially by some of the village's most prominent citizens the surviving early to mid-nineteenth century dwelling illustrate Camden's growth and prosperity as a ship building and trading center. Increase house building and change in ownership at the turn of the century, however, demonstrates the increased importance of summer tourism and the town's evolving economic base..."

In order to retain the National Register listing the historic district *as a whole* needs to maintain an overall sense of time and place reflecting its historical associations with Camden's "growth and prosperity as a ship building and trading center" and "summer tourism". Within the district individual properties either contribute to the listing or do not contribute to the listing. A building that does not contribute is one that is either too recent or has been altered to the point that it can no longer express its historic significance. A historic district will be removed from the National Register if it contains so many alterations or new intrusions that it no longer conveys the sense of a historic environment.

The goal of listing the historic district in the National Register is to promote careful stewardship of the buildings, sites and structures within the district, but it does not regulate what private property owners can do with their property. It also in no way regulates or limits the functions of the buildings or the activities that occur within. Many former residential structures listed in the Register, either individually or within Historic Districts, contain restaurants, offices, stores or other commercial entities.

In summary, the control and authority over the use and disposition of a property listed in the National Register remain solely with the owner unless he has applied for and received a matching grant or other Federal funding, or is participating in a rehabilitation tax credit project. Listing in the National Register does not mean that limitations will be placed on the property by the Federal government. Furthermore, owners of private property listed in the National Register have no obligation to open their properties to the public, to restore them, or even to maintain them, if they choose not to do so. Owners can do anything they wish with their property provided that no Federal license, permit, or funding is involved.

Please do not hesitate to contact me if you should have any further questions or concerns.

Sincerely,



Christi A. Mitchell
National Register Coordinator

Stephen Wilson

From: John J. Sanford [jsanford@hjsoffice.com]
Sent: Wednesday, June 25, 2014 2:52 PM
To: Stephen Wilson
Subject: RE: Windward House

Categories: Yellow Category

Steve –

I just realized that my reference to “non-residents of the inn” may be confusing. I meant to say “overnight guests at the inn”.

Sorry for my error..

Jack

From: John J. Sanford
Sent: Wednesday, June 25, 2014 2:24 PM
To: 'swilson@camdenmaine.gov'
Subject: Windward House

Dear Planning Board Members:

I have been reading with interest the ongoing discussions concerning the Windward House request to amend the Camden Zoning Ordinance to allow that business to serve meals to non-residents of the inn. As you consider the pros and cons of this request, please consider the long range implications. This is yet another example of zoning by business plan, not by rational, and thoughtful comprehensive planning. While it can be argued that this request is just one small step, it cannot be argued that this will have consequences, some that will almost certainly be unanticipated.


If you grant this, or for that matter, any other requests to change the zoning ordinance while you are in the midst of updating the Camden Comprehensive Plan (which must form the basis of any zoning ordinance), why even go through the process of updating the Plan at all?

After all the recent acrimony over Camden zoning, would we not all be better served by directing this request to the Comprehensive Plan Update Committee to thoughtfully consider as part of its work? The citizens of Camden deserve nothing less.

Jack

John J. Sanford, Esq.

Harmon, Jones & Sanford
PO Box 190
17 Sea Street
Camden, ME 04843
Phone: (207) 236-7171
Fax: (207) 236-4107

 Please consider the environment before printing this e-mail

Stephen Wilson

From: Russ Miller [russ@whitehall-inn.com]
Sent: Wednesday, June 25, 2014 3:44 PM
To: Stephen Wilson
Subject: Zoning Change for Windward House

Categories: Yellow Category

Hi Steve

I may not be able to attend the July 2nd Planning Board Meeting, but would like to voice my opinion on this request for a zoning exemption. I believe acceptance of this request would open the door and create a precedent for an unknown variety and number of zoning exemption requests in the future.

For this reason, I am going on record as being opposed to this proposal being offered any further consideration by The Planning Board.

Thank you

Russ Miller
Whitehall Inn

Stephen Wilson

From: Kit Parker [camdenkit@roadrunner.com]
Sent: Thursday, June 26, 2014 10:31 AM
To: Stephen Wilson
Subject: High St./Windward House

Categories: Yellow Category

June 26, 2014

Camden Planning Board
PO Box 1207
Camden, ME, 04843

Dear Planning Board Members:

This is getting repetitive and exhausting.

It is not the job of town officials to enable residents to circumvent the Zoning Ordinances and the Comprehensive Plan. After a three hour hearing on the Windward House request we have to start from scratch? Are you kidding?

It is your responsibility as elected officials to uphold the ordinances that so many people worked so hard to write and get passed. Steve Wilson should explain the ordinance . . . not help devise strategies for how to get around it.

Do you want to see The Windward House (this property in a residential/historic neighborhood that is in the gateway to Camden turned into a more non-residential use? A "bed & breakfast" was originally just that. Where did we go off the rails?

I'll try to condense some more arguments against this proposal.

1. If more projects like this spring up all over town it will damage Camden's brand. This brand has been developed over many years. Our historic districts, village atmosphere, and preserved downtown are what people come here to enjoy as residents and as visitors. There is not a town like it on the coast. Don't damage the brand.

2. There are already too many restaurants in Camden. This proposal benefits no one but Krista not the neighbors, not the other restaurants in town, not other businesses that benefit from foot traffic, not B&Bs that paid higher purchase prices in commercial zones so they could serve dinner, and not other B&Bs that would be forced unhappily to serve dinner in order to compete.

3. This will not stop here. The next request will be "We need to serve dinner to the public to pay for the commercial kitchen we had to put in."

Then "We need to tear down the house next door to provide parking for our dinner guests." Just look at Rockland. I remember when there were actual houses on Route One.

4. You risk being accused of spot zoning.

If you move this to the Select Board it will be giving your tacit approval.

If you approve this, it is a slippery slope. I cannot envision any future requests that you could legitimately turn down after approving this one.

Save our zoning ordinance and our neighborhoods.

Sincerely,

Kit Parker

30 Community Dr. #115 and 23 High St.

Camden

Stephen Wilson

From: David Kallstrand [dmkksk@me.com]
Sent: Thursday, June 26, 2014 2:32 PM
To: Stephen Wilson
Subject: Planning Board Meeting

Categories: Yellow Category

Dear Mr. Wilson,

In all do respect, we do not understand why the zoning board needs to revisit the Windward House zoning issues again. As a small business owner, located in a residential zone, we respect our neighbors on High Street and the current zoning. We adamantly oppose any zoning changes to High Street as previously stated in our prior emails. If this change is permitted, who will request another change to meet their business goal? And at what cost to the High Street residents such as additional delivery trucks, later hours and residential disruption. Hopefully, the board will respect the residents on High Street and the legacy of this historic street and put this issue to rest for a final time.

Respectfully,

Dave and Karen Kallstrand
Timbercliffe Cottage B&B

Sent from my iPhone

Stephen Wilson

From: apsmereck@att.net
Sent: Thursday, June 26, 2014 10:08 PM
To: Stephen Wilson
Subject: Concerns about Proposed Changes on High Street

Categories: Yellow Category

Dear Mr. Wilson:

Here we are again, after having registered our concerns about the proposal to establish a rehabilitation facility on the property known as Fox Hill. Our reasons for asking that the Planning Board please not permit inns to serve meals other than breakfast are in keeping with our concerns about the Fox Hill investors' plans: namely, that the zoning laws already in place are there for very logical reasons, and that they do an excellent job of preserving the nature of Camden. To make exceptions to the existing ordinances would, we fear, be to the benefit of a few and to the detriment of many.

We are mindful that the parties seeking zoning changes are, unlike the Fox Hill group, Camden residents, and are people who have worked very hard at the upkeep of wonderful establishments that enhance our town. It is not easy, therefore, to voice our objection, knowing that we are speaking against local people whom we admire. However, it is possible to respect people and yet have a difference of opinion, and that is our situation. We also admire our Camden restaurateurs and other inn-keepers, though, who have voiced opposition to the zoning change, as well as residents of High Street who are concerned about how the proposed changes will affect their quality of life.

Ordinances should always be subject to review, and we are grateful to you and the Planning Board for putting in countless hours of work on matters such as these. We hope that upon further review of the subject, you will find that granting the request made by the Windward House owners and their fellow plaintiffs would cause immediate negative impacts on local businesses and on High Street residents as well as create -- to use an over-used but succinct expression -- a slippery slope.

Thank you for taking the time to consider our opinion.

Sincerely,
Amy and Dan Smereck
147 Chestnut St., Camden

Regarding the Windward House proposed zoning change:

1. **If you are pro-business**, you should **vote against** this proposal.
 - It will do **nothing** to bring new business or additional income into Camden.
 - It will do **nothing** to increase Camden's tourism business.
 - This zoning change will just redistribute the business income that is already here. And it will do so in a in a very harmful way. It will take profits from vital downtown restaurants that depend on selling every meal they can during the good weather period to make a profit and carry them thru the unprofitable winter. Most of these restaurants operate on very thin profit margins .and this proposal will permit taking **hundreds of meals** per week away from these restaurants, jeopardizing their viability.
 - For Camden, a pro-business decision is one that will help attract **new** business to the town- preferably one that is not tourism dependent.
2. **If you want to keep Camden a year around town** that does not shut down in winter like many others on the Maine coast, you should **vote against** this proposal.
 - By taking business away from the downtown restaurants, fewer of them will be able to stay open in winter, so many more are likely to shut their doors in winter. This will make us a much less vital town for current year round residents and less attractive as a place for newcomers.
 - The Board has correctly stated that it is not their role to determine which businesses succeed in Camden and which do not, and that this is determined by the marketplace. But, when the board changes the rules of the market place, it does exactly what it is not supposed to do. Changing the rules of the marketplace **does** control which businesses will succeed and which will not.
3. **If you want to maintain the integrity of the Camden Zoning Ordinance**, you should **vote against** this proposal.
 - While one could assert that this is not spot zoning, because 3 Inns are included, reading the text of the proposed change makes it quite clear that **only one spot in town** is affected. This would add a unique feature of the code and is bad planning practice.
 - The bulk of **our** zoning (at that of nearly every other town from California to Maine that has zoning ordinances) is opposed the expansion of a nonconforming business and will not allow them to become even more nonconforming. But, this is just what this proposal will allow. It is also in contradiction to the guidance provided by Maine's Manual for Local Planning Boards.
 - Though there is some conflict on this issue between various sections of the zoning, Article XV Section 2 tells us that in such cases the more restrictive code should prevail. Hence, the proposed special exception should be denied.
4. **If you want to avoid more empty store fronts** in our crucial downtown area, you will **vote against** this proposal.
 - As well as harming the viability of the restaurants downtown, this proposal will also reduce the number of trips tourists will make into town from their Inns, thereby reducing the incomes of stores that rely on walk-in traffic.
5. **If you are interested in maintaining the livability of residential neighborhoods**, you should **vote against** this proposal.
 - It is very hard to believe that allowing 60 more trip ends per day for these 3 Inns, for deliveries, waste removal salesman visits, and the kitchen odors from 3 new separate kitchens operating in the neighborhood would really have "low impact" on the neighborhood. This may seem unlikely now, but this is what the words allow.
 - Residents who purchased their homes nearby depended on the zoning that protected their neighborhoods from becoming more commercial and thereby and degrading the marketability of their properties.

6. If you are interested in **maintaining the aesthetic character** of our Northern Gateway, this proposal accomplishes nothing, so **vote against** it. There is already a vital effort involving residents and businesses on High street that has resulted in eligibility for substantial grant money to accomplish this. (Thanks mainly to the initiative a different Inn on High Street). Furthermore, the 3 Inns already have a substantial interest in maintaining the attractiveness of their properties just to stay competitive and the proposed zoning change will not alter this.
7. Only if you are interested in helping the applicant meet their unrealistic financial expectations for their business, and do not mind doing this to the detriment of many other businesses should you vote for this proposal. Neither the previous owners of the applying Inn, nor the operators of any other Inn in this residential zone required this zoning change in order to be profitable. This is one reason **nearly every other Inn owner in Camden opposes this change.**
- The applicant wishes to compete with other businesses that our zoning will not currently a permit, and therefore has asserted that more competition is good for everyone. If this were true, she would not have vehemently opposed every other change that would have increased the competition with her business (the Steve Pixley proposal, the Grand Harbor Inn, the Wayfarer Marine proposal).

As a town regulation, what matters is what the zoning words will allow, not what the applicant says they intend or what may seem likely at present. What it allows is not good for Camden.

Vote **against** this proposal, it is **bad for Camden** as a town, it is **bad for residents**, and it is **bad for businesses** in Camden. No one benefits from this other than the applicant.

With Respect,

Dennis McGuirk

Camden, ME

June 27, 2014

Steve Wilson, Code Enforcement
Camden Planning Board Members
Pat Finnigan, Camden Town Manager

POB 1207, 29 Elm Street
Camden, Maine 04843

RE: July 2, 2014 public hearing on the Windward House zoning amendment

Dear Mr. Wilson, respected Planning Board Members and Ms. Finnigan,

It is very important to maintain the character of Camden's residential neighborhoods. Towards that end, I feel it is contrary to the intent and language of the current zoning ordinance to allow an amendment to the Windward House and other Inns in residential zones on less than 2 acres that have been "grandfathered," to allow restaurants. Please do not change the current ordinance for the proposed Windward House zoning amendment.

Sincerely,

Dorie Klein
30 Dirt Road
Camden, Maine 04843
207 230-4869

P.S. Steve, would you please forward this email to all members of the Planning Board by noon today, June 27? Thank you.

Stephen Wilson

From: monthse@midcoast.com
Sent: Friday, June 27, 2014 10:28 AM
To: Stephen Wilson
Subject: High street

Categories: Yellow Category

Dear Planning Board,
Having spent several years with High street residents, putting together the zoning ordinance to establish High street as a residential area, I hold very strongly to the way the ordinance is written.
Respectfully submitted,
Ann S. Montgomery

Stephen Wilson

From: Paul [pgcavalli@gmail.com]
Sent: Friday, June 27, 2014 12:29 PM
To: Stephen Wilson; pgcavalli@gmail.com
Cc: McKenney Jack

Categories: Yellow Category

STEVE, I JUST FOUND 2 TYPOS. I FIXED THEM. PLEASE USE THIS REVISED EMAIL
THANKS AND HA VE A GREAT WEEKEND.
PAUL

Sent from my iPad

Begin forwarded message:

From: Paul <pgcavalli@gmail.com>
Date: June 27, 2014 at 11:40:18 AM EDT
To: "pgcavalli@gmail.com" <pgcavalli@gmail.com>, "swilson@camdenmaine.gov" <swilson@camdenmaine.gov>
Subject: Windward House

TO: CAMDEN PLANNING BOARD

This letter serves as my thoughts on the next round of discussions regarding the Windward House and their proposed change of serving dinner to their guests. I have attended several planning Board meetings on this topic both last year and this spring. In general, I am surprised that this is again -- on the agenda. I believe it was rejected by this board both prior times.

That said, I think that the real question on the neighborhood's minds, and certainly ours, might be --- is it only "serving dinner to their overnight guests" or is this a slow progression toward more commercialization of High Street? Becoming a commercial zone would be the destruction of the street's character and historical significance. It would be damaging to the neighborhood and the adjoining streets, e.g. Harden, Sea, Eaton, and on north reaching toward Sherman's Point Road. And, totally change the character of entering our town from the north.

And, when entering Camden from this point-- it is an experience of seeing a premier residential neighborhood that has survived over 100 years along with any more recent housing doing the same. It is truly a gateway to a well-preserved downtown business district.

Contrary to statements made both in public and press--- this is not Route One just with trucks rolling by. This is a residential street. All throughout New England major thoroughfares go through beautiful and historic towns. This is not a street full of dilapidated homes that are for sale.

On this north end of Camden, (High Street, Harbor Road, Mt. Arrow Road, Timbercliff) there are 12 new homes (showing a significant investment in Camden, higher taxes paid) that have been built in the last 1-3 years--- with 2 additional new ones being started this summer. The majority of these owners are living in Camden year-round or plan to in the very near future. Several of them have school age children. Additionally, there have been two younger families with children in all Camden Regional Schools levels that have bought and renovated homes on

High Street; living here year round as well. This type of growth, higher real estate taxes paid to the town, appropriate architecture, etc. is NOT happening in any other part of Camden-- and, really the rest of Knox County. That kind of investment and activity is due to the quality, historic nature of High Street, its importance as the lead entrance to their individual streets and the walkability and proximity to our downtown business district.

Thank you.

Paul Cavalli
Jack McKenney
44 High Street

Stephen Wilson

From: Nancy Frey [nanjcmfrey@aol.com]
Sent: Sunday, June 29, 2014 8:11 PM
To: Stephen Wilson
Subject: Zoning Ordinance Amendment

Dear Board Members:

It has always been my understanding that the Planning Board should do what was in the town's best interest. This ordinance has been in effect for many years. If this request for amendment had been made one year after passage there is no question the request would have been denied since all aspects of the ordinance pros and cons would have been so recently considered. Many years have passed and the burden of showing a change in the town's needs must be set out by any applicant to have the proposed amendment referred to the Select Board.

At the April 17th hearing Ms. Bifulco set out the benefits as follows: 1. The change will encourage growth in a densely commercial area; 2. It will allow small family businesses to grow; 3. It will retain the charm of the neighborhood; 4. It will provide additional income to cover the expense of maintaining their old building. She also mentioned that there are no plans to increase the footprint or change the style of the house at all.

Try as I might, I can find no benefit to the town by amending the ordinance. Why would the town want "growth in a densely commercial area"? How will the change help "retain the charm of the neighborhood" better than the ordinance as it presently is written? In fact, the only benefits, allowing small family businesses to grow, and providing additional income to cover the expense of maintain their old building, flow only to the proponents. In addition, Ms. Bifulco characterizes the zone as commercial when it is Traditional Village (V) zone, a very different classification. Passage of the amendment would almost certainly encourage the other two B&Bs in the zone to proceed to the Zoning Board of Appeals to seek similar expansion of their income.

Summarizing, the Bifulcos have shown nothing that would justify the very, very, special amendment while, at the same time dealing a serious blow to the High Street Historic District. If this amendment is referred to the Select Board this could be the first incremental step in transforming High Street to Elm Street North.

Sincerely,

Alan Frey
65 High Street, Camden

nanjcmfrey@aol.com