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VIA EMAIL AND U.S. MAIL

July 31, 2013

Chris MacLean, Chair
Planning Board
Town of Camden
29 Elm Street
P.O. Box 1207
Camden, ME 04843

RE: F.H.R.E., LLC Ordinance Amendment Proposal

Dear Chair MacLean:

This firm, together with our co-counsel Jack Sanford, represents Leonard and Madlyn Abramson, of 230 and 221 Bay View Street in Camden; the Abramsons' properties are adjacent to and directly across from the Fox Hill property. The Abramsons have asked me to write to you on their behalf to request that the Planning Board recommend to the Camden Select Board that the Select Board not include the F.H.R.E. ordinance amendment proposal on the town meeting ballot.

The reasons for this request are as follows.

First, the F.H.R.E. ordinance proposal is inconsistent with the Camden Comprehensive Plan. The Comprehensive Plan includes the following provisions:

Page 18-3: "Coastal scenic: neighborhoods and other areas along the coast north and south of the harbor that have retained their natural beauty, offer important views of the bay, and serve as gateways to Camden. These areas are especially important in their contrast to the strip development that so often marks Route 1 in Maine. These transitional areas are only moderately developed at present. Additional development may be possible in these areas, but should be at densities, and should be of such a design, that will preserve the existing character of rolling terrain; interspersed woods, fields, and structures; and views of the water. Suburban-style subdivisions generally would violate this character."

Page 18-8: "Two transitional areas have been identified as coastal scenic: . . . Bay View/Chestnut: This is a moderately developed, waterfront area that runs from Penobscot Street to the Rockport town line. For the most part, the area is not served by public sewer. . . . These areas should allow for a moderate level of residential development while assuring that these corridors retain their scenic landscapes and vistas and continue to serve as attractive

gateways to Camden. Permitted uses should include single and two family dwellings, some light commercial activity such as nursery schools and daycare centers and some recreational activities such as golf courses, plus agriculture and timber harvesting. Minimum lot size should be no less than 40,000 square feet, however, lots on public sewer could be 30,000 square feet. Minimum road frontage should be no less than 100 feet. Subdivisions within this area should be required to preserve at least 30% of the parcel as open space with a minimum lot size of 1 to 2 acres."

Page 19-2: "Commercial zoning should generally hold to present (2002) boundaries."

The F.H.R.E. ordinance proposal is inconsistent with these provisions, because it would allow development that would be more intensive than contemplated by this language, which limits development in the Bay View Street area to moderate residential development such as single and two family dwellings, light commercial development such as nursery schools and daycare centers, and recreational activities such as golf courses. The proposal for commercial scale, year round, 24 hours a day, 7 days a week "residential treatment facilities for comprehensive alcohol and related substance abuse disorders providing concurrent treatment for addiction and/or other associated psychiatric disorders" goes well beyond these limited intensity uses.

Because the F.H.R.E. ordinance proposal is inconsistent with the Comprehensive Plan, it would not withstand legal challenge. Maine law requires zoning ordinances to be consistent with the Comprehensive Plan. 30-A M.R.S. § 4352(2).

Second, the F.H.R.E. ordinance proposal is spot zoning, because it is intended to allow a specific development proposal on a specific piece of land. Engaging in this kind of spot zoning threatens the integrity of the Zoning Ordinance and the Comprehensive Plan, and is bad planning and should be discouraged because it would set a precedent for Camden that would be difficult, if not impossible, to reverse. Furthermore, with only a change in minimum acreage in the proposed amendment, other parcels would qualify for such facilities. Once spot zoning is allowed for a particular development, where does it end?

Third, we are very concerned about traffic impacts associated with the proposed development. Bay View Street is an unusually narrow street in a residential area, and a year-round residential alcohol, drug, and psychiatric treatment facility there will result in traffic that will have a greater impact than it would on other residential streets. Even if the patients will not have their own vehicles, the facility will have 24-hour traffic from its employees who do not live on site, deliveries of food, fuel, laundry, and other supplies, catering crews, landscaping crews, patients' families attending family counseling sessions, and the arrival and departure of the patients themselves, and emergency vehicles when needed. And widening the road to accommodate this traffic would dramatically and irretrievably alter the character of the neighborhood, and likely require a significant amount of blasting of granite – an expensive proposition that should not be borne by Camden taxpayers.

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Fourth, we have grave concerns about the appropriateness of the proposed location for an influx of numerous wealthy and famous, and sometimes infamous, people who have no prior connection to Camden. The horrific encounters with overly aggressive news media that our clients endured are well documented and are of public record in *Wolfson v. Lewis*, 924 F. Supp. 1413 (E.D. Pa. 1996), where the Court found that the tactics of one particular television program amounted to "harassing, hounding, following, intruding, frightening, terrorizing [and] ambushing" our clients' family. It is our experience that the news media, when motivated by the desire to slur or harass celebrities and other wealthy individuals, will stop at nothing to obtain a story, and they are not afraid to assert their right to report it, even if it involves loitering, trespassing, intrusion, and other public disturbances.

Our clients selected Camden as the location for their summer residence specifically to enjoy the quiet, peaceful lifestyle they found in Camden. It is no coincidence that the family purchased their Camden homes during the time when anonymity became critical to them. Camden has a reputation for providing tranquility to its residents and visitors, where they can avoid the thunderous media attention that they otherwise have to bear. The placement of a facility that invites media sensationalism about its guests would inevitably change the character of the neighborhood and the entire Coastal Residential District.

Fifth, we are concerned about whether there is an adequate supply of water at the site for the needs of the facility and for fire suppression. There is a history of inadequate water for fire suppression in the Fox Hill area, and of inadequate water at the site for landscaping and residential demands.

Sixth, how can the Town know that the developers will fulfill their commitments? The identities of most of the investors (reportedly 24 of them) is a mystery, and makes us wonder how the Town will be able to assure that the property is not removed from the tax rolls, if not now, then later. Why are they rushing their proposal to a vote in November?

Seventh, and on a related issue, we have concerns about the inclusion in the ordinance proposal of the following language: "Changes in the operator or in the tenant operating the facility shall require new approvals from the Camden Planning Board." What approvals will be required, and what will be the standards for this approval? How will the Planning Board and the Zoning Board of Appeals decide whether a new operator or tenant will be satisfactory candidates to take over the operation? In fact, in the absence of established criteria or standards, how will the Planning Board and the Zoning Board of Appeals decide in the first instance whether the operator of the proposed facility will be a satisfactory candidate to operate the facility?

Because of the uncertainties surrounding this proposal, we strongly object to F.H.R.E.'s efforts to push its proposal through quickly so that it can appear on the ballot in November. The F.H.R.E. proposal is a major departure from past planning practices in Camden, and would have significant adverse impacts. Review of the proposal should not be rushed; the Planning Board should proceed with due care to thoroughly consider all potential impacts. There are too many unknowns to rush this proposal to a public vote.

Thank you for considering the points in this letter. Although Jack Sanford cannot attend your meeting tomorrow, I will plan to attend to answer any questions you may have. In the

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meantime please let me or Jack (236-4107) know if you have any questions or need additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Matthew D. Manahan', with a long horizontal flourish extending to the right.

Matthew D. Manahan

cc: Members of the Planning Board
Members of the Board of Selectmen
Leonard and Madlyn Abramson
John J. Sanford, Esq.
Paul L. Gibbons, Esq.
Steve Wilson, Planner/CEO
William Kelly, Esq., Town Attorney