

September 30, 2013

Stephen,

Thank you for the schedule update.

I have a couple of questions about the issue that you may be able to clarify.

First, I believe the function of the Planning Board (PB) is to decide whether or not any proposal for new uses in a zone is consistent with the Camden Comprehensive Plan (CCP) and the relevant zoning ordinances (ZO). Is this not their charter? If this is true, then it does not seem relevant what the economics of a proposal are, nor does it matter how desirable a business might be in its own right, nor should the exact wording of a proposal matter. These are issues that would be of interest only if the board has already decided that the proposal is consistent with the CCP and ZO and then wants to constrain how the proposal is implemented to minimize any potential negative effects. (this was done recently for the Hartstone Inn by restricting the use of the proposed new balcony on one of their buildings to use by the owner or his representative caretaker – not by any guests, so as to limit the noise impact on neighbors).

Second, it seems that by focusing on the economic impact, and the exact wording of a special exception, the PB has effectively given their approval for the siting of a clearly non-residential operation in a residential zone, and intends then to pass their recommendation on to the Select Board. Isn't this the effect of their actions to date? I think this is wrong. By doing so, the PB has effectively abdicated their responsibility to uphold the CCP and the zoning ordinances. It also goes against their previously stated position (see PB minutes from earlier this year) that non-conforming uses in zones should be regarded as temporary, to allow grandfathered businesses to remain while they are viable, but ultimately these sites would be expected to revert to totally compliant use within the zone.

Finally, at one of the public meetings it was asserted that the prior use of the site was anything but residential. This was a false, self-serving assertion by people who would personally benefit by the zoning exception. In fact, Mr. Cowley was not the typical resident, by any stretch of the imagination, but then how many residents earn over \$150 million per year? He indulged his whims (as was his right) and built an elaborate garage for his substantial car collection. He did not hold rallies or shows there (like in Owls Head) , nor did he rent or lease these cars to the public. Clearly his indulgence was atypical, but it was entirely consistent with the residential zoning ordinance.

I look forward to your reply,

Dennis McGuirk