

**Town of Rockport Planning Board
PUBLIC HEARING
Wednesday, March 10, 2010 – 7:00 p.m.
Rockport Opera House Downstairs Meeting Room
Meeting Televised on Channel 22**

Present: Kerry Leichtman, Chairman
John Alexander
Terri McKenzie
Frederic W. Coulon
Mark W. Masterson
John W. Priestley

Also Present: Thomas M. Ford, Planning Director
Nancy Ninnis, Recording Secretary

AGENDA

OLD BUSINESS

1. **John Bridges**, 1033 Commercial Street, Rockport, ME 04856
Request: Site plan review for a 168 sq. ft. takeout restaurant (continued from the 1/13/10 meeting).
Property: 1033 Commercial Street – Tax Map 3, Lot 10
District #907 Modified – Mixed Business/Residential District
2. **William J. and Diana R. Glover**, 241 Molyneaux Road, Camden, ME 04843
Request: Site plan review to develop a 6,000 sq. ft. building for light industrial and light manufacturing use (continued from the 5/13/09 meeting). Represented by Gartley & Dorsky Engineering and Surveying.
Property: Between Commercial and Rockville Streets – Tax Map 14, Lot 29
District #907 – Mixed Business/Residential District

NEW BUSINESS

3. **Donald M. and Erika L. McGilley**, P.O. Box 392, Rockport, ME 04856
Request: After-the-fact lot line revision in the Mt. Pleasant Subdivision. Represented by Martin D. Cates of Jaret & Cohn Real Estate.
Property: 4 Chris Road – Tax Map 15, Lot 80
District #908 – Rural District

OTHER BUSINESS

4. Review and Approval of Minutes

SITE WALKS

5:00 P.M. William and Diana Glover, Corner of Commercial and Rockville Streets

The meeting was called to order at 7:08 p.m.

I. JOHN BRIDGES

Representation: **John Bridges**, 1033 Commercial Street, Rockport, ME 04856
Tel: 207-236-
Re: 1033 Commercial Street – Tax Map 3, Lot 10
District #907 Modified – Mixed Business/Residential District

Request: Site plan review for a 168 sq. ft. takeout restaurant (continued from the 1/13/10 meeting).

Chairman Leichtman: We took a site walk on January 13, 2010 and began site plan review at that meeting. We found the application to be complete and continued review until tonight, when we will focus on the issues we found to be problematic, including the site layout and design.

PRESENTATION:

John Bridges: I am excited to report on progress. Because of Board concerns about layout, traffic flow and pedestrian safety, I had Landmark Corporation draw up a site plan showing the actual dimensions of the parking spaces and the shack with overhang. The location of the shack has been moved three feet back so that the edge of the overhang is at 37 feet. I eliminated two parking spaces along the fence line to create a wider 20-foot entrance way. I spoke with the Department of Transportation regarding the entrances for ingress and egress and have received verbal confirmation of the approval that was being mailed yesterday, and that is what is shown on the site plan. The entrance is paved, and I have also provided a simple landscape plan. The existing greenery is used quite a bit with whiskey barrels along the fence line with attractive shrubs. The removal of the shed is coming along and I have the contractors lined up for the electrical and site work.

BOARD QUESTIONS AND DISCUSSIONS:

Mr. Coulon: With regard to the layout of the parking, there doesn't seem to be enough room without obstructing Route 1 if a car is backing up while a vehicle is making a left turn to enter.

John Bridges: I haven't had any problem with my own use, but I discussed that with Tom Fowler and had Landmark look at it, and he felt that there will be sufficient room.

Mr. Coulon: I refer to Land Use Ordinance Section 1002.3.5.b (Performance Standards/Area Landscape Regulations/Front Yard Landscaping Requirements) regarding not allowing any portion of a commercial parking space within the 35-foot setback area from Route 1.

Planning Director Ford: When you look at all the existing uses on that portion of Route 1, the parking areas for almost every business are within the setback. Some of these businesses have gone through site plan review in the last ten years. This is an existing parking area, as we saw on the site walk, and you also have to look at the lay of the land in that portion of Town and what exists on the ground.

Mr. Coulon: Has the property been used for a commercial use in the past?

John Bridges: Not that I know of. I purchased it for its potential.

Mr. Coulon: What keeps you from moving the building back?

John Bridges: I considered excavation, but there is a lot of ledge.

Mr. Coulon: You have moved back an additional three feet. Is there any way you can go further back?

John Bridges: That three feet is where the grade changes at the hill. There are ledge outcroppings in the yard. I feel confident this is the maximum I can do.

Chairman Leichtman: I agree with the Planning Director's comment and request that the Ordinance Review Committee address this issue.

Planning Director Ford: Per Section 1306, "The Planning Board may modify or waive any of the above application requirements or performance standards when the Planning Board determines that because of the special circumstances of the site or the size of the project such application requirements or standards would not be applicable or would be an unnecessary burden upon the applicant ..." In this instance and because of the pattern of development that has existed for decades and the relatively small size of the project, this is an appropriate place to apply that standard.

Mr. Masterson: The entrance opening is at an almost 90° angle. Is there any way of opening the entrance up?

John Bridges: That's a valid point. Tom Fowler said that DOT guidelines apply to the immediate entrance area, but we can increase the flare on the north side and still be within the 16 feet approved by the State.

Mr. Masterson: Will there be lighting on the shack? Nothing is shown on the plan.

John Bridges: I plan to place a couple of sconces on the shack.

Mr. Masterson: No light should impinge on Route 1 traffic. Is there space for both your cars in the 10-foot area?

John Bridges: I have my other vehicles parked elsewhere on the property, so there will be room.

Mr. Masterson: Is any handicapped parking required?

Planning Director Ford: Not for a project of this size.

PUBLIC COMMENT: There was no public comment.

MOTION – Kerry Leichtman/SECOND – John Alexander: To waive the requirement of Land Use Ordinance Section 1002.3.5.b that no portion of any parking lots for non-residential uses, whether paved or otherwise, shall be permitted in the front yard buffer zone.

VOTE:	John Alexander	Yes
	Fredric Coulon	Yes
	Kerry Leichtman	Yes

Mark Masterson	Yes
Terri McKenzie	Yes
Tracy Lee Murphy	Yes
John Priestley	Yes

The motion was passed 7-0-0.

Chairman Leichtman: There is a difference between a private residence and a commercial enterprise, so we need to be assured that the development will be as attractive looking as it appears in your application.

John Bridges: I understand.

Chairman Leichtman: Is that flare on the driveway entrance something you plan to do or can do?

John Bridges: Yes, and if the monument is moved, I can eventually modify the entrance.

MOTION – Terri McKenzie/SECOND – Mark Masterson: To approve the application of John Bridges for site plan review for a 168 sq. ft. take-out restaurant as shown on Snack Shack Plan by Landmark Corporation dated March 3, 2010 on property at 1033 Commercial Street located at Map 3, Lot 10 in District #907.

VOTE:	John Alexander	Yes
	Fredric Coulon	Yes
	Kerry Leichtman	Yes
	Mark Masterson	Yes
	Terri McKenzie	Yes
	Tracy Lee Murphy	Yes
	John Priestley	Yes

The motion was passed 7-0-0 and two copies of the plan were signed.

II. WILLIAM J. and DIANA R. GLOVER

Representation: **William J. Glover**, 241 Molyneaux Road, Camden, ME 04843
William T. Lane, Gartley & Dorsky Engineering & Surveying
 59B Union Street, P.O. Box 1031, Camden, ME 04843
 Tel: 207-236-4365; Fax: 207-236-3055

Re: Between Commercial and Rockville Streets – Map 14, Lot 29
 District #907 – Mixed Business/Residential District

Request: Site plan review to develop a 6,000 sq. ft. building for light industrial and light manufacturing use (continued from the 5/13/09 meeting).

Chairman Leichtman: The review process began on May 13, 2009 and we took a site walk this afternoon, but we will start review of the project from scratch.

PRESENTATION:

William Lane: The applicant plans to construct a 6,000 sq. ft. industrial building on a property that tapers significantly from 170 feet to 30 feet with 670 feet of frontage along Route 1. Access will be from Rockville Street and there is a significant gradient difference between Route 1 and the remainder of the property. Sight distances are adequate from a graveled access drive that curves around the building to a 12-space parking area. There will be a new on-site septic system and well. The applicant has provided elevations of the proposed building to show the roof pitch and a general cross section showing the entrance on the short side facing the wider end of the lot. The larger roof mass will be on the Rockville Street side of the building. We have also provided a Written Statement and site photographs, along with a buffering and information plan to comply with Section 1000 setback standards and construction details.

Mr. Coulon: You show a door to the left of the main bay and two higher elevation windows. Will there be office space on the second floor?

William Glover: There may be, but this is preliminary. Nothing has been firmed up.

Mr. Coulon: The Ordinance requires that parking be calculated on the total floor area, which would include office space that would require more parking.

William Glover: I didn't realize that, but there is room to increase the number of parking spaces if we include a mezzanine.

Chairman Leichtman: I found the Written Statement and site plan to be complete.

MOTION – John Priestley/SECOND – Tracy Lee Murphy: To accept as complete the application of William J. and Diana R. Glover, represented by Gartley & Dorsky Engineering & Surveying, for site plan review to develop a 6,000 sq. ft building for light industrial and light manufacturing on property between Commercial and Rockville Streets located at Tax Map 14, Lot 29 in District #907.

VOTE:	John Alexander	Yes
	Fredric Coulon	Yes
	Kerry Leichtman	Yes
	Mark Masterson	Yes
	Terri McKenzie	Yes
	Tracy Lee Murphy	Yes
	John Priestley	Yes

The motion was passed 7-0-0.

Chairman Leichtman: This is a permitted use in District #907 per Nos. 27 and 28 with a maximum building footprint of 6,000 sq. ft. with setbacks in compliance with the standards. With regard to Section 1000 architectural and landscaping standards, I assume the proposed building will be similar to the Rockport Steel building and not a steel box.

William Glover: Yes, I want to make it look like a barn with vinyl clapboard siding and an asphalt roof.

Ms. Murphy: Will the Route 1 side be broken up with any windows?

William Glover: Yes, as shown on the sketch.

Ms. Murphy: What is the function of the doors?

William Glover: I wanted to get away from the chicken barn look. They may be just for design or ventilation.

Mr. Priestley: The higher windows imply a second floor throughout the building.

William Glover: The red building has a similar row of windows for light and ventilation. A mezzanine could be useful, but is not planned.

Chairman Leichtman: If you add a mezzanine and use it with the existing employee base, the Planning Board has the authority to modify the parking requirements of one parking space for each 500 sq. ft. of gross floor area and in no case less than one space for each 1.2 employees at peak shift. Additionally, "The Planning Board may, at its sole discretion, increase or decrease the above parking requirements depending upon individual applicant circumstances. An applicant requesting a deviation from the above standards must demonstrate to the satisfaction of the Planning Board that the request is appropriate to the planned use."

Mr. Masterson: You show a 100-foot long roof with a broad area of roof on the Rockville Street side. Would you consider adding dormers to break up that expanse?

William Glover: We may want to add solar panels on that side.

Mr. Priestley: I wouldn't expect to see dormers on a barn. The Ordinance does ask for breakup of expanses, but stylistically dormers may be incongruous and a cupola is more what you would expect to find on a structure like this.

Ms. Murphy: We approved the Artisan Boatworks building, and he did use a standing seam roof that breaks up the expanse visually.

Ms. McKenzie: And he may want to leave the space available for future energy installations.

Chairman Leichtman: There will be trees and other kinds of foliage with substantial banking up to Route 1 so that people won't just see a huge building, but a big barn is not a bad thing.

Mr. Coulon: I agree, Route 1 is six to eight feet higher.

Mr. Priestley: The second floor windows shown on the rendering look more residential. The building would be more attractive with a simpler order of windows, single rather than double, as this is a utilitarian structure.

Ms. McKenzie: Does your business generate a lot of heat so that you want or need a lot of ventilation?

William Glover: The windows are mostly for light and ventilation. I thought solar roof panels would help with the heating bill.

Chairman Leichtman: We will review the landscaping plan.

William Lane: The Ordinance requires a schedule of trees based on frontage. With nearly 700 feet, we have to provide 28 new trees. We propose to preserve at least the 24 identified trees, which count two for one. Our objective is a variety of species, sizes and masses of trees retained. Some are in the wetland area and some provide screening of the structure. This is a minimum of trees that will be maintained. We will take out the dead and dying trees, but there will not be extensive removal outside the building envelope. The retained trees will be well in excess of these inventory trees.

Mr. Masterson: Further to our discussion of the north side, junipers could help to break up that mass. While I understand that some trees will remain, maybe you could add a couple?

William Glover: We will keep all we possibly can.

Chairman Leichtman: With regard to Section 1004, I have no comments about the parking lot design and landscaping. With regard to Section 1300 and soil erosion, you do have a drainage plan, but the building has a large roof.

William Lane: The general pattern of drainage is northwest to southeast. There are two Route 1 culverts exiting onto this property, and we will put a new culvert under our driveway. We will have a perforated underdrain system to collect surface water and route it to the existing wetland area and eventually to the cross culvert. The parking area will sheet drain.

Mr. Coulon: There will be no need for retention areas?

William Lane: No, we are so close to the culvert system that that won't be necessary.

Mr. Priestley: What about lighting?

William Lane: We will use cutoff fixtures for the wall packs on the gable ends. Area lights won't cast any direct light off the property.

Mr. Masterson: Will you be using anything hazardous, and will there be any noise from exhaust fans or cutting of materials?

William Glover: There will be welding smoke, but no noise that will be heard outside the building. It won't be any different from the existing building.

Chairman Leichtman: Before I ask for a motion to approve, and I know you just drew up these elevations, but what we are approving is a barn-type structure that doesn't look like metal with a cupola or something breaking up the roofline. Not a specific design, but in general agreement with what we have discussed. If you change the intensity of use with a second floor, since that would involve more people and require additional parking, you would have to come back to the Board to amend the site plan. If you end up with fewer trees, are you agreeable to adding color along Rockville Street just to break up the building expanse?

William Glover: Yes, I am okay with that.

MOTION – Mark Masterson/SECOND – Fred Coulon: To approve the application of William J. and Diana R. Glover, represented by Gartley & Dorsky Engineering & Surveying, for site plan

review to develop a 6,000 sq. ft building for light industrial and light manufacturing as shown on Site Plan Sheet C-1, Buffer and Plant Plan Sheet C-2, Information Plan Sheet C-3 and Site Details Sheet dated February 24, 2010 on property between Commercial and Rockville Streets located at Tax Map 14, Lot 29 in District #907.

VOTE:	John Alexander	Yes
	Fredric Coulon	Yes
	Kerry Leichtman	Yes
	Mark Masterson	Yes
	Terri McKenzie	Yes
	Tracy Lee Murphy	Yes
	John Priestley	Yes

The motion was passed 7-0-0 and four copies of the plan were signed.

III. DONALD M. and ERIKA L. McGILLEY

Representation: Martin D. Cates, Jaret & Cohn Real Estate
25 Park Street, Rockland, ME 04841
Tel: 207-596-0352; Fax: 207-596-7859
Re: 4 Chris Road – Map 15, Lot 80
District #908 – Rural District

Request: After-the-fact lot line revision in the Mt. Pleasant Subdivision.

PRESENTATION:

Martin Cates: This property is under contract to be sold and since the sellers have already moved out of state, they have asked me to represent them. The buyers are awaiting the outcome of this meeting. To provide some background, the prior owner of Lot 13A of the Mt. Pleasant Subdivision swapped parcels of land with an abutter, who was not part of the subdivision, to cure a driveway and shed encroachment issue. A plan showing the revision in the subdivision lot line was recorded in 1997, but the current title attorney found that the revised plan had not been approved by the Planning Board. Accordingly, a surveyor was retained to resurvey the property and obtain Planning Board approval.

Chairman Leichtman: Subdivision Ordinance Article 9.3-Revisions to Approved Plans states: “The Board’s scope of review shall be limited to those portions of the plan that are proposed to be changed and to any consequent impacts of these changes.” Since all parties are in agreement, we are just dealing with the property line issue.

PUBLIC COMMENT: There was no public comment.

MOTION – Tracy Lee Murphy/SECOND – Mark Masterson: To approve the application of Donald M. and Erika L. McGilley, represented by Martin D. Cates of Jaret & Cohn Real Estate, for an after the fact lot line revision in the Mt. Pleasant Subdivision as shown on Subdivision Amendment Plan prepared by Richards, Cranston & Chapman, Inc. dated October 1996 and revised February 2010 on property at 4 Chris Road located at Tax Map 15, Lot 80 in District #908.

VOTE:	John Alexander	Yes
	Fredric Coulon	Yes
	Kerry Leichtman	Yes
	Mark Masterson	Yes
	Terri McKenzie	Yes
	Tracy Lee Murphy	Yes
	John Priestley	Yes

The motion was passed 7-0-0.

IV. REVIEW AND APPROVAL OF MINUTES

MOTION – Kerry Leichtman/SECOND – John Priestley: To approve the minutes of the Planning Board meeting of January 13, 2010 as presented. The motion was passed 7-0-0.

Chairman Leichtman: Next month the Planning Board will hold a public hearing on Ordinance Review Committee changes. The time of the meeting will be advised.

The meeting was adjourned at 8:30 p.m.

The next meeting of the Planning Board has been scheduled for Wednesday, April 14, 2010.

Nancy Ninnis
Recording Secretary