

**Town of Rockport Planning Board
PUBLIC HEARING
Wednesday, June 16, 2010 – 6:00 p.m.
Rockport Opera House Downstairs Meeting Room
Meeting Televised on Channel 22**

Present: Kerry Leichtman, Chairman
John Alexander
Terri Mackenzie
Mark W. Masterson

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

AGENDA

OLD BUSINESS

1. **Maine Coast Heritage Trust**, Aldermere Farm, 70 Russell Avenue, Rockport, ME 04856
Request: Site plan review for a change of use for the development of a community gardening center. Represented by Gartley & Dorsky Engineering & Surveying.
Property: West Street – Tax Map 27, Lot 193
District #907 – Mixed Business/Residential District

NEW BUSINESS

2. **Glendale Trace, LLC**,
Request: Minor revision to an approved site plan to allow the sale of used cars. Represented by Steven Dixson – Rockport Automotive Used Car Division.
Property: 261 Commercial Street – Tax Map 27, Lot 171
District #907 Modified – Mixed Business/Residential District
3. **Avena Botanicals**,
Request: Affirmation that Avena Botanicals is in conformity with Rockport's Comprehensive Plan and Zoning Ordinances as required for a Community Development Block Grant (CDBG) Phase II application.
Property: 219 Mill Street – Tax Map 11, Lot 150
District #908 – Rural District

OTHER BUSINESS

4. Election of Officers

5. Review and Approval of Minutes

The meeting was called to order at 6:17 p.m.

I. MAINE COAST HERITAGE TRUST

Representation: **William B. Lane**
Gartley & Dorsky Surveying & Engineering
59B Union Street, P.O. Box 1031, Camden, ME 04843
Tel: 207-236-4365; Fax: 207-236-3055
Sarah Post, Program Manager
Maine Coast Heritage Trust, Aldermere Farm
70 Russell Avenue, Rockport, ME 04856
Tel: 207-236-2739; Fax 207-230-2582
Property: West Street – Tax Map 27, Lot 193
 District #907 – Mixed Business/Residential District

Request: Site plan review for a change of use for the development of a community gardening center.

PRESENTATION:

William Lane: We are here for site plan review to construct a new 10-space parking area and gravel driveway for the community garden at the 92-acre Maine Coast Heritage Trust property on Route 90. The property is subject to restrictive easements limiting activity on the property to farming operations, and the proposed parking area is suitable to this use of the property, which is operating as a farm within which is the community garden. The property slopes south to north toward West Street and we are planning to construct the parking area on a high point. There will be a 20-foot wide gravel driveway accessing the parking area 60 feet back from the traveled way that will narrow at the culvert and widen at the parking area. All turning and maneuvering by cars will take place on the property so that there will be no backing out onto West Street. The Department of Transportation has granted an entrance permit and sight distances are adequate. There is a swale between the parking area and community garden to provide drainage.

Mr. Masterson: Is there any indication where the restrictive easements are?

Sarah Post: There are two conservation easements, one for a 68-acre portion and one for the approximately 20-acre wooded area in the center of the property. Both are pretty similar and a summary has been provided in the packet of information we submitted. The proposed construction is on only one of the easements.

Chairman Leichtman: With regard to completeness, I see no deficiencies in either the Written Statement or Site Plan.

MOTION – Kerry Leichtman/SECOND – Mark Masterson: To accept as complete the application of Maine Coast Heritage Trust for site plan review for a change of use for the development of a community gardening center as shown on Site Plan Sheet C-1 by Gartley & Dorsky Engineering & Surveying entitled Erickson Field Preserve dated June 7, 2010 on property at West Street located at Map 27, Lot 193 in District #907.

VOTE:	John Alexander	Yes
	Kerry Leichtman	Yes
	Mark Masterson	Yes
	Terri Mackenzie	Yes

The motion was passed 4-0-0.

Chairman Leichtman: My only question is what kind of programs do you run?

Sarah Post: Mainly gardening and agricultural programs for youth. We are building a collaboration with youth programs, along with some family programs on growing food and nutritional foods and pasture management for adults.

Mr. Alexander: Is there no room now for cars to pull off the road?

Sarah Post: No, it is unsafe at the moment with the sheds so near the road.

PUBLIC COMMENT: There was no public comment.

Chairman Leichtman: I see no issues under the Section 1305 performance standards, but would note specifically that with regard to the DOT permit, this approval would not cover any future farm stand. I don't think Section 1000 is applicable to this project and there are no issues under Section 800. This is the most community spirited application that has come before the Board and I think it's great.

MOTION – John Alexander/SECOND – Terri Mackenzie: To approve the application of Maine Coast Heritage Trust for site plan review for a change of use for the development of a community gardening center as shown on Site Plan Sheet C-1 by Gartley & Dorsky Engineering & Surveying entitled Erickson Field Preserve dated June 7, 2010 on property at West Street located at Map 27, Lot 193 in District #907.

VOTE:	John Alexander	Yes
	Kerry Leichtman	Yes
	Mark Masterson	Yes
	Terri Mackenzie	Yes

The motion was passed 4-0-0 and three copies of the plan were signed.

II. GLENDALE TRACE, LLC

Representation: Steven Dixon, Rockport Automotive Used Car Division
271 Commercial Street, Rockport, ME 04856
Tel: 207-542-0929; Fax: 207-470-0201
Re: 261 Commercial Street – Map 27, Lot 171
District #907 Modified – Mixed Business/Residential
District

Request: Minor revision to an approved site plan to allow the sale of used cars.

PRESENTATION:

Steven Dixon: My wife and I purchased the abutting lot with the restaurant building about a year ago and I am here to request a change of use to use that property to display used cars. The property will remain as it currently looks. Since I came to the Board nine years ago for my auto repair business, I have tried to screen that operation from the road, but that type of screening does not enhance showing cars. I have provided some photographs of the restaurant property with cars parked along the driveway to show how it will look. There will be no parking on the grass and the building will be unused for now, with all paperwork being done at our current office at the auto repair facility. There is an existing sign post and we will add a sign in that area.

Mr. Masterson: I think something needs to be done about the landscaping and I have some ideas on that.

Steven Dixon: I know that when the restaurant was originally approved, the Board was concerned about the landscaping.

MOTION – Terri Mackenzie/SECOND – Mark Masterson: To accept as complete the application of Glendale Trace, LLC, represented by Steven Dixon for a minor revision to an approved site plan to allow the sale of used cars as shown on marked-up Site Plan by Landmark Corporation dated April 2003 on property at 261 Commercial Street located at Map 27, Lot 171 in District #907 Modified.

VOTE:	John Alexander	Yes
	Kerry Leichtman	Yes
	Mark Masterson	Yes
	Terri Mackenzie	Yes

The motion was passed 4-0-0.

Chairman Leichtman: Planning Director Ford indicated in his Nexus notes that this is an excellent application for the new site plan review process, but I disagree because I don't think changing a restaurant to a used car lot is a minor revision. However, I do think that expanding the auto repair business to a used car lot is a minor revision. I would have preferred to see the applicant come in to expand his existing business on an abutting property.

Planning Director Ford: I disagree, as this is a different lot.

Chairman Leichtman: He is expanding his business by buying the abutting property. The ingress and egress will be no more intense than for the restaurant use and probably less, so this is kind of a hybrid. I am concerned about setting a precedent for applying the revised Ordinance.

Planning Director Ford: Section 1304.3/Minor Revisions to Approved Site Plans is the section of the Ordinance we are dealing with. This project is on a separate lot, even though the applicant is the owner of the abutting property, and he is using the Raymond Young site plan for the restaurant lot and revising that site plan.

Chairman Leichtman: The applicant's business is absorbing the abutting parcel.

Planning Director Ford: Both parcels will seem like Rockport Automotive.

Chairman Leichtman: Which supports my point that this is more an expansion of his business.

Planning Director Ford: I disagree. This is a revision of the Raymond Young site plan, which came before the Planning Board for a restaurant.

Chairman Leichtman: I don't want to start using the minor revision section for changes of use. The intent was that if a business wants to change a bit from what it was originally approved for, it wouldn't have to go through the whole site plan review process, similar to a revision to an approved subdivision. If this applicant had merged the lots before coming before the Board, would you think differently about it?

Planning Director Ford: A little, but we would still be looking at the Raymond Young site plan. And the applicant is correct that we did stress the appearance of the restaurant property at the time of approval because it is on Route 1, and he has been very cooperative in the past with regard to the Rockport Automotive property.

Mr. Masterson: To me the property has always looked bald and not attractive. The applicant has done a lovely job with his lot, but what he is showing for the restaurant property is a little vague. If the restaurant building will not be used, he could add railroad ties and low bushes. I am thinking of something up on the lawn on the right side and maybe in front of the building.

Chairman Leichtman: I agree that a nice garden area would really draw people's eye and attract business.

Steven Dixon: I have no plans to put cars in front of the building.

Ms. Mackenzie: Is it fair to ask more of the current applicant than was asked of the previous applicant?

Chairman Leichtman: We might not have had the same landscaping Ordinance in effect and the Board might have asked for it and it wasn't done. However, if Raymond Young came before the Board after Rockport Automotive, that review would have been under the same Ordinance we have now.

Mr. Alexander: I agree that we should not ask this applicant to do something we didn't ask of the previous owner.

Steven Dixson: I have no problem doing what that Board asks me to do.

Ms. Mackenzie: I don't have enough experience on the Board to suggest a solution, but I can appreciate that something should be done to make the property more attractive. However, I don't think we should require screening per se.

Steven Dixson: Are you looking for higher shrubbery in front of the building itself?

Chairman Leichtman: Just do something more creative on the lawn, such as a garden area. I don't have a problem asking that of you based on what you have done with your Rockport Automotive property. Your concern should be to follow the Ordinance, which asks lot owners along the corridors to keep their properties looking nice, and I know you will do that. This property does have a large lawn area, and we are also concerned that if the building is not being used, it should not start to look dilapidated.

Steven Dixson: Is there some way to be sure the Board is happy with what I have done?

Chairman Leichtman: I am happy to leave it to you.

Ms. Mackenzie: Is it adequate to say that he will do something similar to what is shown on the original plan?

Planning Director Ford: As examples, look at Cedar Works, with clumps of birches on the lawn, as well as the garden area in front of the public works building.

Chairman Leichtman: I was thinking more of adding color. Are there any issues with the Section 1305 performance standards? What about lighting?

Steven Dixson: No exterior lighting is planned except lights on the sign. It may be possible to have CMP put a light on the telephone pole.

Chairman Leichtman: There are no architectural concerns under Section 1000 and no issues under Section 800.

PUBLIC COMMENT: There was no public comment.

MOTION – Mark Masterson/SECOND – Terri Mackenzie: To approve the application of Glendale Trace, LLC, represented by Steven Dixson, for a minor revision to an approved site

plan to allow the sale of used cars as shown on marked-up Site Plan by Landmark Corporation dated April 2003 on property at 261 Commercial Street located at Map 27, Lot 171 in District #907 Modified, contingent on the creation of landscaping to soften and enhance the visual aspect of the lot.

Mr. Alexander: I suggest removing the word “minor” in light of our earlier discussion.

Ms. Mackenzie: I withdraw my second.

MOTION – Mark Masterson/SECOND – Terri Mackenzie: To approve the application of Glendale Trace, LLC, represented by Steven Dixson, for a revision to an approved site plan to allow the sale of used cars as shown on marked-up Site Plan by Landmark Corporation dated April 2003 on property at 261 Commercial Street located at Map 27, Lot 171 in District #907 Modified, contingent on the creation of landscaping to soften and enhance the visual aspect of the lot.

VOTE:	John Alexander	Yes
	Kerry Leichtman	Yes
	Mark Masterson	Yes
	Terri Mackenzie	Yes

The motion was passed 4-0-0.

III. AVENA BOTANICALS

Chairman Leichtman: No one is present from Avena Botanicals with regard to affirmation that it is in conformity with Rockport’s Comprehensive Plan and Zoning Ordinances as required for a Community Development Block Grant (CDBG) Phase II application. On page 74 of the Comprehensive Plan, the introduction to the section on Agricultural and Forestry Resources states: “This section provides recommendations to encourage and augment agricultural and other natural resource-based enterprises in Rockport. Recognizing that the rural agricultural land is an important aspect of Rockport’s ambience, the town must work to support the small, family farms and other agricultural-based ventures. To that end, Rockport needs to: support farms and garden-related businesses with information about tax relief programs and other state and federal programs to keep agricultural land productive; adequately protect agricultural interests in the development and enforcement of local guidelines and ordinances.” We are saying that Avena Botanicals application for a CDBG and the Town’s support of that application falls under this recommendation. With reference to the Comprehensive Plan survey, page 75 states: “... 55 percent of those responding said the town should actively encourage agriculture and farming.” Avena Botanicals is specifically cited as one of Rockport’s farms. The recommendations on page include supporting farming in District #908. The purpose of District #908 is: “To preserve natural resources while allowing for development that is sensitive to lake water quality, wildlife habitat, scenic vistas, steep slopes and ridge lines. To encourage the continuation of resource based opportunities including blueberry production, farming and woodland management. To, as much as is practical, encourage structures built at high elevations to blend in with the

surrounding landscape.” Permitted use No. 1 is agricultural production and Special Exception No. 1 is agricultural products processing plants. All of these references quite specifically spell out that Avena Botanicals is the type of business Rockport is pleased to have in our community.

Mr. Masterson: Page 2 of the letter of intent refers to building an addition to an existing structure. Is that something that will come before the Board?

Chairman Leichtman: We support their aspirations, but they still have to come before the Board.

Planning Director Ford: You can see in my Nexus notes that the addition is less than 1,000 sq. ft.

Mr. Masterson: They also have to modify the building internally.

Planning Director Ford: The building is a farmhouse. If they had a 2,000 sq. ft. building, they would be here for site plan review. Otherwise, this is a simple building permit matter.

PUBLIC COMMENT: There was no public comment.

MOTION – Kerry Leichtman/SECOND – Terri Mackenzie: To affirm that Avena Botanicals is in conformity with Rockport’s Comprehensive Plan and Zoning Ordinances as required for a Community Development Block Grant (CDBG) Phase II application on property at 219 Mill Street located at Map 11, Lot 150 in District #908.

VOTE:	John Alexander	Yes
	Kerry Leichtman	Yes
	Mark Masterson	Yes
	Terri Mackenzie	Yes

The motion was passed 4-0-0.

Planning Director Ford: Chairman Leichtman will sign the letter to Mike Baran, Director of the Office of Community Development.

Mr. Masterson: The letter reads as follows: “The Town of Rockport Planning Board has determined that Avena Botanicals is in compliance with the Rockport Comprehensive Plan and Land Use Ordinance. Avena Botanicals was thoroughly reviewed and approved by the Rockport Planning Board on May 11, 2005 and the Rockport Zoning Board on May 18, 2005. Under the current provisions of Section 1303 of the Rockport Land Use Ordinance no additional review is required.”

IV. ELECTION OF OFFICERS

MOTION – John Alexander/SECOND – Terri Mackenzie: To nominate Kerry Leichtman as Chair of the Planning Board for the period 7/01/10-6/30/11. The motion was passed 3-0-1 with Kerry Leichtman abstaining.

MOTION – Mark Masterson/SECOND – Terri Mackenzie: To nominate John Alexander as Vice Chair of the Planning Board for the period 7/01/10-6/30/11. The motion was passed 3-0-1 with John Alexander abstaining.

V. REVIEW AND APPROVAL OF MINUTES

A correction was made to add a missing word to page 3 to indicate that boat sales will again be permitted in District #907 Modified.

MOTION – Mark Masterson/SECOND – Terri Mackenzie: To approve the minutes of the Planning Board meeting of May 12, 2010 as amended. The motion was passed 3-0-1 with Mark Masterson abstaining because he was not present at the meeting.

The meeting was adjourned at 7:16 p.m.

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

Nancy Ninnis
Recording Secretary