

Memo

To: Stephen Bowen, Chair and Members of the Zoning Board of Appeals
Prospective Members Kimberlee Graffam and Allen Mitchell

Cc: Scott E. Bickford, Code Enforcement Officer
Bonnie L. Brooks, property owner

From: James P. Francomano, Planning and Development Director

Date: April 20, 2016

Re: Bonnie's Place – Application for Special Exception approval
288 Mill Street (Map 7 / Lot 13-1)

Applicants Bonnie Brooks and Chris Lidstone propose to construct an accessory structure, of which approximately 864 square feet (the ground floor) would provide a crafts studio and woodworking shop to be known as Bonnie's Place. The proposed use qualifies as a "Tradesman's Shop," as per Section 300 of the Land Use Ordinance (LUO). The property is located in the Section 908 Rural zoning district where a Tradesman's Shop is permissible only by Special Exception.

When a commercial use is proposed in otherwise residential surroundings, Zoning Board of Appeals review is intended to minimize impacts on neighboring properties and ensure general compatibility of the proposed use. As we will discuss at your meeting at 5:30 p.m. Monday, May 2, the criteria for Special Exception review is in Section 703.3 of the LUO. On this project, separate Site Plan approval from the Planning Board is NOT required as per Section 1303 of the LUO.

Tel: 236-0989
Fax: 230-0112

TOWN OF ROCKPORT
101 Main Street, Rockport, ME 04856

email: aaplanning@town.rockport.me.us

Please print - **ROCKPORT BOARD OF APPEALS APPLICATION** - Please print

Name Applicant(s)/Appellant(s) Bonnie Brooks
Street Address(s) 288 Mill St Map 007 Lot 013-001
Appellant Mailing Address 288 Mill St Rockport, Me 04856
Appellant Email Address millstblues@yahoo.com
Appellant Tel # 207 594-9568 Cell# 207 975-9568 Fax# _____
Name of Appellants Agent/Legal Rep. _____
Agents Mailing Address _____
Agents Tel # _____ Cell# _____ Fax# _____
Agents Email Address _____

INFORMATION ON PROJECT / ACTION BEING APPEALED OR APPLIED FOR

Name of Project Bonnie's Place Studio
Street Address of Project/Action 288 Mill St Map: _____ Lot: _____
Name of Owner Bonnie Brooks
Owners Mailing Address 288 Mill St Rockport, Me
Owners Email Address millstblues@yahoo.com
Owner's Tel. # 207 594-9568 Cell# 207 594-9568 Fax# _____

TYPE OF APPEAL REQUIRING REVIEW

- (please check off and complete appropriate attached sheet for specific type of appeal)
- Administrative appeals of the order or decision of the Planning Board or Code Officer
 - Special Exceptions authorized by the Ordinance
 - Variances authorized by the Ordinance.
 - Ordinance interpretation
 - Miscellaneous appeals

IMPORTANT INFORMATION FOR APPELLANTS AND APPLICANTS

1. Please provide twelve (12) copies of a complete appeal application and supporting documentation;
2. Please enclose a check for Board of Appeals hearing fee - (see attached fee schedule - pink sheet);
3. The Rockport Board of Appeals normally meets on the 4th Wednesday of the month;
4. Complete applications must be submitted to the Planning Office 15 days before a regularly scheduled meeting;
5. The Planning Office will schedule a meeting date upon receipt of a complete application, supporting documentation & fee;
6. Applications that are not complete will be returned to the appellant by the Planning Office for additional information.

To the best of my knowledge, all information submitted with this application is true and correct.

Signature of Appellant Bonnie Brooks Date Received by Planning Office _____

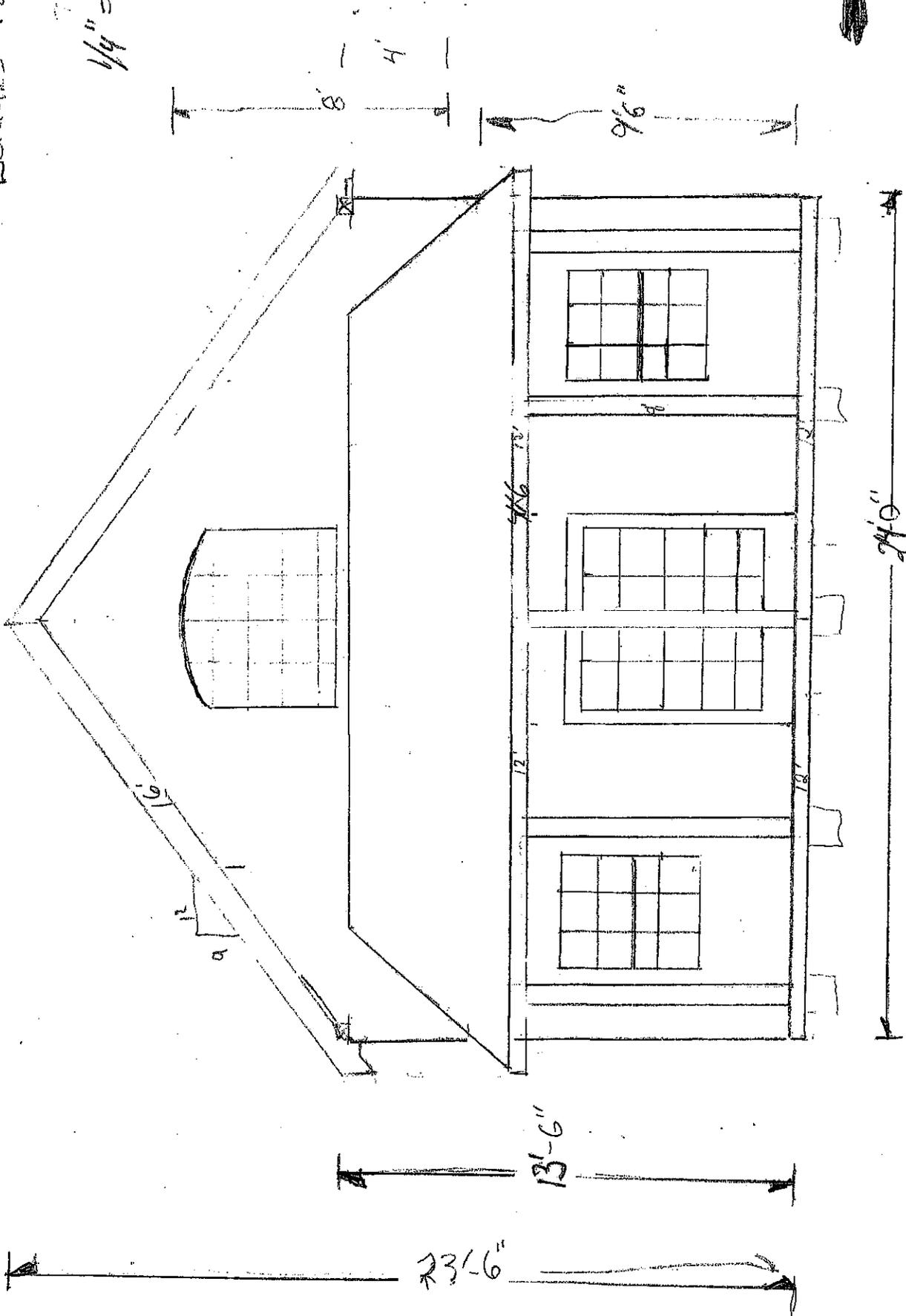
Special Exception Criteria

1. The proposed building will be to have a working studio on the first floor and personal office upstairs. Building designed to go with esthetics of the land and neighborhood, non obtrusive.
2. The design of the building should add to the surrounding properties. Sits 150' off road, causing no obstructions.
3. Proposed use will be strictly on my property, with no further use for public services other than those that currently exist with home on property. No water or waste facilities included in this building.
4. Proposed use will only cause traffic on my property and coming off of Mill St. Parking available behind proposed site, would not interfere with any neighbor or emergency access.
5. Studio/Office with no water. Electricity and heat inside, see no reason or cause for rapid deterioration of building.
6. Proposed use will be to create my crafts and show them on the first floor level, with an office upstairs to do my bookkeeping. Site will be completely on personal property with access off of current driveway.
7. Hours of use of building would be within the hours of 9am to 6pm. No excessive traffic or noise involved in use of site.

03/9/15

BONNIES PLACE

7071110
1/4" = 1'



SOUTH ELEVATION

24' x 24" = 576"

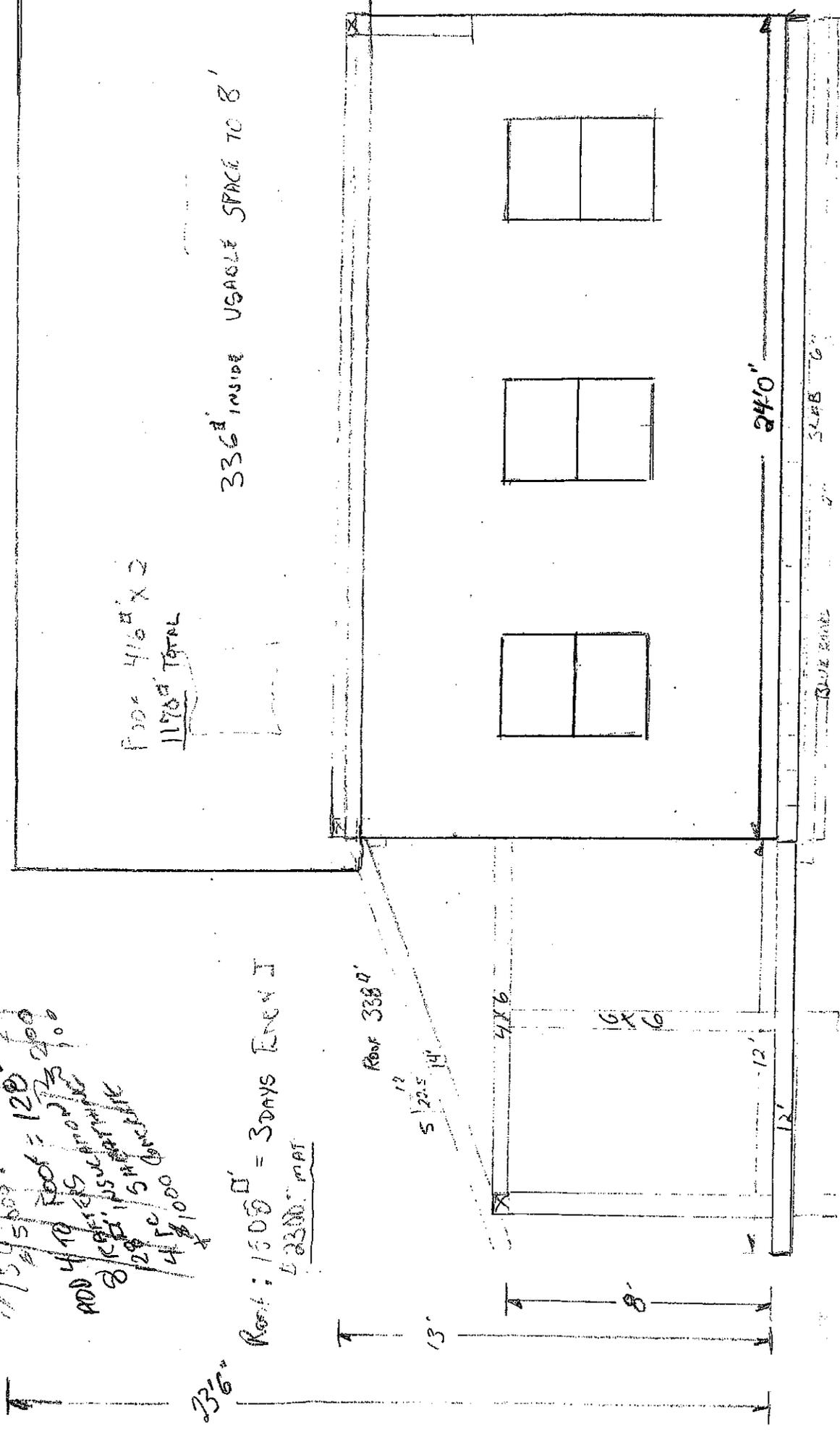
4'6" x 3'
 BONNIE'S PLACE
 3/19/15
 1/4" = 1'

Price 4/16" x 2
 1170" TOTAL

336" INSIDE USABLE SPACE TO 8'

03/19/15
 1150' of 4" x 6"
 560' of 2" x 4"
 ROOF = 120' x 400'
 8' x 4' x 6" 15 SUBSTRATE
 120' x 5" x 6" CONCRETE
 4' x 1000'

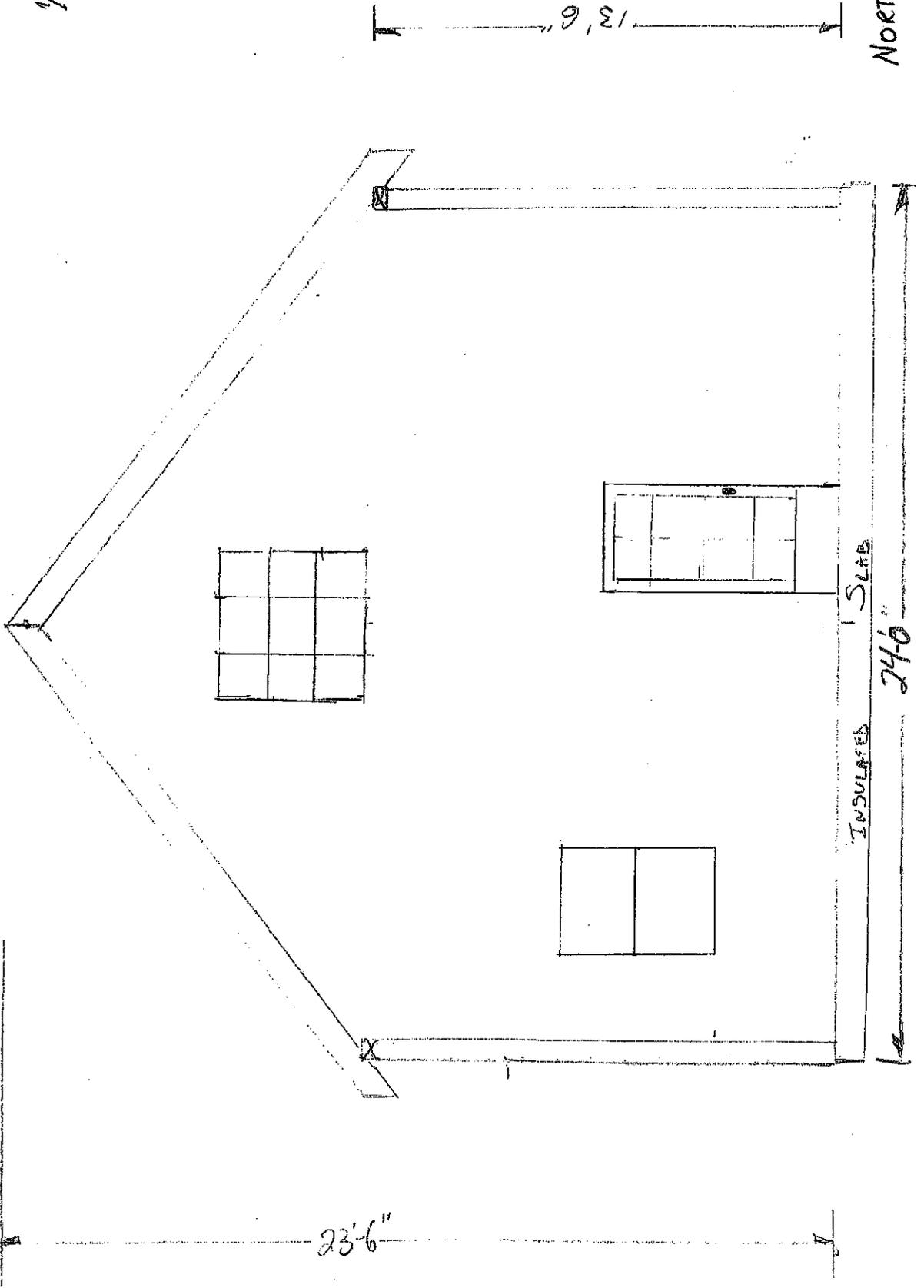
Roof: 1508' = 3 DAYS ENERGY
 4330' MAT



EAST ELEVATION

BONNIE'S PLACE
3/19/16
TOTM

1/4" = 1'



NORTH ELEVATION

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS,

THAT I, **JOHN D. HUGH, JR.**, of Rockport, Knox County, Maine, in consideration of One Dollar (\$1.00) and other valuable consideration paid by **BONNIE L. BROOKS f/k/a BONNIE L. HUGH**, whose mailing address is 288 Mill Street, Rockport, ME 04856, the receipt of which I do hereby acknowledge, do hereby give, grant, bargain, sell and convey, with **Warranty Covenants**, unto the said **BONNIE L. BROOKS f/k/a BONNIE L. HUGH**, her heirs and assigns forever, a certain lot or parcel of land, together with any buildings thereon, situated on the easterly side of Mill Street in the Town of Rockport, County of Knox and State of Maine, and being more particularly bounded and described as follows:

BEGINNING at a point in the easterly line of Mill at the southwest corner of land conveyed to Christopher A. Smith by deed dated October 23, 1990 and recorded in the Knox County Registry of Deeds in Book 1456, Page 170;

THENCE South 84°40'22" East along said land of Smith and a stone wall a distance of sixty-one and sixty-one hundredths (61.61) feet, more or less, to a corner of stone walls;

THENCE North 00°29'57" East along said land of Smith and a stone wall a distance of fifty-five and eighty-four hundredths (55.84) feet to a corner of stone walls;

THENCE North 63°45'21" East along said land of Smith and land of Frederick and Jerri M. Smith by deed dated September 9, 1985 and recorded in Book 1042, Page 256 and a stone wall a distance of seven hundred twenty-eight and fifty-four hundredths (728.54) feet to a 1-inch iron pipe found at the corner of stone;

THENCE North 26°12'11" West along said land of Smith and a stone wall a distance of five hundred thirty-five and eighty-seven hundredths (535.87) feet to 1-inch iron pipe at the corner of stone walls;

THENCE North 63°52'05" East along land of Smith and a stone wall a distance of sixty-six (66) feet to a 5/8-inch iron rod set;

THENCE South 34°49'32" East along land of Timothy S. and Eleanor W. Wright as recorded in Book 749, Page 69 a distance nine hundred twenty-six and seventeen-hundredths (926.17) feet to a corner;

THENCE South 54°52'50" West along remaining land of Grantor a distance of two hundred eight (208) feet, more or less, to a point in a stone wall;

THENCE South 26°08'11" East along remaining land of Grantor a distance of three hundred (300) feet, more or less, to a 5/8-inch iron rod set;

THENCE South 74°55'25" West along remaining land of Grantor a distance of six hundred eighteen and fifty-five hundredths (618.55) feet to a point;

THENCE North 74°47'03" West along remaining land of Grantor a distance of four hundred ninety-one and twenty-hundredths (491.20) feet to a point in the easterly line of Mill Street;

THENCE North 08°05'38" East along the easterly line of Mill Street as recorded in said Registry Plan Book 6, Page 25 a distance of three hundred one and sixty-hundredths (301.60) feet to the said POINT OF BEGINNING.

The parcel described contains 15.03 acres, more or less. Bearings referred to above are REFERENCED to Magnetic North 1997. Iron pins set are 5/8-inch rebar capped "Landmark Surv PLS 1339/2068."

REFERENCE is made to survey plan entitled "Sketch for Frank Simon II" by Landmark Survey Company dated April 1997.

MEANING AND INTENDING to convey and hereby conveying a portion of land conveyed from Leslie Simon to Frank Simon II by deed dated February 15, 1997 and recorded in the Knox County Registry of Deeds in Book 2098, Page 055.

The above-described premises is SUBJECT to an easement for a driveway, underground utilities and other rights as described in an Easement from Frank Simon, II to Frederick M. Smith and Jerri M. Smith dated December 16, 1985 and recorded in the Knox County Registry of Deeds in Book 1068, Page 101.

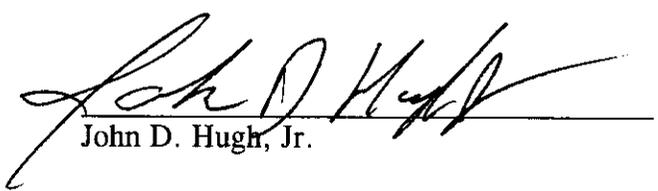
The above-described premises is conveyed SUBJECT to the restrictive covenants that such lot shall be used for single family residential purposes only with no further subdivision of such lot. These covenants shall be enforceable by and for the benefit of Frank Simon II, his heirs and assigns, and Timothy S. Wright and Eleanor W. Wright, their heirs and assigns, as described in a Covenant Amendment Agreement dated March 24, 1999 and recorded in the Knox County Registry of Deeds in Book 2348, Page 273.

FOR REFERENCE see Warranty Deed from Frank Simon, II to John D. Hugh, Jr. and Bonnie L. Hugh dated April 5, 1999 and recorded in the Knox County Registry of Deeds in Book 2348, Page 278. ALSO SEE Abstract of Divorce dated February 22, 2007 and recorded in said Registry in Book 3757, Page 138.

IN WITNESS WHEREOF, I, the said JOHN D. HUGH, JR., have hereunto set my hand and seal this 2nd day of May, 2007.

Signed, Sealed and Delivered
in presence of

Witness

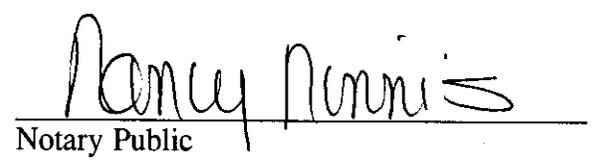

John D. Hugh, Jr.

STATE OF MAINE
COUNTY OF KNOX, ss.:

May 2, 2007

Then personally appeared the above-named John D. Hugh, Jr. and acknowledged the foregoing instrument to be his free act and deed.

Before me,


Notary Public

SEAL

NANCY NINNIS
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES JANUARY 29, 2008

KNOX SS: RECEIVED
May 17, 2007
at 11:20:25A
ATTEST: LISA J SIMMONS
REGISTER OF DEEDS

EASEMENT

I, FRANK SIMON, II, of West Rockport, Knox County, Maine, the owner of land described in the Warranty Deed from Timothy S. Wright and Eleanor W. Wright dated April 9, 1979, and recorded April 11, 1979 in Book 749, Page 72 of the Knox County Registry of Deeds, hereby grant, bargain, sell and convey to FREDERICK M. SMITH and JERRIE M. SMITH, of Dallas, Texas, Grantees, as joint tenants and not as tenants in common, an easement, for a driveway and for the installation and maintenance of underground utilities, approximately twenty (20) feet in width. Said easement is located in the northwesterly corner of said land, and is described as follows:

BEGINNING at a point near a stone wall on Mill Street, approximately twenty (20) feet from the common line between Grantor's land and land of the Grantees; thence in an easterly and northerly direction approximately one-tenth of a mile; thence turning northerly onto land of the Grantees.

This easement shall run with the land and shall be for the benefit and use of the land of the Grantees as described in (a) the deed of Lillian Berliawski to Grantees, recorded in Book 989, Page 88 of the Knox County Registry of Deeds, and (b) in the deed of Milton F. and Eleanor J. Eaton to the Grantees, recorded in Book 1042, Page 256 of said Registry of Deeds.

In accepting this easement, the Grantees covenant with the Grantor, for themselves, their heirs and assigns, that they shall install, repair and maintain said driveway, including storm drains and grading which may be required to prevent erosion on the Grantor's

land, and pay all costs associated therewith without contribution by the Grantor; provided that, if the Grantor, his heirs or assigns, use said driveway for access to Grantor's land, then the parties shall share the cost of upkeep for that portion of the driveway herein conveyed that is used in common, in proportion to their use.

IN WITNESS WHEREOF, I, the said Frank Simon, II, have hereunto set my hand and seal this 16 day of December 1985.

Paul Quigley
Witness

Frank Simon II
Frank Simon II

STATE OF MAINE,

Knox, ss. 16 December 1985

Personally appeared the above named Frank Simon, II and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Duane M. Ford
Notary Public Duane M. Ford
My Commission Expires 1/20/86



Paul Quigley

State of Maine, Knox ss: Registry of Deeds
Received January 24, 1986 at 1 H 55 M P. M.
and recorded in Book 1068 Page 101
Attest: Keith C. Foxwell Register.

Bonnie's Place - Special Exception



Property Information

Property ID 007-013-001
Location 288 MILL ST
Owner BROOKS, BONNIE L



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

Town of Rockport, ME makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 4/1/2013
Properties updated 4/1/2013

Bonnie's Place - Special Exception



Property Information

Property ID 007-013-001
 Location 288 MILL ST
 Owner BROOKS, BONNIE L

Approximate Scale: 1" = 80'



MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT

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Parcels updated 4/1/2013
 Properties updated 4/1/2013

SPECIAL EXCEPTION
 for use as a
 TRADESMAN'S SHOP
 APPROVED by ZBA
 5/2/2016

1. _____, Chair
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____