

D-R-A-F-T

**Town of Rockport Zoning Board of Appeals
Tuesday, June 19, 2012 – 7:30 p.m.
Rockport Opera House Downstairs Meeting Room
Meeting Televised on Channel 22**

Present: Stephen Bowen, Chair
David C. Gordon
Mark Masterson
Emily Lusher

Also Present: Thomas M. Ford, Planning Director
Deborah Sealey, Acting Recording Secretary

AGENDA

NEW BUSINESS

- A. Application of **Penobscott Bay Ice Co., Inc.**, represented by Kim Graffam, for **Section 901.3(22) special exception review to operate Graffam Brother's Seafood Shack Restaurant** on a parcel identified as MAP 30, Lot 107 and located at 210 Union St. in District 901.
- B. Application of **Rockport Properties LLC**, represented by Landmark, Inc., for **Section 913.3(13) special exception review to operate a restaurant in a portion of Union Hall** on a parcel identified as Map 29, Lot 297 and located at 23 Central St. in District 913.

OTHER BUSINESS

- A. Future roster of the Zoning Board of Appeals

The meeting was called to order at 7:33 p.m.

I. NEW BUSINESS

A. PENOBSCOT BAY ICE CO., INC.

Representation: **Kim Graffam and Leni Gronos**, Penobscot Bay Ice Co.
211 Union Street, Rockport, ME 04856
Tel: 207-236-3397

Request: Review for Special Exception to operate Graffam Brother's Seafood Shack Restaurant on a parcel identified as MAP 30, Lot 107 and located at 210 Union St. in District 901 under the provisions of Section 901.3(22) of the Rockport Land Use Ordinance.

Presentation:

Kim Graffam: Last year we did the Seafood Shack on an itinerant peddler basis. It worked well, so we want to make it more permanent. The Planning Board did a Site Plan Review and approved our application.

Stephen Bowen: Please walk us through the application.

Kim Graffam: We have responded to the Special Exception criteria as follows.

1. That the proposed use will not have an adverse effect on the natural environment and/or that the site for that use does not have unusual physical characteristics such as topography, soils, lot size or shape that would have an adverse effect on surrounding properties.

As the shack is mobile and has a very small footprint, it will have no effect on the natural environment. As no construction, paving, or fill is proposed, there will be no change to the drainage of the lot.

2. That the proposed use would not significantly depreciate the value of surrounding property:

The project brings life and excitement to a previously dreary vacant lot. It will not depreciate the value of surrounding properties.

3. That the proposed use will not create an unreasonable demand for public services, including, but not limited to, public roads, fire protection, police protection, solid waste disposal, sewage treatment, public water supplies, schools, public open spaces and recreational programs and facilities.

The proposed use has not and will not create an unreasonable demand for public services. Last year's experience has shown that the operation does not create an unreasonable demand on public services. The people being served are transitory in nature and move on after being taken care of.

4. That the proposed use would not result in an inordinate amount of pedestrian and/or vehicular traffic at or surrounding the site and/or cause any problems regarding emergency vehicle access.

Patrons come throughout the day, so traffic will consistently flow through the lot. Sufficient parking is available and the lot is set up in such a way that emergency vehicles can move through easily. The Planning Board sought the advice of the Chief of Police, who reported no problems with the previous year's operation and saw no concern for the future.

5. When put to any other use, a structure originally designed as a dwelling shall not be put to a use that would cause rapid deterioration of the structure.

Does not apply. There are no pre-existing structures on site and the structure on site is a mobile food unit licensed by DHHS.

6. That the proposed use will not have an adverse effect on surrounding property in consideration of the expanse of pavement, intensity of use and the building's(s') bulk and material.

There is no paving being done on the site and no permanent structure being built.

7. That the proposed use will not have an adverse effect on the use and quiet possession of surrounding property owners, including, but not limited to, hours of operation, type of traffic and noise levels at property lines.

Currently, hours of operation are between 10 a.m. and 8 p.m. from spring to fall. This mitigates the use of lighting after dark. Activity and use are no more disturbing than use at surrounding businesses and establishments.

The applicant shall provide sufficient information and documentation to assure that the use will meet all applicable requirements under Section 800, General Standards of performance.

Performance standards for 1305 were presented and addressed with approval during the Site Plan Review with the Planning Board in April. After consultation with Tom Ford, he felt that the standard for 800 did not apply, as this is a seasonal mobile unit.

Before granting any special exceptions, the Board of Appeals may refer the application to the Planning Board for an informational report concerning the effect of the request on the surrounding area and any other pertinent data with respect to the Comprehensive plan of the Town of Rockport.

The following Special Exception performance criteria shall be established where applicable:

8. The use of heavy equipment on a regular basis in a residential neighborhood shall not be allowed before 6:30 a.m. and after 6:30 p.m.

There will be no heavy equipment use. However, if any repair or maintenance is required, it will be limited to the hours listed above.

9. Landscaping is to be preserved in its natural state insofar as practicable and shall be designed to stabilize slopes and buffer the site where necessary. The Board shall also consider the degree to which landscaping, fencing and other design elements have been incorporated to mitigate adverse effects on surrounding properties.

Landscaping changes are minimal. The site is surrounded by existing trees and shrubbery. Additional landscaping as recommended by the Planning Board has been done or is in the process of being done. Miscellaneous whiskey barrels with colorful seasonal flowers have been strategically placed around the site. The addition of coastal rose bushes will occur along Huse St. to brighten the lot and add an additional buffer to surrounding residences.

10. Review by State Fire Marshall's Office is required for industrial and light industrial uses.

As there is no permanent structure on site, this does not apply. The mobile food unit is inspected and licensed by DHHS. Part of the DHHS licensing requires the use of an Ansel fire suppression system. This system is cleaned and inspected by a licensed inspector prior to DHHS inspection.

Stephen Bowen: Does anyone have anything to add?

David Gordon: Did you talk with Tom about calculating parking spaces?

Kim Graffam: Yes, and with the Planning Board itself.

Tom Ford: A clause in the table allows the Planning Board to waive parking requirements and use its own discretion. There was never a parking problem last summer and the takeout turnover was quick.

Mark Masterson: Tom, you feel 800 is waived?

Tom Ford: As you peruse 800, you will see there is no permanent structure. The mobile food unit site could be dismantled in half an hour and the site would look as it has for years.

Mark Masterson: 803 talks about landscaping for areas that abut public rights-of-way. The whiskey barrels in front are visually continuous. Huse St. is a public right-of-way as well.

Tom Ford: The traffic pattern showed in and out on either side of the telephone pole. To create more barriers would restrict in and out traffic.

Mark Masterson: The schematic appears you will rearrange from what you have now.

Leni Gronos: We would like the tables further front, but it's not possible this year.

Emily Lusher: People don't go there to eat for the scenic beauty. I assume abutters are not concerned.

Kim Graffam: We are the abutter.

Tom Ford: We do print out of our utilizing database a map and mailing labels; an agenda gets sent to abutters; but no one has responded in this case. The ZBA meeting is legally advertised.

Leni Gronos: Our tenant wrote to the Planning Board. Would you like to see the letter?

David Gordon: No, that's not necessary.

Tom Ford: Basically, Jason didn't want any landscaping in front of his mobile home because his dogs use the yard area in the winter. Also, he stores his plow and washes his cars on the back lawn. There's been a comfortable relationship between landlord (Graffam Brothers) and tenant.

Stephen Bowen: Board discussion?

Tom Ford: It would be good that the motion reflect the Board is in agreement that the applicant has met the 703 Standards for Special Exceptions.

MOTION – Mark Masterson/SECOND – David Gordon: To accept the application of Pen Bay Ice Co., Inc., represented by Kim Graffam, for Section 901.3(22) special exception review to operate Graffam Brother's Seafood Shack Restaurant on a parcel identified as MAP 30, Lot 107 and located at 210 Union St. in District 901. Further, that all of the criteria have been discussed by the Zoning Board of Appeals related to the Special Exception and there have been no issues.

VOTE:	Stephen Bowen	Yes
	David C. Gordon	Yes
	Mark Masterson	Yes
	Emily Lusher	Yes

The motion was passed 4-0-0.

B ROCKPORT PROPERTIES LLC

Representation: **Michael Sabatini and Tom Fowler**, Landmark Corporation
219 Meadow St., Rockport, ME 04856
Tel: 207-236-6757 Fax: 207-236-4599

Annemarie Ahearn, Business Operator

Request: Review for Special Exception to operate a restaurant in a portion of Union Hall on a parcel identified as Map 29, Lot 297 and located at 23 Central St. in District 913 under the provisions of Section 913.3(13) of the Rockport Land Use Ordinance.

Presentation:

Stephen Bowen: We'll go ahead. Please introduce yourselves and do your presentation.

Michael Sabatini: We are here on behalf of Rockport Properties LLC, a subsidiary of Leucadia National Corporation. My name is Michael Sabatini. Seated next to me is Tom Fowler and we're both from Landmark Corp. Annemarie Ahearn, who will be the business operator, is here also. My role is as project manager for the Leucadia properties here in town. Tom is going to go over the application that was submitted and later Annemarie will talk about her endeavor.

Tom Fowler: We are doing the site planning for Rockport Properties. We're proposing a restaurant on the first floor of Union Hall, shown on the exhibit submitted with the application. It's designated as a Special Exception use in the 913 Rockport Downtown District. In our submittal letter we step down through a point-by-point response for the different Special Exception criteria in Section 703.3 of the Land Use Ordinance and how we believe those were met, in addition to the relevant portions of Section 800. I thought I'd just touch on a few of the more salient points.

Regarding the effect on the natural environment, the fact is that the Hall sits on a 4,011 sq. ft. parcel. There's not much environment there. It's historically been completely developed – the whole parcel – with walkways, driveways, parking, and the building itself, which comprises the vast majority of it. What we're proposing are some minor improvements to the site on already developed areas, some of which have fallen into disrepair, as you may have seen any time you've come into the village. Those minor improvements are designed to enhance the pedestrian access and visual aspects of the property. This includes walkways, steps, and utility entrances. Because these improvements consist of replacing existing facilities that badly need updating to function properly, we foresee no adverse effect on the natural environment.

Another consideration - depreciation of value - is a big consideration in the ordinance. We think the addition of the restaurant is going to continue a positive trend in downtown Rockport. Things are looking up down here and hopefully this will continue to be a part of that. Because the building is going to undergo a complete interior and exterior renovation, we think this upgrade will be a real boon to the value of surrounding properties.

One consideration is that the applicant is going to renovate the building under the supervision of the Maine Historic Preservation Commission and the National Park Service. In the words of the National Park Service, "The federal historic preservation tax incentives program encourages private sector investment in the rehabilitation and reuse of historic buildings, creates jobs, and is one of the nation's most successful and cost-effective community revitalization programs. It has leveraged over \$62 billion in private investment to preserve over 38,000 historic properties in the U.S. since 1976. This program is administered by the National Park Service and the IRS in partnership with the applicable states' historic preservation office," with which we and the project architect are working closely. We think, based on this evidence that the careful

renovation of the building, while preserving its historical significance, can only lift the value of the surrounding properties.

Another key item is pedestrian and vehicular traffic. We're hoping that both will actually experience a modest increase to Union Hall over its recent years, most recently as part of Maine Media Workshop; however we think this can easily be accommodated via the existing road and sidewalk network. Currently, pedestrian access from Central St. to Main St. is accomplished via a disorganized hodgepodge of walking surfaces. We're in discussion with the Town to create a cohesive path of sidewalks from the existing concrete, which is directly in front of the building on Central St., down around Main St. all the way to the rear of Union Hall, so there will be convenient pedestrian access to the private parking that's behind Union Hall. It should be noted that that private parking is not part of the Union Hall property.

Michael Sabatini: Here's the concrete walkway in front of Union Hall. We're proposing that you can get safely around the corner and safely down to the parking lot. The pathway down to the harbor is right here. We're hoping it enhances that area. The walkway would be shortened to the corner of the building and we would like to work with the Town to improve that space so that, when you come up the stairs from the pathway to the harbor, you can cross to Main St. and have a safe way up to the businesses.

Tom Fowler: What we're hoping to do is use that same route where the railroad tie ankle-breakers are located, but have it be concrete or all landscaped stone, that kind of thing. Probably looking at more functional and easier to maintain. In addition to those proposed improvements, the existing network of streets and the private parking in the rear of the building provide generous emergency vehicle access to all sides of Union Hall and the adjacent properties and we believe that, by this combination of improvements of some of the existing facilities and maintenance of existing roadways and parking, any modest increase in foot or car traffic that we hope to see can easily and safely be accommodated.

Regarding building bulk, we're not proposing any change to the building's bulk and material, which has existed in this form (a brick building) at the corner of Central and Main Streets since 1856. We do, however, propose some new decks and balconies on the rear and Main St. side of the building that will create a lighter feel to the building than the previous porches. If you saw the building five to six years ago, there was a big set of heavy, foreboding porches on the sides and the back. Those are removed and we're proposing to replace them with a couple of much smaller but lighter decks off the back where the restaurant is, which will be off the first floor and as you're looking from down by Rockport Marine and up, it will look like the second floor, actually. That will be for the restaurant's use and then smaller decks on the second and third floors. Those will be a pretty vast improvement over what was there.

Stephen Bowen: Did you say you were going to put balconies on the Main St. side of the building?

Michael Sabatini: There's only one. Those elevations are in black and white, but those railing systems will be stainless steel and visually very light, which is one of the ideas of the historic preservation folks. They want you to see the facade as it was.

David Gordon: It sounds like we're moving away from the foreboding phase.

Mark Masterson: The only deck you have is aft?

Michael Sabatini: This is the deck. These are balconies that will be supported back to the masonry. The whole intent is that you can see through them and see what the structure was and is now and see that whole facade.

Regarding landscape and site, the site itself is very small (4,011 sq. ft.), so there's only so much we can do with the site. At this point, there is no natural state existing on the property; it's either concrete, or brick, or pavement. However, we do propose to feature the rear entrance of the building: to improve it and increase its attractiveness, and minimize the influence of the utilities needed to support the building's use through the use of fencing and proper siting. Other touches, such as painting the new utilities on the exterior brick red, as was done on the Shepherd Building, will be executed on this project to minimize the visual influence of the utilities.

David Gordon: Is there anything you can do going down toward the harbor on that side, and maybe even the front, to soften it? It's going to be all concrete and brick.

Michael Sabatini: There may be a little room and that's part of what we want to talk with the Town staff about. Some of that property is on the Union Hall-owned side and some on the Town-owned side: it's a combination. There are some very small spaces and that's part of the conversation we're currently having. Trying to soften that with some kind of landscaping, hardscaping, fencing. To do exactly what you said: to soften that edge a little bit. You're right, there is a paved road with weeds and railroad ties leading to broken concrete.

Tom Fowler: That covers what I thought were the high points of the application. We also did touch on the applicable sections of 800 and how we believe those were met. We are planning to do a pre-application for Site Plan with the Planning Board tomorrow night and, in a few weeks time, doing a full Site Plan application. We will definitely be hammering through all of Section 800 in addition to 1300, 1000, that we normally would with a Site Plan.

Michael Sabatini: We talked a lot about the building, but obviously we're here tonight for the Special Exception for the restaurant use. As everyone knows, historically there has been a restaurant use, the Corner Shop, right across the street from this. This use going in, with breakfast and lunch provided, will preclude the Corner Shop from opening up again; that will be turned to some other use. There has historically been that kind of use in town and now it is just going to happen in a different building.

I also wanted to mention that I have had a nice discussion with Barbara Jackson, the direct abutter (with a party wall) and we talked about the project and what's going on this summer with construction and the uses that will be going in there and she was good with things. With that, I would ask Annemarie to talk a little bit about her proposed business.

Annemarie Ahearn: Have any of you been to Salt Water Farm before? Salt Water Farm is a cooking school and farm in Lincolnville. It's a home occupation and I have been running it for three years. In many ways our project at Union Hall is an extension of that. We will have a cafe that will seat approximately 50 people and the front portion of the store will be a marketplace where we'll sell basic provisions, such as local produce, eggs, milk, cheese, some cured meats

and things of that nature. The idea being that people can come in and get whatever they need to make dinner in one stop. We'll also sell some prepared foods and that program will develop. We will be teaching cooking classes, as well as doing communal table suppers, as we do at Salt Water Farm.

Our focus is sustainable consumption and locally sourced food. We are open all day: breakfast, lunch, and dinner, though we will not be serving dinner in the winter months. That generally sums it up. Does anyone have specific questions for me?

David Gordon: The description that we have mentioned a 40-seat cafe. Did you say 50?

Michael Sabatini: We put 40 in there before the program of the restaurant was fully flushed out and we added the deck.

David Gordon: Is this going to take up the whole first floor?

Michael Sabatini: I didn't bring the floor plan, but yes, it will. To describe the floor plan, looking up from Central St. there will be an entrance lobby and the restaurant. Straight up the set of stairs will go to the Hall. Straight back will go to an elevator and a rear stair. So, the left side of the building is egress, access, a bathroom, and a chef's office.

David Gordon: Will the restaurant have a liquor license? Talk to me about how you see parking being affected during the dinner hour with Shepherd's Pie there as well.

Michael Sabatini: As you know, this building has no available space for parking, and nor did the Corner Shop. The users of this building will have access to the rear parking lot behind Shepherd, and we are planning to expand that, actually doubling its size. There's a lot of public parking available, especially in the summertime, within very close walking distance.

Mark Masterson: First of all, what else will the Union Hall be used for that will have bodies and cars around it?

Michael Sabatini: The Hall is not actually a change of use. The restaurant is on the first floor. There's a basement space that is a little bit less square footage because there are common bathrooms that patrons of the restaurant and the Hall could use. I'm presuming that will be commercial space – it's approximately 1,600 sq. ft.

Mark Masterson: You're going to have a lot more people there than we've had for the Corner Shop for breakfast and you obviously want this to be successful. It's a great infusion of excellence into the downtown. You're saying the lot behind isn't yours but it's accessible?

Michael Sabatini: No, it's controlled by Glen Cove, a separate entity, but also a subsidiary to Leucadia.

Mark Masterson: It's not going to be reserved parking?

Michael Sabatini: It's not reserved parking, it's first come, first served basis.

Emily Lusher: Will that be identified to the public? Because I had no idea that was a place people could park downtown.

Michael Sabatini: The back parking is for the use of current patrons of the Shepherd Building.

Emily Lusher: I don't think people who go there know that. The parking study that we have a copy of was done before Shepherd's pie. We know when you come, when there's an open house at Shepherd's, it can be pretty hard to find a place to park. Realistically, in today's world people are not going to park down in the Marine Park at night and walk up the stairs to a restaurant. People don't do that.

Tom Ford: I looked out at that back parking lot right now and we've got an event upstairs that's pretty well attended, Shepherd's Pie is operating and we've got the small group here that most of us drove. Half those parking places are empty out there behind Shepherd's Pie right now.

Mark Masterson: What we have to do is the perfect storm. The CMCA, Bay Chamber, Shepherd's Pie, Annemarie's place, and just the normal tourist traffic. The question is, how many people are likely to be in that building during the day? How many did the Corner Shop seat? 30 or 40?

Michael Sabatini: 40 or 50.

Mark Masterson: So there may be a wash there if it was totally full. There will be peaks and valleys of activity.

Michael Sabatini: Yeah, in the day time there's usually plenty of parking.

Mark Masterson: And whatever's being done on the upper two floors and this commercial rental down on the lower floor. We're a one-car, one-person nation for the most part, except when we go to dinner. All of this is a potential problem, a good problem

Stephen Bowen: Not like the problem we had a couple of years ago when there was nothing downtown.

Michael Sabatini: I can continue to go through the uses if you like. The Hall would be rented out on a per event basis. With a large event there, we would have to handle the parking in some way, especially if it would happen to overlap with the Opera House or a busy summer night.

Mark Masterson: So, a shuttle from some place.

Michael Sabatini: A shuttle from somewhere. An example would be a rehearsal dinner or even a wedding reception. In that case I think you would have to have some satellite parking or some kind of a shuttle, even if you could park down at the bottom of the hill. One idea I have thrown out to some Town staff: RES has a lot of parking and would be a perfect place to shuttle people into town. I think, with some cooperation, the parking behind Shepherd Building and the expansion parking behind it could actually relieve some things at the Opera House. I think a little tiny bit of coordination on what events are happening is the heart of the idea.

Mark Masterson: How big is the expansion?

Michael Sabatini: About 25 spaces, doubling what's there.

Tom Fowler: It will also involve moving a garage that's there now and extending into the Glen Cove property directly behind the Opera House. This will involve a pretty significant retaining wall; the applicant is going to great effort to make more parking available for their own uses and possibly overflow from other things as well.

Michael Sabatini: There is some other residential potential here that will likely end up using some of this parking as well. With this parking expansion we're doing all that we can for parking. In the village, it's quite a bit. We'll be before the Planning Board to discuss that parking lot. It's currently a one-sided parking lot and we're going to do a two-sided. Since the top floor does not have a user, we're considering that it could be two dwelling units, which would have a low parking impact. It could also be an office. We're not sure yet.

David Gordon: How many square feet is the top level, approximately?

Michael Sabatini: There's some circulation space, but around 2,000 sq. ft.

Tom Ford: If I could make one comment, Steve, on the parking? We are so used to, in this community, being able to drive up within visual range of where we want to arrive. And yet none of us would go to Portland or any of our more urban areas and think that we're going to park right next to the Cumberland Civic Center.

Mark Masterson: I don't have historic knowledge of the Union Hall or how many people the Maine Media Workshop had coming to work.

Michael Sabatini: And they had vans and so forth and they operated out of there without any parking. They squished some in the back of the Hall and they used the public parking. But there was an office space on the one side, a retail store, the Hall, and then on the top floor they had classrooms and two classrooms in the basement, as well.

Tom Ford: Steve, I'd just like to make one more comment. The Town certainly has a responsibility for parking here. These public parking spaces you'll notice have no striping now, other than where not to park: there's no enforcement. This discussion just took place in Belfast where the merchants were very agitated that there was not any turnover in parking there. We might get to that point in Rockport. Some of the recommendations that were discussed at the Select Board level several years ago when the study was done have just fallen by the wayside. As we become more vital I think we will have to address coordinating parking efforts in the downtown area.

Stephen Bowen: Adding 25 new parking spaces to downtown Rockport is not a small achievement.

Emily Lusher: Especially when the lot behind, like tonight, is not being used. When those spaces start being used and people become aware that they're there, I think that's going to make a difference.

Stephen Bowen: And if you're able to improve, you can egress along the street, up Main St. Right now walking up from behind the building up the sidewalk is a little dicey.

Mark Masterson: The worst potential time for masses is going to be in the evening, other than something on a weekend. So you don't have people in the offices and you've got the most free spaces possible. That helps.

Michael Sabatini: No one likes coming up Main St and, true, there are no lights along the steps.

Emily Lusher: That's way improved from what it was.

Tom Ford: We're looking at what might be a \$100,000 project to improve the lighting in all of Marine Park, possibly going through the MDOT Ship Grant program. I'm not sure we'll be successful in that, but the application deadline is August 3rd and that is definitely on the drawing boards now.

Mark Masterson: Let me throw a devil's advocate question out here. What if we had the perfect parking storm and we had repeated incidences where we've got people jugged up, roads are jugged up, people are having to park way up? Is this going to be counterproductive to the Renaissance of the downtown area and success of Annemarie's restaurant?

Michael Sabatini: If there are that many cars, we're doing good.

Emily Lusher: That parking by the library - we did a study of issues with the library and everybody always talks about the lack of parking. When we actually did a survey of over 150-200 library patrons asking how big a problem parking is, they said, "Not really." It's one of those things that everybody complains about, but ...

Mark Masterson: If people want to come in they'll find a place to park. The question is do they get ticketed because we re-institute parking limits

Tom Ford: That's not on the table right now. It does eventually start to push parking up into some of the residential areas beyond the library. As we look at "The proposed use will not have an adverse effect on the quiet possession of surrounding properties," we do have to take into consideration that parking could push some of those cars into some of the side streets.

Michael Sabatini: The logical place for parking would be up towards the Post Office, which at night wouldn't be too much of a problem. Or could push up into the Graffam's properties and that's not too far. I know that the parking spaces right alongside the Corner Shop don't get used too often, though they do fill up in the evening.

Stephen Bowen: One of the other things to think about, though, was that you said this. We've been talking about restaurants, where people park and they go in for an hour and a half. You said you would also be running sort of a market, so potentially not only are you going to have people who want to go into the restaurant, you're also going to have people who want to run in for ten minutes, so you could see 4:00 p.m. to 6:00 p.m. people coming for early dinners and people running in to grab something. It may be that there would be 15-minute parking for four spaces right in front of the building.

Tom Ford: I'd say that, by next summer, this will have to be addressed.

Mark Masterson: We'd love to give you permission to do this, yet all the questions we're raising will have no answers until you actually pull the trigger.

Michael Sabatini: It's a good problem to have and the fact that some kind of committee might be formed to look at parking in the village, that's great as far as I'm concerned. I think there's room for improvement and there are solutions. I would think that the commitment of doing this parking lot should say a lot and it's certainly going to satisfy the needs of the current tenants. Where we go from there can be another discussion.

Emily Lusher: I think, on the positive side, almost any use of the space is going to require parking. It's a decision between using it or leaving it to rot.

Michael Sabatini: just think if there was some separate owner that didn't have the opportunity for parking. Likely, that use would be all residential some how. It wouldn't be the same. To liven up the building in this way, I think is great.

Mark Masterson: Brings in business and taxes and that desire to come into the town and do other things.

Tom Ford: I think, Mike, it's important to mention the figure of \$2.7 million that is going to be invested in this building and neighborhood. It's a substantial investment in this town.

David Gordon: I think, to your credit, you've done as much as you can to address the concerns of parking with the resources that you have available. If it's going to be a problem twelve months from now, it's going to be a good problem to have.

Emily Lusher: One other question, given that it's a restaurant, is sewage, water and stuff like that under control?

Michael Sabatini: Steve Beverage has been after me. We put an internal grease trap in the Shepherd's Pie and it's not working real well. The wastewater from the restaurant is going down to the bottom of the hill to the pump station and that's acting as a grease trap. We're going to put a grease trap in the parking lot that's going to serve both buildings, so the kitchen wastewater from the Union Hall is going into the grease trap and then back into the sewer. So then we have to pipe over Shepherd's Pie to that grease trap.

Tom Fowler: It has multiple chambers and slows things down.

David Gordon: What's the ongoing service and the maintenance?

Michael Sabatini: It has to be pumped out, like a septic tank. The water supply is fine. There's a lot of pressure in town. We sprinklered the Shepherd Building and there's plenty of pressure for that. This already has a sprinkler system in it with a fire connection and a domestic connection.

David Gordon: Have you talked to the water company yet?

Tom Fowler: We haven't given them the details yet, but we got information about the service coming in. I can tell you that we're in conversation with them and it's definitely not an issue, especially in this part of town next to the harbor, where the pressure is excellent and volume is good. We will be required by the Planning Board to provide documentation and that is part of our package.

Stephen Bowen: Any other questions for the applicants before we move to public comment? Any public comment?

David Barry: As a resident of Church St., where there's overflow parking any time there's a Bay Chamber concert, I don't care how many extra cars there are if there's more life in the actual town.

(Unidentified Woman): As a resident of Franklin St., I look right down at the Union Hall and am thrilled that it's going to be renovated and it'll be a beautiful place. I'm a great fan of Salt Water Farm and I'm very excited that they're going to be there, and I'm not at all concerned about the parking.

Stephen Bowen: Any other questions, comments, feedback, thoughts? I guess we're ready to take our next step here. I'll entertain a motion or further discussion. What is the pleasure of the committee?

Mark Masterson: Just one more bit of discussion. On the presumption that this would be approved for a Special Exception, are there any exceptions to the Special Exception that we have any concerns about? This is our home and the traffic and the parking issues could be a problem. It's easy to talk about it now, but it's difficult to solve it now, too. Is there anything we think of that needs to be a caveat?

Stephen Bowen: The fact that they're coming to the table with 25 parking spaces makes me think that if we have an additional problem that they aren't going to solve, then that's a larger Town discussion of how do we deal with parking downtown. If we want these kinds of things downtown then we know we have to deal with it. Used to be you could go through town at 7:00 and there was no light and who wants to come with nothing going on? It's a good problem to have if we can't find space for all the people downtown.

Emily Lusher: I don't know if it needs to be formalized, but I think maybe the only thing we need is a statement of good faith that they'll work with the Town and solve the parking issue. I think we've heard that between the lines, and it's a problem that everybody's going to have. If people can't park and get into the restaurant, that's a big concern to you and something you want to solve.

Annemarie Ahearn: We could put on the website that there is parking around back.

Stephen Bowen: If you're improving the access up the side of the street and there's lighting and there's a sidewalk, then people can get out. Are there any other pieces we want to take a look at before we finish up here?

MOTION - Mark Masterson/SECOND – Emily Lusher: I move that we accept the application of Rockport Properties LLC for a Special Exception for Section 913.3 (Item 13) to permit a restaurant in a portion of Union Hall on a parcel identified as Map 29, Lot 297 and located at 23 Central St. in District 913. Pursuant to the discussion, there is a concern about parking, which will be resolved as issues go forward.

VOTE:

Stephen Bowen	Yes
David C. Gordon	Yes
Mark Masterson	Yes
Emily Lusher	Yes

The motion was passed 4-0-0.

David Gordon: I think this is the second or third time that you folks have presented before us and I've got to just compliment you on the quality of the presentation. It is noticed.

Michael Sabatini: Thank you.

II OTHER BUSINESS

A FUTURE ROSTER OF THE ZONING BOARD OF APPEALS

Stephen Bowen: We've got one other item on the agenda, the business of the future roster of the Zoning Board.

Tom Ford: The latest information is that George Benson will reup and Sani Fogel is leaving the select Board and has put her name in for the ZBA.

Stephen Bowen: A full roster would make it easier for me to stay on; if I'm out of town we might still have a quorum. I'll think about it.

Tom Ford: David, if it's time for you to move on, we understand. If you both leave and we had two new people, we'd still only have four members and need three more.

Mark Masterson: I can talk with Tom and give him the names of people I respect who might be interested.

Tom Ford: Let's leave it at that.

MOTION - Mark Masterson/SECOND – David Gordon: I move that we adjourn at 8:45 P.M.

VOTE:

Stephen Bowen	Yes
David C. Gordon	Yes
Mark Masterson	Yes
Emily Lusher	Yes

The motion was passed 4-0-0.

Respectfully submitted,

Deborah Sealey
Acting Recording Secretary