

APPROVED
Town of Rockport Planning Board
Wednesday, October 14, 2015 – 5:30 P.M.
Rockport Opera House Downstairs Meeting Room
Meeting Televised on Channel 22

Board Present: Chair John Alexander, Howard “Tony” Bates, Warren Erickson, Terri MacKenzie, Thomas Murphy, James Ostheimer, and John Viehman

Board Absent: None

Staff Present: Planning and Development Director James Francomano, Videographer Tom Goodwin, and Recording Secretary Deborah Sealey

I. Roll Call

Chair John Alexander called the meeting to order at 5:30 P.M. and took a roll call.

II. New Business

Request to reconfigure parcel boundaries for the benefit of the existing Jean H. Kislak Community Dog Park and to accommodate improvements planned by the prospective buyers of the P.A.W.S. building at 146 Camden Street (Map 31 / Lots 5, 80 and 85) and remaining grounds following the relocation of P.A.W.S. to Camden.

Jim Dorsky of Gartley & Dorsky Engineering & Surveying represented the applicant before the Board. Mr. Dorsky said the applicant wanted to divide the property on Camden St. and Rt. 1 into two parcels; the original 5-lot subdivision was approved in 1977 (the animal hospital was Lot 5). A first amendment to the subdivision combined 4 lots into 1, though tax records still showed 3 lots. Mr. Dorsky said the applicant now wanted to turn it into 2 lots.

The minimum required road frontage was 200’ and the proposed lots would have 201’ and 300’+ on Camden St. There was a prospective buyer for the more southerly lot, on which there was room for a structure.

Chair Alexander said the Board had just completed a site walk with the property owner. Tony Bates asked Mr. Dorsky to explain the property angle which gave one lot over 200’ of frontage. Mr. Dorsky did so and Mr. Alexander said this change would make this a conforming lot.

Planner Jamie Francomano said the scope of review could be “relaxed” by just covering those areas to be changed when the use and intensity were diminishing. Or the procedures for Final Plan extensive review could be utilized. Mr. Francomano recommended following the limited scope of review.

Terri MacKenzie said she agreed with the planner, but felt it was important that the Board have copies of relevant deeds for all applications. Mr. Francomano responded that these had been distributed by email and could be incorporated as part of the submittal package. Ms. MacKenzie said zoning should also be

indicated so the PB could decide if the proposed changes conformed. She asserted that these two things should have been included in the application.

Planner Francomano confirmed that the applicant had not included the zoning and suggested that the Board make a finding that the lot was in District 907. Ms. MacKenzie said the PB would then need to go to Table 917 and go down through the list. Chair Alexander thanked her for taking care of the details. Thomas Murphy said technicalities were what the Board did, making sure that everything was in place.

Chair Alexander asked if the Board could make the missing items a contingency if the application were approved. Ms. MacKenzie agreed that could be done. Mr. Francomano suggested making a Finding that the property was in District 907 and then check the table to be sure it was a permitted use in that zone.

The Board members agreed to a Finding of Fact that the property was located in the District 907 (Business / Residential) zone. The also agreed on a Finding of Fact that it is an approved use.

The Chair called for public comment.

Dyke Messler, 111 Camden St., asked if the application, if approved, would have to come back to the PB for use approval. Planner Francomano responded that if the change of use were intense enough it would trigger a Site Plan Review and approval. Mr. Messler said he had been very impressed with the lack of noise from the dog park, but said noise would be an issue for him if constantly barking dogs were a part of any future use.

Allen Mitchell pointed out the existing office and kennel and said any buyer would use the property the same way. He said there was a foundation on the site and the potential buyer planned to build a 2-story structure in 2 to 4 years: she had no intention of increasing the kennels. Warren Erickson asked the maximum number of dogs to be on the premises and Mr. Mitchell said there would be up to 12 dogs. Joyce Moore said she did tax preparation, which would be the primary use. She said she would be happy to work with neighbors and had no intention of creating a nuisance in the neighborhood.

ACTION: Tony Bates made a motion, seconded by John Viehman, to approve the request to reconfigure parcel boundaries for the benefit of the existing Jean H. Kislak Community Dog Park and to accommodate improvements planned by the prospective buyers of the P.A.W.S. building at 146 Camden Street (Map 31 / Lots 5, 80 and 85) and remaining grounds following the relocation of P.A.W.S. to Camden.

Carried 7-0-0

The PB took a break from 5:58 P.M. to 6:12 P.M.

III. Approval of Minutes of the 8/12/15 Meeting

ACTION: Warren Erickson made a motion, seconded by Terri MacKenzie, to approve the minutes of the 8/12/15 meeting.

Carried 7-0-0

IV. Discussion – Review recent workshop discussions on possible adoption of the Maine Uniform Building and Energy Code or Maine Uniform Building Code (MUBEC or MUBC) and develop list of Frequently Asked Questions.

Planner Francomano said he had distributed a presentation prepared by Rockland's CEO John Root. Mr. Francomano wanted the PB to work on their questions so they would be ready when Engineer Carmen

Bombeke came in. Chair Alexander asked Board members to explain their best understanding of what MUBEC is.

Tony Bates said MUBEC was a building code to which Rockport builders did not have to conform because of the town's small population. He understood that the code could be abused and the bidding process could be subject to flexibility in costs. However, the real stickler was in the energy portion, which could be very expensive and complicated. Member Bates said he would be more confident in the resale of his property if it conformed to the MUBEC standards. He did not like to see more regulation than was necessary, but some conformity was needed.

Chair Alexander said the town could have the building code without the energy portion, but not the energy portion without the building code.

Mr. Viehman said MUBEC would level the field between contractors. However, it would leave a gap if members were worried about trying to raise building contracting in town because it became dependent on the CEO and there was a state licensing issue.

Mr. Alexander asked Mr. Francomano if contractors would have to pay a licensing fee and if any of that money would come back to the town to defray cost of the CEO. Mr. Francomano replied that the CEO would need more certification under MUBC and even more under MUBEC. He explained that there were 12 or 13 certifications and the CEO would need 4, though contractors needed none.

Chair Alexander remarked that this would probably require a full-time CEO. Planner Francomano said current CEO Scott Bickford had all of the certifications, but his hours had been reduced. Implementation of MUBEC would require 24 additional hours and he noted that there were also issues concerning the supply of CEOs. Mr. Murphy said the previous Select Board had unceremoniously cut the CEO position, but MUBEC might allow a part-time CEO to be shared with another town. Mr. Erickson said he liked the idea of shared resources across communities.

Mr. Viehman said the Board was talking about this only as an expense. He would like someone to go to a town that had implemented MUBEC and inquire about the return on the money. He said the code could affect the income of the building trades. Mr. Alexander wondered if building trades welcomed MUBEC.

Tony Bates said there were life safety issues that could not be measured by money and there should be some standards. Mr. Viehman said MUBEC was not just about private buildings and safety was needed in buildings that held public gatherings.

Ms. MacKenzie said she spoke with CEOs all the time. She said people didn't understand that behind the scenes she got lots of questions about this from lenders and banks, which were already moving in that direction, and buildings not up to code would face problems in the real estate market.

Ms. MacKenzie said Rockport's year-round population was at 3,200, but the town had a housing base well beyond that because it had so many secondary homes. Mr. Murphy asked if public buildings had to conform. Mr. Francomano responded that community buildings needed to meet the State Fire Marshall & ADA requirements. He said this caught some of the most frightening examples.

Mr. Francomano said both public and private buildings would be affected. Ms. MacKenzie said she had spoken to the Fire Chief, who had been unaware of MUBEC but said it might trigger additional requirements on the Fire Dept. for inspections. She reported that 40 states had the Uniform Building Code. Tony Bates asked if firemen were being put at risk if materials were not up to standard.

Chair Alexander drew members' attention to the slides distributed by the planner and asked them to look at them before Ms. Bombeke attended the next PB meeting. They could then go online for answers to their questions.

Mr. Erickson asked if the codes included specification of materials. Mr. Francomano said alternative methods could be used, but asked who would be qualified to inspect them. He said MUBEC did not make it easier for alternative building methods and materials. He said the system of third-party inspectors was not proving to be successful since only towns could issue permits and they didn't want to sign them based on the opinion of a third party inspector. He did not think that system would last long.

Planner Francomano said he would make sure the PB was better educated on the questions raised tonight by November 18.

V. Adjournment

ACTION: Tony Bates made a motion, seconded by John Viehman, to adjourn at 7:03 P.M.
Carried 7-0-0

Respectfully submitted,

Deborah Sealey
Recording Secretary