

APPROVED
Town of Rockport Planning Board
Wednesday, June 22, 2016 – 5:30 P.M.
Rockport Opera House Downstairs Meeting Room
Meeting Televised on Channel 22

Board Present: Chair John Alexander, Warren Erickson, Terri MacKenzie, Thomas Murphy
James Ostheimer and John Viehman

Board Absent: None

Staff Present: Planning and Development Director James Francomano and Recording Secretary
Deborah Sealey

Chair John Alexander called the meeting to order at 5:33 P.M.

I. Old Business

Ober Builders – 893 West Street – Site Plan Review for Construction of a New Commercial Building for His Own Business and to Provide Additional Space for a Tenant – Section 907 Mixed Business Residential Zoning District – Map 16 / Lot 49-1: Ms. MacKenzie assumed the position of Chair for this application.

FINDING OF FACT: John Alexander made a motion, seconded by Warren Erickson, for a Finding of Fact that the applicant's property is on Map 16, Lot 49-1 in the 907 Mixed Business Residential zoning district.
Carried 6-0-0

Applicant David Ober proposed adding a 48' X 120' single-story building with attic storage to his lot. He would add parking to the rear of the building while leaving existing parking unchanged. He had applied for an NRPA Tier 1 permit to encroach on wetlands. Due to the size of the building, Mr. Ober would also need Barrier-Free and Construction permits from the State Fire Marshall's Office.

Mr. Erickson asked why it was necessary to obtain an MDOT entrance permit since an existing driveway would be utilized. Planner Francomano said the change of use and possible change in traffic due to the additional building had made this permit necessary.

Mr. Viehman asked why the orientation of the parking lot had changed from the pre-application plan. Mr. Ober said he had previously drawn it in but surveyor Mark Ingraham had redone it. Mr. Erickson said he was surprised how fast traffic on Rte. 90 was and how hard it was to get out of Mr. Ober's driveway. The applicant said the speed limit there was 50 mph.

Ms. MacKenzie said Mr. Ober's was a permitted use and more businesses and cuts would be coming on Rte. 90. Mr. Francomano said when staff looked at vehicle trips and access there were two steps involved: first, whether there was a peak time and second, the number of trips based on the square footage. He said the Board might not be comfortable with staff's recommendation and could wait for other approvals to come back. Ms. MacKenzie said this use was not heavy retail with lots of cars and Mr. Erickson noted that the sight lines were very good

Ms. MacKenzie said submitted comments from the CEO, Interim Police Chief, Fire Chief, and Public Works showed no concerns. Assessor Kerry Leichtman had contributed a statement, at the request of the Board, concerning the earlier lot boundary line confusion, which Ms. MacKenzie read into the record.

Ms. MacKenzie said the Board had done a thorough pre-app at the last meeting and now reviewed Sections 1304.1, 1304.2, and 1304.3 with no questions raised.

FINDING OF FACT: John Alexander made a motion, seconded by James Ostheimer, for a Finding of Fact that the applicant met the requirements of Sections 1304.2 and 1304.3 of the Site Plan Ordinance and we find that the application is complete.
Carried 6-0-0

Under Section 1305 (Site Plan Performance Standards) Chair Alexander said Mr. Ober had requested a waiver on soils and erosion control, The 44 parking spaces required by the ordinance would necessitate considerably more landscaping; therefore, Mr. Ober had chosen to have 40 spaces, which would also require a waiver.

FINDING OF FACT: John Alexander made a motion, seconded by James Ostheimer, for a Finding of Fact that the applicant meets the requirements of Section 1305 of the Land Use Ordinance, with waivers and two conditions of approval to be stated.
Carried 6-0-0

Section 1000 (Landscaping): Ms. MacKenzie asked the applicant to point out the landscaping detail on the plan. When she read aloud the section's headings, Mr. Erickson said the PB should waive some of the requirements because the plan was more than adequate. There was discussion of the Board's waiver ability.

FINDING OF FACT: John Alexander made a motion, seconded by Thomas Murphy, we waive the landscaping part of the requirements of Sections 1002.1 and 1002.2 that we deem to be unnecessary for this specific development.
Carried 6-0-0

Section 1003 (Architectural Review): Ms. MacKenzie said the pitched roof rendering had been submitted. Mr. Ober said the building would have vinyl siding and grills in the double hung windows.

Section 1003.6: Ms. MacKenzie said linear commercial structures on Rte. 90 should not have long unbroken walls facing the street.

FINDING OF FACT: John Alexander made a motion, seconded by Thomas Murphy, that we find as a fact that the applicant meets the standards of Section 1003.1 through 1003.6.
Carried 6-0-0

FINDING OF FACT: John Alexander made a motion, seconded by Thomas Murphy, that we find as a fact that the applicant meets the standards of Section 1004.1 through 1004.3.
Carried 6-0-0

ACTION: Thomas Murphy made a motion, seconded by Warren Erickson, to waive the requirement for 44 parking spaces and accept 40 spaces as shown on the plan.
Carried 6-0-0

FINDING OF FACT: John Alexander made a motion, seconded by Thomas Murphy, that we find as a fact that the applicant meets the requirements of the general performance standards of Section 800.
Carried 6-0-0

ACTION: John Alexander made a motion, seconded by Thomas Murphy, to approve the application from David L. Ober to construct a new commercial building at 893 West Street (Map 16, Lot 49-1) for his own business operations and to provide additional space for a tenant already doing business on the property, located in the Section 907 Mixed Business Residential zoning district with the following conditions of approval: 1) approval by DEP and compliance with all conditions of a Tier 1 permit for disturbance of wetlands as shown on the plan, 2) that all exterior lighting shall be designed and installed in a full cut-off, downcast configuration to prevent excessive glare, and 3) the vegetation shown on the Site Plan will be provided.
Carried 6-0-0

II. Approval of Minutes of the 5/25/16 Meeting

ACTION: Warren Erickson made a motion, seconded by Thomas Murphy, to approve the minutes of the 5/25/16 meeting as amended.
Carried 5-0-1 (Mr. Viehman abstained)

III. Other Business

Lou Laquaglia, possible future PB member, introduced himself to the Board. He was a builder in Dayton, Ohio for 32 years and had taught construction. PB Members held a brief discussion with him.

IV. Adjournment

The meeting adjourned at 7:23 P.M.

Respectfully submitted,

Deborah Sealey
Recording Secretary