

Town of Rockport Planning Board
Wednesday, August 24, 2016 – 5:30 P.M.
Rockport Opera House

Members Present: John Alexander, Chair; Warren Erickson; Lou Laquaglia; Terri Mackenzie, Vice-Chair; Tom Murphy; Jim Ostheimer; and John Viehman.

Members Absent: None

Also Present: James P. Francomano, Planning and Community Development Director; and Geoffrey Parker, Select Board Liaison.

Link to Video: <http://livestream.com/Rockportmaine/events/5965325>

1. Roll Call: Chair John Alexander opened the meeting at 5:35 P.M., with all member's present.

- 1(a).** Road Acceptance Ordinance – proposed amendment concerning threshold requirements for acceptance of private roads as municipal roads.

Planning Director Jamie Francomano provided some background on the proposed amendment, noting that it is proposed to lower the requirement for the percentage of lots abutting a private road that must be developed prior to requesting the Town to take ownership of the road – from 50% to 25% in cases where a “public amenity,” or “a new way to get from A to B” is provided.

Warren Erickson asked how the percentages in the proposed threshold requirements were arrived at. Mr. Erickson also wanted to know whether an appeal or special exception-type process could be created to decide which proposals may be processed with less than 50% of the lots developed. He indicated that, if indeed 50% is the desired threshold, he believes the Town should stand by it whenever possible.

John Viehman asked whether it was advocacy on behalf of owners in the Bay Ridge IV subdivision that resulted in the proposed change. Chair John Alexander indicated that it was in fact supported by the Bay Ridge lot owners. He said he thought it appropriate that an issue brought to light in a specific subdivision could result in an amendment to “solve the problem.”

Lou Laquaglia noted that the cost to the Town for plowing snow and the like could be significant and the public benefits arguably diminished with only 25% of the lots developed. Tom Murphy noted that another, more important concern, would be the cost of repair or reconstruction of the road after damage that might result from access by heavy equipment needed to develop the remaining lots.

Mr. Viehman noted there is a two-year Warranty provision at Section 501.6 of the proposed amendment and wondered if that seemed adequate for a case where only 25% of the lots are developed at the time the Town takes ownership.

Vice-Chair Terri Mackenzie noted that the public hearing and town meeting ballot process did not leave time for significant changes to the draft. This would have been a good issue to work on at the Board's July 27 workshop meeting on the amendments. Mr. Murphy concurred. It appeared to be the consensus of the Board that no further revisions to the Warranty terms be recommended at this time. Mr. Francomano added that the eventual applications for building permits on such remaining lots present another opportunity to require a performance guarantee as the builder at that point is requesting permission to develop an entrance onto a Town road.

Jim Ostheimer asked what "developed" means in the context of the 50% or 25% test in the Road Acceptance Ordinance, to which Mr. Francomano replied that it is the construction and completion of a structure intended for the principal use – a single family home, typically, in a residential subdivision.

Mr. Francomano also noted changes are proposed to the timing and mechanics for action by the Select Board to place a requests for road acceptance on the Town Meeting ballot.

PUBLIC HEARING: Mr. Murphy offered guidance on the technical requirement for the opening and of a public hearing. Mr. Erickson asked for further clarification. After some Additional discussion, Mr. Alexander opened and closed the public hearing at 5:59 p.m., there being no members of the public wishing to address the Board on the proposed amendment to the Road Acceptance Ordinance.

MOTION: Mr. Murphy made a motion to recommend to the voters the Road Acceptance Ordinance, with proposed amendment to the proposed threshold requirements for road acceptance.

SECOND: Mr. Viehman seconded the motion.

VOTE: 5 For; 2 Against – namely, Mr. Erickson and Mr. Murphy; 0 Abstaining.

1(b). Sidewalk Ordinance – proposed repeal of this ordinance.

Mr. Francomano noted that this is a proposal to repeal and not revise the Sidewalk Ordinance. During some additional background discussion, Mr. Erickson indicated some concern about responsibilities not being followed up on appropriately, "leaving us vulnerable..." absent the Sidewalk Ordinance. Ms. Mackenzie noted that the Camden-Rockport Pathways Committee has taken on some of these responsibilities and furthermore that the Sidewalk Ordinance in its current form is "redundant" and could "undermine" that work.

PUBLIC HEARING: With advice from Select Board Liaison Geoff Parker, Mr. Alexander opened the Public Hearing, asking for comments for, against, and neither for nor against the proposed repeal of the Sidewalk Ordinance, at 6:11 and closed it at 6:12 p.m. there being no one present from the public wishing to address the Board.

MOTION: Tom Murphy made a motion to recommend to the voters to repeal the Sidewalk Ordinance in favor of the 2015 Bicycle and Pedestrian Master Plan protocols.

SECOND: Mr. Erickson seconded the motion.

VOTE: Unanimously in favor. 7 For; 0 Against; 0 Abstaining.

2. Minutes: Mr. Alexander proposed tabling review and approval of the Minutes of the Board's June 22 regular meeting.

John Viehman noted one change that should be incorporated into the draft. He was not present at the May meeting, for which the minutes were approved at the June meeting. Therefore no vote on the approval of the May Minutes should be attributed to him. Planning Director Jamie Francomano indicated that the draft would be revised to reflect a vote of 5 For, 0 Against and 1 Abstaining on the May Minutes and tabled for action at the Board's next regular meeting.

This appeared to reflect the consensus of the Board.

3. Elections: Mr. Alexander provided a brief introduction noting that a Chair and Vice-Chair must be designated for the new fiscal year, ending June 30, 2017. Mr. Murphy asked whether Mr. Alexander would be willing to continue as Chair. To this Mr. Alexander replied that he would.

MOTION: Mr. Murphy made a motion to elect Mr. Alexander as Chair.

SECOND: Ms. Mackenzie seconded the motion.

In discussion, Mr. Erickson noted that while he supported the current officers the Board must look ahead to consider "succession" and what appeared to him as a "learning curve that is really steep."

VOTE: Unanimously in favor. For 7; 0 Against; 0 Abstaining.

MOTION: Mr. Erickson made a motion to elect Ms. Mackenzie as Vice-Chair.

SECOND: Mr. Murphy seconded the motion.

In discussion, noting Mr. Erickson's concern about cultivating experienced leadership on the Board, Mr. Parker reported that the Select Board is considering

policy changes to help ensure the appointment of alternate members in the future.

VOTE: Unanimously in favor. For 7; 0 Against; 0 Abstaining.

4. Workshop: Mr. Alexander suggested that the Board remain in a regular meeting for the Workshop discussion, rather than adjourn.

Mr. Francomano and Mr. Alexander reviewed some of their recent edits to a flow chart intended to assist the Board in Subdivision review. Among other items they noted that the following “boilerplate” should be added to ensure consistency during development review:

- Motions for waivers (“W” on checklist) should be seconded and voted in real time.
- Findings of Fact (“FOF”) should be motioned, seconded and voted at the end of each Article of the Subdivision Ordinance.
- Conditions of Approval (“COA”) must be considered as part of a motion to approve, if any. Members should mention and keep track of potential COA during discussion of applicable provisions of the Ordinance but it is acceptable to bring them up later, too.

Ms. Mackenzie suggested that this list form would provide a useful alternative to visualizing the flow chart. Mr. Alexander concurred. In response to a question from Mr. Erickson, Mr. Murphy indicated that the flowchart is only for the Board’s use in a practical sense, not rising to the level of the Board’s bylaws.

5. Adjourn: Mr. Alexander adjourned the meeting at 6:35 p.m.

Respectfully submitted,



James P. Francomano, Director
Planning & Development Dept.