

Approved
Town of Rockport Planning Board
Wednesday, March 23, 2016 – 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, and James Ostheimer

Board Absent: John Viehman

Staff Present: Planning and Development Director James Francomano, Recording Secretary Deborah Sealey, and Videographer Brian Goding

I. Roll Call

Chair John Alexander called the meeting to order at 5:30 P.M.

II. New Business

A. Kangas Farm Subdivision – Rt. 17 – Pre-Application Review of Plan to Separate with New Lot Boundaries and Other Changes- Map 12 / Lot 190: David Dickey, who has a purchase & sale agreement for the property, and engineer Will Gartley of Gartley & Dorsky, represented the proposed application. Mr. Gartley said there were two existing buildings on the 106-acre property, around which Mr. Dickey proposed creating lots that would be put on the market. Mr. Dickey would retain the rest of the property, with the exception of 3.9 acres that he would be required to hold as undeveloped deed-restricted land.

Mr. Gartley said the pending application would go from pre- to final application and wanted to review the subdivision requirements with the Board. The Rockport Subdivision Ordinance, Section 6.3(D)(3) stated that a boundary survey must be submitted, but Mr. Gartley asked if a boundary survey of only the monuments and corners of the new lots would be sufficient.

Mr. Gartley noted that Section D(7) required proof of adequate water supply from a hydrogeologist and a statement from the Fire Chief. However, the houses were existing and the wells had been used for a long time so he asked if these requirements could be waived.

Regarding the Section D(13) requirements for contour lines and elevations in relation to NGVD, Mr. Gartley said all wetlands and structures, etc., would be shown but he wanted permission to use LIDAR data.

Engineer Gartley asked the Board to agree that Sections D(21, 22, 24, 25 & 27) were not applicable to this application. Planner Francomano agreed that these were not necessary due to the lack of scope of the project. He referred the Board to Land Use Ordinance Section 908.2.1 (Rural Zoning District Land Use Table) where Mr. Gartley had gotten the 50% figure for calculating the set-aside of 3.9 acres. He asked the Board if it was comfortable not requiring that 50% of the entire 106 acres be set aside. Mr. Gartley said 7.8 acres would be offered for sale or lease, so 50% of only that portion must be set aside as undeveloped land; the balance of the acreage was not part of the subdivision. If it were further developed

in the future, then 50% would again have to be set aside. Mr. Francomano thought Mr. Gartley's proposal was the best way to handle it.

Mr. Murphy felt the set-aside figure was incorrect. The total acreage to be subdivided and sold was 7.8 (6.9 for Lot 1 and 0.9 for Lot 2). Therefore, the undeveloped portion must also equal 7.8, which required starting with 15.6 acres. After much discussion of a calculating nature, the Board agreed with Mr. Murphy's assessment and said that 7.8 acres of undeveloped land must be set aside. Mr. Gartley said he would need to shrink the lots or increase the undeveloped land.

ACTION: Thomas Murphy made a motion, seconded by Terri MacKenzie, to waive the following requirements requested by the applicant under Article 6.3 (Submissions): D3, D7 (a-d), D13 (LIDAR), and D21, 22, 24, 25, and 27.

Carried 6-0-0

B. Alexander & Elizabeth Krause – 8 Fiske Lane – Application for a Private Way Providing Access to 63 Acres – Map 13 / Lot 15: Alexander Krause said his current lot was shown as #6 on the original subdivision plan, but he also had 60 acres that ran along Rt. 17 and came to the subdivision. Mr. Francomano said this was the old Beech Lane Subdivision and the new large parcel bought by Mr. Krause was not part of it; however, the applicant needed access to this new parcel.

Mr. Krause said that in the future he wanted to divide the 60 acres and sell half. Not wanting to land-lock the parcel, Mr. Krause needed an easement and slight alteration to the private way over his Lot 6, as well as a new private way accessing his new adjacent lot. He explained that the new parcel had an old house that was abandoned in the 1990's and a paper road went between his two properties. Ms. MacKenzie said the applicant wanted to make a portion of the existing easement into a Private Way.

The PB reviewed the application under Section 805.3 (Private Way) of the Land Use Ordinance to make sure it was complete. Chair Alexander read this section item by item. The Board determined it could waive #2, #7, and #8. They then moved on to the Subdivision Ordinance. Planner Francomano said the PB could approve the Private Way plan contingent on a future amended subdivision plan, so there was no need to go through the subdivision plan now. Another two lots (#4 and #5) were going to ask for a subdivision amendment. Ms. MacKenzie said there was now an easement over Lot 6 to serve Lots 4 & 5 and she asked if Mr. Krause didn't need the approval of the Chamberlains, owners of those two lots. Mr. Krause said he had letters of agreement from 3 other subdivision owners.

ACTION: Tony Bates made a motion, seconded by Thomas Murphy, that the Planning Board had reviewed Section 805.3 and found the applicant met all requirements.

Carried 6-0-0

ACTION: Tony Bates made a motion, seconded by Thomas Murphy, that final approval of the proposed Private Way will be subject to final acceptance and approval of the amended subdivision.

Carried 6-0-0

III. Old Business

Heiwa Soy Beanery d/b/a Tofoodio, LLC – 201 West Street – Findings of Fact and Signing Approved Site Plan – Map 26/Lot 7-1: Planner Francomano explained that applicant Jeff Wolovitz had come to the meeting as a favor since his application had been approved at the last meeting. Also, the Board had asked staff to present the Findings of Fact and conditions of approval for the PB's vote. Mr. Francomano explained that the yellow highlights on the Findings denoted on-going issues with wastewater treatment. The applicant had also provided a signing block on the final drawing. Mr. Wolovitz

said he was moving forward on this with the CEO and the sewer commission; Woodward & Curran had seen no problems.

Mr. Erickson asked if the memo from Mike Thompson had gone to Mr. Wolovitz, who answered that he had not received it.

ACTION: Thomas Murphy made a motion, seconded by Warren Erickson, to adopt the Findings of Fact and conditions of approval as presented by staff.
Carried 6-0-0

IV. Accept the Resignation of Tony Bates

ACTION: Thomas Murphy made a motion, seconded by Warren Erickson, to accept with regret the resignation of Planning Board member Howard “Tony” Bates.
Carried 5-0-1 (Mr. Bates abstained)

V. Adjournment:

The meeting adjourned at 8:00 P.M.

Respectfully submitted,

Deborah Sealey
Recording Secretary