

Approved
Town of Rockport Planning Board
Public Hearing
Wednesday, April 6, 2016
Rockport Opera House Downstairs Meeting Room
Meeting Televised on Channel 22

Board Present: Acting Chair Terri MacKenzie, Warren Erickson, Thomas Murphy, and James Ostheimer

Board Absent: Chair John Alexander and John Viehman

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

Acting Chair Terri MacKenzie called the meeting to order at 5:34 P.M. and said the purpose of the meeting was to review and make recommendations on three proposed amendments to the Land Use Ordinance, as well as one amendment each to the Floodplain Management Ordinance and Sewer Ordinance. The public would be welcome to comment on all amendments.

Ms. MacKenzie read each proposed amendment aloud prior to discussion.

1. Shall an ordinance entitled "Ordinance amending the Town of Rockport Floodplain Management Ordinance", adoption of which is mandatory for continued participation in FEMA's National Flood Insurance Program be enacted?

Mr. Erickson said since this was mandatory for floodplain insurance it was essential that it be approved. Ms. MacKenzie said CEO Scott Bickford had said if it were not adopted the town would lose disaster relief funds and banks might stop lending.

The Public Hearing was opened and closed at 5:36 P.M. with no comments offered.

2. Shall an ordinance entitled "Ordinance amending the Town of Rockport Sewer Ordinance to delete the Fee Schedule so that it will appear in the related Sewer Regulations instead, clarify the roles and responsibilities of the Commissioners' Authorized Representative, and make other corrections and clarifications throughout" be enacted?

Planner Francomano said town staff were the authors of this amendment. The commissioners met often to decide on exceptions to the rule, so keeping the fee schedule out of the ordinance would simplify things. Select Board member Tracy Murphy asked if the changes CEO Scott Bickford had suggested had been made. Mr. Francomano said they had been, along with some other cleanup items.

The Public Hearing was opened and closed at 5:45 P.M. with no comments offered.

3. Shall an ordinance entitled "Ordinance amending the Town of Rockport Land Use Ordinance, Section 600 – Administration, by adopting and incorporating by reference the Maine Uniform Building Code, effective July 1, 2016, which would increase life safety requirements and construction standards but make no change in the legal actions, enforcement powers, or penalties for violations" be enacted?

Mr. Francomano said the town attorney had advised on the wording of this amendment since the town had not authored but was simply adopting state code. Mr. Erickson asked if there would be confusion among the public because the town was not including the energy component of the building code at this time. Mr. Francomano responded that background information would be provided for the public at the city clerk's office. This would explain that the energy code was not included.

The Public Hearing was opened and closed at 5:52 P.M. with no comments offered.

4. Shall an ordinance entitled "Ordinance amending the Town of Rockport Land Use Ordinance, Section 805.3 – Private Ways, to allow the Code Enforcement Officer to issue a permit for some Private Ways that currently require Planning Board approval, to clarify what materials are required to support an application, and to impose a requirement for notice to abutters for some applications" be enacted?

Mr. Murphy asked for background information on this amendment and Mr. Francomano said it was a work product of the Ordinance Review Committee, which had been working on it all winter. The Private Way problem had been illustrated last summer when someone needed access over a ROW; this had resulted in the PB being asked to choose between two landowners. More generally, there were many cases with fewer than three parcels (thus not reaching subdivision status) where it was thought the CEO could make the decision.

The Public Hearing was opened and closed at 5:56 P.M. with no comments offered.

5. Shall an ordinance entitled "Ordinance amending the Town of Rockport Land Use Ordinance, Section 1400 – Shoreland Zoning, Section 917 – Land Use Table, Section 918 – Dimensional Table and Section 913 – Downtown, which would clarify the permitted uses and standards for development in a portion of the Section 913 Downtown zoning district" be enacted?

Planner Francomano said the Downtown district was amended at the last town meeting to greatly expand development potential, allowing for more density. The text had been reviewed two years in a row because translation of the text and table approved by the voters had been flawed. He said this was basically a quality control amendment.

Mr. Francomano distributed an ORC draft amendment report, dated 3/31/16, with redline changes concerning marine-related uses in the Downtown district. He said the owners of Rockport Marine had participated in writing the draft and the amendment supported the working waterfront.

The Public Hearing was opened and closed at 6:00 P.M. with no comments offered.

ACTION: Thomas Murphy made a motion, seconded by Warren Erickson, to recommend to the voters that we adopt the "Ordinance Amending the Town of Rockport Floodplain Management Ordinance", adoption of which is mandatory for continued participation in FEMA's National Flood Insurance Program be enacted

Carried 4-0-0

ACTION: Thomas Murphy made a motion, seconded by Terri MacKenzie, that we recommend to the voters that the sewer ordinance entitled "Ordinance amending the Town of Rockport Sewer Ordinance to delete the Fee Schedule so that it will appear in the related Sewer Regulations instead, clarify the roles and responsibilities of the Commissioners' Authorized Representative, and make other corrections and clarifications throughout" be enacted.

Carried 4-0-0

ACTION: Thomas Murphy made a motion, seconded by Terri MacKenzie, that we recommend to the voters that the ordinance entitled “Ordinance amending the Town of Rockport Land Use Ordinance, Section 600 – Administration, by adopting and incorporating by reference the Maine Uniform Building Code, effective July 1, 2016, which would increase life safety requirements and construction standards but make no change in the legal actions, enforcement powers, or penalties for violations” be enacted.
Carried 4-0-0

ACTION: Thomas Murphy made a motion, seconded by Terri MacKenzie, that we recommend to the voters that an ordinance amendment entitled “Ordinance amending the Town of Rockport Land Use Ordinance, Section 805.3 – Private Ways, to allow the Code Enforcement Officer to issue a permit for some Private Ways that currently require Planning Board approval, to clarify what materials are required to support an application, and to impose a requirement for notice to abutters for some applications” be enacted.
Carried 4-0-0

ACTION: Thomas Murphy made a motion, seconded by James Ostheimer, that we recommend to the voters that an ordinance amendment entitled “Ordinance amending the Town of Rockport Land Use Ordinance, Section 1400 – Shoreland Zoning, Section 917 – Land Use Table, Section 918 – Dimensional Table and Section 913 – Downtown, which would clarify the permitted uses and standards for development in a portion of the Section 913 Downtown zoning district” be enacted.
Carried 4-0-0

ACTION: Warren Erickson made a motion, seconded by Terri MacKenzie, to adjourn at 6:07 P.M.
Carried 4-0-0

Respectfully submitted,

Deborah Sealey
Recording Secretary