

Approved
Town of Rockport Planning Board
Wednesday, April 27, 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, and Thomas Murphy

Board Absent: John Viehman and James Ostheimer

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

I. Roll Call

Chair John Alexander called the meeting to order at 5:35 P.M.

II. New Business

A. Andrea and Robert Lovell – Christie Subdivision – Boundary Adjustment for Two Adjacent Parcels Accessed via Harmony Lane – Map 7, Lots 17-1 and 17-7: Surveyor Jim Dorsky of Gartley & Dorsky Engineering & Surveying represented the applicants. Mr. Dorsky said the Christie Subdivision was originally approved in 2005 and in 2006 there was an amendment that added a lot and provided a private way for Harmony Lane. In 2015 an amendment was approved to remove a lot from the subdivision. At that time, there was also a new amendment to provide a Private Way for Harmony Lane that reflected the fact that lot was no longer in the subdivision. Shortly after these approvals, the Lovells asked to have those decisions reversed, going back to the 2006 plan, and the PB vacated the approvals.

The boundary adjustment request presented tonight had the sole purpose of placing the chicken house the Lovells had inadvertently built on the line between their two lots onto their open space lot outside the subdivision. This would reduce slightly the land in District 908 while the open space percentage would remain over 50%. The Board referred to Section 908.2.1 to confirm that the open space requirements had been met.

FINDING: Warren Erickson made a motion, seconded by Thomas Murphy, for a finding of fact that the requirements of the District 908 open space standards for residential subdivisions have been met by this application.
Carried 4-0-0

Chair Alexander read aloud Article 9.3 (Revisions to an Approved Plan) and said the PB would need only to review the Standards.

FINDING: Thomas Murphy made a motion, seconded by Warren Erickson, for a finding of fact that the Planning Board saw no consequential impacts of the changes that are being proposed.
Carried 4-0-0

Chair Alexander opened and closed the public hearing at 5:54 P.M. No comments were offered

ACTION: Terri MacKenzie made a motion, seconded by Warren Erickson, that we approve the boundary adjustment for the two adjacent parcels accessed via Harmony Lane on Map 9 / Lots 17-1 & 17-7 in the Section 908 Rural zoning district as regards the Christie Subdivision.
Carried 4-0-0

B. Artisan Boat Works – 416 Main Street – Amendment to an Approved Site Plan to Construct a New Pole Barn and Expand the Existing Gravel Boat Yard and Parking Area - Map 35 / Lot 37:

Applicant and business owner Alec Brainerd said in 2013 he had received approval to build an expansion for office space, a work bay, and cold storage area; however, he had actually constructed a smaller expansion. Now he wanted to have more indoor storage and proposed a new building parallel to the road, but less visible from the road than the expansion approved in 2013. In addition to the building, Mr. Brainerd said he would be bringing in some greenspace because he would not be making further expansions due to full lot coverage.

The Board turned to Section 1305 (Performance Standards) and Chair Alexander read the titles. Mr. Brainerd confirmed that he would not be building the balance of the space approved in 2013. Ms. MacKenzie noted that Artisan Boat Works was an historical business, defined as a goal of the Village District. Mr. Alexander said the new building was being added, rather than extending a current building, for aesthetic reasons and to provide fire routes. Planner Francomano said the Fire Chief had said the addition of this building would make the property no harder to access.

The PB referred to Section 1000 and was satisfied with the landscaping. Mr. Erickson asked where parking would be located now that there would be greenspace. Mr. Brainerd replied that parking would be in front of the doors. Subsurface drainage and erosion control plans had been included in the applicant's written statement and the Board was satisfied that requirements had been met.

The Chair opened and closed the public hearing at 6:22 P.M., with no comments having been offered.

ACTION: Terri MacKenzie made a motion, seconded by Thomas Murphy, that the Board approve the amendment to the existing Site Plan approved in August 2011 for Artisan Boat Works at 416 Main Street (Map 35 / Lot37) in the Section 902 Village zoning district.
Carried 4-0-0

C. Barbara and Gary Brill – 188-190 Main Street – Application to Separate a 9-acre Parcel Into 2 Lots and Create a Private Way– Map 36, Lot 41, Section 904 Residential zoning district:

Chair Alexander turned the meeting over to Vice-Chair MacKenzie. Engineer Michael Sabatini of Landmark Corp. represented the applicant and introduced his associate Ed Thibeault. In a letter dated 4/11/16 Mr. Thibeault had addressed the Private Way standards. Vice-Chair MacKenzie said the application would be reviewed under Section 805 in the Land Use Ordinance.

Mr. Sabatini said the Brill's 9-acre parcel had been bought with one existing house by Mr. Brill's father in 1973. He had added a house and sold the front lot off, later repurchasing it. There was now a 6.13-acre back parcel and a 3.03-acre front parcel. The Brills now wanted to sell the larger back lot and create a ROW giving access to it from the retained front lot.

Mr. Sabatini said the application could not meet all of the standards but long-standing use of the existing driveway prompted them to ask for a waiver of two items: 1) requirement for street plan, cross section, and drainage plan, and 2) roadway construction standards including minimum width, sub-base, and wearing surface. Mr. Erickson asked if there was a risk that the driveway would be unable to handle the vehicles of the new owners of the back parcel, but Mr. Sabatini said there was a maintenance agreement in place that should cover that. Planner Francomano suggested that could be addressed by the agreement

between the private property owners as the timing of the recording of the maintenance agreement was open. He added that it might be a condition of approval that the agreement be recorded before the plan was recorded.

Vice-Chair MacKenzie said though the parcels were located in the 904 Residential zoning district she saw nothing in there that related to this application; therefore, it was only Section 805.3 (Private Way) that would be reviewed. She read aloud this section point by point, referencing the responses in Mr. Thibeault's 4/11/16 letter.

Mr. Alexander asked if there would ever be a third lot to be serviced by the Private Way and Mr. Sabatini said that was not planned. Mr. Alexander said if that did arise, the applicants would have to come back to the PB to see if the road met the standards.

The Vice-Chair opened and closed the public hearing at 6:54 P.M. No comments were offered.

FINDING: Warren Erickson made a motion, seconded by Thomas Murphy, for a finding of fact that under ordinance Section 805.3 (Private Way) the applicants had met the requirements for numbers 1, 3, and 6 through 13.
Carried 4-0-0

ACTION: Thomas Murphy made a motion, seconded by Warren Erickson, that the Board waives the requirements under Section 805.3.2 for a street plan, cross section, and drainage plan.
Carried 4-0-0

ACTION: Warren Erickson made a motion, seconded by Thomas Murphy, to make it a condition of approval that the maintenance agreement that has been proposed be recorded prior to the plan being recorded.
Carried 4-0-0

ACTION: Thomas Murphy made a motion, seconded by Warren Erickson, to waive the standards 803.4.5 of minimum roadway width, minimum sub-base, and minimum wearing surface.
Carried 4-0-0

ACTION: Warren Erickson made a motion, seconded by Thomas Murphy, that the Planning Board approves the proposal, presented by Michael Sabatini on behalf of Barbara and Gary Brill, to separate their 9-acre parcel into two lots, each with an existing home on it, at 188 & 190 Main Street (Map 36 / Lot 41) in Section 904 and reminding the applicants that we already have a condition of approval that the maintenance agreement be recorded prior to the plan being recorded.
Carried 4-0-0

III. Planning Board Ordinance and By-Laws – Continuation of Consideration of Amendments

Mr. Francomano said that once again the PB could not vote to adopt the amended by-laws since there was an additional change since the last discussion at the workshop meeting on March 9, 2016. The proposed amendments could be reviewed tonight and voted on next month. He explained the purposes of the paperwork he had provided the Board and explained, at Chair Alexander's request, how the changes in Draft A had come about. There was a brief discussion of some of the changes.

V. Approve Minutes of 2/10/16, 3/23/16, and 4/6/16 Meetings

ACTION: Terri MacKenzie made a motion, seconded by Warren Erickson, that the board accepts and approves the minutes of the Rockport Planning Board meeting of Wednesday, February 10, 2016.

Carried 4-0-0

ACTION: Warren Erickson made a motion, seconded by Thomas Murphy, to approve the minutes of the Wednesday, March 23, 2016 meeting.

Carried 4-0-0

The Chair said the minutes of the 4/6/16 public hearing would be approved at the next meeting.

VI. Adjournment:

The meeting adjourned at 7:48 P.M.

Respectfully submitted,

Deborah Sealey
Recording Secretary