

APPROVED
Town of Rockport Planning Board
Wednesday, May 25, 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 and John Viehman

Board Absent: James Ostheimer

Staff Present: Planning and Development Director James Francomano, Videographer Terri Lea Smith and Recording Secretary Deborah Sealey

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

I. Old Business

A. David Dickey – 468 & 490 Rockland Street – Kangas Farm Subdivision Final Plan – Section 908 Rural Zoning District - Map 12 / Lot 190: Jim Dorsky of Gartley & Dorsky represented the applicant before the Board. He said Mr. Dickey proposed a 2-lot subdivision with an existing home on each lot. The two lots totaled 5.74 acres and an equal amount of undeveloped land abutting Lot 1 would be retained by Mr. Dickey. Ms. MacKenzie noted that on the earlier plan the two lots were separated by an access but were now abutting. Mr. Dorsky said they had realized that MDOT would not approve access there, so it had been removed.

ACTION: Thomas Murphy made a motion, seconded by Warren Erickson, to approve the Kangas Farm Subdivision for David Dickey, represented by Gartley & Dorsky. The old Kangas Farm property of approximately 106 acres is located on Route 17 between Maces Pond and Rocky Pond (Map 12 / Lot 190) in the Section 908 Rural zoning district.
Carried 5-0-0

B. Board Discussion of Findings of Fact: Planner Francomano said the latest decisions in court had downgraded the worth of minutes more than ever. Therefore, it was probably not safe to have the Findings buried in the minutes, but rather they need to be called out by an action of the PB. There was a lengthy discussion of the logistics and timing of drafting and approving Findings of Fact and it was agreed that tonight the Board would make Findings as they went along.

II. New Business

A. Jeffrey P. Hall (Jeff's Vacuum) – 451 West Street – Change of Use and Relocation of Jeff's Vacuum (Final Approval Requested) – Section 907 Mixed Business Residential Zoning District - Map 25 / Lot 135: The Chair began the review by asking Board members if they would be prepared to vote on this item tonight if it found the application to be complete, even though the ordinance said there "shall" be a pre-application meeting. The members looked at Section 1302.2 and determined that the pre-app did not appear to be waivable. However, Ms. Mackenzie interpreted Section 1306 to say that having the applicant wait for another meeting would be an unnecessary burden. Discussion followed. The Chair said he would want to do pre-application meetings in the future. Mr. Murphy agreed, except possibly with something like this, where the building was existing.

ACTION: Thomas Murphy made a motion, seconded by Warren Erickson, to waive the pre-application for Jeff's Vacuum and go directly to final review on the basis of Subsection 1306.1 of Section 1300 (Site Plan Review).
Carried 5-0-0

Mr. Hall pointed out on the plan the existing house and the garage he would replace with a gravel parking area. The main entrance and handicap ramp would be on the back of the building. The building's exterior would be detailed and dressed up, while a temporary wall to separate the work area and showroom would be erected in the interior.

Chair Alexander went through Section 1300 of the ordinance and Mr. Hall's written statement. When Mr. Alexander asked about letters from the Fire and Police departments, Mr. Francomano said he had checked with them and they had no objections. Mr. Murphy suggested drafting a boilerplate letter for department heads' signoff in future. In this case, the Board was prepared to move ahead without that.

Mr. Hall had received a MDOT permit, which would be registered by the current owner.

FINDING OF FACT: Terri MacKenzie made a motion, seconded by John Viehman, to find that the applicant has met the ordinance requirements of Site Plan Review Section 1304, including waivers to be approved: 1304.1 / Items 6, 12, & 14, and 1304.2 / Items 6 & 8.
Carried 5-0-0

The Board moved on to Section 1305 (Performance Standards) and Mr. Hall said there would be no exterior trash receptacles. There would be two motion-sensitive light detectors for security, one by the back door and another on the gable.

FINDING OF FACT: Terri MacKenzie made a motion, seconded by Thomas Murphy, to find the applicant has met ordinance requirements of Site Plan Ordinance Section 1305.
Carried 5-0-0

Moving on to Section 1000, Mr. Hall described existing and proposed landscaping. Sections 1000, 1003, and 1004 were reviewed. Mr. Hall described the interior and entrance changes.

Section 803: Mr. Francomano said 1 space was required for every 200 sq. ft. of retail space, for a total of 7 spaces. Section 808: the planner said the driveway had a depth greater than 75'.

FINDING OF FACT: Terri MacKenzie made a motion, seconded by Thomas Murphy, to find that the applicant had met ordinance requirements of Performance Standards Sections 1000, 1003, and 1004.
Carried 5-0-0

The Board had no question concerning Section 900.

FINDING OF FACT: Terri MacKenzie made a motion, seconded by Thomas Murphy, to find the applicant has met ordinance requirements of District Review Sections 901 through 916.
Carried 5-0-0

FINDING OF FACT: Terri MacKenzie made a motion, seconded by Warren Erickson, to find the applicant has met the requirements of Section 800 (General Standards of Performance).
Carried 5-0-0

The Chair opened and closed public comment at 7:03 PM with no comments offered.

ACTION: Terri MacKenzie made a motion, seconded by Thomas Murphy, to approve the application of the Site Plan submitted by Jeff's Vacuum (Jeffrey P. Hall) at 451 West Street (Map 25 / Lot 135) in the Section 907 Mixed Business Residential zoning district, with the following condition of approval: submission of proper documentation of completed purchase and sale.
Carried 5-0-0

B. Ober Builders – 893 West Street – Pre-Application 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. Applicant David Ober said he owned a parcel of land on Route 90 that contained a 48' X 120' building where his tenant, Floor Magic, was already doing business. Mr. Ober proposed constructing a second building to house his own business and provide for an expansion of Floor Magic.

The existing driveway would be extended to the back of the proposed building. There was an existing well and a new septic would be installed.

Floor Magic would occupy a 48' X 40' sq. ft. section of the new building while the remainder would provide a workshop, storage, and cabinet space for Mr. Ober's construction business. The owner anticipated 1 delivery per month. He pointed out the details of the site on his submitted Site Plan. He explained that he had applied for an NRPA Tier 1 permit because the building would be located over a wetland.

There was discussion of the parcel of land and how having it surveyed had revealed Mr. Ober owned more than he had thought. Ms. MacKenzie said she would like a memo from the assessor confirming that the legal description and lot lines submitted were correct.

Chair Alexander asked the applicant to be sure his final plan took into consideration all the regulations of the ordinance, such as landscaping, roofline, etc. Mr. Ober said the new building would resemble the existing one, though it would have a steeper pitch. Ms. MacKenzie said the PB would be concerned about the large building wall facing the road. She drew the applicant's attention to Section 103.6 concerning linear commercial structures. Mr. Murphy said the Board would also pay attention to landscaping that could help to break up the façade.

III. Planning Board Ordinance and By-Laws - Continuation

ACTION: Thomas Murphy made a motion, seconded by Warren Erickson, to approve the proposed amendments to the Planning Board's bylaws last discussed at the Board's meeting of April 27, 2016.
Carried 5-0-0

II. Approval of Minutes of the 4/6/16 and 4/27/16 Meetings

ACTION: Thomas Murphy made a motion, seconded by Terri MacKenzie, to approve the minutes of the 4/6/16 meeting as written.
Carried 5-0-0

ACTION: Thomas Murphy made a motion, seconded by Terri MacKenzie, to approve the minutes of the 4/27/16 meeting as presented.
Carried 5-0-0

III. Adjournment

The meeting adjourned at 7:40 P.M.

Respectfully submitted,

Deborah Sealey
Recording Secretary