

**- SPECIAL MEETING -**  
**Town of Rockport, Maine**  
**Planning Board**

Wednesday, November 16, 2016  
5:30 p.m. @ Rockport Opera House  
6 Central Street, Rockport ME 04856

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Revised: November 14, 2016

NOTE: On Wednesday, November 16, two Site Walks are scheduled for **4:30 and 5:00 p.m.** at **Gosline Insurance** and Rockport Marine, respectively. See items 1 & 2 below. The public is welcome to attend Planning Board site walks but no public comment will be taken. Public comment will be received at the public hearing at the Rockport Opera House following the site walk.

The Planning Board's regular "fourth Wednesday of the month" schedule has been adjusted for the Thanksgiving and Christmas holidays. The next meeting is 5:30 p.m. on Wednesday, December 14.

**AGENDA**

1. Development Review – G & G Realty proposes to demolish the existing building, reconfigure the site, construct a new office building of approximately 1,860 square feet at 668 Rockland Street (Map 18/Lot 43), and continue operating their business, the Gosline Insurance Group, at that address. The property is located in the Section 906 Mixed Business Residential zoning district. Pre-application Site Plan review was conducted by the Board last month. Preliminary Site Plan review is now requested.
2. Development Review – Fish & Ships, LLC proposes to expand boat hauling capacity at their business, Rockport Marine, located at 1 Main Street (Map 29/Lot 303). The work involves reinforcing an existing pier and constructing a new pier at an offset corresponding to the axel width of a new travel lift. The property is located on the waterfront in the Section 913 Downtown zoning district. Final Site Plan review is requested in accordance with the Coastal Waters and Harbor Ordinance.
3. Development Review – 330 Commercial LLC d.b.a. Rockport Investment Group proposes an addition to its business known as On the Water in Maine, located at 195 Commercial Street (Map 27 / Lot 39), to include office space and private laundry facilities. The property is located in the Section 906 Mixed Business Residential zoning district. Preliminary Site Plan review is requested.
4. Minutes – Review of the minutes of the Board's October 26, 2016 meeting.
5. Correspondence – Including update on Kangas Farm Subdivision covenants.
6. Kaizen – Board members' reflections on working process and ideas for improvement.

By: 

James P. Francomano, Director  
Planning and Development Dept.  
[planner@town.rockport.me.us](mailto:planner@town.rockport.me.us)

# Memo

To: John Alexander, Chair and Members of the Rockport Planning Board

Cc: Scott E. Bickford, Code Enforcement Officer  
William T. Lane, P.E. @ Gartley & Dorsky  
Glynn Trask @ Pease Insurance

From: James P. Francomano, Planning and Development Director

Date: November 14, 2016

Re: Gosline Insurance Group - 668 Rockland Street (Map 18/Lot 43)  
On the Water in Maine - 195 Commercial Street (Map 27/Lot 39)  
Preliminary Site Plan Review

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The two above-referenced projects are entering Preliminary Site Plan review. In the case of Gosline Insurance Agency (d.b.a Pease Agency) this follows pre-application review last month. The proposal by On the Water in Maine qualifies as an amendment to an existing Site Plan approval and therefore does not require pre-application review as per Section 1304.3(5) of the Land Use Ordinance.

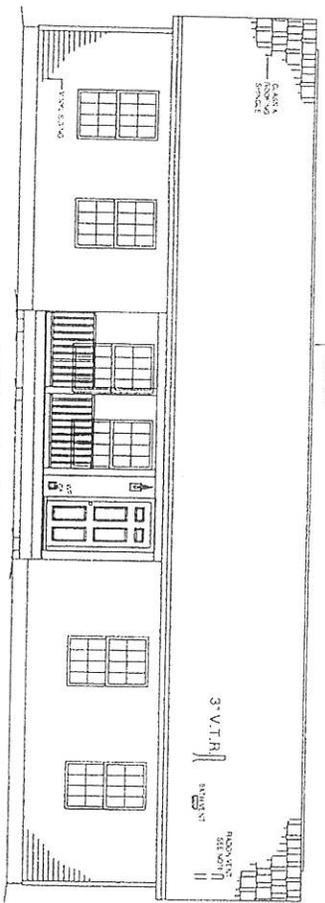
Both sites are accessed by state highways. The access configuration is not proposed to change, however, so it would be appropriate in both cases to relegate MDOT and other state agency permits to Conditions of Approval if the Board so chooses. Ideally, this week's meeting should be used to identify all findings that the Board will either waive or condition, if the projects proceed to final Site Plan approval next month.

Staff has not identified significant weaknesses in either proposal. However, the Planning Board should also use Preliminary Site Plan review as an opportunity to ensure the applications are complete, request more information if necessary and, of course, continue gathering public comment. Based on your deliberations and further review, I will provide a formal memos and a draft Findings of Fact on each one.

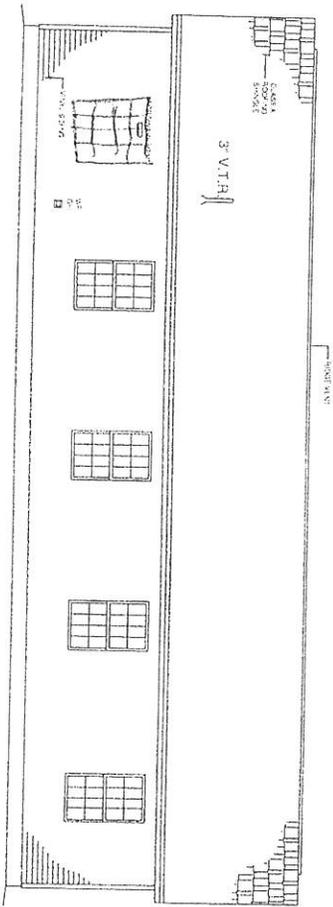
For this month, a flow chart and sample findings are attached. These are the process and end product that the Board has been improving steadily over the past two years.

**Agenda Item #1**

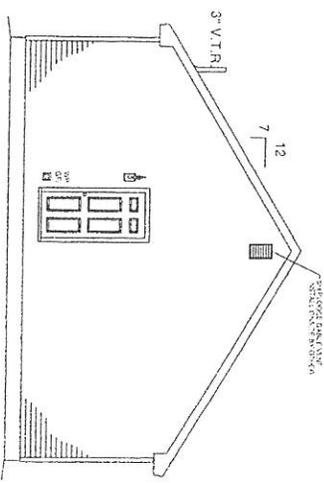




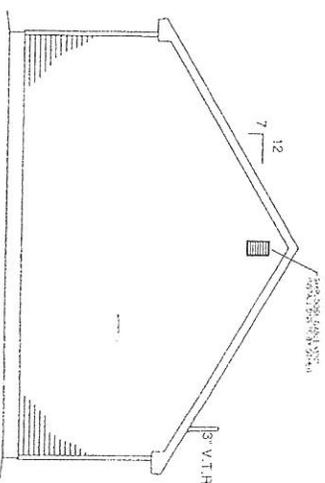
FRONT ELEVATION



REAR ELEVATION



LEFT ELEVATION



RIGHT ELEVATION

NOTE:  
 - ELEVATIONS ARE FOR GRAPHIC REPRESENTATION ONLY. REFER TO WORK ORDER FORM FOR DETAILED INFORMATION.  
 - EXTERIOR STEPS, RAILINGS & LANDINGS ON-SITE BY OTHER.

**Pease/Goseline Building**  
 Rockport, ME

**Brookewood Builders**  
 747 Western Ave  
 Manchester, ME 04351

**Office**  
 FILE NAME: OCOM-16-0062-RZS  
 SERIAL #:

EXTERIOR ELEVATIONS  
 SHEET # P26  
 SCALE: 1/8" = 1'-0"  
 DWN BY: EPG  
 DATE: 08/19/16

REVISIONS

NO.	DESCRIPTION	DATE



**KBS BUILDERS, INC.**  
 300 PARK STREET, SOUTH PARS, ME 04281  
 PHONE: 207-739-2400 FAX: 207-739-2223

**Radon vent note:**  
 3" pipe to go thru the floors and subbed into the attic and capped. Builder to increase attic stud to 24" on-site or run through roof to exterior if required by local codes. Pipe is to be labeled in the factory and labeled below 1st floor as being for future radon use. An electrical circuit terminates in the attic in an approved box by the vent pipe for a future Depressurization System.

# Memo

To: John Alexander, Chair and Members of the Rockport Planning Board

Cc: Scott E. Bickford, Code Enforcement Officer  
William T. Lane, P.E. @ Gartley & Dorsky  
Glynn Trask @ Pease Insurance

From: James P. Francomano, Planning and Development Director

Date: November 14, 2016

Re: Rockport Marine – 1 Main Street (Map 29/Lot 303)  
“Site Plan” Review under Coastal Waters and Harbor Ordinance

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Fish & Ships, LLC proposes to expand boat hauling capacity at their business, Rockport Marine, located at 1 Main Street (Map 29/Lot 303). The work involves reinforcing an existing pier and constructing a new pier at an offset corresponding to the axel width of a new travel lift. The property is located on the waterfront in the Section 913 Downtown zoning district.

The Town of Rockport’s adopted Coastal Waters and Harbor Ordinance contains an informal reference to Site Plan review for certain projects, referencing Section 1415.4 of the Land Use Ordinance in particular (the 1400’s is the Shoreland Zoning chapter). “Site Plan” is not a defined term and such review has different implications under Shoreland Zoning than in the usual case.

The required findings are set forth in subsections 1415.4(1-7).

**Agenda item #2**

November 1, 2016

Town of Rockport  
Planning Board  
101 Main Street  
Rockport, Maine 04856

**Project No. 2016-292**

**RE: Site Plan Review  
Fish & Ships LLC Travel Lift Expansion  
Main Street, Rockport, Maine**

Gartley & Dorsky Engineering & Surveying, Inc. submits this letter to the Town of Rockport for Fish & Ships, LLC, owners of Rockport Marine located on Main Street in Rockport, Maine. The owner would like to make some revisions to the approved site plan to encompass an expanded travel lift. The Rights, Title and Interest of the property are summarized as follows:

Owner: Fish & Ships, LLC  
Subject Parcel: Map 29B Lot 303 (Tax Map attached)  
Warranty Deed: Book 1979 Page 125 (attached)  
Zone: Rockport Downtown

Below is the "Site Plan Content" with the response of where the information can be found in our submission.

**1304.1. Site Plan**

A site plan or plans prepared at a scale of not less than 1 inch equals 40 feet, containing the following information:

1. *Name and address of the applicant or his authorized agent and name of proposed development and any land within 500 feet of the proposed development in which the applicant has title or interest.*

Owner: Fish & Ships LLC  
PO Box 203  
Rockport, ME 04856

Agent: Gartley & Dorsky Engineering & Surveying  
PO Box 1031  
Camden, ME 04843

2. *Municipal map and lot numbers and names of abutting land owners.*

See attached sheet AE2 and abutters list

3. *Plans drawn to scale detailing total floor area and footprint of each proposed structure and the lot coverage as defined in Section 300 of the Land Use Ordinances.*

Not applicable

4. *Elevations drawn to scale detailing the proposed siding and roofing materials, sizes of door and window openings and other features which may assist the Planning Board in making appropriate findings related to Architectural Review as noted in Section 1003 of this Ordinance.*

Not applicable

5. *Scale, true north arrow, legend and a space for dates of any revisions that may be required.*

See sheet C1 & C2

6. *Exact dimensions and acreage of parcel to be built upon. The corners of the parcel shall be located and marked on the ground and shall be referenced on the plan. For any site for which construction or grading is proposed, other than an enlargement of an existing building or construction of an accessory building, the Planning Board may require that the site plan include an actual field survey of the boundary lines of the lot, giving complete descriptive data by bearings and distances made and certified by a registered land surveyor.*

See sheet C1, tax map and aerial photos.

7. *Existing and proposed locations and dimensions of any utility lines, sewer lines, waterlines, easements, drainage ways and public or private rights-of-way.*

No new lines proposed, see exiting lines on sheet C1.

8. *The size, shape and location of existing and proposed buildings on the parcel.*

See sheet C1 for existing buildings, no new buildings proposed.

9. *If the site is to be served by a subsurface waste water disposal system, a report by a licensed site evaluator shall be provided.*

Not applicable

10. *Location and dimensions of on-site pedestrian and vehicular access ways, parking areas, loading and unloading facilities, design of ingress and egress of vehicles to and from the site onto public streets and curb and sidewalk lines.*

See sheet C1.

11. *Landscaping plan showing location, type and approximate size of plantings and location and dimensions of all fencing and screening. Maintenance and replanting provisions shall be noted.*

Not applicable

12. *Natural contours at intervals of two (2) feet and final contours at intervals of two (2) feet, the natural contours to be shown by dashed lines and the final contours to be shown by solid lines. Where sufficient detail cannot be shown with two (2) foot contours, spot evaluations shall be required, with existing spot evaluations shown in parentheses to be distinguishable from final spot elevations. Where construction will not disturb the entire lot proposed for development, the requirement to map contours or spot elevations shall apply only to those portions of the lot that will be altered in any way and portions of the lot downslope from the proposed alterations to an extent sufficient to clearly delineate the existing and proposed course of drainage and the point or points of discharge from the lot.*

See sheet C1.

13. *Specification of quantities and grades of materials to be used if land-filling is proposed.*

Not applicable

14. *Photos of the project area prior to any site preparation shall be submitted with the map.*

See attached photos

15. *A digital copy of lot lines and buildings shall be submitted, if available.*

Sheet C1 can be provided.

#### **1304.2. Written Statement**

*A written statement by the applicant shall consist of:*

1. *Evidence by the applicant of his title and interest on the land that the application covers.*

See attached warranty deed: Book 1979 Page 125

2. *A description of the proposed uses to be located on the site.*

There are no new proposed uses; Rockport Marine is a commercial boat building facility proposing to upgrade the travel lift pier.

3. *Total floor area and footprint of each proposed building and structure and the lot coverage as defined in the Rockport Land Use Ordinance.*

Not applicable

4. *Summary of existing and proposed easements, restrictions, and covenants on the property.*

See attached warranty deed: Book 1979 Page 125

5. *Method of solid, liquid, chemical, or other waste disposal.*

Not applicable

6. *Erosion and sedimentation control plan, stormwater drainage control plan, and soils information.*

Appropriate erosion and sedimentation control measures will be taken during the construction process.

7. *Approximate amount of blasting required, if any, and a disposition plan for removed materials. Any blasting shall be performed in accordance with Section 813 of this Ordinance*

Not applicable

8. *If public water and sewer are to be used, written statements from the water utility and sewer district shall be provided commenting on the capacity of the system and the availability of the utility to provide service to the new development*

Not applicable

9. *An estimate of the date when construction will start and be completed.*

Winter/Spring 2017

10. *List of approvals and permits required by the Office of the State Fire Marshal and other State and Federal Agencies.*

A full NRPA permit application has been filled with the DEP and Army Corps of Engineers.

Section 1400 (Shoreland Zoning Overlay District) of the Rockport Land Use Ordinance, subsection 1415.4. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland

1. *Access from shore shall be subject to approval of the Planning Board under Site Plan Review. Soils shall be deemed appropriate for such use and constructed so as to control erosion.*

No proposed changes to the existing access from shore.

2. *The location shall not interfere with existing developed or natural beach areas.*

The location does not interfere with existing developed or natural beach areas.

3. *The facility shall be located so as to minimize adverse effects on fisheries.*

The location of the expanded travel lift will not have adverse effects on fisheries.

4. *The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and, uses, and character of the area.*

The expanded travel lift is no larger in dimension than necessary for the proposed use

5. *No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.*

No new structures are proposed.

6. *No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units.*

No new structures are proposed.

7. *Except for galleys/davits structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed four (4) feet in height above the deck of the pier, wharf, or other structure.*

No new structures are proposed.

**NOTE:** *New permanent structures and expansions of existing structures, projecting into or over water bodies require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. §480-C. Permits may also be required from the Army Corps of Engineers if located in navigable waters.*

A full NRPA permit application has been filled with the DEP and Army Corps of Engineers

Included with this letter are fifteen copies of the application and attachments. If you have any questions or require additional information please do not hesitate to call me at 236-4365.

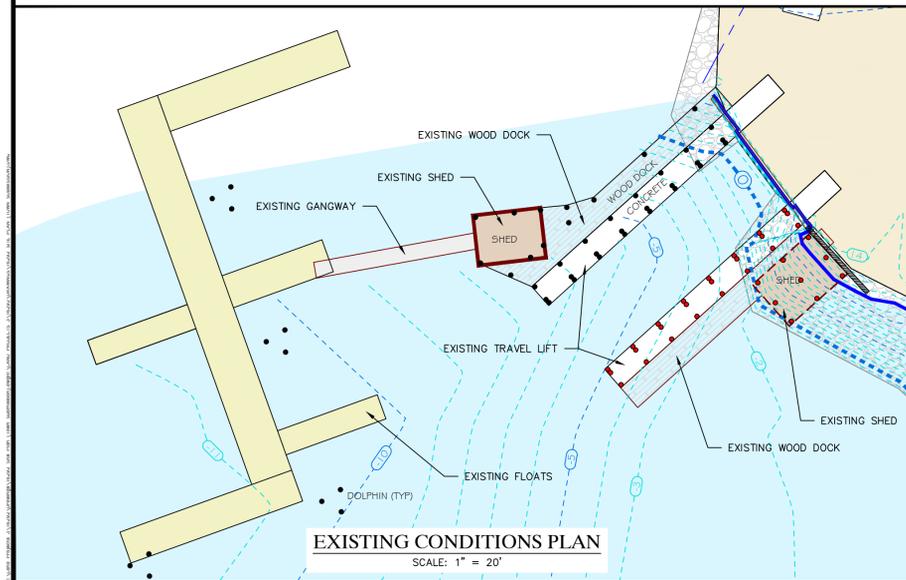
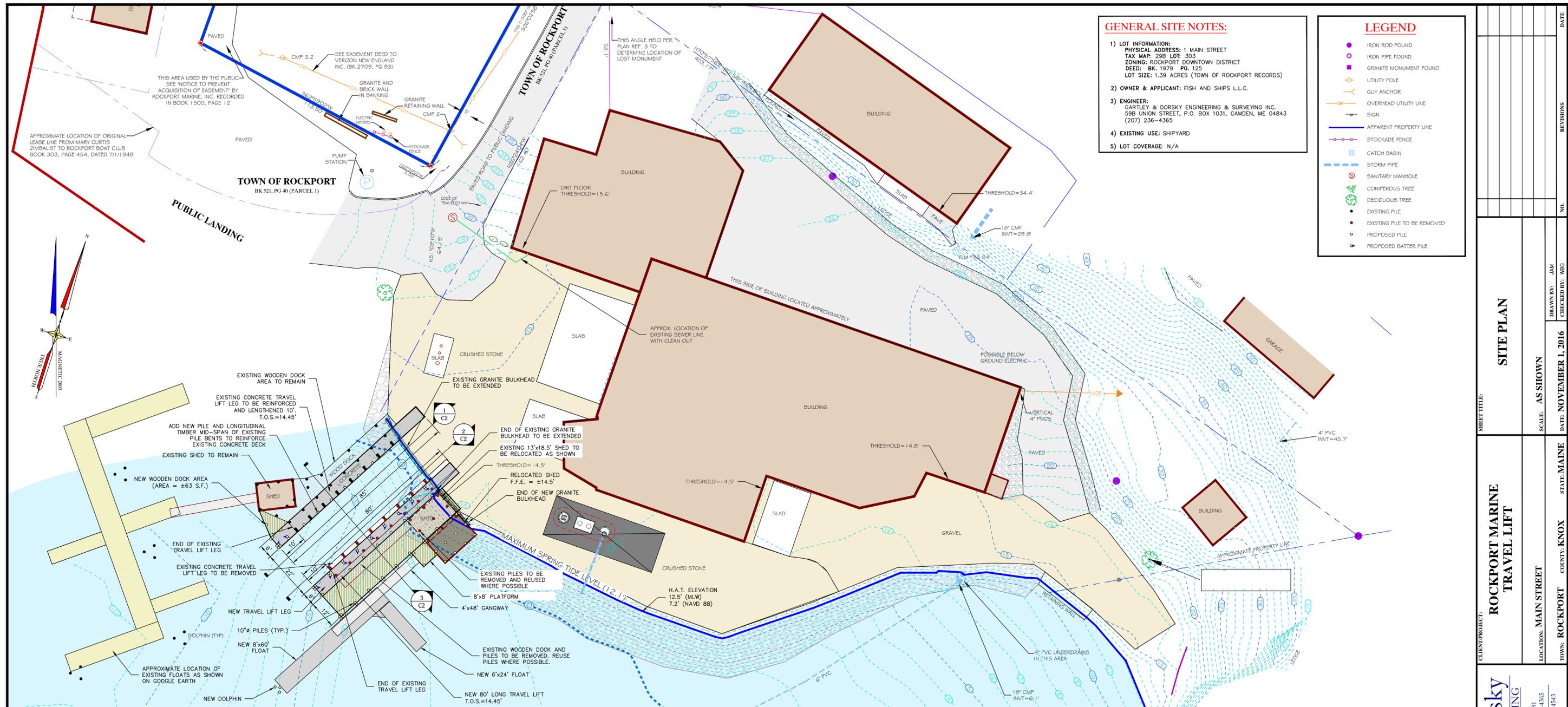
Sincerely,

**Gartley & Dorsky, Engineering & Surveying Inc.**



William B. Gartley, P.E.

President



**SURVEYOR'S NOTES:**

- 1) ALL DIRECTIONS ARE REFERENCED TO THE MAINE COORDINATE SYSTEM OF 1983, EAST ZONE.
- 2) ELEVATIONS ARE REFERENCED TO MEAN LOW WATER. ELEVATIONS ARE DERIVED FROM USCG4S BRASS DISK '201' LISTED AS RM 6 IN THE FLOOD INSURANCE STUDY FOR THE TOWN OF ROCKPORT DATED MAY 4, 1989. THE ELEVATION OF RM 6 IS LISTED AS 46.059 FEET ABOVE THE NGVD 1929 DATUM. ELEVATIONS WERE ADJUSTED +4.6 FEET FROM NGVD 29 PER THE ROCKPORT COASTAL WATERS AND HARBOR ORDINANCE TO BE REFERENCED TO MEAN LOW WATER.
- 3) SOME TOPOGRAPHIC FEATURES ON THE PROPERTY ARE NOT SHOWN.

APPROVED BY THE TOWN OF  
 ROCKPORT PLANNING BOARD

DATE: \_\_\_\_\_

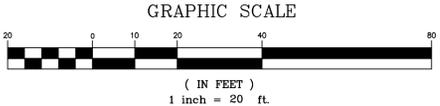
CHAIR \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_



**Gartley & Dorsky**  
 ENGINEERING & SURVEYING

59B Union Street P.O. Box 1031 Camden, ME 04843-1031  
 Ph. (207) 236-4365 Fax (207) 236-3055 Toll Free 1-888-282-4365  
 165 Main Street Suite 21 P.O. Box 1072 Danversport, ME 04843  
 Ph. (207) 790-5005

**PROF. ENGINEER**  
 WILLIAM G. GARTLEY  
 7961

PROJ. NO. 2016-292

**C1**

# Memo

**COPY**

To: John Alexander, Chair and Members of the Rockport Planning Board

Cc: Scott E. Bickford, Code Enforcement Officer  
William T. Lane, P.E. @ Gartley & Dorsky  
Glynn Trask @ Pease Insurance

From: James P. Francomano, Planning and Development Director

Date: November 14, 2016

Re: Gosline Insurance Group - 668 Rockland Street (Map 18/Lot 43)  
On the Water in Maine - 195 Commercial Street (Map 27/Lot 39)  
Preliminary Site Plan Review

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**Agenda item #3**

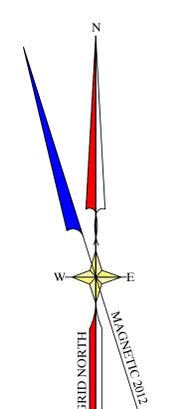
**GENERAL SITE NOTES:**

- 1) LOT INFORMATION:  
 PHYSICAL ADDRESS: 165 COMMERCIAL ST. (U.S. ROUTE 1)  
 TAX MAP: 27 LOT: 39  
 ZONING: 906M (MODIFIED - MIXED BUSINESS / RESIDENTIAL DISTRICT)  
 LOT AREA: ±0.71 ACRES (±30,951 S.F.)  
 DEED: BK. 4512 PG. 117
- 2) OWNER & APPLICANT:  
 330 COMMERCIAL LLC  
 D/B/A ROCKPORT INVESTMENT LLC  
 PO BOX 100 ROCKPORT, ME 04856
- 3) ENGINEER & SURVEYOR:  
 GARTLEY & DORSKY ENGINEERING & SURVEYING INC.  
 598 UNION STREET, P.O. BOX 1031, CAMDEN, ME, 04843  
 (207) 236-4365
- 4) PARKING:  

EXISTING OFFICE SPACE	1654 S.F.
NEW OFFICE SPACE	316 S.F.
TOTAL OFFICE	1970 S.F./200 = 10 SPACES
NEW LAUNDRY (INDUSTRIAL SPACE)	750 S.F./500 = 2 SPACES
TOTAL PARKING SPACES REQUIRED (INCLUDES 1 ADA SPACE)	12 SPACES
- 5) NOTES:  
 TOTAL NEW AND EXISTING BUILDING FOOTPRINT = ±2720 S.F.  
 LOT COVERAGE = ±34% (MAX. ALLOWED 50%)  
 APPLICANT HAS HAS NO OTHER PROPERTY WITHIN 500' OF THE SITE.

**LEGEND**

- APPROXIMATE PROPERTY LINE
- OTHER STONE WALL
- IRON ROD FOUND
- IRON PIPE FOUND
- GRANITE MONUMENT FOUND
- UTILITY POLE
- GUY ANCHOR
- OVERHEAD UTILITY LINE
- SIGN
- EXISTING CONTOUR
- CATCH BASIN
- EXISTING HYDRANT
- EXISTING UNDERGROUND WATER LINE
- PROPOSED SANITARY GRAVITY LINE
- PROPOSED SEWER MAINHOLE



PENOBSCOT BAY REGIONAL CHAMBER OF COMMERCE  
 BOOK 4991, PAGE 55  
 TAX MAP 27, LOT 35

TRACIE NGUYEN  
 BOOK 2801, PAGE 204  
 TAX MAP 27, LOT 41

MARJORIE E ANNIS- TRUSTEE MARJORIE E ANNIS 2001 TRUST  
 BOOK 2571, PAGE 279  
 TAX MAP 29, LOT 111

MICHAEL A. MCGRAW  
 BOOK 3587, PAGE 288  
 TAX MAP 27, LOT 37

BOHNDELL & COMPANY INC ES  
 BOOK 1842, PAGE 256  
 TAX MAP 29, LOT 3

**CIVIL PLAN NOTES:**

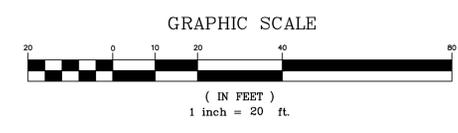
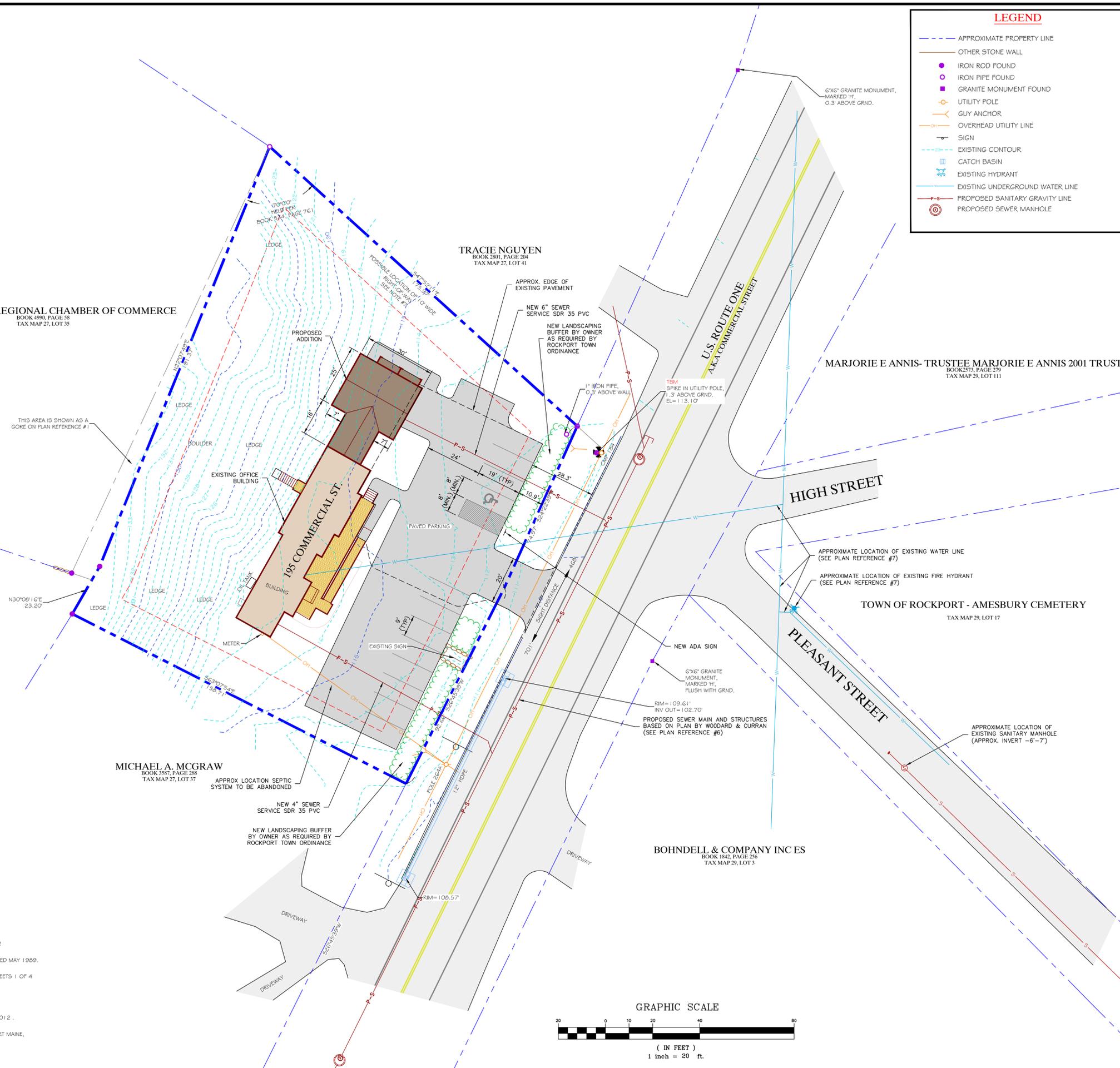
1. SEE SURVEY PLAN BY GARTLEY & DORSKY ENGINEERING & SURVEYING, INC. FOR ORIGINAL SITE CONDITIONS.
2. SEE ARCHITECTURAL PLANS BY PHI HOME DESIGN, LLC FOR BUILDING FOOTPRINT AND DETAILS.
3. A CONTINUOUS STRIP OF LANDSCAPING OF A MINIMUM OF 6 FEET IN WIDTH ALONG THE PUBLIC RIGHT-OF-WAY WITHIN THE PARKING AREA SHALL BE PROVIDED AND PROPERLY MAINTAINED, PROVIDED, HOWEVER, THAT THE LANDSCAPING SHALL NOT INTERFERE WITH SIGHT DISTANCES AND TRAFFIC SAFETY.
4. IN ORDER TO PROTECT THE SOIL AND WATER RESOURCES OF THIS DEVELOPMENT AND ADJACENT LANDS, THE FOLLOWING ACTIONS SHALL BE TAKEN. ALL DISTURBED AREAS SHALL BE STABILIZED IN ACCORDANCE WITH GARTLEY & DORSKY ENGINEERING & SURVEYING'S STANDARD EROSION & SEDIMENTATION CONTROL NOTES AS WRITTEN ON GARTLEY & DORSKY ENGINEERING & SURVEYING'S CIVIL DETAIL SHEET AND AVAILABLE UPON REQUEST. THESE NOTES REFER TO THE FOLLOWING: TEMPORARY MEASURES TO CONTROL EROSION AND SEDIMENTATION SHALL BE USED. EROSION CONTROL/PERMANENT MEASURES, EROSION CONTROL MAINTENANCE, AND WINTER STABILIZATION.
5. EROSION CONTROL MEASURE SHALL BE IMPLEMENTED DURING CONSTRUCTION IN ACCORDANCE WITH THE MAINE EROSION AND SEDIMENT CONTROL BEST MANAGEMENT PRACTICES.
6. ALL UTILITIES DEPICTED ON THIS PLAN ARE SCHEMATIC UNLESS NOTED OTHERWISE.
7. ALL NEW INDIVIDUAL UTILITIES (ELECTRICAL, TELECOMMUNICATIONS, WATER, SEWER, GAS, ETC) SHALL BE INSTALLED IN ACCORDANCE WITH EACH RESPECTIVE UTILITY'S BEST MANAGEMENT PRACTICES. INSTALLATION SHALL BE IN COORDINATED WITH AND BE IN COMPLIANCE TO ALL LOCAL, STATE AND FEDERAL REGULATIONS. CONTRACTOR SHALL COORDINATE WITH ALL UTILITY PROVIDERS.
8. THIS PLAN IS DRAW ON A D-SIZED SHEET (24"x36") TO THE SCALE NOTED ON THIS PLAN. IF THIS PLAN IS RENDERED ON A DIFFERENT SIZED SHEET IT WILL NOT BE TO SCALE.
9. ELECTRONIC DRAWING FILES (DWG, DXF, ETC) ARE PROVIDED SOLELY AS A CONVENIENCE AND SHALL NOT BE CONSIDERED "DRAWINGS OF RECORD" OR "CONSTRUCTION DOCUMENTS." ALL "DRAWINGS OF RECORD" OR "CONSTRUCTION DOCUMENTS," WILL BE HARD COPY DRAWING SHEETS OR .PDF ELECTRONIC FILES WITH PROFESSIONAL STAMPS AND SIGNATURES. ELECTRONIC FILES ARE SUBJECT TO ALTERATION AND THE RECIPIENT SHALL USE FILES AT THEIR OWN RISK.

**SURVEYOR'S NOTES:**

- 1) THIS IS NOT A BOUNDARY SURVEY. PROPERTY LINES ARE TAKEN FROM PLAN REFERENCE #1 AND THE CURRENT DEED FOR THE SUBJECT PARCEL ONLY.
- 2) ALL DIRECTIONS ARE REFERENCED TO THE MAINE COORDINATE SYSTEM OF 1983, EAST ZONE. ALL DISTANCES ARE GRID DISTANCES.
- 3) ELEVATIONS ARE REFERENCED TO NAVD 1988 BASED ON A 2 HOUR STATIC GPS OBSERVATIONS PERFORMED ON FEBRUARY 10, 2012 AND PROCESSED THROUGH THE ONLINE POSITIONING USER SERVICE (OPUS).
- 4) THIS PLAN IS THE RESULT OF AN ON THE GROUND FIELD SURVEY PERFORMED ON FEBRUARY 10, 2012.
- 5) OWNER INFORMATION IS TAKEN FROM THE TOWN OF ROCKPORT TAX ROLLS AS PROVIDED BY VISION GOVERNMENT SOLUTION, INC. ONLINE DATABASE LAST UPDATED NOVEMBER 29, 2011.

**PLAN REFERENCES:**

- 1) "TOPOGRAPHIC SURVEY, ROCKPORT INVESTMENT GROUP", BY GARTLEY & DORSKY ENGINEERING & SURVEYING, DATED FEBRUARY 22, 2012
- 2) "STANDARD BOUNDARY SURVEY FOR ANNIE M. SPIRIDO IN THE TOWN OF ROCKPORT, KNOX COUNTY" BY LANDMARK SURVEY COMPANY, DATED MAY 1989.
- 3) "MAINE STATE HIGHWAY COMMISSION RIGHT OF WAY MAP, STATE HIGHWAY "D" FEDERAL AID PROJECT NO. F104(0) DATED JUNE 1947 SHEETS 1 OF 4 AND 2 OF 4 AND RECORDED IN THE KNOX COUNTY REGISTRY OF DEEDS CABINET 5, SHEETS 84 & 85.
- 4) "MORTGAGE LOAN INSPECTION SKETCH," BY GARTLEY & DORSKY ENGINEERING & SURVEYING, DATED 10-3-12.
- 5) "BOUNDARY SURVEY," FOR ROCKPORT INVESTMENT GROUP, BY GARTLEY & DORSKY ENGINEERING & SURVEYING, DATED SEPTEMBER 17, 2012.
- 6) "COMMERCIAL STREET PLAN & PROFILE STA. 0+00 TO STA. 8+00," FOR THE TOWN OF ROCKPORT PUBLIC WORKS DEPARTMENT, ROCKPORT MAINE, ROUTE 90 NORTH SEWER EXTENSION, BY WOODARD & CURRAN, DATED MARCH 2015.
- 7) "COMMERCIAL STREET, ROCKPORT ME," BY MAINE WATER.



CLIENT PROJECT: <b>ROCKPORT INVESTMENT GROUP, LLC</b>		SHEET TITLE: <b>PREAPPLICATION SITE PLAN</b>	
LOCATION: 195 COMMERCIAL ST. (U.S. ROUTE ONE)		SCALE: 1"=20'	DRAWN BY: LP
TOWN: ROCKPORT COUNTY: KNOX STATE: MAINE		DATE: NOVEMBER 4, 2016	CHECKED BY: WTL
PROJ. NO. 2016-280		DATE	
<b>C1</b>		REVISIONS	



446 WEST STREET  
 ROCKPORT, ME 04856  
 TEL: 207.230.0034  
 FAX: 207.230.0274  
 PHIHOMEDESIGNS.COM  
 © PHI HOME DESIGNS LLC

**OTW - LAUNDRY EXPANSION**  
 195 COMMERCIAL STREET ROCKPORT, MAINE  
 OWNER: ROCKPORT INVESTMENT GROUP, LLC

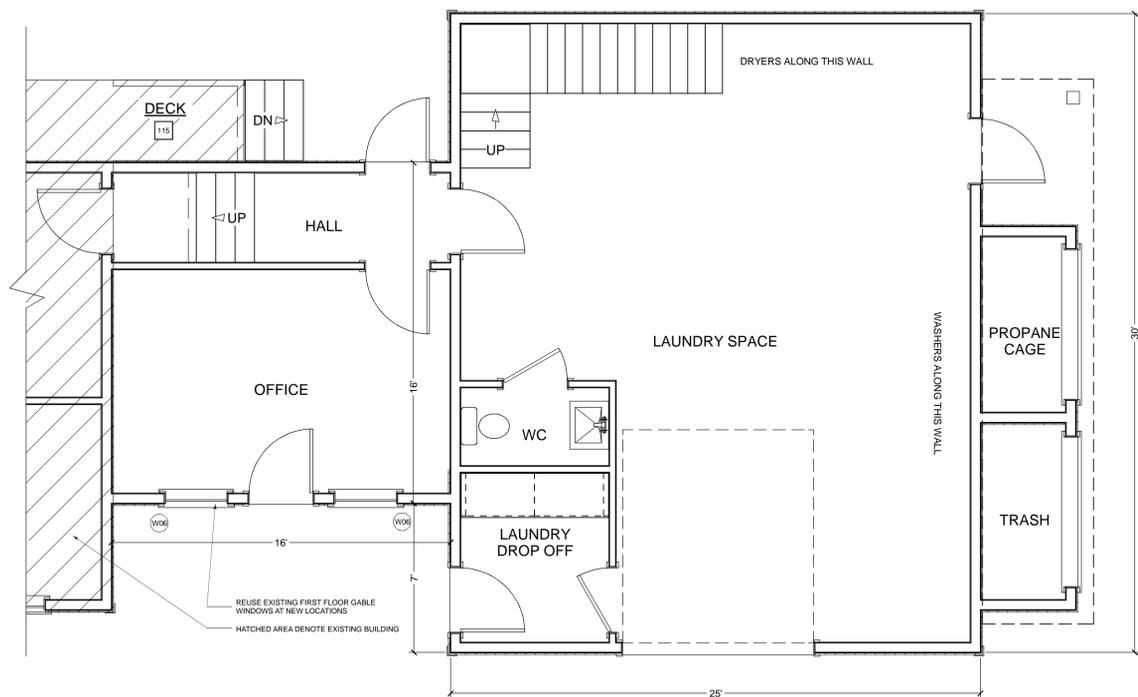
DATE:  
 NOVEMBER 2, 2016

DRAWN BY:  
 CAG

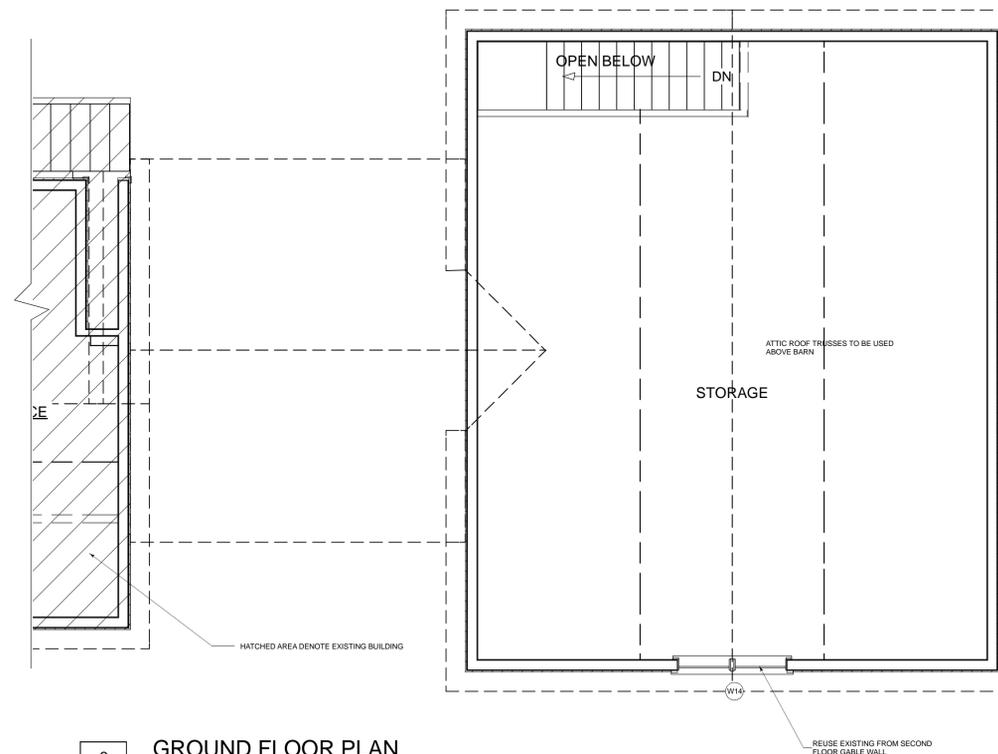
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EXPANSION  
 CONCEPT  
 FLOOR PLANS  
 & ELEVATIONS

**C1.0**



1  
 C1.0 GROUND FLOOR PLAN  
 SCALE: 1/4" = 1' - 0"



2  
 C1.0 GROUND FLOOR PLAN  
 SCALE: 1/4" = 1' - 0"

CONCEPT ELEVATIONS FOR REFERENCE - NOT FOR CONSTRUCTION



2  
 C1.0 EAST ELEVATION  
 SCALE: 1/4" = 1' - 0"



2  
 C1.0 NORTH ELEVATION  
 SCALE: 1/4" = 1' - 0"

NOT FOR CONSTRUCTION  
 SCHEMATIC DESIGN - FOR REVIEW ONLY

**D-R-A-F-T**  
**Town of Rockport Planning Board**  
**Wednesday, October 26, 2016 – 5:30 P.M.**  
**Rockport Opera House Downstairs Meeting Room**  
**Meeting Televised on Channel 22**

**Board Present:** Chair John Alexander, Warren Erickson, Louis Laquaglia, Terri MacKenzie, James Ostheimer, and John Viehman

**Board Absent:** None

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

Chair John Alexander called the meeting to order at 5:33 P.M.

**MOTION:** John Alexander made a motion, seconded by John Viehman, to thank Thomas Murphy for his years of service to the Planning Board on behalf of the citizens of Rockport and that Chair Alexander send the letter before the Board to Mr. Murphy.  
Carried 6-0-0

## **I. Development Review**

**A. Pen Bay Medical Center – Pre-Application Site Plan Review for Construction of a 40,000 sq. ft. Office Building in the Section 900 Hospital and Resort Zoning District – Map 6 / Lot 155-1:** The applicant was represented by engineer Justin Gove of SMRT. Mr. Gove pointed out the proposed location of the 40,000 sq. ft. office building on a plan of the Pen Bay campus. It would be on Anchor Drive, which currently served the Sussman House only. The new medical office building would allow off-campus offices onto the campus. Water and sewer would be tied into the existing 8” lines to Sussman House.

This new building would require another amendment to Pen Bay’s site law permit. A new Tier 1 permit regarding the wetland and an Army Corps permit regarding vernal pools would also be required.

Mr. Ostheimer asked how emergency vehicles would access the site and Mr. Gove explained that there was a secondary gated access from Route 1. The plans also assured there was turning access from two locations.

In response to a question from Mr. Erickson, the engineer said a traffic study would be required. Mr. Viehman said the architectural rendering of the office building depicted an industrial-looking building unconnected to the existing architecture. Mr. Gove responded that it was a work in progress and vegetation and benches would be added to the exterior. Chair Alexander asked Mr. Gove to read the code, which included information on rooflines, since the PB discouraged flat roofs. Mr. Erickson asked if Mr. Gove was familiar with Section 909.2 and its hospital-related ordinances.

Chair Alexander said the PB and planning office would like to see the hospital’s master plan. Mr. Gove replied that large swaths of it had been modified. Mr. Alexander wished the planning office could be aware of the future plans, but Ms. MacKenzie defended the hospital’s position on not sharing their plans.

**Agenda Item #4**

Ms. MacKenzie said the PB depended on the dimensional tables in Section 918, the architectural standards, and the gateway Route 1 roof design and pitch; she added that flat and mansard roofs were prohibited on facades of commercial buildings facing the street.

Chair Alexander said he wanted all state permitting to be complete before the final Site Plan Review, though that might not be possible. Mr. Gove said the permitting was in process and he would also like it to be finalized before final review.

Ms. MacKenzie said the Board would discuss impact on the municipal water supply and Mr. Viehman said there would be more discussion on the aesthetics of the building.

**B. G & G Realty – 668 Rockland Street – Pre-Application Site Plan Review – Proposal to Demolish Existing Building and Construct a New 1,860 sq. ft. Office Building in the Section 902 Village Zoning District – Map 18 / Lot 43:** Bill Lane of Gartley & Dorsky Engineering & Surveying and G & G Realty project manager Glenn Trask represented the applicant. Mr. Lane said he believed the zoning for this location was Section 907 Modified.

He said the existing farmhouse would be demolished and replaced with a new 1,568 sq. ft. building, after which the farmhouse would be demolished. Existing curb cuts would be used. There would be a 9-space (8 were required) stone-based parking area. The new building would have a 7 pitch roof, a porch, new foundation plantings and a new sign.

Ms. Trask said the current building was in disrepair and was too close to the road.

## **II. Approval of Minutes of the 9/28/16 Meeting**

**MOTION:** Warren Erickson made a motion, seconded by Terri MacKenzie, to approve the minutes of the 9/28/16 PB meeting.  
Carried 5-0-1 (Mr. Viehman abstained)

## **III. Reschedule Holiday Meetings**

Planner Jamie Francomano said meetings for the next two months were close to holidays and suggested they be rescheduled. The Board agreed to November 16 and December 14 for those meetings.

## **IV. Discussion with Town Attorney**

Chair Alexander referred members to the highlighted sections of an MMA response regarding definitions of public hearings and quasi-judicial responsibilities.

Town Attorney Phil Saucier then joined the PB by speakerphone for a related discussion. Mr. Francomano first asked him if a Public Hearing was something that must have a beginning and end within an on-going public meeting, noting that John Alexander felt that an entire PB meeting was a Public Hearing. Mr. Saucier replied that each meeting was a Public Meeting and a Public Hearing was a period within that meeting wherein the public had the right to speak.

Mr. Alexander opined that the entire process of discussing ordinances was a Public Hearing. Mr. Saucier replied that it was useful to have a set Public Hearing period of time to make clear the Board was in a deliberative phase. The Public Hearing was a requirement before the town meeting vote on ordinances. He stated that the Public Hearing should have beginning and ending markers.

Mr. Saucier said there were both legislative (ordinance amendment or Comprehensive Plan) and general agenda item Public Hearings. Mr. Francomano asked about Public Comment and Mr. Saucier said that should also be opened and closed, but could be reopened. He said the PB should use the terminology (Public Comment or Public Hearing) the town's ordinance required.

Planner Francomano said his style was to be rigorous with the process and informal with the motions. Attorney Saucier replied that motions must be made before the PB voted on something before it.

Terri MacKenzie said that Chair Alexander had introduced a period, without video and after adjournment, when the PB discussed its process. She asked if that could be done without video. Attorney Saucier replied that Maine law did not allow a private meeting within a quorum, though there was no requirement to tape it. Also, sending an email to members of a private discussion members was not recommended. An email could be sent, but absolutely no reply or discussion by email was allowed.

Chair Alexander said he was hearing that the Board could continue with the process discussions as long as the public could be present and there was a record of it.

Mr. Erickson said sometimes in discussion an attorney's advice was needed and asked when it was best to do that. Mr. Saucier said that would depend on the issue and he could work with Planner Francomano to determine that on a case-by-case basis.

Louis Laquaglia asked about the sub-motion regarding the deed last month. Mr. Francomano said it had been going back and forth but Attorney Saucier had not yet reviewed it. He said the applicant had been very cooperative.

## **V. Adjournment**

The meeting adjourned at 7:15 P.M.

Respectfully submitted,

Deborah Sealey  
Recording Secretary

## James P. Francomano

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**From:** Philip Saucier <psaucier@bernsteinshur.com>  
**Sent:** Friday, November 04, 2016 2:46 PM  
**To:** James P. Francomano  
**Subject:** RE: Kangas Farm Subdivision Packet

Hi Jamie,

The Declaration looks fine. Although a condition of the PB's approval, any enforcement of the declaration would be a private matter.

Take care,  
Phil

### Philip Saucier

Shareholder

Municipal & Governmental Services Practice Group Leader

207 228-7160 direct

207 774-1200 main

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## BERNSTEIN SHUR

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**From:** James P. Francomano [mailto:Planner@town.rockport.me.us]  
**Sent:** Friday, November 04, 2016 1:54 PM  
**To:** Philip Saucier  
**Subject:** RE: Kangas Farm Subdivision Packet

Phil, I have some follow up on this.

The PB went a step further with its condition of approval. It is that the applicant must record a "covenants, conditions and restrictions"-type document at the same time as the plan, saying that the undeveloped land must remain undeveloped.

The language finally worked out between the engineer and me is attached, including the track changes– any concerns?

Thanks, Jamie F.

**Agenda Item #5**

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**From:** Philip Saucier [<mailto:psaucier@bernsteinshur.com>]  
**Sent:** Thursday, September 29, 2016 10:56 PM  
**To:** James P. Francomano  
**Subject:** RE: Kangas Farm Subdivision Packet

Hi Jamie,

It is appropriate for the Planning Board to have made the future deed restrictions for the undeveloped land as part of Lot 1 a condition of approval. Since it is a condition of approval, if a future deed does not actually contain those restrictions than the subdivision would be in violation of the approval which would restrict future development on the property if the Town is presented with a building permit, subsequent amendment, or brings an enforcement action. Further, as the engineer notes, the approved subdivision plan shows the area of the undeveloped land on the plan so any development of that area would also be a violation of the approved plan.

I am back in the office on Tuesday if you would like to discuss this issue further.

-Phil

**Philip Saucier**  
**Shareholder**  
**Municipal & Governmental Services Practice Group Leader**  
207 228-7160 direct  
207 774-1200 main  
[My Bio](#) | [LinkedIn](#) | [Twitter](#)

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**From:** James P. Francomano [<mailto:Planner@town.rockport.me.us>]  
**Sent:** Thursday, September 29, 2016 11:39 AM  
**To:** Philip Saucier  
**Subject:** FW: Kangas Farm Subdivision Packet

Phil, the PB approved a minor modification of a subdivision plan last night with a condition of approval. As noted in the packet materials ([September](#)) all the applicant did was to move an internal property boundary line. These lines were drawn in May to partition two existing houses on an old 100 acre farm and presumably set the stage for a "real" subdivision development proposal later on. I'll link to that earlier PB packet as well: [May](#).

Communication with the applicant ahead of time more or less correctly ID'd the issue (see emails below) so the condition of approval appears on the drawing signed by the PB as General Note 5. However there is some complexity there due to criteria in the LUO to provide a reduced minimum lot size in the Section 908 Rural zoning district.

See Article 9.3 of the Subdivision Ordinance for scope of review – nothing but the impacts of the proposed minor modification.

Section 908.2.1 and 908.2.3 of the Land Use Ordinance for findings made in the affirmative by the PB on area calculations.

#### QUESTIONS PRESENTED.

- 1) The applicant is amenable to recording a covenant deed with the drawing to meet the “undeveloped land” requirement but hasn’t drawn one up yet. So is it okay that the PB effectively left it in my hands to ensure that it gets done and to rely on a handshake (very small world in Rockport, the applicant is represented by the Town Engineer’s firm, Gartley & Dorsky) not to record the drawing without also recording the something akin to covenants, conditions and restrictions for the subdivision?
- 2) Do you agree with the Planning Board’s interpretation of Subsections 2.1 and 2.3? At least one PB member raised serious concerns about proceeding without your advice and, looking back over the correspondence below, I have to say it would make more sense for me to run the packet materials by you for every site plan and subdivision process – is that okay with you as a function of our retainer agreement?

[Email me](#) | [Visit Rockport](#) | [Town website](#) | [Livestream](#)

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**From:** James Dorsky [<mailto:JDorsky@GartleyDorsky.com>]

**Sent:** Friday, September 16, 2016 4:30 PM

**To:** James P. Francomano

**Subject:** RE: Kangas Farm Subdivision Packet

The end of General Note 5 on the plan, which is the one about the Undeveloped Land, says “THE DEED CONVEYING LOT 1 SHALL CONTAIN LANGUAGE REGARDING THE RESTRICTIONS ON THE UNDEVELOPED LAND AS DESCRIBED ON THIS PLAN.”

The plan will be recorded in the registry of deeds for any title abstracter to see. There is protection automatically from having it on the recorded plan and there will be further protection and notice to the land owner and the public when the property is conveyed with a deed containing the restrictions. I think we’ll be all set.

Thanks,

**James Dorsky, P.L.S.**  
Senior Vice President



**Gartley & Dorsky Engineering & Surveying**  
59B Union Street, P.O. Box 1031, Camden, Maine 04843

P: (207) 236-4365 | F: (207) 236-3055

[www.gartleydorsky.com](http://www.gartleydorsky.com)

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**From:** James P. Francomano [<mailto:Planner@town.rockport.me.us>]  
**Sent:** Friday, September 16, 2016 3:47 PM  
**To:** James Dorsky <[JDorsky@GartleyDorsky.com](mailto:JDorsky@GartleyDorsky.com)>  
**Subject:** FW: Kangas Farm Subdivision Packet

Reminder, we'll be looking for some comfort that the "undeveloped land" is in good shape for the long term. I do not have an examples of how this has been done in Rockport in the past.

Obviously not too difficult to ensure the wetlands remain undeveloped but I don't know what the PB needs to make a finding on 908.2.3. Please let me know if you would like me to run something by the Town Attorney to that effect.

---

**From:** Diane Hamilton  
**Sent:** Friday, September 16, 2016 3:41 PM  
**To:** James P. Francomano  
**Subject:** Kangas Farm Subdivision Packet

**Diane Hamilton**  
**Administrative Assistant**  
**Planning and Community Development**  
101 Main Street  
Rockport, ME 04856  
(207)-236-0989  
(207) 230-0112 fax

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[www.rockportmaine.com](http://www.rockportmaine.com)

<http://livestream.com/Rockportmaine>

KANGAS FARM SUBDIVISION  
DECLARATION OF RESTRICTIVE COVENANTS

I, DAVID DICKEY, of 11 Tannery Lane, Camden, Maine 04843 (hereinafter referred to as “Declarant”), am the owner of a subdivision located in Rockport, Maine on Rockland Street entitled the Kangas Farm Subdivision approved by the Rockport Planning Board on \_\_\_25th\_\_\_ day of \_\_\_May\_\_\_, 2016 and recorded in the Knox County Registry of Deeds at Cabinet \_24\_\_\_, Sheet \_126\_. The first amendment to the subdivision plan, to be recorded herewith, was approved by the Planning Board on September 28, 2016.

This subdivision contains two lots of land, plus a third lot to be retained by Declarant. Lot 1 includes a 5.74 acre parcel of land that is required to remain undeveloped by Planning Board condition of approval.

Declarant, on behalf of myself and my heirs and assigns, declare that the Kangas Farm Subdivision shall be subject to the following restrictive covenants:

1. That the land labeled “Undeveloped Land” containing 5.74 acres shown on the plan recorded at Plan Book \_24\_\_\_, Sheet \_126\_\_\_, and on the first amendment to the plan to be recorded herewith, shall remain undeveloped land. The term undeveloped shall mean the following:

Land, without structures or roads, excepting tote roads. Activities of agriculture and forestry may be conducted on undeveloped land. Fields are considered to be undeveloped land and may be mowed as appropriate. Undeveloped land may include land with slopes of 20% or greater,

wetlands, and State and Federally recognized wildlife protection and habitat areas. The vegetated areas of those portions of golf courses existing prior to June 2005 shall be considered undeveloped land. Undeveloped land may be owned in common by a home owners' association, deeded to a third party conservation organization or land trust, be retained by the owner of a proposed subdivision, or owned outright by individual owners so long as it is deed restricted to remain undeveloped or protected by appropriate conservation easements.

2. The owners of Lots in the Kangas Farm Subdivision shall have the right to enforce this restrictive covenant, and deeds conveying Lots within the subdivision shall contain language regarding this right to enforce this restriction as undeveloped land as shown on the plan.

IN WITNESS WHEREOF, these restrictive covenants are declared this \_\_\_\_\_ day of October, 2016.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
David A. Dickey

STATE OF MAINE  
COUNTY OF KNOX

October \_\_\_\_, 2016

Personally appeared the above-named David A. Dickey, and acknowledged the above instrument to be his free act and deed.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law