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excluding holidays

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Paul Mercer, Commissioner  
Department of Environmental Protection  
17 State House Station  
Augusta ME 04333  
287-7688

May 13, 2015

Via E-Mail and First Class

Re: Proposed Amendment to Shoreland Zoning at Rockport Harbor  
Submitted Pursuant to Title 38 MRSA §435-449

To the Commissioner:

Please accept the attached local zoning amendment for the Town of Rockport's Section 913 Downtown zoning district, submitted for your review and approval. This amendment to the Town's adopted Land Use Ordinance (LUO) affects a limited, already densely developed portion of Rockport's downtown area as noted on the attached excerpt of the zoning map (see pink, cross-hatched area). The historic land use pattern area is easily seen from the enclosed photography provided by Rockport Marine. Owner Taylor Allen provided the attached E-mail, dated March 11, 2016. Mr. Allen is also a co-owner of the Front Street Shipyard in Belfast, Maine.

As suggested by your colleague Colin Clark, marine-related uses in particular are prioritized for increased development potential. For example, on the two properties that are wholly within the Shoreland Zoning overlay district (labeled 1 and 2), the proposed maximum height of 50 feet would be permissible only for marine-related uses such as the existing Rockport Marine facilities. These are referred to as the properties with frontage on Main Street in the LUO amendment language. On properties with frontage on Central Street, outside the 250' Shoreland Zoning setback the new maximum height is allowed for all permitted uses.

At their respective public hearings of April 6 and April 19, 2016, the Planning Board and Select Board voted unanimously in favor of recommending the proposed amendment to the voters at Annual Town Meeting.

Success on the commercial side of Rockport Harbor is an important factor not only in employment opportunity but also in the Town of Rockport's overall economic and community development strategy.

DEP Commissioner Paul Mercer  
May 13, 2015

Town of Rockport, Maine  
p. 2 of 6

The proposed zoning amendment is geared towards assisting those engaged in traditional “working waterfront” industries to remain competitive. Supporting the working waterfront helps preserve the historic character of the downtown which, in turn, is a revenue generator for other job sectors, including those in the “creative economy” in which the Town of Rockport and outside funders continue to invest heavily. At least fifteen commercial fishing vessels work out of Rockport Harbor. Approximately fifty people work full-time for Rockport Marine.

The recreational side of the Harbor features Goodie’s Beach, the Harbormaster’s Office, a small park, parking areas, launching areas, piers and floats for transient boaters and chartered cruises, etc. A productive partnership with the Maine Department of Transportation has resulted in approximately \$200,000 worth of improvements with funding assistance from a 2013 Boating Improvement Grant (BIG) as well as the 2014 Small Harbor Improvement Program (SHIP). These include new lighting, buried conduit to replace overhead cables which previously impeded staging and launching, and power pedestals for transient boaters.

As noted by Mr. Clark, we do have other areas in Rockport where further amendment to Shoreland Zoning is in order; and we look forward to making better use of some of the many well-tailored subdistricts provided for in the current Chapter 1000 Guidelines. However in making this specific request concerning the LUO Section 913 Downtown zoning district only, to enhance development potential in our downtown and help ensure overall functionality of Rockport Harbor, we are making what we consider an urgent first step. I look forward to a productive partnership with the Department of Environmental Protection, including a longer-term view toward continued updates to local zoning in other areas where the Mandatory Shoreland Zoning Act is applicable.

Sincerely,

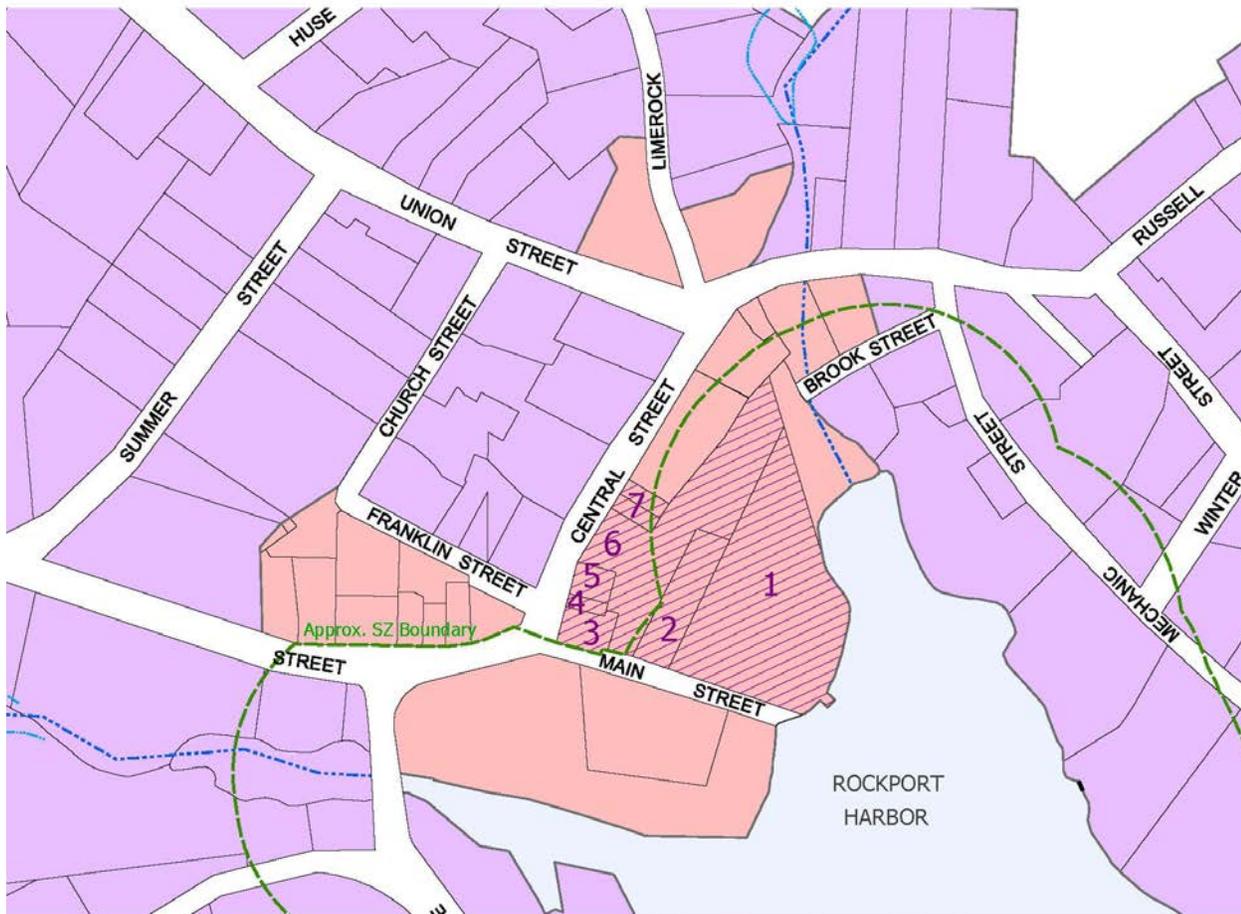


James P. Francomano, Director  
Planning & Development Department

Cc: Colin Clark, Coordinator  
Shoreland Zoning Program

Stephen G. Smith, Vice-Chair  
Ordinance Review Committee

Attachments: Zoning Map – Section 913 Inset; Photos and E-mail provided by Rockport Marine (6 pp. total).



### Proposed Amendment to Shoreland Zoning

TOWN OF ROCKPORT - May 5, 2016

KEY:  901 Village       913 Downtown       Proposed 913\* Downtown amendment

- |                                                                                                                             |                                                                          |
|-----------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| 1. <a href="#">Rockport Marine</a> – Mechanics Shop, Construction Shed                                                      | 1 Main Street ( <a href="#">Map 29 / Lot 303</a> )                       |
| 2. <a href="#">Rockport Marine</a> – Fabrication Shop                                                                       | 5 Main Street (29 / <a href="#">291-001</a> )                            |
| 3. <a href="#">Union Hall</a> – <a href="#">Restaurant</a> , <a href="#">Concert Hall</a> , Offices                         | 24 Central Street (29 / <a href="#">297</a> )                            |
| 4. Mixed use – Offices, Apartments                                                                                          | 22 Central Street (29 / <a href="#">295</a> )                            |
| 5. Vacant Land –                                                                                                            | 20 Central Street (29 / <a href="#">293</a> )                            |
| 6. <a href="#">Shepherd Block</a> – <a href="#">Bar/Restaurant</a> , <a href="#">Gallery</a> , <a href="#">Music School</a> | 18 Central Street (29 / <a href="#">291</a> )                            |
| 7. Vacant Land –                                                                                                            | 14 & 16 Central Street (29 / <a href="#">287</a> & <a href="#">289</a> ) |

*See hyperlinks for websites, press coverage and property details from the Tax Assessor's office.*



Photo 1. Rockport Marine shown in foreground. Note that proposed 50 ft maximum height would remain subordinate to Union Hall, Shepherd Block and Rockport Opera House in background.



Photo 2. View from atop Shepherd Block



Photo 3: Aerial view of the commercial side of Rockport Harbor showing concentration of already developed, impervious area dedicated to water-dependent uses typical of the “working waterfront.”

May 13, 2015

**James P. Francomano**

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**From:** Taylor Allen <taylor@rockportmarine.com>  
**Sent:** Friday, March 11, 2016 9:38 AM  
**To:** James P. Francomano; 'Stephen G. Smith <ssmith@sgsmitharchitects.com>  
(ssmith@sgsmitharchitects.com)'  
**Cc:** Sam Temple  
**Subject:** Rockport waterfront zoning

To Town of Rockport Planner, Rockport Ordinance Review Committee,  
I am the owner/operator of Rockport Marine in Rockport and one of the owners of Front Street Shipyard in Belfast. Rockport Marine has been in continuous operation since its inception in 1962 by my parents and we are currently in the process of transferring ownership to my son, Sam Temple. I am writing in support of the Town of Rockport's recent vote to increase allowable building heights from 34' to 50' in a portion of the town's waterfront and downtown areas. This vote occurred after considerable deliberation of the town's Ordinance Review Committee, public hearings, and authorization by the Board of Selectmen.

Our existing boatbuilding and restoration building and workshop on Rockport Harbor measures 175' x 80' with a roof peak height of 33', consistent with prior zoning regulations. Overhead clearance inside our building is 21'. I have often felt hampered by such a low height in that many projects we could otherwise accommodate are inaccessible to us because the boats are too tall. As time has gone on, it seems the boats are getting larger, and consequently taller. In order for us to remain a viable business, we need to be able to accommodate these larger boats. Consequently we have been waiting for the financial opportunity to increase our building's height. As an example, we are traveling to Florida next week with the goal of attracting a large powerboat restoration project to our yard. If we should be successful, we would like to take this project as the opportunity to undertake the building improvements to increase our height and building capacity for this, and future, projects.

I believe it is important for the State of Maine to continue to support marine related commercial activities. Marine activities have historically been one of the important and defining industries for our state. They continue to be today. Boatbuilding, restoration, and repair continue to be valuable economic drivers for coastal Maine. This industry offers decent wages and benefits for its employees and their families. Rockport Marine employees 40-50 full time people and Front Street Shipyard employees about 100 full time people and is looking to expand further.

I have been actively involved with the development of Front Street Shipyard since its inception in 2011 on the site of the abandoned Stinson Canning factory. The City of Belfast has tight zoning and development standards. While they required that we meet all of them, at the same time they made it clear that they wanted us to succeed. The City allowed us to construct 4 buildings on the 4 acre site, which we accomplished by the end of 2011, one of which had a roof peak height of 55'. Subsequently the City approved construction of an additional large boat construction building with a roof peak height of 62', which we hope to have operational by the end of next year. DEP had agreed with the City's contract zoning for this site prior to our purchase of the facility

Other towns along the Maine coast also have large boatbuilding and repair buildings. Rockland and Tenants Harbor come immediately to mind.

In conclusion I hope DEP will validate the Town of Rockport's decision.

Sincerely,

Taylor Allen