

Approved 2/12/14

**Town of Rockport Planning Board
Wednesday, January 8, 2014 – 5:30 P.M.
Rockport Opera House Downstairs Meeting Room**

Board Present: Chair John Alexander, Tony Bates, Terrie MacKenzie, Thomas Murphy, James Ostheimer, Sarah Price, and John Viehman

Board Absent: None

Staff Present: Planning and Community Development Director Bill Najpauer, Videographer Tom Goodwin, and Recording Secretary Deborah Sealey

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

I. Approval of Minutes

Chair Alexander asked that the Communications section of the 11/13/13 minutes include the dates the cited letters were written.

ACTION: Terri MacKenzie made a motion, seconded by John Viehman, to approve the minutes of the last meeting of Wednesday, November 13, 2013.
Carried 7-0-0

II. Communications: Chair Alexander said letters had been received from Richard Milstead (dated 1/5/14) and Lorraine Streat (dated 1/6/14). A phone call had been received from Sylvia Sayers on 1/7/14, and emails were received from Josh Binswanger and Kevin Kearns on 1/7/14, and Eric Anderson on 1/6/14. [Copies attached] Chair John Alexander summarized the issues raised in these communications. A letter had been received from Inara Booker, but Chair Alexander said it concerned the subdivision next door and not the Ridge at Rockport.

III. Old Business: None

IV. New Business

Public Hearing for a Final Subdivision Application: Final subdivision application from Ridge at Rockport LLC, Tony Casella, to create a 20-condo unit development located on Commercial Street, Map 10 Lot 60 and located in District 907.

Chair John Alexander listed the items that had been discussed at the last meeting and said this evening the board would review Article 11 (Performance Standards), Article 12 (Design Guidelines), wastewater and condo documents.

Engineer Andrew Hedrich and developer Tony Casella appeared before the PB and prospective buyer Flint Decker was in attendance. Mr. Hedrich provided a brief overview of the project, as discussed at the previous meeting. He then said the water distribution system had been designed and there would be 3 wells on the site. He had added a note to the plan clearly indicating how each unit would be served for water and septic. Mr. Hedrich distributed a new plan that included the notes Planning and Community Development Director Bill Najpauer had requested.

Mr. Hedrich explained the stormwater management plan and said it met DEP requirements that 90% of all impervious and 80% of all developed runoff be treated. The engineer then described the 3 septic systems. He said fire suppression tanks required by the Fire Chief would be built in Phase III (after 7 units had been sold) and a note to that effect had been added to the plan.

Mr. Hedrich went on to explain the differences between the earlier and present plans. He had added Notes #8 through #11 and read them aloud and stated that, with the exception of the extended turnaround, all changes were descriptive rather than revised. Mr. Hedrich said he had not relocated the well house as recommended by Bill Najpauer because DEP would determine its best location.

At John Viehman's request, the engineer pointed out locations of exterior shielded dark-sky lighting fixtures. Sarah Price asked about Mr. Najpauer's question about inadequate elevation somewhere on the plan. Mr. Hedrich responded that catch basins were located in the low spot and that he had clarified this with Mr. Najpauer by providing numbers to back up the plan.

At the Chair's request, Thomas Murphy reviewed Article 8.2 (Submissions) by reading aloud each item and its respective response contained in the Submission Summary, dated 12/23/13 from Gartley & Dorsky Engineering & Surveying.

John Alexander then asked Mr. Hedrich to explain Sections L (Stormwater Management Plan) and M (Erosion and Sedimentation Control Plan). He asked members of the audience to listen carefully because these were the sections that concerned many of them. Mr. Hedrich explained in detail where stormwater from each area would be collected, filtered, treated, and go into an under-drain system prior to discharge. He said all rainfalls of 1" or more would go through these systems, whereby all water would be collected in small locations and evenly discharged over the entire site. Twice yearly inspections would be performed and maintenance logs would be provided to the HOA, which would be responsible for maintenance of the stormwater systems.

Mr. Hedrich then provided a detailed explanation of the septic system and safety precautions that would be in place. Tony Bates quoted Tony Casella as having said at the last meeting that a generator would be in place for the septic systems. Mr. Hedrich responded that it had since been decided that would not be necessary because if the electricity were out there would be no water; thus the system could not flood. Chair Alexander said the stormwater and septic systems described by the engineer were submitted on the Civil Details Plans C-4, C-5, and C-6, which were available at the Town Office. Mr. Najpauer confirmed that the stormwater plan was now complete.

Since the pool and pool house had been removed from the subdivision plan, the PB made the following changes to the applicant's statement regarding construction and financial commitments under Section R: removed the words "plus a pool house with a pool"; changed "one to two water supply wells" to "three water supply wells"; and increased the total construction cost estimate from \$242,759 to \$277,150.

Terri MacKenzie read aloud the subtitles of the Subdivision Ordinance Article 12, which addresses design guidelines. Sarah Price read aloud the Performance Standards from Article 11, each item followed by the responses provided by Gartley & Dorsky in its 12/23/13 submission. In Section 11.5 the word "usage" was corrected to read "unsafe".

ACTION: Tony Bates made a motion, seconded by Terri MacKenzie, that the application was complete.
Carried 7-0-0

Chair Alexander reviewed Mr. Najpauer's list of concerns to be sure the board was satisfied that all had been satisfactorily resolved.

Terri MacKenzie felt the letter from Haskell's Well Drilling did not answer all of his questions or the concerns expressed in letters received by the board. He read Haskell's 10/28/13 letter aloud and asked what further information the applicant could provide to assure there would not be a reduction of water quantity. Mr. Casella responded that in order to close on a house he must prove to the bank that there was sufficient water. Haskell's would send test samples to Maine Water every six months for testing of water quality standards.

Mr. Casella confirmed for Mr. Murphy that the applicant was responsible for paying for water system improvements. Mr. Hedrich said septic leaching had been mentioned in many letters, so he explained in some detail that nitrates left the septic system and the water tests would check for nitrates.

Terri MacKenzie was concerned about the quality and quantity impact to water outside the development and asked what recourse neighbors would have if there were a negative impact in the future. Mr. Hedrich responded that no

negative impact was expected because this was a 20-unit residential development. Tony Casella said the law required septic systems to be 100' from wells, while for this development they would be 700' away. Mr. Hedrich added that sufficient infiltration capacity was present since only 15% of the site would be impervious. He said the development would not affect water quantity. Sarah Price said the PB could require a hydrogeologic study but she understood Mr. Hedrich to say that would be needed only for industrial or commercial development. He confirmed this and added that he had seen no bedrock on the site, which was why there would be no blasting.

John Viehman asked how the applicant's responses to the PB's questions would be locked in. Mr. Najpauer responded that the approved plan would contain what had been approved for the development and ordinance protocols would require any proposed changes to come back before the PB. Chair Alexander added that the CEO could approve minor changes.

Sarah Price said the board had waived the traffic impact analysis because MDOT had granted an entrance permit. She said many letters received had said MDOT was wrong, but the only difference between this left turn and others on Rte. 1 was the guardrail. Chair Alexander said the PB could not influence this decision because MDOT trumped their authority, but if other people wanted to do something, they would have to go to local politicians because this was way beyond the PB's scope. Thomas Murphy said the board could not address traffic issues on state roads.

The Chair opened the Public Hearing at 8:08 P.M.

Margaret Phillips of 23 Cabana Drive asked if the two unites on the left of the entrance were going to be recipients of water problems because they were down-slope. Tony Casella responded that the DEP had issued a permit to do the drainage on Ms. Phillips property at the Village at Rockport. Mr. Hedrich said storm surface drainage issues were overseen by the DEP, which had the power to issue fines.

Josh Binswanger ascertained from Mr. Hedrich that the cost of a hydrogeologic study would be between \$2,000 and \$3,000.

Marcia Mansfield asked where the Ridge at Rockport sales office would be. Tony Casella replied that it would be in Camden and Mr. Hedrich added that reception and sales would be located at the Ridge.

Nancy Greenier asked if the septic tanks would stick out above ground. Mr. Hedrich said they would be buried and added that he thought Ms. Greenier was referring to a lift station.

Robert Nichols asked about a financial guarantee. Mr. Hedrich said that had been handled by a note on the plan that said a guarantee would be provided for each phase of the development.

The Chair closed the Public Hearing at 8:27 P.M.

ACTION: Terri MacKenzie made a motion, seconded by James Ostheimer, to approve the final subdivision application from Ridge at Rockport LLC, Tony Casella, to create a 20-condo unit development located on Commercial Street, Map 10 Lot 60 and located in District 907, as submitted.
Carried 7-0-0

V. Other Business:

A. The board agreed to Bill Najpauer's request that the March 19 meeting be moved to the Richardson Room at the Town Office.

B. Chair Alexander said Terri MacKenzie would represent the PB on the Ordinance Review Committee and would report to the board after each meeting.

VI. Adjournment

ACTION: John Viehman made a motion, seconded by Sarah Price, to adjourn the meeting at 8:33 P.M.
Carried 7-0-0

Respectfully submitted,

Deborah Sealey
Recording Secretary

QUESTIONS/Concerns RE: subdivision application from Village at Rockport, LLC

- **Does the town of Rockport have the authority to assure that the developer will complete the project AS IT IS APPROVED BY THE TOWN OF ROCKPORT? i.e: if the town of Rockport issues all necessary licenses/permits for this development to proceed, then does the town of Rockport have any mechanism to ENFORCE all codes which they approve?**
- **What assurances do abutting owners have that drainage plans will not affect adjoining properties? Does the town of Rockport have any mechanism in place to force the developer to abide by all town and DEP codes BEFORE any building permits are issued to the developer?**
- **Does the town of Rockport and/or the Rockport Fire Department have any authority to ENFORCE all fire codes, rather than simply suggesting them?**

Recommendations:

- **We strongly suggest that the town of Rockport be assured that the adjoining Village At Rockport, under construction by the same developer, be COMPLETELY finished, as per plans approved by the town and meeting all codes, including safety codes, fire codes and DEP requirements, before approving a subdivision application from this developer.**
- **We recommend that the town of Rockport find a way to require a Performance Bond before providing any permits to this developer.**

*Forest Isenor
Nancy L. Greener
11/13/13
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