

Town of Rockport Planning Board
Wednesday, April 10, 2013 – 6:50 P.M.
Rockport Opera House Downstairs Meeting Room
Meeting Televised on Channel 22

Board Present: Chair Kerry Leichtman, John Alexander, Tony Bates, Terrie Mackenzie, Thomas Murphy, James Ostheimer, and Sarah Price

Board Absent: None

Staff Present: Planning Director Thomas Ford, Videographer Sally Leighton, and Recording Secretary Deborah Sealey

Chair Leichtman reconvened the meeting at 6:50 P.M.

I. Old Business

Application of PenBay Medical Center, represented by WBRC Architects and Engineers, for site plan review to construct a 9,740 sq. ft. hospice building on a parcel identified as Map 6, Lot 155 and located at 6 Glen Cove Drive in District 909 (continued from the 3.13.13 meeting):

Chair Leichtman stated that a pre-application meeting had been held last month, followed by a site walk at 5:00 P.M. today.

Paul Monyok of WBRC Architects and Engineers represented the application. Mr. Monyok said the medical center proposed a new one-story building to serve as a hospice house. The site was presently undeveloped and earth would be brought in to level the ground for the concrete foundation pad. Mr. Monyok displayed a drawing of the wood-frame building, designed to resemble a small house, big house, barn, and ell configuration. Patient rooms would face southeast toward the bay.

The location of the hospice house had been determined by its seclusion and potential views of the bay, Mr. Monyok said. The hospice entry drive would be off the existing entry drive from the Route 1 signalized intersection that serviced the hospital. Part way down, the entry drive would turn west toward Route 1 to the hospice driveway. The 24'-wide road would be new construction paved with asphalt; a corresponding pedestrian sidewalk would also be paved. The entry drive to the hospice house would also be 24' wide and paved.

The main entrance to the building would be a covered porch on the south side. There would be an interior courtyard and multiple perennial gardens, the extent of which depended on the amount of money donated.

Mr. Monyok said utilities would be extended from Route 1. Stormwater on the site would roll away from Route 1 toward the bay. Water running off the road surfaces would be captured and treated in a number of different ways. Some would enter a stormwater detention pond with a perforated pipe to control the water level. There would also be a vegetated soil filter that would outlet from a pipe further down. The building's roof edges would drip onto sandy soil around the building's perimeter and outlet down the hill. In addition, two existing streams would act as drainage swales to help direct the water. The development had applied for and received DEP permits.

A second 20' wide entrance from Route 1 would initially serve construction vehicles, but finally serve as an emergency access to the hospital property. This access would be regulated with a gate halfway between the hospice entrance drive and Route 1, allowing emergency vehicles to get off Route 1 to open the gate. Mr. Monyok pointed out additional details of the hospice site, including a brick memory walk and parking.

The Chair polled the board and members had no questions on the presentation. Mr. Leichtman then initiated Site Plan Review by asking members if they found any deficiencies in the site plan: none did.

ACTION: Sarah Price made a motion, seconded by Terri MacKenzie, to accept the application as complete.
Carried 7-0-0

Chair Leichtman mentioned Police Chief Kelly's memo concerning the project and asked Mr. Monyok how he would address the Chief's concerns about the confusion that could be caused by people seeing what looked like an entrance from Route 1, starting to make a turn, and then discovering they could not enter there. Mr. Monyok said signage would help and perhaps the gate could be moved closer to Route 1. He clarified that this entrance would not be used on a regular basis, but only on rare occasions.

Chair Leichtman said Chief Kelly had a larger point, which was that the hospital was working from a master plan of which town officials had no knowledge. It was difficult for the Planning Board to address issues like this entrance without being aware of the big picture. Mr. Monyok responded that the master plan was simply a guide and the hospital did not want to put it forward because it was subject to change.

Mr. Leichtman said he could not believe DOT wanted everything funneled through one entrance. If the Planning Board saw the master plan, perhaps it could suggest a second entrance to the facility. Mr. Murphy said now that he knew there was a plan, and having read the Chief's comments, he was troubled by the road. Mr. Alexander said the board could not move forward unless the developer could specifically address the Chief's concerns.

WBRC's Dan Miller said the master plan had not yet been brought forward to Maine Health, which owned Pen Bay Medical Center. He did not feel the master plan should be required when they had submitted all the documents indicated for this plan. Mr. Murphy said knowing what was planned for two access locations on the drive might help the board decide if a second entrance was needed for the campus. Mr. Miller said DOT would not allow a second entrance onto the parcel.

Ms. Mackenzie thought WBRC should meet with Chief Kelly to work out a solution. Mr. Alexander suggested they move forward, recognizing that the chief's concerns would have to be addressed.

Moving on to the Fire Chief's comments, Mr. Monyok said the building would be sprinklered and pointed out a proposed fire hydrant on the plan. The Chief had recommended a fire hydrant be installed on the grounds since use of the current closest hydrant would cause hoses to block vehicular access to PenBay Medical Center.

Chair Leichtman said Rockport's CEO-LPI had said a septic tank could not be located on this site. Mr. Monyok said, though it was notated as a septic tank, it was actually more of a holding tank for pumping purposes to the sewer.

Returning to traffic concerns, Mr. Leichtman asked how a left turn lane into the hospital from Route 1 heading south would work. Mr. Monyok replied that the hospital had a traffic movement permit for that intersection filed with DOT. Improvements would be triggered if the intersection service level reached D. He was unaware of any issues at this time. Chair Leichtman asked Mr. Monyok to discover the current service level. Mr. Murphy said turning into the hospital entrance from Route 1 heading south was actually quite a problem. Mr. Miller said the hospital was not now affecting the intersection. Ms. Price noted that the board could require a traffic survey and Mr. Leichtman said learning the current service level might help avoid a survey.

The Chair asked Mr. Monyok to clarify his earlier statement that landscaping was dependent on donations. The engineer replied that it was the gardens that were dependent on donations, while the overall landscaping was not. Tony Bates wanted to be sure the landscaping would be adequate to enhance peace and quiet. Mr. Miller said the landscaping budget was \$40,000. Ms. Price wanted to see a detailed landscape plan and the Chair said a landscape plan was required. Ms. MacKenzie pointed out that the site was surrounded by trees and could not be seen from Route 1.

Mr. Leichtman said he was trying to buy into the parking spaces, which had also been mentioned by the Police Chief. He asked why the number of spaces was so limited when the space was available. Mr. Monyok replied that both the amount of runoff caused by more parking and the cost of constructing it had dictated the number of spaces. Mr. Leichtman said he thought the building would engender a lot of visitation. Ms. MacKenzie suggested that if the memory walk plan were not so ambitious there would be space to expand the parking. Ms. Price noted that the Police Chief had said even Rockport's ordinance requirements for parking were sometimes not adequate. The Chair pointed out that the board could change the parking requirements if it felt the recommendation was inadequate. Mr. Alexander noted that the application said there was room for parking expansion. Chair Leichtman asked the applicant to show parking could be quickly expanded.

Ms. MacKenzie said she could not believe there was not a second exit onto Route 1 from the hospital complex and she thought this emergency access was a good thing. Mr. Leichtman agreed, but thought a closed entrance was a problem. Mr. Murphy thought this entrance might become an open entrance in the future, but could not be sure without seeing the master plan. Planning Director Ford said a memo from a traffic engineer might facilitate this discussion.

Ms. Price ascertained that the permit for the second emergency access was still under review by DOT. Mr. Monyok confirmed for Ms. Price that construction debris would be disposed of off-site.

Chair Leichtman concluded by saying that not being privy to the master plan made the process clunkier. The applicant needed to enter into a dialogue with the Police Chief so the results could be presented at the next meeting. Also, the applicant must submit a landscape plan and a letter from the water company.

ACTION: Thomas Murphy made a motion, seconded by Tony Bates, to continue the application of Pen Bay Medical Center, represented by WBRC, to our next meeting.
Carried 7-0-0

II. New Business

A. Application of Bodin Properties, LLC, represented by Permit Consultants (Gary and Elaine Neville) for site plan review to construct a pier, ramp and float under the provisions of the Coastal Waters and Harbor Ordinance – Section 602.4 and the Land Use Ordinance – Section 1415.4 on a parcel identified as Map 6 Lot 159 and located at 81 Rockport Shores in District 903 and Shoreland Overlay District 1400:

Gary Neville said the proposed project was a walkway pier that started on the shore. An existing large flat rock would be lowered, but there would be a very small amount of soil disturbance and no trees would be removed. Rectangular granite blocks would support the dock, the end of which stopped just before the low water mark; from that point, a ramp extended to a float. Mr. Neville said the entire project had been reviewed and approved by the Harbor Committee and he listed other entities that had given approval. No written comments had been received during the 6- to 9-month process.

Mr. Neville read aloud his written responses to the seven points under Section 1415.4. Chair Leichtman said this was an unusual application for the Planning Board, but Section 1400 – Shoreland Zoning Overlay District – established that the board review a permanent installation extending beyond the high waterline.

He said there was a problem under Section 600 of the Coastal Waters and Harbors Ordinance. Mr. Neville said this did not apply because he had gone to the Harbor Committee for review under the Section 602 criteria; he said the Planning Board was only supposed to review under Section 1415. Mr. Neville said they had followed all the rules and had been upfront in the meeting and had made it clear to the Harbor Committee that there was an enlarged spot on the end because the owner wanted to be able to turn around some equipment. It was discussed at that meeting and the Harbor Committee had unanimously ruled that the design was consistent with the intent of the Rockport ordinance. Mr. Neville wanted to make the point that it was very clear what the Planning Board was supposed to review tonight.

Planning Director Ford said Section 602.4 of the Coastal Waters and Harbors Ordinance defined the Planning Board review, saying it shall receive recommendations from the Harbor Committee and review under the provisions of Section 1415.4 of the Rockport Land Use Ordinance. There was also a table in Section 1400 that clearly gave authority to the Planning Board to review this application. Mr. Ford confirmed that the Harbor Committee had reviewed this application and made a decision. However, emails from Harbormaster Abbie Leonard and Town Attorney Bill Plouffe had been distributed. Ms. Leonard had explained the 12' X 12' structure at the end of the dock to the Chair of the Harbor Committee. Mr. Plouffe had also reviewed the application and responded. The salient part of the Coastal Waters and Harbors Ordinance was Section 601.4, which said private pier width must not exceed 6'. Mr. Ford said there was no latitude to appeal that requirement; however, the applicant could change his application to apply for a common or commercial pier, which allowed greater width.

Mr. Neville said nothing wrong was done. Chair Leichtman said the Harbor Committee had admitted to making a mistake. Mr. Neville said he would modify the application to make the pier 6' wide to the end.

Chair Leichtman started the review with Section 1415.4 of the Shoreland Zoning Ordinance by asking if board members had any issues with the responses Mr. Neville had read. Ms. Price had a question about the statement that this was private property and not a public beach. She also asked who was responsible for overseeing the curing of the pressure-treated wood. Mr. Neville responded that the project would have no pressure-treated lumber in the water. There was extended conversation about this point.

Mr. Neville confirmed for Tony Bates that wetlands were involved from the high watermark down. Tony Bates then asked if there was any requirement for navigational aids on the dock. Mr. Neville answered in the negative. In response to Mr. Murphy's question about an emergency float removal plan, Mr. Neville said it would be put on a mooring. He noted the granite blocks and the fact that there were other piers in the harbor three feet lower than this would be.

Chair Leichtman said voting to approve this project would be in agreement with statements, as modified, of Section 1416.24.

ACTION: Kerry Leichtman made a motion, seconded by Thomas Murphy, to approve the application of Bodin Properties, LLC, represented by Permit Consultants (Gary and Elaine Neville) for site plan review to construct a pier, ramp and float under the provisions of the Coastal Waters and Harbor Ordinance – Section 602.4 and the Land Use Ordinance – Section 1415.4 on a parcel identified as Map 6 Lot 159 and located at 81 Rockport Shores in District 903 and Shoreland Overlay District 1400 contingent upon the pier width not exceeding six feet at any point.
Carried 7-0-0

B. Pre-Application of Brenan Black for site plan review for a change of use from residential to commercial to accommodate a renewal energy business on a developed parcel identified as Map 1 Lot 80 and located at 1126 Commercial St. in District 907 Modified:

Brenan Black said he and his brother Bryce had bought the dilapidated property two years ago, removed a barn and brought in a new shed. The property had been used as a rental for a family of four, but they now wanted a change of use for their solar panel business.

Chair Leichtman said this property was located in an area of town that needed improvement. The board agreed that the hand-drawn site plan was fine. Mr. Leichtman said the Blacks would sell solar systems from this location, with only a display and salesman on site. Brennan Black stated that all products would come to their warehouse in Rockland.

Mr. Leichtman asked Mr. Black to work with the planning office to be sure his site plan contained all the necessary information. A landscape plan would also be required. Chair Leichtman said the applicant's written statement was excellent. However, he was concerned that there would be only two parking spaces, one of which would be used by an employee. Brennan Black said he expected only 6 to 10 customers in a two-week period. Mr. Leichtman said it would be difficult to back out in the space provided and asked that they start with three spaces, with room to expand. Ms. Price asked that abutters be shown on the plan.

III. Approval of minutes

Chair Leichtman noted a typo on Page 2.

ACTION: Kerry Leichtman made a motion, seconded by Sarah Price, to accept the minutes as corrected.
Carried 6-0-1 (Thomas Murphy abstained)

The meeting adjourned at 9:15 P.M.

Respectfully submitted,

Deborah Sealey
Recording Secretary