

D-R-A-F-T
Town of Rockport Planning Board
Wednesday, April 8, 2015 – 5:30 P.M.
Rockport Opera House Downstairs Meeting Room
Meeting Televised on Channel 22

Board Present: Chair John Alexander, Terrie MacKenzie, Thomas Murphy, Sarah Price and John Viehman

Board Absent: Tony Bates and James Ostheimer

Staff Present: Planning and Development Director James Francomano, Videographer Tom Goodwin, and Recording Secretary Deborah Sealey

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

I. New Business

A. Russell and Joanne Spear – 673 West Street - Application for Change of Use for a Take-Out Food Stand – Map 18 / Lot 55:

Chair Alexander noted that the PB usually held a Pre-application meeting to provide an informal chance for the board to tell the applicant what needed to be submitted; in addition, a site walk was usually undertaken. He brought attention to the fact that this meeting could be considered either as Pre-Application or Site Plan Review. Ms. MacKenzie felt this should be Pre-App because some of the information on this parcel might make this a more complex property than it first appeared. She added that a site walk was necessary because part of the property was in the Shoreland Zone.

Mr. Viehman said he was fine with going ahead with review if there was nothing controversial, though any approval should be contingent on a site walk. Ms. Price agreed with Ms. MacKenzie and said she did not want to set a precedent of skipping Pre-App. Mr. Murphy agreed this should be Pre-App. Chair Alexander asked the applicants how they would feel about making this a Pre-Application meeting and Mr. Spear replied that they wanted to open as soon as possible, but could stretch to another meeting. The PB members agreed this would be a Pre-Application meeting.

Mr. Spear said he and his wife already had a business, Canvas, Etc., on the site but were not fully utilizing the frontage. There were not a lot of food opportunities in the neighborhood, he said. They would serve French fries, hot dogs, and crab and lobster rolls.

The Spears proposed to level the topsoil, increase the parking area, and erect a stick-built building with vinyl siding and asphalt roof shingles. The building would be moveable, though it would not be on wheels. The property had a 30'-wide entrance, was in a 35mph zone, and the breakdown lane was on their side of the road.

Mr. Spear said they got 1 or 2 cars per day for the canvas shop. He did not know how many trips would be generated for the take-out stand. The Spears expected to run the stand from May 1 through October for approximately five hours per day.

Mr. Viehman asked if Rockport had a policy regarding having two businesses on the same lot. Mr. Francomano said there were intensity measures, but no limit on the number of businesses. He said the entrance permit from MDOT would be the main sticking point.

Mr. Alexander noted that the application said the landscaping "will be attractive". He advised that whatever that meant should be spelled out in the application. Adding that landscaping should enhance the property, he suggested checking the ordinance for guidance.

Ms. MacKenzie said the Assessor's record showed there was a stream on the property: 75' on both sides of this stream would be in the Shoreland Zone. She stated that the site map was inadequate and did not show the existing shop, so it was impossible to see how much of the site was being used. Ms. MacKenzie noted a sizeable CMP easement and assumed the land under that also could not have structures on it. She wanted to see a detailed site map with dimensions to help the PB determine if there were any encroachments or setbacks. Chair Alexander said he wanted to see the proposed building in context on the site.

Mr. Francomano said the staff felt the acreage was much more than was needed. Ms. MacKenzie responded that the board needed more visual information and the math to determine if there would be more than 50% lot coverage.

Mr. Spear said he had been led to believe this was a simple plan and he wouldn't need all that was being discussed. PB members explained that the applicant was responsible for insuring that all necessary information was submitted. Ms. MacKenzie suggested the applicant work with CEO Scott Bickford. Mr. Francomano said he and Mr. Bickford had worked with the Spears on the Site Plan.

After ascertaining that the Spears might erect a second business sign, Ms. MacKenzie suggested they check to see if it would be allowed.

Ms. Price said she thought the mobility of the take-out stand could be an issue and an itinerant peddler's permit might be required. Mr. Francomano responded that the CEO had determined that the proposed project was a take-out restaurant, though parking might be a problem. Chair Alexander said the applicants should discuss parking and loading with MDOT. Ms. Price said the Home Occupation canvas shop required 2 parking spaces, as did also the dwelling. Mr. Francomano referred the board to Section 803.1 regarding shared parking. He said a snack bar/take-out had a high standard of 25 spaces, but the PB had the discretion to increase or decrease parking standards.

Mr. Spear said the MDOT did not think there would be a problem, and he expected an answer from them in 2 weeks. Ms. Price said safety was her concern. Mr. Francomano said there was a MDOT form that contained the criteria.

Ms. Price suggested the applicants look at the architecture and landscaping standards in the ordinance. She also noted the need for notes from the Police Dept., Fire Dept., and Public Works submitted before the next meeting.

A site walk was scheduled for 5:00 P.M. prior to the next meeting.

B. Thomas Kiley and Barbara Hills – Mount Pleasant Subdivision on Barrett Drive - Application for Minor Revision to the Approved Plan – Map 15 / Lots 30-3 & 30-4:

Thomas Kiley said he and his wife owned Lots 30-3 and 30-4 in the Mount Pleasant Subdivision. They had completed building their house on Lot 4. The topography of their lots was very steep and they proposed a lot line change that would enlarge Lot 4 and protect their view. The result would be lots that fit the topography and view easements without a lot of legal work.

Mr. Francomano cited ordinance Section 505, which referred to changes in non-conforming lots. This application was made under Article 9, which stated that modification to a plan that did not include new lots would be reviewed only on the proposed changes. The Planning Director said Lot 3 would be reduced from 2.34 acres to 1.60 acres, which would result in having less than the minimum lot area for the 908 Residential District by today's standards. However, there were three other parcels in the subdivision that were even smaller.

Mr. Francomano said staff has suggested the PB look at the Findings. Chair Alexander said his idea was to ignore that it and move on. Mr. Murphy agreed. Ms. MacKenzie asked if this would be setting a precedent for the PB in the future. Mr. Murphy replied that it was done lot by lot.

Mr. Francomano suggested making the findings based on Section 303.3 (Special Exceptions). Chair Alexander read through that section and the board saw no problems.

ACTION: Terrie MacKenzie made a motion, seconded by Thomas Murphy, to approve the application for a minor revision to the final plan for the Mount Pleasant Subdivision located on Barrett Drive (Map 15 / Lots 30-3 & 30-4) and last approved by the Board and recorded in 2004. This application was made under Article 9 of the Town's adopted Subdivision Ordinance because no new lots or dwellings were proposed.
Carried 5-0-0

II. Approval of Minutes

Chair Alexander asked that notes on the workshop that followed the 3/11/15 meeting be submitted in a format separate from the formal minutes of that meeting.

ACTION: Sarah Price made a motion, seconded by Terrie MacKenzie, to approve the minutes of the 3/11/15 meeting with the requested change.
Carried 5-0-0

III. Adjournment

ACTION: Thomas Murphy made a motion, seconded by Terrie MacKenzie, to adjourn at 7:05 P.M.
Carried 5-0-0

Respectfully submitted,

Deborah Sealey
Recording Secretary