

Town of Rockport Planning Board
Wednesday, May 8, 2013 – 5:30 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 called the meeting to order at 5:32 P.M.

I. Old Business

A. Application of Brenan Black for site plan review for a change of use from residential to commercial to accommodate a renewable energy business on a developed parcel identified as Map 1 Lot 80 and located at 1126 Commercial St. in District 907 Modified. *(Continued from the 4.10.13 meeting)*

Chair Leichtman stated that a pre-application meeting had been held last month, followed by a site walk this afternoon.

Since the last meeting, Brenan Black said, he had staked out the parking lot and added a deck to the existing building. Landscaping and putting in the parking lot remained to be done before he could locate the salesroom for his solar panel business on the site.

Chair Leichtman started the site plan review with Section 1304 of the ordinance by asking if there were any questions concerning the completeness of the application. Sarah Price noted that the town had not inserted the property record information on the plan as promised. Mr. Leichtman said that could be handled as a contingency. Ms. Price asked, since this was simply a change of use, with the number of people decreasing, if the board should be concerned with letters from the water and sewer companies. She also noted that the utilities were not shown on the plan, though they had been previously. Mr. Leichtman suggested these requirements could be waived.

ACTION: Kerry Leichtman made a motion, seconded by Thomas Murphy, to waive the requirement for a statement from the water company due to the fact that this is a decreased intensity of use on the lot from the previous use.
Carried 7-0-0

ACTION: Kerry Leichtman made a motion, seconded by Thomas Murphy, that we waive the requirement to site the utilities on the site plan because it is an existing developed parcel.
Carried 7-0-0

ACTION: Kerry Leichtman made a motion, seconded by Thomas Murphy, that we have a complete plan.
Carried 7-0-0

Chair Leichtman led the review of Section 1305 by reading the titles of sections. Ms. Price asked if the screening was adequate. Mr. Leichtman said he felt it was and Terri Mackenzie suggested asking abutter David Yarosis. Mr. Yarosis spoke from the audience, saying he had screening on his property and had no landscape issues with Mr. Black's plan.

Mr. Leichtman thanked the applicant for expanding the parking area. Ms. Price asked what impact on surface water drainage would result from the 24.5% increase in the area. Mr. Black responded that most of the increase was in the parking lot, which would drain in the same place it did currently. Mr. Black stated that he no longer needed a MDEP permit because what he had previously assumed to be a stream was actually a drainage ditch that went dry in the summer. Ms. Price suggested that, consequently, the record should indicate that #11 in the applicant's written statement, regarding the need for a MDEP permit by rule, should be deleted. Chair Leichtman agreed it was no longer applicable.

Mr. Black said there would be new exterior floodlights mounted on three sides of the house: facing Commercial St., toward the existing driveway, and toward the new parking area.

Moving on to Section 1000, John Alexander asked if there would be any landscape changes on Route 1 or facing the abutters. Mr. Black responded that the only additional landscaping would be a few trees in the parking area. Mr. Alexander asked if the board needed to request landscaping on Route 1. Chair Leichtman said the planning board always took the opportunity to bring properties up to ordinance standards and suggested colorful bushes in front of the building would go a long way. Mr. Black agreed to do this.

Considering architectural review, Mr. Leichtman said the building looked nice.

Chair Leichtman said the only thing of any consequence in Section 800 was the parking. Ms. Price asked Mr. Black why he had eliminated the handicap parking space. The applicant said it was a grade issue in the back because the ramp would have to be so long to meet ADA requirements. Mr. Leichtman thought there would be ample room for handicap parking anyway.

Abutter David Yarosis commented that the plan showed an existing building near the road, but he said this was actually a new building. Mr. Black explained that the permit for the shed was issued previous to this change of use application. Mr. Yarosis said the grade of the parking lot looked as though the intent was for it to drain straight back. Also, there was no notation on what percent of fill would be used, which could affect water runoff on his side. Mr. Black said he would not be changing the drainage patterns, so everything would continue to drain to the back of the lot, thus not pushing any water to Mr. Yarosis' side.

Ms. Price asked about the size of trucks delivering to the site. Mr. Black responded that nothing larger than a pickup truck would come in and out of the property: no vendors would deliver here.

ACTION: Kerry Leichtman made a motion, seconded by Thomas Murphy, that we approve the application of Brenan Black for site plan review for a change of use from residential to commercial to accommodate a renewable energy business on Map 1 Lot 80, located at 1126 Commercial St. in District 907 Modified contingent upon providing proof of title for the package, as well as adding bushes to the front of the building at a minimum, and striking out the written plan #11 (the MDEP requirement).
Carried 7-0-0

Chair Leichtman asked Mr. Black to mark the exterior lighting on the site plan before the board signed it.

B. Application of Penobscot Bay 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 3.13.12 and 4.10.13 meetings)

Chair Leichtman said the board had met twice with the applicant's representatives; on April 10 a site walk had been conducted and site plan review had begun.

Paul Monyok of WBRC Architects and Engineers again represented the applicant and was accompanied by a representative of the hospice, the architect, and traffic engineer Diane Morabito. Mr. Monyok said the board had requested some additional items at the last meeting. Paramount among their concerns had been discussions with Police Chief Kelley. After meeting with the chief, Mr. Monyok had made plan adjustments and provided a written response to his comments. The plan adjustments included de-emphasizing the secondary emergency access by

changing the road width from 24' to 20' and removing the road striping. Additional signage and a raised concrete island had also been added near Route 1. In response to the Chief's concern about queuing as people left the hospital, Mr. Monyok had added some pavement to account for the left-turn lane. Further response to the Chief's concerns had been included in the written narrative.

Mr. Monyok had shown the landscaping at the site and along the road on the site plan, while a secondary plan provided a more detailed plan of landscaping for the hospice, including the names and quantities of plants. The walking trail and benches had also been added to the plan. A letter from the water district, saying it was willing to extend the water main, had been submitted in the applicant's packet.

Mr. Monyok concluded his presentation by saying that additional room for parking, should it be needed, had also been designated. Mr. Leichtman asked for more information on the parking. The engineer said there would be 21 parking spaces and an area for an additional 10 would be graded but not paved at this time. Tony Bates asked what had changed since the last meeting when Mr. Monyok had said the cost and amount of runoff had dictated the number of parking spaces. Mr. Monyok said the number of spaces had been determined by the experience of other hospices. Additional paving would not change the direction of runoff, though it would add to the volume. In terms of cost, Mr. Monyok said it was a balancing act whereby he did not want to overbuild the parking lot just to have it there and not used.

Thomas Murphy said not having a hospital official here to talk about overarching concerns was troubling. Mr. Monyok's inability to speak on certain things made it hard for Mr. Murphy to understand the hospital's larger plan. Ms. MacKenzie thought that had been covered at the last meeting when a hospital representative had been present. WBRC architect Dan Miller said the master plan, which the hospital was unwilling to share with the public, was not part of this application. Chair Leichtman said the applicant's representatives should not mention the master plan if it could not be discussed, though he noted it had been referenced in a letter to MDOT. Mr. Monyok said the applicant was trying to demonstrate that they were anticipating future growth and trying to plan for it accordingly. Ms. MacKenzie recollected that it was the Planning Board and Chief Kelley who had brought up the subject of the master plan.

Chair Leichtman invited members to address any traffic concerns to Diane Morabito of Maine Traffic Resources, who had authored the traffic study for the project. Ms. Price asked if the project had received approval from MDOT and Mr. Monyok replied that it had not. Ms. Price asked for confirmation that part of the intention of the driveway to the hospice would be to eventually lead to an intersection that would continue on to the main hospital. Mr. Monyok replied that this was possible and Ms. Price asked if that had any bearing on addressing the Chief's concerns. She asked whether Ms. Morabito's conclusions would have been different if that driveway became the main way to get to the front of the main entrance to the hospital. Ms. Morabito replied that her work had looked at the traffic impact of the 7-bed and expanded hospice only.

Mr. Murphy asked what traffic numbers would support a left turn on green southbound. Ms. Morabito said the level of service, rather than any numbers, would determine that. However, the level of service at the Route 1 intersection was still high and there had been no safety issues. She said there was capacity in the signal to allow for a left-hand turn, but there had been no safety issues with people turning on the green light.

Mr. Alexander asked Ms. Morabito to address each of Chief Kelley's concerns in a less complex manner than she had in her study. The traffic engineer had found that the entrance from Route 1 did not need to be further back because it was at 200', while the maximum queue expected was 150'. The left-turn lane was not an issue because even if the queuing went to 200' there was a safe place for an entering vehicle to wait without blocking traffic. Chief Kelley had not wanted an emergency exit, but Ms. Morabito believed it was a good idea because if the main entrance were ever blocked the hospital would have a second means of access. Further, she thought people would not mistake the emergency exit for the main hospital entrance.

Mr. Alexander asked about giving the first part of the entrance a gravel surface. Mr. Monyok said gravel was not part of the plan due to maintenance issues. Ms. MacKenzie felt a gravel surface would help discourage people from erroneously being drawn to the entrance. Ms. Morabito thought the main entrance was so obvious that this would not be a problem, though gravel could be used if it became necessary. Chair Leichtman said he would like the gravel to be in place as a warning that people should not go there.

Mr. Murphy felt this temporary construction entrance/emergency access was a backdoor attempt at a new entrance to the hospital. He said he could not vote for the plan with that entrance because he thought the hospital would later say it was too expensive to move it and it would become a new second entrance to the campus. Planning Director Ford disagreed, saying that from a good planning perspective a second egress was very important in a facility of this size. In addition, MDOT would never allow a second permitted entrance to the hospital with a signalized light 300'-500' down the road. Ms. Morabito strongly agreed.

Ms. Price asked Ms. Morabito if she agreed this was the best place for the emergency access. The traffic engineer replied that she had not viewed the hospital plan. Mr. Monyok said they had looked at multiple locations and were combating wetlands, streams and steep slopes. He said there was no plan to move the hospital entrance and noted that the intersection and light were not owned by the hospital. Ms. MacKenzie said the board should only review what was in front of it and finding another entrance was not part of it. Chair Leichtman said the entrance was in the board's purview if it's location did not make sense.

Mr. Monyok pointed out the street lighting on the plan for Ms. Price and said no fencing was proposed. Ms. Price said she would like to have the materials, size and character of some of the elements. Mr. Miller said there would be both wooden and composite benches in the gardens. Tony Bates thought it was a fairly complete landscaping plan and Mr. Leichtman concurred.

Chair Leichtman read the titles of the standards section and members had no questions. Moving on to Section 1000, the Chair said he had no complaints with the architectural review standards.

Under Section 800, Mr. Ostheimer asked about consideration for noise abatement from Route 1. Mr. Monyok said landscaping would be added for both visual and noise purposes, though patient rooms were on the far side of the building from Route 1. There was brief discussion of noise issues addressed by the ordinances.

Chair Leichtman told Heidi McCaffery, Director of Hospice Care for Kno-Wal-Lin, that it was hard for the planning board to understand the parking needs of the hospice. Ms. McCaffery said she had toured two hospice houses in southern Maine and asked questions about parking. She said with only seven beds there would also be a small number of staff and noted that not all seven beds would be filled all of the time. Mr. Monyok said the project had more parking spaces than were required. In answer to Tony Bates' question about volunteers, Ms. McCaffery said they had been included in parking considerations.

The Chair called for public comment and none was offered.

ACTION: John Alexander made a motion, seconded by Tony Bates, that the application of Penobscot Bay 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 be approved with the contingency that the emergency entrance be graveled from Route 1 to the gate. Carried 6-1-0 (Thomas Murphy voted against)

II. New Business

Application of Will Dennett and Jen Iott for a site plan review pre-application meeting to operate a tradesmen's shop for Aurora Sails and Canvas on a parcel identified as Map 35, Lot 71-4 and located on Park St. in District 902.

Will Dennett and Jen Iott represented their application before the board. Mr. Dennett said they wanted to relocate their Camden business by building their own space on property they owned in Rockport. Chair Leichtman cautioned that the board's purpose in a pre-application meeting was to be negative so that problems could be avoided in subsequent review.

Mr. Murphy asked for context for the property location on Park St. Planning Director Ford responded that there was no address because this was an undeveloped lot. There was discussion to fix the lot location for the board. Mr. Leichtman said this was a predominantly residential area with some businesses sprinkled in.

Mr. Dennett said this was a great spot for their business, as they did not cause much traffic. He and Ms. Iott traveled to boatyards to make templates, returned to make the product in their workrooms, and then delivered the goods. He said the only signage employed would be on the building for identification. Mr. Murphy noted that no on-street deliveries were allowed in the neighborhood.

Mr. Dennett said the 2-story building would have wooden siding and the appearance of a rustic barn and confirmed for Mr. Alexander it would fit in with nearby structures. Mr. Alexander asked the applicants to bring a picture to illustrate that next time. Ms. Price asked them to draft a thorough site plan because this property had been very contentious. She suggested they look at the subdivision records to see what the issues had been: primarily runoff and drainage, as she recalled.

Mr. Leichtman ascertained that there would be a slab rather than a basement. Tony Bates asked if there would be noise concerns. Mr. Dennett replied that they had shared space with a meditation studio for 16 years with no problems. Ms. MacKenzie asked about employees and outside storage. Mr. Dennett replied that two people were employed and there would be no exterior storage. There was discussion about drainage issues with the abutter.

III. Approval of Minutes

ACTION: Sarah Price made a motion, seconded by Thomas Murphy, to accept both sets of minutes of the April 10, 2013 meeting as corrected.
Carried 7-0-0

IV. Other Business

Zoning Board of Appeals Chair Mark Masterson said the boards were sorry to see Planning Director Thomas Ford retire and read a presentation certificate for Mr. Ford.

V. Adjournment

The meeting adjourned at 7:23 P.M.

Respectfully submitted,

Deborah Sealey
Recording Secretary