

*Approved 9/10/14*

**Town of Rockport Planning Board  
Wednesday, June 18, 2014 – 5:30 P.M.  
Rockport Opera House Downstairs Meeting Room  
Meeting Televised on Channel 22**

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

**Board Absent:** John Viehman

**Also Present:** Camden Planning Board members Richard Bernhard, Richard Householder, Jan MacKinnon, Lowrie Sargent (Chair), and Stephen Wilson

**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 5:34 P.M., reviewed the agenda and explained that the Camden Planning Board had signed a memorandum for joint review because the property in question was partially located in Camden. Chair Alexander said the Rockport Planning Board had conducted a pre-application meeting and site visit. Camden Planning Board Chair Lowrie Sargent said his group understood that nothing about the previously approved subdivision had changed. Stephen Wilson said the CPB review would begin at the final plan because this was a minor subdivision under Camden's ordinance.

**I. New Business**

**Public Hearing for a Preliminary Subdivision Application**

**Application from Maine Farmland Trust for a preliminary subdivision application to create 5 lots at the Maple Grove Subdivision located at Park St.**

Tom Fowler of Landmark Corp. and Adam Bishop, project manager for Maine Farmland Trust [MFT], represented the applicant. Mr. Bishop explained that MFT had purchased the entire property in 2011 with the intention of protecting productive farmland soils. The best of these soils were located in Camden and MFT wanted to protect them from residential development by enacting agricultural easements prior to selling the property. Mr. Bishop said MFT now had a contract with someone who would farm the 25 acres in Camden. MFT was trying to find a way to transfer the balance of the acreage with protective easements. Mr. Bishop explained the lot configurations for the CPB, including land that would be purchased to be combined with the existing holdings.

Mr. Fowler said his company had been doing the boundary survey and helping to configure the lots. He noted their failure to request a waiver for locating all trees 24" or more in diameter in any area planned to be cleared. He said the developer would not be doing any clearing. Further, 3 vernal pools delineated on the plan had later been found not to qualify for that status. He showed on the plan where each of these was located and provided further explanation.

Thomas Murphy asked Mr. Fowler to show on the plan building envelopes that had been pointed out on the site walk. Mr. Bishop pointed them out, but said they were not set in stone, with only Lots 1, 6, and 8 projected to have residences. Stephen Wilson asked that Camden zoning be shown on the final plan. Mr. Fowler pointed out the two towns' zoning on the current plan.

The RPB moved forward to determine if the preliminary application was complete, with Chair Alexander reading aloud the requirements. Mr. Bishop said the conservation easements for the farm parcel had not been finalized so he had submitted a similar document. Planner Bill Najpauer said Rockport would need a statement referencing the

federal agreement and saying this parcel would be placed under similar easement. Ms. Price noted that the plan utilized a scale of 1" = 200', while the requirement was 1" = 100'.

**ACTION:** Tony Bates made a motion to waive the scale requirement due to the size of the parcel.  
Carried 6-0-0

After Mr. Bishop briefly explained the expected deed restrictions, Tony Bates asked that the exact deed restrictions be on the final plan. Mr. Alexander received Mr. Fowler's assurance that there was plenty of water in the neighborhood. Ms. Price noted that there was part of a sentence missing in Item #10 of the applicant's submission letter dated 6/3/14. The first sentence of the applicant's response should read, "We request a waiver from locating and delineating every freshwater wetland on the property in areas that are unlikely to be developed or are unavailable for development." The board asked that this entire sentence be contained in the final submission. There was further discussion of this request for waiver.

**ACTION:** Terrie MacKenzie made a motion, seconded by Thomas Murphy, to waive the requirement for wetland delineation on Lots 9 & 10, which will be completely undeveloped.  
Carried 6-0-0

**ACTION:** Sarah Price made a motion, seconded by Tony Bates, to accept the contour lines shown at 5-foot intervals.  
Carried 6-0-0

Chair Alexander asked the meaning of the term "materially similar to" in reference to the agricultural conservation easement in the applicant's response to Item #20. Mr. Bishop said this was federal language, as the actual easement would be written specifically for this lot. Chair Alexander said the restrictions would need to be on both the plan and the deed. Mr. Najpauer confirmed that the deed restriction or explanation would be put on the plan.

Ms. Price stated that the applicant's response to Item #21 did not say clearing would be restricted. Mr. Bishop responded that the new owner would decide what would be cleared. Ms. Price said the language did not include that 24" trees would be saved. Mr. Bishop explained that only a small area would be allowed for the building. Mr. Fowler elucidated that this only pertained to areas a developer would clear and no clearing would be done. Mr. Najpauer explained that while the subdivision ordinance said such trees had to be identified, it did not say they had to be saved.

**ACTION:** Tony Bates made a motion, seconded by Thomas Murphy, that the application was complete.  
Carried 6-0-0

Richard Bernhard (CPB) noted a discrepancy in the number of acres in Lot 1. Mr. Bishop explained that the original Lot 1 contained 115 acres, though the proposed Lot 1 contained 46 acres. Mr. Fowler conceded that the location plan was incorrect and Chair Alexander confirmed that was not the plan that would be signed. Lowrie Sargent (CPB) asked what would ultimately be signed. Mr. Fowler responded that it would be the Mylar of the final plan, which would be today's plan updated to follow both Camden and Rockport regulations. Mr. Sargent said names and addresses of all lot owners must be on the final plan. Further, Mr. Sargent wanted the final plan to contain all information for both towns. Stephen Wilson (CPB) said there would have to be another public hearing if any changes were made to the plan. Mr. Najpauer said he and Mr. Wilson could meet to be sure everything was included. Mr. Fowler confirmed that both planning boards would receive the same final plan.

Chair Alexander read the titles of the Design Guidelines and there were no questions from board members. He then did the same for the Performance Standards and said Lot #10 had a quarry that was prone to flood. Mr. Najpauer said the final plan would carry the required note to that effect.

Chair Alexander opened the public hearing at 6:47 P.M. Tom Cox of Park St., who lived adjacent to this development, asked why the delineation of wetlands had been waived. He encouraged the RPB to require designated building sites to be sure wetlands were not impacted. Mr. Cox also wanted to see the exact deed restrictions so it could be ascertained what structures could be placed on each property. Mr. Fowler commented that the wetlands were still protected by state law, even though they were not delineated. Mr. Bishop added that the wetlands were shown on the plan according to existing data. Ms. MacKenzie asked if the RPB had the authority to require

delineation when any owner would still have to go through planning and have a survey done. Mr. Najpauer confirmed this would be looked at before a building permit was issued. Mr. Murphy said the board should consider whether it wanted building envelopes shown on the plan. Mr. Wilson (CPB) said envelopes could not be enforced if they were not on the plan. Mr. Najpauer said the board must express a reason if imposing conditions such as building envelopes. Ms. MacKenzie said the board had insufficient data to impose building envelopes. Mr. Bishop said MFT did not plan to put envelopes on the plan because it felt potential owners should have the ability to decide where to locate their homes.

Alec Brainard, 410 Main St., expressed concern about the field abutting Main St., which he had bought and agreed that Jason Spear could have a ROW over. MFT had met with the neighbors, who did not want a road or driveway going through that field. Mr. Brainard said most of Lot 10 and some of Lot 8 were used for maple sugaring and the lot line cut that in half: he disapproved of the way the lot line was drawn between these two lots. Mr. Bishop responded that MFT had tabled discussion of owning that land because they did not want to limit a potential buyer's access. He said the Brainards had the right to put a road and utilities across the field regardless of what MFT did. Mr. Bishop said MFT had continued to allow neighbors to do their sugaring and had asked Coastal Mountain Land Trust to accept this land and continue to allow it.

Erin Brainard said Lot 8 would have no requirements for agricultural use. Mr. Bishop replied that though it was open for farming, MFT could not force it.

Chair Alexander said the PB had no power or responsibility to make MFT comply with the residents' wishes; however, on building envelopes and wetlands he was inclined to accept that in time there would be further hoops to jump through.

**ACTION:** Thomas Murphy made a motion, seconded by Tony Bates, to approve the preliminary subdivision plan application from Maine Farmland Trust to create 5 lots at the Maple grove Subdivision located at Park St., with the following conditions: 1) that the final plan include all applicable requirements of the Camden Subdivision and Land Use Ordinances, 2) that the applicable conditions and restrictions for Lots 1, 8, 9, & 10 be placed on the final plan, 3) that a condition be placed on Lot 6 stating that it is subject to a federal land conservation easement, and 4) that a condition mandated by the Floodplain Management Ordinance be attached.  
Carried 6-0-0

At 7:20 P.M. the Camden Planning Board left the meeting.

## **II. Approval of Minutes**

**ACTION:** Sarah Price made a motion, seconded by Terrie MacKenzie, to accept the minutes of the 5/14/14 meeting as written.  
Carried 5-0-0 (Tony Bates was not in the room)

## **III. Adjournment**

The meeting adjourned at 7:23 P.M.

Respectfully submitted,

Deborah Sealey  
Recording Secretary