

**Town of Rockport Planning Board
PUBLIC HEARING
Wednesday, May 11, 2011 – 7:00 p.m.
Rockport Opera House Downstairs Meeting Room
Meeting Televised on Channel 22**

Present: John Alexander, Vice Chair
Terri Mackenzie
Thomas Murphy
Sarah Price

Also Present: Thomas M. Ford, Planning Director
Nancy Ninnis, Recording Secretary

AGENDA

NEW BUSINESS

1. **Rue Ouest, LLC (Phi Home Designs)**, P.O. Box 782, Camden, ME 04843
Request: Site plan preapplication meeting to construct a 5,300-sq. ft. professional office, retail space, tradesman's shop and 1,800 sq. ft. garage. Represented by Landmark Corporation Surveyors & Engineers.
Property: 446 West Street – Tax Map 17, Lot 159
District #907 – Mixed Business/Residential District

2. **Pamela Spear and Jason Spear**, 20 Park Street, Rockport, ME 04856
Request: Revision to an existing subdivision plan (Maple Grove) to create an additional lot in Camden. Represented by Landmark Corporation Surveyors & Engineers.
Property: Park Street – Tax Map 35, Lots 71-1 and 71-2
District #902 – Villages District
District #908 – Rural District

3. **Odette G. and Clive Brown**, P.O. Box 621, Camden, ME 04843
Request: Site plan preapplication meeting to construct a 1,200 sq. ft. tradesman's shop.
Property: 320 West Street – Tax Map 19, Lot 47
District #907 – Mixed Business/Residential District

OTHER BUSINESS

4. Review and Approval of Minutes

The meeting was called to order at 7:07 p.m.

I. RUE OUEST, LLC (PHI HOME DESIGNS)

Representation: **Thomas P. Fowler**
Landmark Corporation Surveyors & Engineers
219 Meadow Street, Rockport, ME 04856
Tel: 207-236-6757; Fax: 207-470-7020
Michael Roy, Phi Home Designs
Property: 446 West Street – Tax Map 17, Lot 159
District #907 – Mixed Business/Residential District

Request: Site plan preapplication meeting to construct a 5,300-sq. ft. professional office, retail space, tradesman’s shop and 1,800 sq. ft. garage.

PRESENTATION:

Thomas Fowler: We are here for site plan preapplication review for a 5,300 sq. ft. professional office. The footprint allowed in this district is 10,000 sq. ft. All proposed uses are permitted uses in this district. We will remove the existing structures, to be replaced with the 5,300 sq. ft. primary building housing an office, showroom and tradesman’s shop plus a 1,800 sq. ft. garage. We are still working out the finer points of the footprints. Estimated lot coverage is 40%, well below the 50% maximum in this zone. We have provided renderings of the proposed structures, which will reflect both a utilitarian use and serve as a showpiece for the applicant’s work. We will request slightly fewer plantings than set forth in the landscaping requirements because the intent of the standards is to soften the view by the driving public of the development of parking areas, storage areas, etc. We will provide a landscaping plan prepared by Michael Farmer that will accomplish that goal while also showcasing the proposed buildings, which will be nicer looking than the usual commercial building. I would suggest visiting Phi Home Design’s existing space on Meadow Street to get an idea of the quality of design and construction. We would also note the triangular nature of the lot, which is not a huge lot area, but which has 550 feet of frontage on Route 90. The main building will also include a showroom for custom furniture and cabinet work, so screening that display would be counterproductive. Existing trees will provide a visual screen of the garage and tradesman’s shop. We will do a site walk, and there are no existing residential abutters. No permitting is required, but we have started conversations with the Department of Transportation about modifying entrance permits.

Mr. Murphy: Planning Board members cannot do any independent research, so I don’t feel we can visit the existing location individually.

Vice Chair Alexander: What do you anticipate the Board’s objecting to with regard to the landscaping?

Thomas Fowler: I don’t think you will object to anything. Unless you count every tree and shrub, I think we will meet the intent of the Ordinance even if we provide a little less than required along 500 feet of frontage. We would like to keep the front as open as possible because the building itself will be an advertisement for the business.

Ms. Mackenzie: My son Ian McKenzie is employed by Phi Home Design, but I have been told that I don't need to recuse myself and feel I can be objective in my review.

Mr. Murphy: Do you plan to include a lawn in the open space?

Michael Roy: There will be a mowed lawn with foundation plantings in front of the showroom area.

Thomas Fowler: There will be plantings and street trees, so there won't be a barren spot on the lot.

Vice Chair Alexander: I assume the landscaping is as important to the applicant as to the Town.

Thomas Fowler: Yes, the project has to be a complete package.

Ms. Price: My concern is the audio/visual buffer or dust collection aspect. I assume there will be an interior system?

Michael Roy: Yes, we have one now on Meadow Street and that is what we proposed for the new location. Our present location borders residential development and we had to do a lot of soundproofing.

Thomas Fowler: Pro Rental is located behind this lot and the campground is behind that.

Ms. Price: Will there be a staircase on the side of the building, and how will it be accessed?

Michael Roy: When heading west, there is a tree buffer next to the attorney's office building, so you won't be able to see that side of our building. The stairs will be for fire safety, constructed of metal and painted either the color of the building or black.

Ms. Mackenzie: I think we have to be fair to other applicants in terms of allowances for landscaping plans.

Planning Director Ford: Over the ten-year period I have been at the Planning Office, the most effective landscaping plans are what meet the requirements of the site. For example, Cedarworks on Route 1 doesn't meet the requirements of the Ordinance, but it is very attractive. Another example is Farmers Fare and the apple orchard along Route 90. Both plans are attractive and serve the needs of the project and the community.

II. PAMELA SPEAR AND JASON SPEAR

Representation: **Michael J. Sabatini**
Landmark Corporation Surveyors & Engineers
219 Meadow Street, Rockport, ME 04856
Tel: 207-236-6757; Fax: 207-470-7020
Steve Wilson, Town of Camden Code Enforcement Officer
Property: Park Street – Tax Map 35, Lots 71-1 and 71-2
District #902 – Villages District
District #908 – Rural District

Request: Revision to an existing subdivision plan (Maple Grove) to create an additional lot in Camden.

Vice Chair Alexander: The application is exactly the same as the plan previously approved by this Board, but there is an additional piece to be subdivided consisting of a 42-acre lot is entirely within the Town of Camden's jurisdiction. We have the option of reviewing it independently or jointly with the Town of Camden. We will hear first from Steve Wilson, the Town of Camden's Code Enforcement Officer.

Steve Wilson: Basically, what Camden has proposed is independent reviews because our two Land Use Ordinances are different enough that a joint hearing would be confusing. We propose a public hearing with a presentation of evidence to both Boards, which will then participate in independent deliberations and sign the same plan. Review will be basic because there is no infrastructure involved.

Planning Director Ford: I hope to have Board signatures on an agreement that was initiated by the Town of Camden Town Attorney. Since the Camden Planning Board does not want to waive joint review, in order to go forward we need to have one meeting with Camden per the letter of agreement.

Michael Sabatini: We are willing to waive joint meetings, but not a public hearing.

Vice Chair Alexander: Nothing we saw before has changed, but for the process to be fair, we need to participate in one joint meeting with Camden to hear the presentation again.

Steve Wilson: I have two copies of an agreement signed by the Chair of the Town of Camden Planning Board, one for Camden and one for Rockport. We are trying to keep continuity between the two Boards.

MOTION – Thomas Murphy/SECOND – Terri Mackenzie: To approve having the Vice Chair of the Town of Rockport Planning Board sign an agreement regarding joint meetings between the Camden and Rockport Planning Boards.

VOTE:	John Alexander	Yes
	Terri McKenzie	Yes
	Thomas Murphy	Yes
	Sarah Price	Yes

The motion was passed 4-0-0.

Steve Wilson: Camden’s next meeting is scheduled for Wednesday and we will work out the most expeditious timeline from there.

Michael Sabatini: There could be a June meeting in Rockport or Camden.

Planning Director Ford: The intent of one public hearing is to have Michael Sabatini make a presentation and allow the public to ask any questions. Once the public hearing is closed, we could adjourn and at a date subsequent we could reconvene for final review and approval.

Michael Sabatini: The plan is the approved subdivision plan reviewed in January and February 2011. There was a lot of discussion about Lot Nos. 3 and 4 and less discussion about Lot No. 2 and the remainder lot. Only the Town line was shown on the plan approved by Rockport and the focus was on Rockport. The Board was very diligent about the concerns of the neighbors. At the time of the Rockport review, we thought we needed only a waiver of review by the Town of Camden, which we have per Article 19. In meeting with Camden’s Town Attorney, he reviewed the plan and found there was more to it than that. Additionally, the Spears put the Camden land up for sale as shown as the double triangular Lot No. 5 that is the subject of a purchase and sale agreement. Accordingly, the Camden lot needs to be split off. These discussions culminated in an agreement to be signed regarding the plan approved by the Town of Rockport Planning Board, and this seems to be an amendment by adding Lot No. 5 in Camden. Because everything else stays the same, we have included all drainage notes on the approved Rockport plan and new notes for the Camden plan with two signature blocks, one for each Town. Ultimately, there is not a lot to present because there is no new information for Rockport.

Planning Director Ford: The Board can determine if there is a complete plan and then wait for Camden to proceed.

MOTION – Thomas Murphy/SECOND – Terri Mackenzie: To accept as complete the application of Pamela Spear and Jason Spear for five-lot subdivision review (Maple Grove) as shown on Subdivision Plan prepared by Landmark Corporation Surveyors & Engineers dated April 21, 2011 for Lot Nos. 1 through 4 on property at Park Street located at Tax Map 35, Lots 71-1 and 71-2 in Districts #902 and #908, and for Lot No. 5 located in the Town of Camden.

VOTE:	John Alexander	Yes
	Terri McKenzie	Yes

Thomas Murphy	Yes
Sarah Price	Yes

The motion was passed 4-0-0.

III. ODETTE G. BROWN AND CLIVE J. BROWN

Representation: **Odette G. Brown and Clive J. Brown**
P.O. Box 621, Camden, ME 04843
Property: 320 West Street – Tax Map 10, Lot 47
District #907 – Mixed Business/Residential District

Request: Site plan preapplication meeting to construct a 1,200 sq. ft. tradesman’s shop.

Odette Brown: We plan to remove the existing mobile home and construct a new commercial building for the purpose of conducting an ongoing business of producing high-quality solid wood outdoor furniture and accessories for the home and garden. The proposed building will be a very attractive 30’ x 40’ one-story wood frame structure consisting mostly of a woodworking shop space plus a small retail area, bathroom and office. There will be a small deck on the north side of the building with steps leading down onto the landscaping between the building and the road. There will be a portico at the entrance door. The property has public water and existing electric power. The existing septic system is adequate. Some fill will be required, but there will be no effect on the current water drainage. We are providing parking for four cars plus a vehicle turnaround. Construction should take four to five weeks.

Mr. Murphy: I have questions regarding noise, dust collection and landscaping similar to the first application.

Odette Brown: We will have an internal dust collection system. The noisy part of the business is a small period during the day. On one side we are abutted by Remsen Pottery, the other side is storage for RV’s and boats with his house to the rear and an empty piece of land, so we don’t anticipate any problems. The existing mobile home site is pretty close to what we need for our footprint, and we are hoping to leave ourselves room for expansion.

Mr. Murphy: It’s a good idea to consider what you might want to do in the future.

Odette Brown: There is sufficient space to expand to the rear.

Clive Brown: The existing septic tank might have to be moved if we expand in the future, but as a start-up we want to keep the development compact.

Odette Brown: There is space behind the building to extend the parking and leave the spaces in the front for customers.

Ms. Price: Since you did the plan yourself, there are things required by the Ordinance that need to be added, such as soils information and a true north arrow. Without an overlay, it is kind of confusing to try to compare what is existing with what is proposed.

Clive Brown: We initially tried to do that, but it got kind of messy.

Mr. Murphy: There is a checklist in the Ordinance and you need to be sure that all requirements are met, and maybe you can check with the Planning Office.

Vice Chair Alexander: But you don't have to go to the expense of hiring a professional.

Ms. Price: If you look at professional plans as an example, you can take the language from those, such as a reference to best management practices.

Vice Chair Alexander: When you come back for your final plan review, be sure that all bases will be covered. What is missing?

Ms. Price: Changes in the driveway, contour lines, soils information. I am concerned about audio/visual screening and buffering. The application says sawdust will be removed by a private person, and I am not sure how that will work with the parking layout.

Odette Brown: The sawdust will be bagged and this is a small operation.

Ms. Price: The access door to be used by customers seems to open right into a parking space, so I am not clear from the sketch how that will work in terms of safety.

Mr. Murphy: I think that is too detailed to be within our purview.

Vice Chair Alexander: It is okay to express concerns.

Clive Brown: There is space next to the door for pedestrians.

Ms. Price: So how does a car next to the building get out?

Vice Chair Alexander: It is fair enough to raise these questions to alert the applicant.

Ms. Price: It looks like there are a lot of trees there now.

Clive Brown: A number of large trees will have to be taken down.

Ms. Price: Applicants usually show what has to be cut.

Odette Brown: There is a lot of dead wood and a lot of the trees need to be attended to.

Ms. Price: There is a fairly specific requirement that the number and size of trees be identified.

Planning Director Ford: We will schedule a site walk for June 8 and staking can help the Board members visualize the project and the trees can be tagged as to which will be kept and which will be taken down.

Ms. Mackenzie: If this were a complex property it would be a different matter, but I can express a sort of counterpoint because I live next door to a very similar tradesman's shop. Accordingly, it is very easy for me to visualize the noise impact, sawdust, etc., and I feel very comfortable with the level of detail and information provided.

Vice Chair Alexander: One of the values of the Board is the different views presented, but we do have to check to see that the Ordinance requirements are met.

Ms. Price: I was just confused by the request that we rush this through as a complete application, as I think we have a responsibility to the applicant and to the Town to complete a thorough review and provide a paper trail.

Planning Director Ford: The applicant is under some time constraints. We used to have a fast track review, but I discussed this application with the Chair. This application represents the development of a small area on a relatively flat lot.

Ms. Price: I just need to be clear on what we need to do when I see something wrong about an application or where we need to get more information to get a complete application.

Vice Chair Alexander: I think it is appropriate to raise any issues or questions.

Ms. Mackenzie: I don't think we can request or suggest that applicants have to get professional assistance that they have to pay for on a project with this low level of complexity. However, Sarah did raise some good points, such as building materials and color, that could be included in a written statement.

Clive Brown: In order to include more detailed contour lines, I would have to hire an engineer.

Planning Director Ford: We can discuss obtaining contour lines suitable for this site by using a transit.

IV. APPROVAL OF MINUTES AND FINDINGS OF FACT

Vice Chair Alexander: We will table review of the minutes of the January and February meetings until Kerry Leichtman is present.

MOTION – Thomas Murphy/SECOND – Terri Mackenzie: To approve the minutes of the Planning Board Public Hearing of April 6, 2011 as presented.

VOTE:	John Alexander	Yes
	Terri McKenzie	Yes
	Thomas Murphy	Yes
	Sarah Price	Yes

The motion was passed 4-0-0.

MOTION – Thomas Murphy/SECOND – Terri Mackenzie: To approve the minutes of the regular Planning Board meeting of April 6, 2011 as presented.

VOTE:	John Alexander	Yes
	Terri McKenzie	Yes
	Thomas Murphy	Yes
	Sarah Price	Yes

The motion was passed 4-0-0.

The meeting was adjourned at 8:20 p.m.

The next meeting of the Planning Board has been scheduled for Wednesday, June 8, 2011.

Nancy Ninnis
Recording Secretary