

**Town of Rockport Planning Board
PUBLIC HEARING
Wednesday May 9, 2012 - 5:30 p.m.
Rockport Opera House downstairs Meeting Room
Meeting Televised on Channel 22**

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

Also Present: Thomas M. Ford, Planning Director
Helen Zahn, Acting Recording Secretary

AGENDA

Site Walk: Maple Grove Subdivision: Park St. - 5:10 p.m. on Wednesday 05/09/12 - meet at Grip It and Rip It Parking Lot across from the Goose River Golf Course.

I. Joint Public Hearing:

The Planning Boards of Camden and Rockport will hold a joint public hearing to solicit public input on the Maple Grove Subdivision.

II. Old Business:

A. Application of **Pen Bay Medical Center.**, represented by WBRC Architects and Engineers, **for site plan review to construct a 2500 sq. ft. building to house a bio-mass boiler and appurtenant underground wood chip storage bin** on a parcel identified as Map 6, Lot 155 and located at 6 Glen Cove Drive in District 909. (continued from 3.21.12 and 4-11-12 meetings).

III. New Business:

A. Application of **Melissa Spear Dove**, represented by Landmark Inc., **for preliminary plan review for the proposed creation Lot 5 in the Maple Grove Subdivision** on a parcel identified as Map 35 Lot 71-1 and located adjacent to Park St. in district 908.

B. Application of **Camden Rockport animal Rescue League Inc.** represented by Gartley and Dorsky, for a **site plan pre-application meeting to add a 5,125 sq. ft. addition to the existing building** on a parcel identified as Map 31, Lot 5 and located at 146 Camden St. in District 907.

Additionally, the **Camden Rockport Animal Rescue League Inc. represented by Gartley and Dorsky, is requesting a subdivision revision to the 1977 Sexton Subdivision to combine parcels 80, 85 and 5 on Map 31 into one parcel.**

Chairman Leichtman: Tonight we have an unusual proceeding. We are going to be reviewing the Maple Grove Subdivision along with the members of the Camden Planning Board as the land goes into Camden as well. The Camden Planning Board has elected to participate in the process just for the Public Hearing portion of this.

I. Representation:

Thomas P. Fowler

Landmark Corporation Surveyors & Engineers
219 Meadow Street, Rockport, ME 04856
Tel: 207-236-6757; Fax: 201-470-7020

PRESENTATION

Tom Fowler: We are here for a preliminary site plan that consists of land in both Camden and Rockport. There are four (4) lots previously reviewed and approved by the Rockport Planning Board along with a fifth proposed lot located on Park St. in Rockport. We are here to help Melissa Dove exercise an option that was granted from Maine Farmland Trust to her to purchase an 8.3 acre parcel surrounding the driving range on Park St. in Rockport. This parcel is what we examined just previously in our site walk giving an overview of what the property consists of. Lot #1 is approximately 121 acre with land in both Camden and Rockport. About 40 acres on the Camden side Tax Map 230 Lot 9 and Tax Map 229 Lot 5. On the Rockport side a little more than 80 acres Rockport Tax Map 35 Lot 71-1. That remaining parcel on Lot 1 was purchased from Pamela Spear in September 2011 by Maine Farmland Trust. They are a land trust that seeks to preserve farmland for future generations. They intend to preserve this property's future agricultural use in perpetuity. Lot 2 is a 10 acre parcel in the shape of a triangle that was conveyed in January 2008 to JCS, LLC which is an LLC owned by Jason Spear. That land surrounds what was E.L.Spear & Son and is now Spear's Automotive Garage just on the Rockport side on the Town line. In 2008 Pamela Spear conveyed that 10 acre parcel to JCS, LLC with the 10 acres surrounding it already had the garage a parking area and the horse riding ring and a fallen down dilapidated barn/garage down near the stream which is a tributary to the Goose River. When the property was conveyed to the LLC it was done at more than half of the fair market value and was not done to a family member therefore it was not exempt from the Subdivision Law and that is why we included it in our prior Subdivision and continues to be included now. Lot 3 and 4 were created at the same time. Lot 3 is 1.66 acre parcel with frontage on Main St. it was conveyed to a neighbor in March of 2011 who owned property on the opposite side of Main St. Lot 4 is 1.02 acre parcel with frontage on Park St. It was conveyed to two (2) neighbors in the Simonton Corner area. A curb cut for a driveway has been installed. The creation of lots 3 and 4 in the winter 2010/2011 is what pushed the overall property into Subdivision Review. The simple creation of lot #2 wouldn't have done that. As such these two lots being redeveloped were the particular focus of review by the Rockport Planning Board. The four (4) lot subdivision was reviewed and approved by the Rockport Board and during that process we submitted all required documentation to the Board to seek their approval. Of particular interest we provided documentation of the lands ability to dispose of subsurface waste water and provide fresh water for use in the future. Lot 5 is what brings us here today and is a proposed 8.3 acre described and detailing an option agreement between Maine Farmland Trust and Melissa Dove. The option agreement included in both packages to

each Town Boards and it restricts any development on that parcel to a single family dwelling and accessory buildings and prohibits further division on that parcel. The excess piece of land is basically an 8.3 acre house lot. Thus far we have been discussing the subdivision pre application of the proposed five (5) lots in both Camden and Rockport. This consisted of establishing an agreement by which we hold joint hearings here today together. We are requesting waivers of certain requirements. We submitted the same preliminary plan with the necessary applications requirements to both Boards. The plan itself is identical the application requirements are slightly different because each Town has a little different Administration procedures. We will have the preliminary plan review later this evening with the Rockport Board and we will be doing the same with the Camden Board next week. We are hoping to submit identical final plans for review by both Town Boards as early as June providing we can perform the requirements that the Boards may have. At this point I will take questions.

Chairman Leichtman: Do any members from the Camden Board have questions for the applicant?

No questions were heard.

Ms. Mackenzie: I am assuming that any questions about the location of the right of way would be best addressed in the preliminary plan.

Mr. Fowler: I can address that now just briefly. Pointing to the map lot 5 is surrounding the driving range on Park St. directly across from the golf course. When the two parties arrived at the option agreement and executed it they had a misunderstanding about the location of right of way that is spelled out in the option agreement and has been submitted for both Towns. It's described as a 50ft. strip along the edge of the parcel that is going to be conveyed to Melissa Dove. Unfortunately it is an inconvenient location. We had a conversation with the applicant and determined that the two parties actually misunderstood where that was as described in that document. We are in the process now of defining that right of way where it really should be and where the parties understood it to be. There is an existing farm road next to the garage that is down in a low spot and it is actually on Jason Spear's property owned by his JCS.LLC. We need his involvement to convey that right of way to the Maine Farmland Trust. We flagged it and then we walked it with Jason and a representative from Maine Farmland Trust about a week ago and at the time both were satisfied that, that was in fact what they wanted to get access up through there and using the farm road was the ideal location for that. It negates the need to cross the stream again.

Ms. Mackenzie: On the Camden side there is a delineation of the flood zone. Once you cross the line into Rockport no flood zone is indicated I'm presuming there is one and at some point I would want to have a map that would show me where the flood zone is as it impacts wherever they decide ultimately to have the right of way.

Mr. Fowler: The situation with the flood zone is unique. FEMA divides their flood maps up by Town. Each Municipality has a set of plans that you look to for possible flood zones. That zone X means it's not an actual flood elevation determined it's a 500 year flood zone. It shows up on the Camden map and not on the Rockport map and I don't have a good explanation except that FEMA shows it in one town and doesn't show it in the other.

Ms. Mackenzie: So this broken line is a 500 year flood zone not a 100 year flood zone.

Mr. Fowler: That's correct.

Planning Director Ford: All that means Terry is that there has never been any sight specific mapping of that.

Chairman Leichtman: Is there any public comment? Hearing none we will close the Public Hearing at 6:09 p.m.

II. PEN BAY MEDICAL CENTER

Representation:

Larry Mellenthin

6 Glen Cove Drive, Rockport, ME 04856

Tel: 207-236-3397; Fax: 207-236-6715

Application of **Pen Bay Medical Center.**, represented by WBRC Architects and Engineers, for **site plan review to construct a 2500 sq. ft. building to house a bid-mass boiler and appurtenant Underground wood chip storage bin** on a parcel identified as Map 6, Lot 155 and located at 6 Glen Cove Drive in District 909. (continued from 3.21.12 and 4-11-12 meetings)

Chairman Leichtman: We had a pre-application meeting on this application on March 21, 2012 a site walk on April 11th and also had significant discussion on the substance of the application that night. I appreciate the maps provided to us they are excellent. Tonight we will have applicant presentation followed by questions from the Board. We have quite a few waivers to consider we'll so that and then determine completeness. We'll have discussion on the application and will invite public comment and then come to a vote.

Larry Mellenthin: We have nothing new to provide you that we have not already shared with you in the prior scheduled meetings. We stand ready to answer all the easy questions you might have.

Chairman Leichtman: Any questions on the presentation from the Board? There were none. I found no deficiencies on the site plan or the written plan.

Motion made by Kerry Leichtman to accept the application as being complete. Seconded by Tom Murphy. 6-0

Chairman Leichtman: The Board will go through Section 1300 item by item. Chair will read the heading on the Performance Standards. If the Chair has a comment to make he will do so at that point and if anyone else has a comment he invites them to jump in and we will get to the next category.

Preserve and Enhance the Landscape:

Soils and Erosion Control:

Vehicular Access:

Parking and Circulation:

Mr. Murphy: I have a question there. What size truck would be delivering the wood chips?

Larry Mellenthin: I tend to think it would be no larger than 40ft. We currently have delivery of fuel oil in a tractor trailer that is longer than that.

Mr. Murphy: Coming from the stop sign make a left work around past the receiving area to the existing boiler area and this building is going to jut out into the existing parking lot. How are the trucks planning on circulating through this lot? Are they going to come straight across into the access area to the far end of the parking lot and then turn right come down and turn right again come around the access road and back in is that what they are planning on doing?

Larry: That is correct.

Mr. Murphy: You believe there is enough turning area and there won't be any problems with any cars or anything there if it was fully parked up when that truck would come in would be able to make that circle.

Larry: Deliveries are going to be made prior to 6am in the morning. Typically at that time we have less than 20 cars parked in the employee's zone.

Mr. Murphy: I just wanted to make sure there was room for the truck to maneuver.

Planning Director Ford: Mr. Chairman on the proposed site plan there is the schematic for arranged parking and markers in the parking area that will accommodate this activity.

Chairman Leichtman: Continuing with Section 1300

Surface Water Drainage:

Existing Utilities:

Special Features of Development:

Exterior Lighting:

Emergency Vehicle Access:

Municipal Services:

Water and Air Quality:

Water Supply:

Section 1000:

Landscaping is now applicable.

Section 1003:

Architectural Review Standards:

The Board will need to waive the prohibition against metal buildings.

Motion made by John Alexander that we waive the requirement for metal building.

Seconded by Jim Ostheimer.

Ms. Price: Do we need to acknowledge the master plan that was mentioned at the last meeting.

Planning Director Ford: The master plan was mentioned at the last meeting but until the hospital comes forward and presents the master plan at a formal meeting it's just something that is out there. It could have some value to the community but is not specific to this particular application.

Chairman Leichtman: Typically when we are shown a master plan it is more for our information than for our approval or voting so we can understand where they are heading. **For the record** the Chair stated the reason we are waiving this metal building it is not on Rt.1 it's a back building facility and it actually looks like a pretty nice metal building. The point is that it is not on any of the corridors and that is why we are able to do that. The SW Cole report does talk about more than just this project. Assuming we grant approval and tell me if I can't Tom. I would like to stipulate that what we are approving is this plan and that approval shouldn't be seen as endorsing this whole report but the portions that deal with this plan. Chair asks for vote on the metal building. **6-0.**

Section 901-906 Districts: No issues with this Section.

Section 800: We went through considerable discussion on Section 800 last month. It's a complex plan and ambitious project and we are going through it fairly quickly is mostly because we talked it out last month. We don't want people to think we are just rubber stamping this. We spoke about the possibility is there pollution caused by this is there noise nuisance? We I believe were all satisfied those issues were properly handled by you folks and we had no issues with them. Chair asks if the Board has any issues with any aspects of Section 800 in this application.

Ms. Price: You said you hoped to build a 5ft. berm for fire protection.

Larry Mellenthin: Not for fire protection. The berm would be more as a visual barrier between the building and the parking lot.

Chairman Leichtman: Is it going to be a grass berm?

Larry Mellenthin: I think we will have plantings on it. Grass would have to be mowed.

Mr. Murphy: Do we have a Fire Chief letter saying he looked it over and was satisfied.

Planning Director Ford: The Fire Chief is aware of what the applicant proposed last month and when asked if it was going to be sprinkled he was told yes it would when the project is completed the Fire Chief will go through this whole new facility and review all fire suppression features in this development.

Mr. Murphy: said he is satisfied.

Chairman Leichtman: Any public comment? Hearing none he asks for a motion.

Motion made by Thomas Murphy that we approve the application of Pen Bay Medical Center represented by WBRC, Architects and Engineers for a Site Plan Review to construct a 2500 sq. ft. building to house a Bio-Mass boiler and appurtenant underground wood chip storage bin on parcel identified as Map 6 Lot 155 and located 6 Glen Cove Drive in District 909 with the contingency that the S.W. Cole proposed medical office building Bio Mass building report dated August 9, 2011. The only sections of that that we are approving are the ones having to do with this particular project. Seconded by Jim Ostheimer. 6-0

III.

Representation:

William Gartley

Gartley & Dorsky Engineering & Surveying

P.O. Box 1031, Camden, Me. 0404843

Tel: 207-236-4365

- B.** Application of **Camden Rockport Animal Rescue League Inc.** represented by Gartley and Dorsky, for a **site plan pre-application meeting to add a 5,125 sq. ft. addition to the existing building** on a parcel identified as Map 31, Lot 5 and located at 146 Camden St. in District 907.

Request: Submittal of Site Plan pre-application plan to add 5,125 sq. ft. addition to an existing facility with a rectangle connector and then another section that is very similar in size to an existing building.

Mr. Gartley: You come into a main lobby and the existing facility that would house the cats. The new facility would be for the dogs and the middle space would be for office work and public lobby. This would allow them to make the space more workable eliminate some of the issues they have now with overcrowding. In order to put the addition on the existing entrance will be moved to the north end of the property and the parking lot is being re-worked to accommodate the new entrance. We are showing a new employee parking area down by where the kennels are now. The access to that would be through a right of way from Route 1. Another big change is and we will get to the additional land in the subdivision but the purpose of that additional land is to create a dog park an outside public space for people to bring small and large dogs. There is another entrance to the dog park at the southern end of the property with a 14 car parking area. There is a walkway that connects that parking area to the existing facility and building. On the southerly most end there is a triangular shaped area that will be for the smaller dogs and a larger rectangular area for large dogs. There is a two sided structure in between that you will be able to go in and be undercover if the weather was a little bit off and still have the dogs be out playing. Separate access to those areas from the parking lot and a walkway connecting the building. We have also submitted two elevation plans showing what the building is going to look like. They did not submit a floor plan. This zone has the requirement of a 6,000 sq. ft. building. Our total square footage is approximately 7, 800 the two buildings combined and the connector. The elevations show you how the Architect intended to

break up the look of the building. It does form an L shape. The rooflines of the center section separates the two buildings with a large tall atrium entrance way. It makes the whole thing look good from Camden St.

Chairman Leichtman: This is a pre-application meeting and at a pre-application meeting it is our responsibility to troubleshoot the applications so that the application doesn't waste a lot of time and money developing something that might not meet with our approval. We tend to be more negative at this meeting so that we can point out the trouble spots. I noticed you said connector with a straight face. What I want to do is to bring everybody up to speed on what is probably the most contentious part of what is and I'll say it unabashedly an excellent plan and the idea of what the Rescue League is trying to do is due is worth as loud an endorsement as we can make but the Ordinance requires that when there is going to be a connector it be of particular dimensions. The Ordinance also requires in this zone that the building footprint not exceed 6,000 sq. ft. yet there is more room on the lot for more buildings. I want to make sure everybody is clear on both the purpose of the connector part of the Ordinance and what our latitude as a Board is. In 907 we have different zones within 907 that allow different size building footprints. A few years ago the ideal of a connector was introduced. In an ideal world what that would allow them to put up two 6,000 sq. ft. buildings with this connector between them rather than one 12,000sq. Ft. building. The restriction of building size in 907 was to keep big box stores out. Our definition of connector is an enclosed or unenclosed structure built at the second story or ground level, which connects two buildings. A connector shall have a height or not more than one story, an exterior width not more than twelve (12) feet, a length not less than twenty (20) feet and shall leave the buildings visually separated. All connectors must have a setback of no less than six (6) feet relative to the exposed facade. Connectors shall not count toward maximum building footprint. Town Attorney advised 1306.1 allows the Board to waive any of the above application requirements or Performance Standards when the Board makes certain findings. This request raises two questions for me. First, is the 20 ft. criterion in the definition of a connector a Performance Standard? One can interpret the 20ft. as simply defining what a connector is something less than 20ft. is not a connector and there would be no need for a waiver? Clearly that was not the intention of the provision. The Chair interpreted that Town Attorney said, we have the same latitude with that requirement as we do with most other sections of the Land Use Ordinance. There are some we cannot waive.

Planning Director Ford: The footprint standard in the 907 district the 4,000, 6,000 the 10,000 sq. ft. standards are dimensional standards in district 907. They are zoning standards not performance standards from an architectural or landscaping or other performance standard that would be either 800 or 1000 and he would make the point that this Board does not have the right to waive those basic dimensional standards. The only recourse to an applicant to do that to create a building of more than 6, 000 sq. ft. is to go to the Zoning Board and seek a variance which does have the Legal Authority to relax those basic dimensional Standards in the Ordinance. What you do have authority to do is to look at standards from 1000, standards at 800 and by way of reference this particular provision for connector which happens to be in 300 but probably should be in 1000 it's an architectural guideline. You do have the authority based on your interpretation of the whole picture being presented to you to adjust that to accommodate a particular site and see that the ultimate goal of the Ordinance is being observed.

Chairman Leichtman: He has had the benefit of some conversations outside of the meeting and he is bringing that out now so that it is public information. He knew about the connector issue had conversation with Mike Roy who is involved at the Rescue League with the project and with Will Gartley shortly after that about this and it's a dilemma. The Chair wants to have discussion with this Board right now on this issue and after discussion we have a break so the Board can think about it and he wants them to digest what you have heard because our goal is to have the applicant leaving here knowing where we stand on this issue. Please keep in mind as we discuss this that is what we are trying to achieve.

Mr. Alexander: So what we may have to consider here if we choose is waiving the requirements of design, Dimension, looks of the connector and the attorney is saying given the way the codes are written we can do that.

Chairman Leichtman: That's right. I want to make sure everyone understands it. It says we can do this if the requirement is an unnecessary burden on the applicant and it won't adversely affect abutting landowners, the general health safety and welfare of the Town. That's the criteria that the Ordinance wants you to use in your judgment. The other criteria the Chair wants to add is precedent.

Mr. Gartley: The piece we are calling the connector is a little over 20ft. long. My point is whether that was 12ft. wide or 50 ft. wide from this view it makes no difference whatsoever it is not a flat plain across the front there is a jog on both sides. The new building which comes out toward the street. On the view from Camden St. it's really an architectural feature it provides some light in the lobby but it isn't as important on this view as it is when you go to the west elevation which is the back of the building and this is where the connector looks a lot longer and it's because of that jog. We have a big elevation change there where the building is up one story then we drop down to the natural ground. There is a lower level basement and this will be the employee access from the lower level parking. If the higher section were gone then we thought this elevation doesn't blend as well with the existing building on the back side so this helps tie these two together. Again this could go away but Mr. Gartley is not sure it helps to make it go away other than maybe more strictly meet that definition. This connector is where you come in its where they have offices and it provides a nice circulation a nice flow and you feel you are in one facility rather than go down what would feel like a twenty foot corridor. We certainly don't feel we have gone against what the intent was which was to not to have this one long 6,000 sq. ft. building.

Mr. Schultz: The concept that drove this configuration was the Board of Directors decided that for the health of the animals and the sustainability of the organization and given the fact that they are now serving seven to eight Towns the Shelter needs to enlarge. One of the things we found was that separating the dogs and separating the cats eliminated pretty much the health cross over issues so that has generated this two prong scheme that we have. These Shelters operate as non-profits with a small staff. We have an Administrator and a Shelter Manager those are the salaried personnel. Everyone else is volunteer. The center section (Atrium) is very important. In the center section when you come in the front door you are dealing with people

like yourselves who might want to adopt an animal. The Administrative Office and Manager's Office are available there as you come in the door. At the same time from where they are given this design you have glass on the walls at the end of the cat section and glass at the end of the dog section so they can see if there are any problems that are occurring in there when people are allowed to go in to look at the animals. So that in of itself made us squeeze those functions in on the first floor with a waiting area etc. there is an evaluation room in there if someone brings in an animal we don't accept all animals. We can't afford to take a lot of animals with heavy health problems we just don't have that kind of endowment. That is what the center section is doing. It's a difficult site with the grades and functionally speaking this is extremely logical to the operation of the place stretching it out. I realize you can only go so far with intent and then you have to get down with specifics of those facts in the Ordinances. We can take off architecturally and the intent of the Clerestory was to break up the masses. On the other hand if it needs to be one story and we get a little closer to how this might be able to work we can certainly eliminate that second clerestory put a roof on put skylights in and call it good. Would that be a more attractive structure would it look better that's subjective. It does solve the height issue.

Chairman Leichtman: I agree with you but it also creates an issue because it does a good job of serving to separate. Since we are authorized, we can modify and waive the one story requirement.

Planning Director Ford: Would it be possible to ask the Applicant to provide some artistic renderings and if this is not asking for too much an actual model focusing on the connector so the Board if you're coming back with basically this design you will have a model, artistic renderings and dialogue to show this connector feature and show that you are not exceeding the Ordinance limit of 6,000 sq. ft. per building. This may help all of you to visualize.

Mr. Schultz: I have no problem getting some renderings out. We can show the roof lines we can put shadows on there in an overhead site plan and take the elevations and render those with shadow lines so you'll get a 3-D feel by looking down and around on it.

Ms. Price: Questioned the purpose and objective of this zone to preserve the scale, size and character of existing architecture.

Mr. Gartley: It is not just scale and size. If we wanted to strictly meet the Ordinance and not change scale and size we would take everything that's new slide it over 20ft. add a 20ft. corridor and we meet the Ordinance. That adds more building makes it look more like a strip than what we proposed and that wouldn't reduce scale or size.

Mr. Schultz: Can I get a clarification please. Are you saying your interpretation of the Ordinance regardless of what it looks like we can't expand the business is that what you're saying? Simply expanding the business on that site to double its size is inappropriate to the character of that area is that what you are suggesting.

Ms. Price: That's not at all what I'm suggesting. When Tom explained to us before we had the

discussion about connectors if you go beyond the allowable square footage then it becomes an issue for the Zoning Board is that right?

Chairman Leichtman: Yes, but they're not.

Ms. Price: You are in the 7,000 sq. ft. you're over the 6,000.

Chairman Leichtman: The 6,000 sq. ft. is per building not combined. They could have three or four stand-alone buildings on that property. There are a lot of issues coming in and the confusion is understandable.

Planning Director Ford: The Zoning Board is the only authority in Rockport that can grant a Variance by State Law. They can do that for lot size, setbacks, and a 6,000 sq. ft. business.

Chairman Leichtman: Go to page 9-12 we can't change those the Zoning Board can change some of them. The building without the connector is 3,000 sq. ft. half the allowed size. The existing building is 2,800 sq. ft. less than half the allowed size. Combined they are less than 6,000 sq. ft. without the connector issue we have two buildings that's well under what is allowed. They choose to connect them and they are trying to make utility out of that connection. They are in no way violating the standards of the zone. I hope that clears it up.

Request: Subdivision revision to the 1977 Sexton Subdivision to combine parcels 80, 85 and 5 on Map 31 into one parcel.

Mr. Gartley: The Animal Rescue League has owned Lot 5 for quite a while and recently purchased the other two lots and wants to make it all one lot.

Chairman Leichtman: Who else is in the Subdivision?

Mr. Gartley: The only other person in the Subdivision is Contakos property Holdings; LLC. which is the Camden Animal Hospital owning lot 5.

Chairman Leichtman: So it's the Animal Shelter and the Animal Hospital and that's the entire Subdivision. I don't see anyone from the Animal Hospital here so they are not objecting.

Questions from the Board: there were none.

Public Comments: there were none.

Chairman Leichtman: For the record. Page 9-1 Subdivision Ordinance
ARTICLE 9- REVISIONS TO APPROVED PLANS

The Chair read the following:

9.2 Submissions. The applicant shall submit a copy of the approved plan as well as sufficient copies of the proposed revisions for distribution to the Board. The application shall also include enough supporting information to allow the Board to make a determination that the proposed

revisions meet the standards of these regulations and the criteria of the statute. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the title of the subdivision and the book and page or cabinet and sheet on which the original plan is recorded at the Registry of Deeds.

9.3 Scope of Review. The Board's scope of review shall be limited to those portions of the plan that are proposed to be changed and to any consequent impacts of these changes.

Is there any Public Comment? There was none.

Motion made by John Alexander to approve the request as stated. Seconded by Tom Murphy.

6-0

Request: Application of Melissa Spear Dove for preliminary plan review for the proposed creation Lot 5 in the Maple Grove Subdivision on a parcel

Chairman Leichtman: Explained reason why this is a preliminary plan for a major subdivision rather than a modification to an existing subdivision is that the creation of this fourth (4) lot bumps it out of the minor subdivision category into the major.

PRESENTATION:

Thomas Fowler: This is a five (5) lot subdivision this particular one is a unique major subdivision because in reality it involves so little in development. This lot is nearly three times the 3 acre minimum lot size in the 908 Rural District, where the minimum lot size is the largest of any part of Rockport. Due to the option in the agreement we are restricted to one single family dwelling and accessory building and prohibits further division of the parcel making this lot essentially an 8.3 acre house lot, which is a very no intensive development. Since submitting our plan to you we have corrected a few typos. Lot 2 was incorrectly identified as Lot 1. Lot 1 is the big one and Lot 2 is the triangle. We submitted everything that relates from Article 7 in Subdivision Ordinance as it relates to Lot 5. The only waiver requests from the Rockport Board are the same as from the previous application which is when we requested not to do a boundary survey on Lot 1 a 121 acre remainder parcel and not to do wetlands delineation on Lots 1 and 2. We mentioned during the joint Public Hearing we are working on defining the location of the proposed 50ft. right of way so that both parties are in agreement of where they understand it to be. I would like to clarify one minor language section in the previously approved plan as submitted. It says Lot 1 shall not be developed without Planning Board review. In this preliminary plan as we submitted it says Lot 1 shall not be further divided without Planning Board review. We're proposing that be the language on the upcoming final plan. Development on that 121 acre piece could be construed as just building a barn or driveway. Whereas division clearly needs to come back to the Board. It seems clear to me that distinction should be made and I wanted you to be aware of it. We have submitted what we believe needs to be in there.

Chairman Leichtman: We'll consider the waivers and identify them and we will vote for them individually.

Waivers:

7.2 Submissions:

C. Preliminary Plan. Ordinance requires a 1 to 20 ratio we have a 1 and 200 ratio. Everything here is easily read clearly put down and the Chair has no problem with waiving the 1inch = 100ft. requirement because everything is legible. **Motion made by Kerry Leichtman to waive. Seconded by John Alexander. 6-0**

D. Application Requirements.

3 boundary survey. **Motion made by Kerry Leichtman to waive boundary survey because it is not applicable. Seconded by John Alexander. 6-0**

#5 Deed Restrictions. **Motion made by Kerry Leichtman to waive it for Preliminary Plan requirement but require it as part of Final Plan. Seconded by Tom Murphy. 6-0**

#10 Wetland Delineation. No development is planned for lot 1; lot 2 was developed prior to the subdivision. **Motion made by Kerry Leichtman to waive. Seconded by John Alexander. 6-0**

#13 Contour Lines. Why 5 instead of 2? Mr. Fowler said because 5 is available on the Town's Tax Maps and 2 involves a lot of foot and field work. **Motion made by Kerry Leichtman to waive. Seconded by Tom Murphy. 6-0**

#21 Existing Forest cover. **Motion made by Kerry Leichtman to waive. Seconded by Tom Murphy. 6-0**

#23. **Motion made by Kerry Leichtman that Board will not require hydrologist assessment. Seconded by Tom Murphy. 6-0**

Motion made by Kerry Leichtman we have a complete application. Seconded by Tom Murphy. 6-0

Chairman Leichtman: Does anyone have application issues. None were voiced.

Public Comment: there was none.

MOTION - John Alexander - SECOND - Sara Price: To approve the application of Melissa Spear Dove, represented by Landmark Inc., for preliminary plan review for the proposed creation Lot 5 in the Maple Grove Subdivision on a parcel identified as Map 35 Lot 71-1 and located adjacent to Park St. in District 908.

III. REVIEW AND APPROVAL OF MINUTES

MOTION - Kerry Leichtman - SECOND - John Alexander: To approve the minutes of the regular Planning Board meeting of April 11, 2012.

COMMENTS:

Chairman Leichtman:

page 4. The word sprinklered, remove the re it should be sprinkled.
Tom Ford said when you saw the plans were small, couldn't you have called them.
Terry Mackenzie said that.

page 5. The master plan has added that. Should read master plan has added landscaping.
page 8. The Board agreed to a 5:30 PM site walk and 7:30 meeting on May 9, 2012. We agreed to a 5:10 site walk and a 5:30 meeting.

Chairman Leichtman regrets that his motion for Nancy did not make it into the minutes. The Board wants to say that we miss Nancy and wish her a speedy recovery. John Ostheimer will bring a card the next meeting.

Sara Price: page 8. The minutes say I requested - it should read The previous minutes should say I requested crosshatching stripes.

page 4. (Larry Mellenthin) where it says build a 5' berm it should say 5' landscaping berm.

Jim Ostheimer:

page 3. He did not make the comment about wood chips etc. (Tom Murphy made comment about wood chips).

MOTION - Kerry Leichtman - SECOND - Tom Murphy: To accept the minutes of the regular Planning Board meeting of April 11, 2012 as corrected.

The meeting was adjourned at 8:25P.M.

Helen S. Zahn
Acting Recording Secretary

DRAFT