

**Town of Rockport Planning Board  
PUBLIC HEARING  
Wednesday, June 8, 2011 – 7:00 p.m.  
Rockport Opera House Downstairs Meeting Room  
Meeting Televised on Channel 22**

**Present:** Kerry Leichtman  
John Alexander  
Andrew Eddy  
Terri Mackenzie  
Thomas Murphy  
Sarah Price

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

**AGENDA**

**OLD BUSINESS**

1. **Rue Ouest, LLC (Phi Home Designs)**, P.O. Box 782, Camden, ME 04843  
**Request:** Site plan review to construct a 5,300-sq. ft. professional office, retail space, tradesman's shop and 1,800 sq. ft. garage (continued from 5/1/11 meeting). Represented by Landmark Corporation Surveyors & Engineers.  
**Property:** 446 West Street – Tax Map 17, Lot 159  
District #907 – Mixed Business/Residential District
  
2. **Odette G. and Clive Brown**, P.O. Box 621, Camden, ME 04843  
**Request:** Site plan review to construct a 1,200 sq. ft. tradesman's shop (continued from 5/11/11 meeting). Represented by Landmark Corporation Surveyors & Engineers.  
**Property:** 320 West Street – Tax Map 19, Lot 47  
District #907 – Mixed Business/Residential District

**OTHER BUSINESS**

3. Review and Approval of Minutes

**SITE WALKS**

5:30 P.M. Rue Ouest – 446 West Street  
5:45 P.M. Odette Brown – 320 West Street

The meeting was called to order at 7:10 p.m.

**Chairman Leichtman:** We are changing the order of agenda items and reviewing the Odette Brown application first. For both agenda items the preapplication meeting was held on May 11, 2011 and a site walk was taken earlier today. The review process will be as follows: Applicant presentation, Board questions on presentation, determination whether application is complete, Board discussion, public comment and vote.

**I. ODETTE AND CLIVE BROWN**

**Representation:** Michael J. Sabatini, Phi Home Designs  
Landmark Corporation Surveyors & Engineers  
219 Meadow Street, Rockport, ME 04856  
Tel: 207-236-6757; Fax: 207-470-7020  
**Property:** 320 West Street – Tax Map 10, Lot 47  
District #907 – Mixed Business/Residential District

**Request:** Site plan review to construct a 1,200 sq. ft. tradesman’s shop (continued from the meeting of 5/11/11).

**Michael Sabatini:** Odette Brown was not able to be here and we were asked to supplement her application with a grading plan and represent her at this meeting. She plans to conduct her business of the manufacture of solid wood outdoor furniture on this property after removal of the existing mobile home and shed. The proposed new structure is a 1,200 sq. ft. building consisting of a 1,000 sq. ft. shop and 200 sq. ft. retail space and office. Parking requirements are one parking space for the retail area and two for the shop, and we have provided four on the site plan. The building will be served by an existing septic system for which the proposed flow rates will be less than existing. Water service is public from the existing main. There will be overhead utilities from the pole to the building. The building will be set at elevation 95, which will require four feet of fill in front. Tree wells will be provided to maintain the grade and save the trees. The landscaping plan shows the existing trees to remain. Two blue spruce, several rhododendrons and spirea will be planted. Lighting will be provided by building-mounted lights near the rear doors. We have also provided a floor plan.

**BOARD QUESTIONS:** None.

**Chairman Leichtman:** I think we have a complete package, but I have some questions. The parcel dimensions are not included on the grading plan.

**Michael Sabatini:** Surveyors are particular about showing dimensions and the grading plan is not a boundary survey. The original site plan prepared by the application does include dimensions and I am impressed that they found three pins. It is my understanding that all submittals collectively constitute the site plan.

**Chairman Leichtman:** I understand and have no problem with completion, although typically this is not how it is done.

**MOTION – Thomas Murphy/SECOND – Terri Mackenzie:** To accept as complete the application of Odette Brown for site plan review to construct a 1,200 sq. ft. tradesman’s shop as shown on site plan prepared by Odette Brown and on grading plan prepared by Landmark Corporation dated May 23, 2011 on property at 320 West Street located at Tax Map 19, Lot 47 in Districts #907.

<b>VOTE:</b>	John Alexander	Yes
	Andrew Eddy	Yes
	Kerry Leichtman	Yes
	Terri Mackenzie	Yes
	Thomas Murphy	Yes
	Sarah Price	Yes

The motion was passed 6-0-0.

**Chairman Leichtman:** We will continue with review of Section 1305 Performance Standards.

**Planning Director Ford:** Historically over the last few years Landmark Corporation and Gartley & Dorsky Engineering & Surveying have provided responses to the performance standards on behalf of the applicants they have represented, but it is actually not part of the applicant’s responsibility to do that.

**Ms. Mackenzie:** I wondered where the dumpster is going to be in relation to the parking to be sure it will not take up one of the parking spaces, although there is plenty of space on the property for a dumpster.

**Michael Sabatini:** Solid waste pickup is by private contractor and it sounds like they don’t need a dumpster because of low volume.

**Ms. Mackenzie:** The preponderance of waste is generally from product manufacture and taken out as bags of sawdust.

**Mr. Murphy:** When we talked about dust collection at the last meeting, I thought the applicant specified that it would be inside.

**Chairman Leichtman:** If they do decide to use a dumpster, they will have to come back to the Board to modify the site plan so the Board can have input on placement and screening.

**Mr. Alexander:** With regard to fill, will there be silt barriers? There is quite a slope on the property.

**Michael Sabatini:** Fortunately it does flatten out at the bottom. Any contractor should install a silt fence downhill from the fill per standard practices. I know that Clive Brown talked to the contractor about it, who said he definitely makes use of silt fences all the time.

**Ms. Price:** How is parking calculated?

**Michael Sabatini:** One space is required for every 200 sq. ft. of retail space, and one space for each 500 sq. ft. of light industrial space, for a total of three. Based on the number of employees three are also required.

**Chairman Leichtman:** I agree with the calculations. We will continue with review of Section 1000 standards, starting with landscaping.

**Ms. Price:** Lighting is only as attached to the building, but Section 1002.1/Landscape Plan Requirements lists seven requirements, of which No. 5 states: "Lighting. Landscape lighting, if used on-site, showing location, wattage, typical fixture design, type of bulb and quantity." Maybe the applicant could include lighting on the sign or parking or security lighting.

**Ms. Mackenzie:** This refers only to landscape lighting.

**Ms. Price:** Using the Rue Ouest application as a guide and even though this is a smaller project, they might want to consider it and be sure the lighting is downward facing.

**Michael Sabatini:** They will probably light the sign, but we haven't discussed it.

**Planning Director Ford:** Sign lighting is the purview of the Code Enforcement Officer. Security lighting or building lighting is what is covered by site plan review.

**Ms. Price:** If they do want it, do they have to return to the Planning Board?

**Planning Director Ford:** No, because it won't have an affect on the neighborhood. If the neighbors do raise an issue, it will be addressed per Section 800 standards.

**Chairman Leichtman:** I don't think parking lighting is an issue for such a small lot.

**Ms. Price:** With regard to existing vegetation, they haven't decided yet on what to keep, depending on how their construction develops. How do we address that?

**Planning Director Ford:** I think trees marked with tape are coming down and one or two others. We saw the existing vegetation on the site walk and have a pretty good idea of what they are keeping.

**Chairman Leichtman:** I agree that there is some uncertainty about what the final result will be.

**Michael Sabatini:** There is some confusion on which is the current plan. Existing trees are from the topographic survey, and the two main trees are on the grading plan.

**Ms. Mackenzie:** I don't see a problem with allowing the owners some latitude as long as what we see represented on the site plan is the minimum of what would remain, especially on a site like this with a lot of construction.

**Chairman Leichtman:** I agree.

**Ms. Price:** For performance standards they wrote: “Proposed landscaping will be designed and installed to conform to appearance standards as defined in this ordinance. Future plantings will create visual interest and enhance the new building.” So Section 1305.1 (“At completion, as defined during site plan review, landscaping should be designed and planted to define, soften or screen the appearance of off-street parking areas from the public right-of-way and abutting properties and structures.”) is specific to parking and not to the rest of the lot?

**Mr. Murphy:** I have every confidence that the applicant will adhere to the spirit of the Ordinance.

**Ms. Mackenzie:** On the site walk as I looked to the right and back I couldn’t see the abutting properties and to the left I could barely see anything, which represents adequate screening of the neighbors. If the applicant adheres to what is presented, it will create an attractive appearance.

**Ms. Price:** The grading plan shows maple trees. I am not sure how to combine the site plan and the grading plan, so it is unclear what will stay and what will go because there is different information on each.

**Michael Sabatini:** I suggest that you tie the two together in your motion so it will be clear to the builder.

**Ms. Mackenzie:** We should find the landscaping plan as presented sufficient or not, and I consider it sufficient. Whatever trees are left or not after constructed is completed is up to the discretion of the applicant.

**Chairman Leichtman:** With regard to architectural standards, we have been given some elevations. With regard to Section 907, the plan is well within the standards. We have discussed parking and lighting issues covered by Section 800. No other issues have been raised.

**PUBLIC COMMENT:** There was no public comment.

**MOTION – John Alexander/SECOND – Thomas Murphy:** To approve the application of Odette Brown for site plan review to construct a 1,200 sq. ft. tradesman’s shop as shown on Site Plan prepared by Odette Brown and on Grading Plan prepared by Landmark Corporation Surveyors & Engineers dated May 23, 2011 on property at 320 West Street located at Tax Map 19, Lot 47 in District #907, contingent on the following:

1. Exterior lighting should be directed downward.
2. If a dumpster is used, it should not be located in a parking space and it should be property screened.

<b>VOTE:</b>	John Alexander	Yes
	Andrew Eddy	Yes
	Kerry Leichtman	Yes

Terri Mackenzie	Yes
Thomas Murphy	Yes
Sarah Price	Yes

The motion was passed 6-0-0 and three copies of the plan were signed.

## II. RUE OUEST, LLC (PHI HOME DESIGNS)

**Representation:** **Thomas P. Fowler**, Phi Home Designs  
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 review to construct a 5,300-sq. ft. professional office, retail space, tradesman’s shop and 1,800 sq. ft. garage (continued from the meeting of 5/11/11).

### **PRESENTATION:**

**Thomas Fowler:** I am here with Erik Durbas and Michael Roy of Phi Home Designs. Phi proposes to improve the property by several means. They will demolish the existing structures and build a new 5,800 sq. ft. professional office, shop and retail space and a 1,800 sq. ft. garage in the rear. We will install a new septic system and create new connections to electricity, telephone and water. We will provide a turnaround area and 29 parking spaces in the rear. Access to Route 90 is provided by two existing curb cuts. At the preapplication discussion we talked about relaxing the landscaping requirements and I got a sense that the Board would be amenable to that idea if we provided a good landscaping plan. We have submitted a plan prepared by Michael Farmer. We want to feature and buffer rather than hide the building, as the building is a feature in itself. There will also be plantings around the building and parking areas. We are sensitive to the site and plan to soften the view and integrate the landscaping with the building. It is no longer necessary to have the deck with steps discussed at the last meeting because it is not required by the Fire Marshall. No permitting is required. The Department of Transportation has advised that no driveway permit is required because the entrance already exists. We are working with a structural engineer on a pending application to the State Fire Marshall.

**BOARD QUESTIONS:** There were no Board questions on the application.

**Chairman Leichtman:** The application is complete, but I do have a question about No. 5 and the reference to a boundary survey to be conducted.

**Thomas Fowler:** In preparing this plan, although we had the benefit of a survey on the Pro Rental parcel to the southeast, we found that the deeds for this parcel and the abutter to the west

are very inconclusive on where the boundary is. We are in the process of drafting a boundary line agreement with abutter Robert Rubin, and the line shown on our plan is the worst case scenario so that no matter the outcome there will be no problems with meeting the setback.

**Chairman Leichtman:** How do we deal with this if the site plan as shown is not what we end up with?

**Thomas Fowler:** Before we get a building permit we would need to show evidence of a line agreement with Robert Rubin.

**Chairman Leichtman:** Maybe we will recognize in our motion that the final site plan will be no more restrictive than the one presented.

**Planning Director Ford:** Phi needs to be sure they meet the setbacks. Applicants have provided many plans that are not standard boundary surveys.

**Chairman Leichtman:** Requirement No. 5 of Section 1304.1/Site Plan does ask for exact dimensions, but the next sentence does say “may,” which gives us some latitude.

**MOTION – John Alexander/SECOND – Thomas Murphy:** To accept as complete the application of Rue Ouest, LLC (Phi Home Designs) for site plan review to construct a 5,300-sq. ft. professional office, retail space, tradesman’s shop and 1,800 sq. ft. garage as shown on Site Plan prepared by Landmark Corporation dated May 24, 2011 on property at 446 West Street located at Tax Map 17, Lot 159 in Districts #907.

<b>VOTE:</b>	John Alexander	Yes
	Andrew Eddy	Yes
	Kerry Leichtman	Yes
	Terri Mackenzie	Yes
	Thomas Murphy	Yes
	Sarah Price	Yes

The motion was passed 6-0-0.

**Chairman Alexander:** We will continue with review of Section 1305 Performance Standards.

**Mr. Alexander:** With regard to No. 7, Special Features of Development, is there any chance that you will connect the garage to the shop in the future?

**Michael Roy:** No, we want to leave the back section open as a place to keep construction equipment out of sight. We may develop the area where we are taking down the existing building.

**Chairman Leichtman:** Are there any issues with Section 1000, landscaping and architecture?

**Ms. Price:** Since the small outside deck with stairs is shown on the plan, is it required to be built?

**Michael Roy:** Since we are sprinklering the building, the internal travel distances allowed are increased and those stairs become a convenience rather than a requirement.

**Chairman Leichtman:** We can approve the site plan, but they don't have to install it.

**Thomas Fowler:** We will submit a set of plans to the State Fire Marshall to be stamped.

**Chairman Leichtman:** We can make our approval contingent upon State Fire Marshall approval. With regard to Section 907, this is an approved use. With regard to Section 801.6/General Standards of Performance/Environmental/Nuisances, in Phi's present location they had a problem with the dust collection system and noise. This is a less sensitive area and at their existing location they put in a lot of effort to satisfy the concerns of neighbors.

**Michael Roy:** We will be using the same system, so it shouldn't be an issue.

**PUBLIC COMMENT:** There was no public comment.

**MOTION – Andrew Eddy/SECOND – Thomas Murphy:** Rue Ouest, LLC (Phi Home Designs) for site plan review to construct a 5,300-sq. ft. professional office, retail space, tradesman's shop and 1,800 sq. ft. garage as shown on Site Plan and Detail Sheet prepared by Landmark Corporation and Landscape Plan prepared by Michael T. Farmer dated May 24, 2011 on property at 446 West Street located at Tax Map 17, Lot 159 in Districts #907, contingent on the following:

1. Review of State Fire Marshall stamped approval of plan.
2. That the final site plan will be no more restrictive than as presented at this meeting.

<b>VOTE:</b>	John Alexander	Yes
	Andrew Eddy	Yes
	Kerry Leichtman	Yes
	Terri Mackenzie	Yes
	Thomas Murphy	Yes
	Sarah Price	Yes

The motion was passed 6-0-0 and three copies of the plan were signed.

### **III. APPROVAL OF MINUTES AND FINDINGS OF FACT**

**Chairman Leichtman:** We will table review of the March 9, 2011 minutes until the next meeting.

**MOTION – Kerry Leichtman/SECOND – Thomas Murphy:** To approve the minutes of the regular Planning Board meeting of January 19, 2011 as amended.

<b>VOTE:</b>	John Alexander	Yes
	Andrew Eddy	Abstain (not a member of the Board)
	Kerry Leichtman	Yes
	Terri Mackenzie	Yes
	Thomas Murphy	Yes
	Sarah Price	Yes

The motion was passed 5-0-1.

**MOTION – Kerry Leichtman/SECOND – Thomas Murphy:** To approve the minutes of the regular Planning Board meeting of February 9, 2011 as amended.

<b>VOTE:</b>	John Alexander	Abstain (not present at meeting)
	Andrew Eddy	Abstain (not a member of the Board)
	Kerry Leichtman	Yes
	Terri Mackenzie	Yes
	Thomas Murphy	Yes
	Sarah Price	Yes

The motion was passed 4-0-2.

**MOTION – Thomas Murphy/SECOND – Sarah Price:** To approve the minutes of the regular Planning Board meeting of May 11, 2011 as presented.

<b>VOTE:</b>	John Alexander	Yes
	Andrew Eddy	Abstain (not present at the meeting)
	Kerry Leichtman	Abstain (not present at the meeting)
	Terri Mackenzie	Yes
	Thomas Murphy	Yes
	Sarah Price	Yes

The motion was passed 4-0-2.

#### **IV. ELECTION OF OFFICERS**

**MOTION – John Alexander/SECOND – Thomas Murphy:** To nominate Kerry Leichtman as Chair of the Planning Board for the period 7/01/11-6/30/12. The motion was passed 5-0-1 with Kerry Leichtman abstaining.

**MOTION – Terri Mackenzie/SECOND – Kerry Leichtman:** To nominate John Alexander as Vice Chair of the Planning Board for the period 7/01/11-6/30/12. The motion was passed 3-0-1 with John Alexander abstaining.

The meeting was adjourned at 8:40 p.m.

The next meeting of the Planning Board has been scheduled for Wednesday, July 13, 2011.

Nancy Ninnis  
Recording Secretary