

D-R-A-F-T
Town of Rockport Planning Board
Wednesday, June 20, 2012 – 5:30 P.M.
Rockport Opera House Downstairs Meeting Room
Meeting Televised on Channel 22

Present: Kerry Leichtman, Chairman
John Alexander
Terrie Mackenzie
Thomas Murphy
James Ostheimer
Sarah Price

Also Present: Thomas Ford, Planning Director
Deborah Sealey, Acting Recording Secretary

AGENDA

I OLD BUSINESS

- A. Application of **Melissa Spear Dove**, represented by Landmark Inc., **for final plan subdivision review for the proposed creation of 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. (continued from the 5.9.12 meeting)
- B. Application of **PAWS - Animal Adoption Center** represented by Gartley & Dorsky, for a **site plan review to add a 4,973 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. (continued from the 5.9.12 meeting)

II NEW BUSINESS

- A. Application of **Rockport Properties LLC** represented by Landmark Inc., **for a site plan pre-application meeting for a change of use in Union Hall (educational to commercial – restaurant, retail grocery)** on a parcel identified as Map 29, Lot 297 and located at 24 Central St. in District 913.

The meeting began at 5:39 p.m.

I OLD BUSINESS

- A. **Melissa Spear Dove**, 20 Park Street, Rockport, ME 04856
Request: For the proposed creation of Lot 5 in Maple Grove Subdivision. (*Continued from 5.9.12 meeting*)
Property: Park Street – Tax Map 35, Lot 71-1, District 908

Representation: Tom Fowler, Landmark Corporation

Kerry Leichtman: Last month we met jointly with the Camden Planning Board and I think we probably had a meeting before that, but I don't have it written down so take my word for it, they did a pre-app. Tom, take it away.

Presentation:

Tom Fowler: We have had a couple of meetings and are hopefully working our way toward a successful conclusion. It has been a longer journey than we might have anticipated. I am Tom Fowler from Landmark Corporation, representing Melissa Dove, who is exercising an option to purchase an 8.3-acre parcel known as Lot 5 from the property owner of Lot 1, Maine Farmland Trust.

At last month's meeting we had a joint public hearing in front of both the Camden and Rockport Boards here at the Opera House. This was followed by an independent preliminary plan review by the Rockport Board later that night and by the Camden Board the following week. During preliminary plan review with the Rockport Board we discussed several requests and waivers. First, was to have the plan be presented at 1" = 200', which is approvable if the subdivision is over 100 acres. That is the case, and the Board accepted that. The second was waiving a boundary survey on Lots 1 & 2: it was necessary to carve out Lot 5 from those. The third regarded deed restrictions; the Board asked that these be addressed in final form. I can say that the deed restrictions for Lot 5 haven't changed. This option agreement was presented to the Board at the preliminary plan stage. There is one exception: a proposed right-of-way that we discussed at that stage. There was initiated in the option and described as being along the easterly boundary of the proposed Lot 5, adjacent to the westerly boundary of Lot 2. It was proposed to be a 50' wide strip and neither party in the option agreement really understood where it was. When they found that out, they found it was not an advantageous location. We did pursue with the parties the possibility of relocating the ROW over Lot 2, but then ended up abandoning that possibility as well. In the end, the simple resolution of that was just an amendment to the option agreement. I submitted a copy in the final plan package that was signed by just one party. I've brought plenty of copies that you're welcome to look at and also earlier today emailed a PDF copy to Tom's office. At this juncture the amendment extinguishing the proposed 50' right-of-way has been signed and notarized by both parties and that's the final state of the parcel. So, the deed restrictions are the same with the exception of the right-of-way.

The next item is wetland delineation. We're requesting a waiver for that on Lots 1 & 2 and that was waived by the Board, who also requested that on the preliminary plan the contour lines be presented at 5-foot intervals: that was what was shown. The Board waived your requirement to show where existing forest cover was going to be removed because of the limitations placed on the future lot owner of Lot 5. Lastly, the Board agreed that a hydrogeologic assessment was not necessary for this subdivision given the light density proposed over the 121 acres.

Other than those items that we talked about at the preliminary plan, we detailed in our submittal letter for the final plan all the submittal requirements and the Performance standards in the Subdivision Ordinance. We also detailed how we believe all those were met by the application. I'd

like to ask now for any questions or comments and also say that what we've brought and are hoping for is Mylars and plans that ideally will be signed with this Board tonight and then hopefully

tomorrow night with the Camden Board. As we agreed early on in the process, both Boards will be signing one plan

Kerry Leichtman: Thanks, Tom. I neglected to say that at last month's meeting we did vote and gave preliminary approval to the plan. Any Board questions on the presentation?

Board: None

Kerry Leichtman: I also didn't tell everybody, so next what we'll do is determine the completeness, we'll discuss the application, invite public comment, and then come to a vote. I found no deficiencies in the application, all the materials are here. Did anybody take issue with anything? Then I'll entertain a motion.

Sarah Price: I think we should accept his signed copy into the record.

Kerry Leichtman: Oh, sure. Thank you. Let's do that. Now on to completeness. Did anybody find any deficiencies in the application? Hearing nobody speak up, I'll entertain a motion.

Kerry Leichtman / James Ostheimer: The application as presented is complete.

Kerry Leichtman	Yes
John Alexander	Not Present
Terrie Mackenzie	Yes
Thomas Murphy	Yes
James Ostheimer	Yes
Sarah Price	Yes

The motion was passed 5-0-0

Kerry Leichtman: And on the application: I had no problems with it and have no issues that I want to bring up. Tom?

Thomas Murphy: No, especially now that the easement's gone, I don't have any.

Sarah Price: No questions.

Kerry Leichtman: Is there any public comment?

MOTION - Kerry Leichtman / SECOND - Thomas Murphy: I make a motion that we approve the application of Melissa Spear Dove, represented by Landmark Inc., for final plan subdivision review for the proposed creation of Lot 5 in Maple Grove Subdivision on a parcel identified as Map 35, Lot 71-1 and located adjacent to Park St. in District 908.

Kerry Leichtman	Yes
John Alexander	Not Present
Terrie Mackenzie	Yes
Thomas Murphy	Yes
James Ostheimer	Yes
Sarah Price	Yes

The motion was passed 5-0-0.

Kerry Leichtman: Congratulations.

Tom Fowler: Thank you.

Board member John Alexander arrived at 5:50 p.m.

B. PAWS Animal Adoption Center, 146 Camden Street, Rockport, ME 04856

Request: Site Plan review to add a 4,973 sq. ft. addition to the existing building. (*Continued from 5.9.12 meeting*)

Property: 146 Camden Street – Tax Map 31, Lot 5, District 907

Representation: Will Gartley

Gartley & Dorsky Engineering & Surveying
59B Union St., Camden, ME 04843
Tel: 207-236-4365 Fax: 207-236-3055

John Scholz

Scholz & Barclay Architecture
374 Hosmer Pond Rd., Camden, ME 04843
207-236-0777

Kerry Leichtman: We had a pre-application hearing last month and just had a site walk within the last hour. Take it away, Will.

Presentation:

Will Gartley: Good evening. With me tonight is John Scholz and Jean White, President of the Board of Directors of the shelter, is in the audience. We've submitted a complete application for final Site Plan Review. I provided a submissions list for all the items we've included. Our intent was to try to address everything in the ordinance. The site plan is relatively unchanged from the pre-app: the existing building is right here. We are attaching a new structure to the south and we are moving the entrance to the north end of the property right near an existing telephone pole. Down here, we've got the entrance to the dog park, with 14 new parking spaces and a completely fenced in areas for both large dogs and small dogs. Connected to the large dog fencing is an outdoor kennel area that has access to and from the proposed building.

We've also shown some improvements to employee parking that has an existing access off of Route 1: there are 11 parking spaces down there. We're trying to maintain most of the vegetation in the front. There are a lot of mature trees along Camden St., both in front of the existing building and then as you go down Camden St. towards the park. We have an internal sidewalk that will allow you to get from the parking to the dog park and back. We have one small shelter shown straddling the fence between the small dog park area and the large dog park area that's going to be a two-sided structure so people can get out of the weather while their dogs run. We're also going to have seasonal water there for the dogs.

Basically, stormwater is pretty straightforward. There's a pretty sizeable stream that cuts through this property on the northerly side. Everything slopes in that direction and we've got a lot of

vegetated area. The only new change is the big parking lot for the dog park. That's a pretty gently sloping field that's going to remain vegetated. The tree line along the southerly line is going to stay. We're going to keep some trees along there, just thinning it out so we can bring the fence in and have some areas that are shaded, so the dogs won't always be in an open field.

There's a pump station directly in front of us. We have utilities right there; because it's an existing facility, a lot of that stuff is already in place and we'll be just tying into it. I definitely want to point out that, as we mentioned at the site walk tonight, John Scholz and Joe Russillo, who's the architect, have worked diligently over the last few days after receiving some more feedback on the whole connector issue and differing opinions on what could happen there. They've now got an updated floor plan that just tweaks what we've actually submitted to you. We have a connector that meets the dimensional requirements of the ordinance. *(Describes details of the floor plan on the diagram.)* Our intent was to not have to get in here and ask for big favors or debate the different attorney's letters, but to try to find a way to meet the intent of what the shelter is trying to do, which is to have a very clear visible entrance that brings you into a common space, separated from both the dogs and the cats. I think they've done a great job accomplishing that and meeting their goals and the intent of the ordinance.

Kerry Leichtman: How many stories is the connector?

Will Gartley: The connector changed a little bit in that it's one-story in the front and does have a clerestory.

Kerry Leichtman: Board, any questions on the presentation?

Board: No.

Kerry Leichtman: Then what we're going to be doing tonight is we're going to determine completeness; we'll discuss the application, invite public comment, and then come to a vote. On completeness, I found the application, both the written statement and the site plan, to be complete. Anybody find any deficiencies in either document?

Thomas Murphy: We got the new main level plan and the additional sheet at the site walk and we just got this. So, in the application we've got A1 and A2. Looking at the elevations, how do the elevations change with the new design compared to the A2 sheet here?

John Scholz: Essentially, if you look at the front elevation from Camden St., the section where it says "PAWS" on the clerestory: that section, instead of being the 20' that it was, has been cut down to 12'. That is the only change. The dog wing section there is the same size as it was in your plan. It just moved in by 8'.

Thomas Murphy: So the roofline got shuffled a little bit, but everything else is pretty much the same?

John Scholz: That's exactly right. And the other thing that's changed is on the ground floor we decided, for cost reasons and some technical reasons, to eliminate the staff room, which was under the connector before. We had windows down there before and now we've grading along that back side where the stakes were, so that is now just simply a mechanical room with no windows at all. So, the grade is actually up higher and we've eliminated the concrete retaining wall and we don't have to underpin significantly the existing building, which was an issue before.

Kerry Leichtman: Did you lose the staff room or move it?

John Scholz: No, the Board discussed at the Monday meeting three or four alternatives and it was decided that the large room could be one large multipurpose room that could serve as the staff room, the Board room, and also for dog training and educational programs.

Kerry Leichtman: Anybody else on the application's completeness?

Board: No.

MOTION - Thomas Murphy/ SECOND - Sarah Price: I make a motion that the application is complete.

Kerry Leichtman	Yes
John Alexander	Yes
Terrie Mackenzie	Yes
Thomas Murphy	Yes
James Ostheimer	Yes
Sarah Price	Yes

The motion was passed 6-0-0.

Kerry Leichtman: Now let's discuss the application. We will start with Site Plan Review. I will read the headings. If I have any issues that I want to bring up, I'll mention them. If anybody on the Board has an issue, I'd appreciate your speaking up.

John Alexander: I have a question before we start. This is the connector here, right?

John Scholz: Yes.

John Alexander: Will, you were deeply involved in the development of that change in the ordinance for the connector. You're satisfied that this does meet that ordinance since we've written it?

Will Gartley: Yes.

Kerry Leichtman: OK, back to Performance Standards

Terrie Mackenzie: Is this the time to ask more questions about that connector area that John just raised?

Kerry Leichtman: When we get to 907, it will be. Preserve and enhance the landscape; soils and erosion control; vehicular access; parking and circulation; surface water drainage; existing utilities; special features of development; exterior lighting; emergency vehicle access; municipal services; water quality; air quality; water supply. Hearing nothing, we'll move on to Section 1000. Sarah, now would be a good time to discuss landscaping.

Sarah Price: Were you asking us to waive the landscape plan requirement?

Will Gartley: With regards to along Camden St., we don't plan to plant anything other than to maintain the significant trees that are already there. We do plan to plant along the building similar to what's shown on the elevations that we provided. That's all much more ornamental and, as you saw, there are some existing shrubs that we're going to maintain and save near the entrance area.

Sarah Price: I know, but we have specific requirements that you submit a plan. Do we need to waive that?

Thomas Ford: Just a point of information: to follow the Standards on Page 10-2 & 10-3, the applicant would have to cut down all the vegetation and start over.

Kerry Leichtman: No, no, I think Sarah is just asking procedurally. Doesn't it say in here somewhere that if there is all that trees ...

Sarah Price: They said in the written statement they intend to comply with this.

Will Gartley: What happens is when we submitted it we were struggling with how we were going to do this. Then we went over and walked the site. Once we understood where the footprint was going to be, and realized there is a lot of vegetation there, and the goal is to really just clean out the underbrush and keep the trees. At that point, we actually updated the site plan to show those tree lines and noted that the trees that we designated are to be saved.

Kerry Leichtman: And you also showed us on the site plan all of the flowering bushes and such that you plan on preserving. I would suggest, and Sarah tell me if this is agreeable to you, that we do waive the landscape requirements in favor of the combination of the natural vegetation and the flowering bushes that you are going to keep. Does that work for everybody?

Thomas Murphy: I've seen other applications where they have not submitted a landscape plan and we were told it was going to be a European woodlot style where they just cleaned out things and kept certain trees. It ended up looking a little different than what I expected, but it also turned out very nice, so I'm not concerned.

Kerry Leichtman: You were right then, Sarah, to bring up the landscaping plan at completeness. The reason I didn't think it was necessary was because I kind of thought, with the tree lines on the plan, that we had one. So, I think you were right there.

MOTION - John Alexander/SECOND - Kerry Leichtman: I make a motion that we waive the landscaping plan as defined in the ordinance, in favor of the plan that has been presented to us.

Kerry Leichtman	Yes
John Alexander	Yes
Terrie Mackenzie	Yes
Thomas Murphy	Yes
James Ostheimer	Yes
Sarah Price	Yes

The motion was passed 6-0-0.

Kerry Leichtman: Let's go on to architectural review standards.

Sarah Price: For architectural review standards the ordinance says that the purpose is “to encourage a diversity of architectural styles that draw other inspiration from traditional New England examples.” I just wasn’t sure if the roofs are traditional New England.

John Scholz: You can certainly find shed roof designs here in New England over the last 40 years. I think it’s subjective as to what traditional means and you will have to come to a personal decision on that, but there are buildings around with sloped roofs. I think I explained last time why on the dog wing we have the double shed roof; it was because on the southerly side we get the passive solar in the winter coming in the clerestory and we also have, in the summer, ventilation coming in high and we’re also running the mechanical HVAC system through the attic space to the whole building to take care of the air exchange for the health and maintenance of the animals in both buildings. Certainly, the existing building itself is a typical roof like this. The new one has this different configuration, but those are out there. I’ll have to leave that for you to decide whether that’s traditional or not.

Sarah Price: Is that design essential?

John Scholz: Well, yes, in the sense that we are trying to make it an energy-efficient building. We’d like to have that with the low roof on the south side and the upper one going up to create that clerestory so we have the light and air availability coming in the building: solar in the winter and for ventilation in the summer to relieve that space. That’s a big space there and if you look at it with a shallow ceiling, it’s going to be 15 dog kennels, which is a reasonable amount of noise. It’s nice to get that relief up there and have that space, as in a cathedral ceiling.

Kerry Leichtman: I will point out that 1003.3 Roofs - it totally meets all those guidelines there.

John Alexander: On the roofline pitch, could you just point us to some areas around here where there are similar roofs?

Thomas Ford: The new addition on the Samoset.

John Scholz: The Samoset, the Riley School has something like that on its original building (I participated in that design back in the 70’s).

Sarah Price: I wouldn’t say that the 70’s represent traditional New England architecture, would you?

Kerry Leichtman: No, but nor would I want to have every roof look like a cape, which is about the only traditional, along with the saltbox.

Sarah Price: These seem very striking to me and exceptional for the surrounding area. I just wanted to make sure that we all agreed that they met that.

Thomas Murphy: It’s no more than any well-designed school, or YMCA, or public building.

Kerry Leichtman: I think of a more modern New England traditional roof – it’s metal and has none of the elements this has. You’re right; it’s got some minor contemporary type shapes to it. I don’t think that violates anything, though.

John Scholz: I think part of what this was trying to do, and having a statement up there sometimes doesn't play well off what the actual ordinance says, but it was to try and keep big box stores and franchises from their architectural styles that are not unique to the New England area but cookie cutter from coming in with their...

Kerry Leichtman: But it's also true that, taking that thought and going further with it, that the applicability and purpose describes what is supposed to be details in the ordinance following. So, in my mind, unless it's something outrageous, it fits the 1003.3 and I think that's the most important aspect of what it has to do.

Thomas Ford: I just looked outside to try to find a common architectural element. I looked right across the harbor and saw that the bathhouse for the condominium units on Pascal Avenue has a similar roof to this. It overlooks Rockport Harbor, a very high-rent district.

John Scholz: I just came up with another commercial building, the MacDougal School on Broadway in Rockland. You see that a lot in commercial building structures

Kerry Leichtman: Let's move along. Parking lot design, landscaping – any issues there? Let's go on to 907. Here is where the connector can be discussed if it needs to be. It's already been determined this is a permitted use and it appears to be in line with the Standards. Anybody have any issues at 907?

Terrie Mackenzie: I have some questions. I heard you describe the – I realize it's such a slight change in terms of the elevations and we don't have the benefit of those in front of us – but just to make sure we're doing the right thing. When you go back to the definition of connector, Page 3-5, Section 300, it says, "The connector shall have a height of not more than one story. So, I guess my only concern, and I'm only concerned that we do it in terms of proper procedure and treating any other applicant fairly, more than any sort of aesthetic or whatever. Does that clerestory add another story? Is it not in fact greater than one story, or is the clerestory considered not adding another story? I don't know whether we just take your architectural explanation.

John Scholz: That's up to you, but the idea of the clerestory was to engage in the spirit of the ordinance in creating a separation between the two buildings. Secondly, the functional aspect was to create a sense of entrance to the structure where the public would recognize this was the front entrance. The other point was that by creating the clerestory it brings natural light into that lobby space. Regarding the 1-story, the only thing we looked at was you can say 2-story space, but we chose to interpret it as 1-story. Maybe a little stretching it, but there's no second floor in there. It's as though it was a 1-story house with a cathedral ceiling, if you will.

Sarah Price: I need some clarification. As I understood it, this isn't technically a connector any more. Is that correct?

Thomas Murphy: It became a connector where it was amorphous before.

Will Gartley: We weren't meeting the dimensional requirements before.

John Scholz: And we also had other functions in that connecting section. Now we just have a connector, if you will.

Thomas Murphy: You saw this here, where you have the vestibule and reception, as a setback?

Sarah Price: I got it.

John Alexander: There's a reception area, a desk, and a waiting room.

Kerry Leichtman: Anybody else? Section 800 - General Standards. OK. Public comment. Steve?

Steve Smith: Personally, I want to say that I support this project. I've contributed to the facility in the past and I've worked with John and Will for many years. There's a procedural issue I just want to discuss quickly and that is, obviously, John and Will know that I was on the Ordinance Committee when we drafted the Connector Ordinance. It was really to discourage big box stores and also try to keep the massing of the buildings within the community within scale of the neighborhood. That's why we have a progression of 4,000, 6,000, and 10,000 square foot structures based on where they're located within the various zones; so, it was a conscientious effort to try to have distinctive buildings. The connector was designed at a certain size, width, and height to separate those structures and that was the intent: a clear visual separation. After the Herrick project, which I was familiar with and heard about, a letter had floated around that the connector would be waived, I got concerned. Then this project came up and it wasn't so much trying to second-guess what you were doing, but rather define what the Town's obligation was under the Zoning Ordinance as to interpreting this connector. I think the Planning Board shouldn't have to interpret design standards: it should be fairly black and white. By you engaging the Board in trying to listen to a conversation as to does this meet the intent and does this look good? That really is something that we wanted to eliminate for the Planning Board.

That's why I took the initiative of getting Paul involved and trying to clarify that. Had it been clarified then, probably Paul would have gone back and tried to redefine what we were attempting to do. I think after these discussions we'll also go back next fall on the Ordinance Committee and try to come up with some options as to if the connector's going to be used as a main entry the size might change, and all sorts of options could be available to a developer. Having gone through this process and got a clarification, I went to talk to Tom and try to find out the procedure as to what you were going to do tonight and Tom told me this was final site plan review. As of 3 o'clock, Tom emailed me the latest opinion. He said it was final, but there were some new plans out, but I couldn't get them. So I had no plans or had seen anything that has been submitted to the Town for

review as to the new connector design, including plans and elevations. And now we're having a final site plan review with no information even to the Board. The representation tonight is that we have a new plan, but there's no new elevation. Now, this is the first time I heard from Will that it's the same as the old elevation.

I'm going to jump ahead and say that the process we're going through is an important one, I support the attorney's decision and your Board's attempt to interpret the ordinance the way we think it should be interpreted. If we want to start playing as to what a 1-story structure is. John says it's a stretch of the imagination. If the project were really controversial and you approved it based on this being a 1-story connection, you would lose on appeal. John should know that in the IBC that his architect has to design under, a 1-story structure is clearly defined in there. The old connector is still what they call a 2-story clerestory space. The IBC calls this a 2-story structure.

The procedural process here is what bothered me. There's no drawings, no information to the public, and basically I was stone-walled from getting any information, and you don't have in front of you any final plans to determine building heights, setbacks, and building dimensions. They

obviously changed the connector. Personally I'm not going to weigh in on the building height issue. I think the design's fine, but it's the procedure as to how this has unfolded, the fact that the public and I have been denied any information, and I think that's just wrong. If you're were going to go through final site plan review, I would at least think that the Board would want to approve a project for which they had the final drawings in front of them.

Follow the letter of the law, do your due diligence, require that you have the information before you make that – I'm not going to appeal that 1-story structure, but this isn't a 1-story connector, but we've gone through the process and understand what's going to occur now and I'll live with whatever your decision is.

Kerry Leichtman: Thanks, Steve.

John Scholz: As I think I've said before, regarding Steve's comments on the 2-story element, and your comments in particular, Terri, if that's a deal-breaker, we'll simply strip off that clerestory and we'll have a strict 1-story connector, but we think it enhances it to have it function as a public entry area and announces the building. We also think it meets the intent of the ordinance. If that's a deal-breaker for you all, you tell us we'll have to take that off. We'd prefer not to, but we would.

John Alexander: Could you respond to Steve's points about no drawings and final drawings?

Will Gartley: When Steve called this afternoon I think it was 4 o'clock and I was scrambling to make all the copies and get ready for the 5 o'clock site walk. It was tough to get everything ready. Admittedly, this is last minute, but at the same time we're talking about taking a new building and sliding it 8 feet closer to the existing building. I think it's a really minimal change. A lot of times this happens during Planning Board review that something comes up and we all agree to make a change and we do it. The elevations don't change, the grades don't change, the rooflines are the same. We've just cut out 8' of building. The public didn't have it ahead of time, but there's nothing in the floor plan that is part of the Site Plan review; it's really just to show where the entrances are. There're no criteria to review floor plans and we don't even need to submit them.

John Alexander: Just following on that, I'd like to ask Tom procedurally how do we stand if there's no final plan being submitted for public view How do we stand?

Thomas Ford: Yeah, I've been thinking not of a response to your question, John, but it ties into what I'm going to say. I'm going to suggest that - I can give my copies to Steve when he leaves tonight – that the Board complete your deliberations on this matter tonight. If you're comfortable that you've got enough information to have a vote, take a vote and make a final determination for these applicants. And then at the next meeting Will and John will bring back a full set of plans that you will sign at the July meeting. That would be my recommendation to cover even the appearance of impropriety in terms of something coming in at the last second.

Terrie Mackenzie: I guess I would reopen this question of the clerestory. I would say that most of your responses to my question have been along the lines of the aesthetic or the architectural. All of which I am personally in sympathy with and can see, but I do think we have, not just thinking about this particular project, but we've had projects that have come before. I guess my question to both the applicant and the architect is to address what Steve brought up as the real intent behind this. The intent of that original ordinance of describing very particular dimensions was not about aesthetics, it was to discourage big box and/or unsightly, unharmonious. I guess my question is if we allow, if we find some procedural proper way to allow for this clerestory and having it not being more than

one story, likening it to a cathedral ceiling, saying it's not another story because it doesn't have a floor, but we consider it in the light of... Because that means we've got to say that's OK for every single clerestory 1-story that comes in the future, pretty much, and does this open the door for the types of development of other folks who may not be doing an animal shelter that in reality has a good proportional relationship to the neighborhood and use to the neighborhood, but somebody wants to come in and they want to put something really God-awful there and now that we've approved this clerestory, could this be more attractive to people, like could it kind of open the door to, "Well, now we can connect a lot of big buildings because this clerestory will make it of greater utility."

Kerry Leichtman: I appreciate what you're saying, but I don't think it's a practical consideration that we're going to have a line out the door now of people that want to put up big buildings with towering connectors between them. As Steve pointed out, clearly the connector aspect of our ordinance needs to be revisited by the Ordinance Review Committee. I think it would be foolish of us to hold up this project for even another month on this technicality. I think what we should do, is if we think this building is appropriate for the Town of Rockport, we ought to pass this and this fall the Ordinance Review Committee ought to sit down and fix the connector thing. Not the other way around: have the applicant jump through a couple hoops that hopefully won't exist next fall after they've done their work.

Thomas Murphy: It's not the place of the Ordinance Review Committee to take this upon themselves to do. They work at the direction of the Select Board. After the fall run-through of what is and isn't going to be on their plate, it's not something they take up in and of themselves. We could ask that it be put on during that process, so could the select Board, and they could volunteer it themselves, as well. But it's not something they just take up on their own.

Kerry Leichtman: Yeah, but they can take it to the Select Board themselves and obviously there's a problem that exists.

John Alexander: I just have a question for Will. It's just that Will, Steve, and I were at the same meeting and this morning discussing connectors at 7 o'clock in the morning and Will seems to think that it does meet the ordinance because he said so. Steve said it doesn't, but we were in the same meeting. I'm not a technical person, I'm not an engineer, I'm not an architect, but now, as a member of the public, I'm confused. I have two experts that were in the same meeting telling me different things

Kerry Leichtman: That's exactly why I said that if it looks like this building is appropriate to Rockport, give it your support and let the ORC figure it out.

John Alexander: I do want to support it, but I'm also interested to hear Will's comment.

Will Gartley: First, you shouldn't be surprised at all that we disagreed. At every one of those meetings, most of the time everyone's disagreeing.

John Alexander: We did all agree on the final definition.

Will Gartley: I don't know what the final vote was, but they did pass, so I'll give you that. Steve and I have had this discussion and I think you can find multiple definitions for many things. I'm not a big fan of the fact that we didn't define what we meant by 1-story and I'm not going to stand here and argue that you couldn't argue both ways. I think I could make a good argument either way. I

think, in this case, our intent was to not have strip mall type facades or buildings bigger than what we were trying to ...

Thomas Murphy: Or formula franchises.

Will Gartley: Right. So, the thought was how do you do that. Well, you've got building after building after building and you've got to separate them. But we didn't want to functionally not allow there to be a connection and that's how we got there. I think we did a bad job of looking at how these would get used on different terrain and different sites and topography and architecturally how they might get used. We didn't have those discussions. All we had was a goal to separate two big buildings and not have a monolithic storefront that went for 300 feet. I think we all kind of knew what the goal was, but nobody's even used this definition since we passed it three or four years ago. I think this has been a good discussion - it's brought up a lot of things. That's why it's a living ordinance and it changes all the time. I'm looking forward to probably vigorous debate on how we can fix this, but I think when you look at this it's doing the job. That existing building and the new building and the orientation of the two boxes being perpendicular to each other - I think they do the trick. I'm convinced that we've met what we set out to do with this connector definition.

Thomas Murphy: Mr. Chairman, I feel that the spirit and intent of the ordinance is met and it is in the best interest of the people of the Town of Rockport, as well as the applicant, to keep this moving. I think that this has gone on too long and too much has been made of a few feet.

Sarah Price: I disagree. I have something to say, too.

Thomas Ford: Just one point for the edification of the Board and the public: this connector series in the three districts of 6,000, 4,000, and 10,000 were added in 2002. We've gone 10 years with this

language in the ordinance. The discussion that John, Will, I, and Steve participated in two years ago was the subterranean, the middle part of the definition. The part that we're talking about - the 12' and the 20' - has been in the ordinance for 10 years. It's never been utilized in Rockport. There's not one building that has been built in this town that has called the connector into play until we had the discussion with Eric several months ago and now this discussion. Those are the facts about the history of connectors in Rockport.

Sarah Price: I think the issue of allowing last minute submissions in general is frustrating to me as a member of the Board when I've done my preparation and then arrive, and just like Steve had nothing, and the public hasn't seen it. We only saw it 15 minutes before the meeting. I find it difficult to prepare for the meetings. It's one thing to have a signature added to a legal document, but it's another thing to have visuals changed. For a layperson, which is what I am architecturally, I would like us to address this at some point. I know it's come up at other times when we've talked about procedures, because it's hard to know what's allowed when we sit down and all of a sudden we're being fed stuff. I've had the experience of being concerned about something and trying to research it and then being told, "Oh, you've got the wrong plan."

Kerry Leichtman: That's a very good point, Sarah. Point made, taken and absorbed. That was why we put that in the ordinance, because we wanted to have the time for the prep. I think you're right; we were on a slippery slope and didn't even realize it. Thank you for pointing it out.

Sarah Price: The other thing is that in this procedure in particular when I had architectural questions, I saw an architect in the back row and thought can I ask a member of the public that I

know might have the answer to answer, because I thought it's not necessarily fair to ask the applicant, who just happens to be an architect. The applicant, of course, will argue for their point of view, you know? So, when we're starting to ask for information we're not allowed to go looking stuff up on our own, we have to do it here in front of the public. Would that procedure be allowable?

Kerry Leichtman: Absolutely.

Sarah Price: So, when we're talking about one and two-story buildings, to me it just seemed common sense. How many stories does this have? There's one story and then there's a second that goes up to there, right?

Kerry Leichtman: Definitions don't always follow common sense.

Sarah Price: So procedurally-wise, I'm thinking that the height of that connector is going up to the second-story level and I'm surprised that there would be an argument made that it is not as high as a second story, or it's not by definition a second story. So I was relieved to find that there were some standards somewhere that we wouldn't have to start defining the story of a building when it did seem that if you polled the room most people would have said that. But the applicant's not going to say that because they have to advocate for their design. The other thing is, that if you want to accept this design with this height of the connector, then we are making an exception, I believe.

Kerry Leichtman: That's only if we accept that definition. We don't in our ordinance recognize that definition as our guideline.

Sarah Price: I know. I quickly went and said. "Well, do we have the word story in our definitions?"

Kerry Leichtman: I saw it because there's no second floor. I did see it like a skylight, cathedral kind of roof thing. It may be that in this architecture standard that they have a different way of looking at it. We don't define it in our ordinance that way, so I came at the same drawing and did not see it as two stories. You're absolutely right, it's two stories tall, but I don't see it as functioning as two stories.

Thomas Ford: I obviously feel real strongly on this point. Sarah started off this conversation talking about traditional architecture. I do feel that this is a 1-story building. If you wanted a 1-story and 8 foot tall area with a flat roof (because that's what you'd get) you may have one interpretation of a 1-story building, but if you took at traditional New England architecture with a 12 over 12 pitch, you have one floor. You have your top plate up where this ceiling is and then you go up on a 12 over 12, you're going to be up, in a 24' wide building, another 12' up. But there's no functionality on that second story. It's either a trussed roof system or it's an attic space and it goes back to what Kerry just said: it's a one-story with a pitched roof coming up. I would argue that that is a one-story building in the traditional form of New England architecture. A clerestory is another architectural form that brings the roof up, but the only other alternative if you're not going to have something going up, that has some architecturally interesting features, is a flat roof across, which would be very unattractive to look at and not remotely in the guise of New England traditional architecture.

Thomas Murphy: And flat roofs and mansards are prohibited anyway.

Kerry Leichtman: I'd like to see if we can round this discussion up. Does anybody have a new point to make? Any other Section 800 issues? Hearing none, we've gone through the book. Anybody want to make a motion?

MOTION - Thomas Murphy/SECOND - James Ostheimer: I make a motion that we approve the application of PAWS Animal Adoption Center, represented by Gartley & Dorsky, for a site plan review to add a 4,973 sq. ft. addition to an existing building on a parcel identified as map 37, Lot 5 and located at 146 Camden St. in District 907.

Kerry Leichtman	Yes
John Alexander	No
Terrie Mackenzie	Yes
Thomas Murphy	Yes
James Ostheimer	Yes
Sarah Price	No

The motion passed 4-2-0.

Kerry Leichtman: Congratulations.

Will Gartley: Thank you. So that the record is accurate, we'd like to get a complete set of plans in to the Town and have them signed at the next meeting. Would that be all right?

Kerry Leichtman: Sure, that's fine with us.

II New Business

A. Rockport Properties LLC, 23 Central St., Rockport, ME 04856

Request: Pre-application meeting for Site Plan review for a change of use in Union Hall (educational to commercial – restaurant, retail grocery). Represented by Landmark Corporation, Inc.

Property: 24 Central Street – Tax Map 29, Lot 297, District 913

Representation: **Michael Sabatini**, Landmark Corporation Inc.
219 Meadow St., Rockport, ME 04856
Tel: 207-236-6757 Fax: 207-236-4599

Presentation:

Kerry Leichtman:

Michael Sabatini: My name is Michael Sabatini of Landmark Corporation. I am here on behalf of Rockport Properties LLC, a subsidiary of Leucadia National Corporation. My role is as project manager for Leucadia National, owner of Union Hall. I'm very excited to be before you. It's been a long time coming to the present historic rehabilitation of a Rockport icon. I wanted to say before we get going into this; the current demolition crew at the building is operating under a demolition permit only.

Since we are here for a change of use, I'll get right into the uses. The application contains a picture of the building that highlights the four different floors. The basement will have a commercial use in the future. The first floor will be a market and cafe run by Annemarie Ahearn, who is the current operator of Salt Water Farm in Lincolnville. She's going to build on what she's done in that business. She will serve breakfast, lunch, dinners, and fixed-price suppers. The second floor will remain the Hall. The third floor is the last change of use, from classroom and studio space to either professional offices or two dwelling units, both of which uses are allowed in the ordinance. Last night the Zoning Board of Appeals granted a Special Exception use of a restaurant for the first floor.

I'm going to explain a little bit about what the project is. It is a complete rehabilitation with a new sprinkler system, elevator, and now two means of egress – a rear stair and a front stair. You enter the building on the left side through double doors and up a flight of stairs to the Hall or straight back to the elevator. If you keep going back on the left side of the building you go to another egress that would go out all the way to the basement. Once you're in that entrance lobby, you can go in to the restaurant, which will have an open setting. It is a complete restoration. The Hall has always had a tin ceiling, which we thought we would have to take down carefully and then put back up. When we took it down we found that hidden beneath the tin cornice was an old plaster cornice, which is really lovely and which we will keep instead. It also has a lovely archway where the stage would have been and that arch is repeated. So, the Hall will go back to what it was, which is really neat

The elevator service will go all the way to the top floor and there will be a much better set of stairs in the rear of the building. You can see on this elevation, we will put a deck on the back of the cafe. We took down the old porches a while ago and the fire escape will come down as well. That covers the renovations to the building.

There isn't a whole lot of space outside the 4,000 sq. ft. building, but there are some good opportunities. This corner has a crumbling retaining wall, a landing for the fire escape, and some really ankle-breaker railroad ties that come down around the corner. We'd like to move the retaining wall back to the corner of the building and make a nice set of stairs down. It is on Town property, but we need to start that conversation. As we explored that option, we thought about continuing that curb line down to kind of formalize this side of the building and make an opportunity for a nice entranceway. Just an idea at this point. The building already has sprinkler service and domestic water and there's plenty of capacity. There's public sewer there and we're going to propose a grease trap to remedy a problem we're having with the Shepherd Building.

Parking came up at the ZBA meeting last night, as well. Leading into that topic, I'd like to look at the big picture a little bit. Unlike the village, on Route 90 you find out what the use is, you build a parking lot, and people drive right to the door. People are very accustomed to driving to a place, parking within eyeshot of the door and walking through the door. The village, however, is not like that. It relies heavily on public parking spaces. There are actually more than you might think. When stuff's going on, it is pretty filled up along Central Street. But there are between 50 to 60 spaces on both sides of Central Street, parking streets up Union St. a tad, down Main Street to the bridge. The parking spaces that exist behind Shepherd (23 or 24) are definitely private spaces, but other folks use them. As a separate part of this project, we're going to expand that parking lot and double the spaces.

So, for context, in the past several years, including this expansion, we will have added almost 50 spaces to add to the 50 or 60 public spaces that are in the village. If you go up Union St. to the Post Office, if there was a community event, and easily walk downtown. If you go the other way, you could go down the hill and park at the waterfront. The amount of spaces really grows. The Town

has counted 348 spaces within 2,600 feet of this building. The perception people have is that they see the door they're going to go in and park right there. If you go to Portland or Bangor you don't have that expectation. My point is that when we do talk about parking, we have to consider the larger view of parking, both public and private.

I would like to talk a little bit about this parking because it wasn't presented for this pre-application meeting because it is my understanding that would be an amendment to the approval of the Shepherd Building. We'll be showing that parking lot expansion next month. The parking lot will have a pretty large retaining wall on the downhill side. We have to get an engineered wall, which will be 14' at the highest. We've managed to be very respectful of Mary Lea Park and have met a couple different times with interest folks: the Garden Club, Parks and Recreation, DPW, the Town Manager, and Public Works. John Priestly brought up the idea of making a nice end to the park, so we're going to build a curved wall that will flatten the grade at the bottom of the stairway. We came to a pretty nice resolution with those folks and you'll see more details on that.

Thomas Ford: Can I just interject one point? I just looked out the window and all 23 of the spaces Mike just mentioned are full down in that parking lot.

Michael Sabatini: We talked a little bit last night about some education we have to do and talked about possibly putting a sign on the directory at the entrance to the Shepherd Building saying, "Parking available at rear entrance." One other thing on the parking, fortunately there's a party that owns several properties here and we're fortunate to be able to utilize land that the Shepherd Building sits on top help support some of these other commercial properties in the district. It makes sense to build all of this parking now and then there'll be uses that we're not sure of yet in Union Hall, so I would ask for a little flexibility there. Also, there's this empty lot that is owned by Leucadia that would like to have a building on it, probably more a residential use on upper floors. There's also a potential improvement at the Graffam Building. We've expanded the parking lot all we can on the private side, so the public discussion about parking in the village can be a constructive one.

I did have a nice conversation with Barbara Jackson, the complete abutter to Union Hall with a party wall. I let her know what the project was and what's happening and she's pleased. With that, I'd be happy to answer any questions.

Kerry Leichtman: Thank you, Mike. John, go ahead.

James Ostheimer: The parking issue has sort of been based on the residents and the size of the spaces. How many parking spaces are required? There's a requirement for each chair in a restaurant.

Michael Sabatini: I haven't, but I can. In rough terms, the restaurant is 40 to 50 seats. I think that's 1,200 – 1,400 sq. ft. of commercial space, which puts you up into the 20's. The Hall is going to be an event thing and, quite frankly, if a big event were going to be hosted there I think you'd have to have off-site parking where you shuttle people in. I think you could do it from the RES site or maybe a private site that the party is coming from.

Thomas Murphy: Or you could do something with the Y. When it's appropriate, Terry, I want to make a general statement.

Kerry Leichtman: So did I. I may jump in before you.

Michael Sabatini: We're in the 20's under new uses, I guess, so diving down to those details I think you would have to look at all the spaces in the village.

Thomas Murphy: This is just a general statement more than a question for the applicant, but I now have the privilege of being old enough to remember a lot of things. I remember being on the Select Board and talking about the general parking that the Select Board would eventually have to deal with and it's nice to see an additional lot coming up. But going back even further than that to the first part of this, the 70's – early 80's – I remember my summers when the photographic workshops, when the Corner Shop was open and there was a lot of activity there on a regular basis. Even earlier than that I remember the Post Office in that building when it was a center of the community. You went in and out of that post Office, you met people there, you walked down there. There was significantly less parking then than now and it worked. I think that is part of the charm of the village. I've lived here full time for twelve years now and I've managed to park at all the events and all the things I've done, gotten decent parking spaces, and not parked illegally. People park places that the Planning Board is not happy about, but that's enforcement. One of the self-limiting natures of being in a building like that is you understand what the limitations are – you're not in a shopping mall. I remember this building at capacity when the village was thriving and it will be nice to see that back again.

Kerry Leichtman: I, too, have a general statement that I'd like to make about parking. Back to the last boom that ended in say, 2007, there were lots of applications coming to us. Many were for downtown and we as a Planning Board would ask the applicant where they were going to park. We, at some point, hearing what you and Tom have said that there actually are plenty of parking spaces, they're just not as convenient as you might want. If we as a Planning Board took the approach that if somebody wanted to start a business downtown, "Good luck." The parking requirements are recommendations. They're not standards and it even says that we have the authority to do with it as we want. The Town has taken another supportive attitude on purpose not to go painting lines in the street because if we did we'd have to do it to regulation and lose parking. I would like the Board to think about this so when Mike comes back with an application we keep in mind that you do have the leeway to say to the applicant, "We like your business plan and we hope people will decide to walk ten feet to get to your front door, but good luck to you." The fact that you're going to double the parking down there is enormous.

John Alexander: You mentioned speaking to the neighbors. Have you spoken to Mr. Allen who just built a house down on the side there? I'm assuming he'd be fully in favor.

Michael Sabatini: I have talked to him about the project before we even got started. I was talking with him about not getting staging in the way of his boat launches.

John Alexander: It would be great to see that developed. It's something we've longed to have. Any plans for this end to the building? Any windows going in?

Michael Sabatini: Interestingly enough, that's the party wall with Barbara Jackson.

John Alexander: What's there now?

Michael Sabatini: there used to be a building there so the property line goes through. There's an empty lot there now so Barbara Jackson can't poke through there because she only owns to the center of the wall.

John Alexander: Lighting's probably going to be an issue, isn't it?

Michael Sabatini: For around Union Hall?

John Alexander: Yeah, just because I'm assuming it will all be fine.

Michael Sabatini: There's a nice streetlight on this pole and there will be some lighting by doors. It's going to be difficult because this is going to be a separate application and a different site plan, but we will extend the parking lighting with simple poles and down lights.

John Alexander: What kind of things will the Hall be used for, or can't you talk about them?

Michael Sabatini: I've been talking with Mark Kelly at Bay Chamber to see if they would like to do some shorter events. I'd like to see them back here in some manner, but it could be rehearsal, a non-profit fundraiser, it could be some speaker or event.

Kerry Leichtman: Anybody else? Now let's remember we're troubleshooting.

Sarah Price: Are you all clear with the Zoning Board now?

Michael Sabatini: The restaurant use was the only one that was not within the zoning use, so I went before them last night and got special Exception approval.

Sarah Price: Do you know how many seats the auditorium has?

Michael Sabatini: It depends how you set it up, but if it's was just as an auditorium, it probably has 140.

Sarah Price: In trying to figure the parking, You can figure the parking by square footage, not counting the restaurant; the auditorium would be a minimum of 50 spaces. So you've already got that in your private lots.

Michael Sabatini: Another thing to consider is this overlapping time. Some uses are daytime uses that go away in the evening. I've been asked sometimes to designate spaces in the back, but I think that's the wrong thing to do. I think you should leave them open in case you need them and first come, first served, I think, is the way to go there.

James Ostheimer: Does this have any implications on the future of the Corner Shop?

Michael Sabatini: Because this would be a breakfast/lunch place as well, you wouldn't open another one right next door.

Kerry Leichtman: I think Shepherd's Pie has demonstrated if it's good they will come. Anybody have anything else? Do you want anything else from us?

Michael Sabatini: Nope. Procedure, I guess. This parking lot is owned by Glen Cove LLC so we think we have to come in with two separate plans or one that shows the two together. Ultimately, it's the same owner who owns these things.

Kerry Leichtman: There are two different procedures, though. It strikes me that we could consider them at the same time but you probably want to have – I mean, one is a modification to an existing plan and the other is a brand new plan. They do have different processes.

Michael Sabatini: So maybe we could have them on the same sheet but go through the processes separately.

Kerry Leichtman: Yeah. You'd have to have two signature blocks, though.

Terrie Mackenzie: Did we not recently have a problem recently trying to put too much information on a plan? There were some numbers we couldn't read? On the basis of that I think it would be a good idea to bifurcate with some referential visual.

Kerry Leichtman: I agree with your caution against cramming. You can present them together but it might be better on two separate pieces of paper.

Thomas Ford: I think because we've got two separate parcels with two separate owners, I would recommend they be two agenda items. so if there were any problems or challenges we would need to only deal with one owner.

Michael Sabatini: We're going to do our best to come before you next month.

Kerry Leichtman: Have you got a start and finish date in mind?

Michael Sabatini: We want to have at least the first floor done by April 1 of next year.

Kerry Leichtman: Thanks, Mike.

David Barry: I live on Church Street and I'll make a couple of comments. I would put up with the worst parking situation in the world to have activity downtown Secondly, if you really want to encourage people down here, then give them better lighting. It is terrible on the side streets, especially in the summer. I'm all in favor of this and I see no problem.

Kerry Leichtman: Is there anybody else with anything to say? We have minutes.

John Alexander: the minutes are very full and very complete and hard work goes into producing them. I suspect they were finished a week or ten days ago. We probably were waiting for our package. I was hoping it would be possible to have the minutes when they're done by email, rather than waiting until the package.

Thomas Ford: I'm sure that the folks who've been doing the minutes over the months since Nancy's accident will do their best to get them here and we'll certainly distribute them electronically when we get them.

John Alexander: If they're done a week or ten days before we get our packets that would be good because what happens to me is that the minutes don't get my full attention because there's so much to absorb in the packets.

Kerry Leichtman: I think the message, Tom, is the sooner the better. Are there any corrections to the minutes?

MOTION – Thomas Murphy / SECOND - Terrie Mackenzie: I make a motion that we approve the 5/9/12 minutes as presented.

Kerry Leichtman	Yes
John Alexander	Yes
Terrie Mackenzie	Yes
Thomas Murphy	Yes
James Ostheimer	Yes
Sarah Price	Yes

The motion was passed 6-0-0.

The meeting adjourned at 7:30 p.m.

Respectfully submitted,

Deborah E. Sealey
Acting Recording Secretary