

Approved 10/9/13

**Town of Rockport Planning Board
Wednesday, September 11, 2013 – 5:30 P.M.
Rockport Opera House Downstairs Meeting Room
Meeting Televised on Channel 22**

Board Present: Vice-Chair Thomas Murphy, Tony Bates, Terrie MacKenzie, James Ostheimer, Sarah Price, and John Viehman

Board Absent: Chair John Alexander

Staff Present: Planning and Community Development Director Bill Najpauer, Videographer Tom Goodwin, and Recording Secretary Deborah Sealey

Vice-Chair Thomas Murphy called the meeting to order at 5:30 P.M. and reviewed the agenda. He stated that Item #5, Site Review from Frank & Cathy Morrill, would not be addressed tonight.

I. Old Business: None

II. New Business

A. The Planning Board will hold a public hearing to take public comment on a proposed change to Section 1400 Shoreland Zoning Overlay District that would allow Governmental and Institutional uses in a Stream Protection District if also located in the Rockport Downtown District 913. The Planning Board will also consider whether to recommend the proposed change.

ACTION: Thomas Murphy made a motion, seconded by Tony Bates, to open the public hearing on Section 1400 of the Shoreland Zone Overlay District.
Carried 6-0-0

No one from the public spoke for or against the proposed ordinance change.

ACTION: Thomas Murphy made a motion, seconded by Tony Bates, to close the public hearing on Section 1400 of the Shoreland Zone Overlay District.
Carried 6-0-0

B. The Planning Board will hold a public hearing to take public comment on a proposed change to Section 904 Residential District that would allow public utility installations, including power substations and structures, as a Special Exception in the Residential District 904. The Planning Board will also consider whether to recommend the proposed change.

ACTION: Thomas Murphy made a motion, seconded by Tony Bates, to open the public hearing on Section 904 Residential District.
Carried 6-0-0

Daniel Dibner said that with the granting of this request there would be a substantive change not only in the types of construction to meet power requirements in the core around Route 1, but also it would be the initial phase in providing considerably more power infrastructure as required by development. Mr. Dibner said there was no one who would deny modernization of the town charter. Characterizing this as a fundamental enabling change, he said in the absence of these substations one could not as easily provide the kind of density in construction as one could with them.

Mr. Dibner found this a sobering thought, though he was not opposed to electrification or additional infrastructure in the town. However, he recognized that this was a harbinger that actually opened the town up to having the kinds of construction that utilized them. Mr. Dibner thought this should be discussed in a broad dialogue in front of the town.

Vice-Chair Murphy explained that this was a housekeeping change: this already existed in other districts but, due to an error, had not been included in Residential District 904.

ACTION: Thomas Murphy made a motion, seconded by Tony Bates, to close the public hearing on Section 904 Residential District change.
Carried 6-0-0

ACTION: Thomas Murphy made a motion, seconded by Tony Bates, to recommend the Section 1400 Shoreland Overlay District proposed ordinance change
Carried 6-0-0

ACTION: Thomas Murphy made a motion, seconded by Tony Bates, to recommend the Section 904 Residential District ordinance change.
Carried 5-0-1 (Mr. Viehman abstained)

New board member John Viehman introduced himself.

C. Subdivision Pre-Application from Ridge at Rockport, LLC (Tony Casella) for a 22-unit residential development located at Commercial Street, Map 10 Lot 60 and located in District 907.

Applicant Tony Casella and engineer Andrew Hedrich of Gartley & Dorsky Engineering & Surveying appeared before the board. Mr. Hedrich said Mr. Casella wanted to put 20-23 residential units on his 10.8-acre parcel in the Mixed Business and Residential Zone. Two buildings would contain 6 units each; there would be 6-8 single-family cottages, and one or two duplexes.

The property would be served by 2 wells, 3 septic systems, and an 18' wide gravel private way. The primary development area would be 450'-500' off Route 1, toward the upland wooded area. The woods would be retained to allow for a secluded community; existing buffers would remain to provide screening from the adjacent development currently underway. Within 150' of Route 1 there would be a pool, pool house, and a few parking spaces.

Mr. Hedrich said a number of permits would be required to enable the project to move forward: a DOT entrance permit, a stream-crossing permit, an NRPA wetland impact permit (probably Tier 1), and a stormwater management permit.

Mr. Hedrich said Mr. Casella intended to develop the property, but sell it as a pre-packaged plan prior to construction. The engineer asked if he was correct in interpreting the ordinance as requiring 20,000 sq. ft./unit.

Mr. Casella confirmed for Tony Bates that the proposed development would have no physical or managerial connection with the Village at Rockport. In response to a question from Ms. Price, Mr. Hedrich said an asphalt area, pool, and pool house had had been added to the earlier plan and the septic systems had been slightly shifted. Some vegetation would be removed to make space for the septic system, but there were many mature trees and the plan called for as little vegetation impact as possible. Mr. Casella said neither the Village nor road would be visible from this new development. Mr. Hedrich confirmed that the private way would be adequate for emergency vehicles and turnarounds would be included.

Tony Bates asked how much latitude the purchaser would have to modify the plans. Mr. Najpauer replied that the builder would have to complete the property according to the approved plan or come back to the Planning Board to get approval for any changes.

Ms. Price asked if a traffic study would be performed and Mr. Hedrich said it would if required by the number of parking spaces. Ms. MacKenzie asked how groundwater impact would be measured with this intensive project adjacent to another. Mr. Casella replied that he would work with two well companies who would write a letter certifying adequate water. The Village at Rockport had water far above its needs and he expected to have an over capacity again. Mr. Najpauer stated that a hydrologist's capacity estimate was part of the review process.

Board members asked a few more questions and then scheduled a site walk for 9/18/13 at 4:30 P.M.

D. Site Review Application from Herrick's Automobile Sales and Service Center (David Herrick) to construct a 2,400 square foot addition to the existing building located at 70 Rockville Street, Map 14 Lot 11 and located in District 907.

Applicant David Herrick and engineer Tom Fowler of Landmark Corporation represented the application before the board. Mr. Fowler said the proposed addition would be attached to the rear (south side) of the existing building. The new construction would be 24.3' high and 14' to the eaves; color and style of materials would match the current building. Mr. Herrick said the roof pitch would be 4/12.

Having erected the building in 2007 and expanded it in 2008, Mr. Herrick now wanted additional space to perform truck maintenance and do alignments. Tony Bates asked about the existing berm, which had not been part of the first and second approvals. Mr. Herrick said he had added the berm when the property was split up.

The board reviewed Section 1300's submissions checklist.

ACTION: Sarah Price made a motion, seconded by Terri MacKenzie, to accept the application as complete.
Carried 6-0-0

Vice-Chair Murphy read aloud the headings of Section 1305 (Performance Standards). Ms. Price said it would enhance the landscape to have better screening and a berm. Ms. MacKenzie countered that requiring that would exceed the Planning Board's authority since the business had been there for many years and improvements that exceeded the approved plans had been made.

Mr. Herrick confirmed for Mr. Murphy that there would be no outside air tanks or anything that would produce noise.

Moving on to Section 1000 (Landscaping), Mr. Murphy said there was no need for extensive landscaping review since this would be an addition to an existing building. Ms. Price stated that, in the interest of abutters, she did not think there was enough screening. Vice-Chair Murphy responded that abutters had been notified of the application and Mr. Herrick confirmed he had received no complaints from neighbors. Ms. MacKenzie said this was a permitted use in this mixed-use zone.

Mr. Ostheimer felt the parking at the location was a mess: he asked if that could be improved. Mr. Herrick said he had been very busy lately and several owners had abandoned their vehicles this summer. He was currently in the process of weeding these out.

Mr. Viehman said increasing the volume of business would increase the traffic, which seemed to be a potential hazard because there were no good sightlines for pulling out. Tony Bates said Mr. Najpauer's list stated there was no expected change in traffic though larger trucks would be serviced. Mr. Herrick said he wanted interior space so he would not have to work on large trucks outside.

ACTION: Sarah Price made a motion, seconded by Terri MacKenzie, to approve the Site Review Application from Herrick's Automobile Sales and Service Center (David Herrick) to construct a 2,400 square foot addition to the existing building located at 70 Rockville Street, Map 14 Lot 11 and located in District 907, with the roof height changed from 19.2' to 24.3'.
Carried 6-0-0

III. Approval of Minutes

ACTION: Tony Bates made a motion, seconded by Terri MacKenzie, to accept the 8/14/13 minutes as presented in the packet.
Carried 4-0-2 (Thomas Murphy and John Viehman abstained)

IV. Adjournment

The meeting adjourned at 7:00 P.M.

Respectfully submitted,

Deborah Sealey
Recording Secretary