

**Rockport Planning Board**  
**Wednesday, November 14, 2012**  
**5:30 p.m.**  
**Rockport Opera House Meeting Room**  
**Televised on Channel 22**

**Present:** Chair Kerry Leichtman  
Terri MacKenzie  
Sarah Price  
Tony Bates  
Jim Ostheimer

**Also Present:** Tom Ford, Planning Director  
Sally Leighton, Videographer  
Tony Casella, Village at Rockport  
Andrew Hedrich, Gartley & Dorsky  
Ted Skowronski

Chairman Leichtman opened the meeting at 5:37 p.m.

- A. Mr. Leichtman reported that Mr. Ford will be retiring. He will be leaving the position of Planner on May 31, 2013. The Board wished him well.
- B. Ms. Price was not present at the previous meeting but has reviewed the DVD. Mr. Leichtman asked Mr. Casella if Ms. Price could participate in the meeting. Mr. Casella agreed Ms. Price should participate.

**AGENDA**

**I. OLD BUSINESS**

- A. VILLAGE AT ROCKPORT, LLC, 55 Hilltop Drive, Rockport, ME 04856**  
represented by Andrew Hedrich of Gartley and Dorsky, **for a subdivision final plan review to add Phase IV (13 dwelling units) to the existing Village at Rockport Subdivision** on parcel identified as Map 10, Lots 50 and 55 and located at Hilltop Drive in District 907.

A deed was submitted to the Town indicating Lots 50 and 55 have been merged creating a 39.7 acre parcel. A total of 47 dwelling units will be located on the site. Phase IV for 40 units was Planning Board approved on March 31, 2012

The top floor of Building #4 with five (5) dwelling units will be eliminated. Unit # 35 is identified on the subdivision plan and will now be used as a maintenance office. The unit number has not been eliminated from the numbering scheme. Unit #35 is being reserved to prevent all paperwork from being renumbered. A schematic utility plan of the entire development is included in the proposal package.

Mr. Hedrich presented an updated Phase II C2 plan. The Planning Board does not accept new submissions at Board meetings. Mr. Leichtman said the information submitted at this meeting

was requested by Mr. Ford and will be allowed because it was additional information and not a requirement of the ordinance. Mr. Hedrich explained the difference between the original Plan C2 and the revised Plan C2.

A five (5) minute recess was taken to allow Board members time to review the recent submissions.

Ms. MacKenzie motioned to “accept the application of Village at Rockport, LLC represented by Gartley and Dorsky for subdivision final plan review to add Phase IV, 13 dwelling units, to the existing Village at Rockport on parcel identified as Map 10, Lots 50 and 55 and located at Hilltop Drive in District 907 as being complete.” The motion was seconded by Ms. Price and passed 5-0.

Mr. Hedrich explained the requirements for the water source – public water supply versus private wells. Two (2) extra wells are in place at the present time which would provide enough water for 30 additional units.

A full storm water study was completed for the project.

The Select Board has discussed exploring ways to tie in to the Camden and Rockland sewer systems.

Ordinances requirements are intended to address the Performance Standards found in Article II.

Article 11 and 30-A MRSA Section 4404 are reviewed at the same time.

## **ARTICLE 11**

### **11.1 The proposed subdivision will not result in undue air or water pollution.**

- A. The proposed subdivision shall not discharge wastewater to a water body without a license from the Maine Department of Environmental Protection.** Letter from Maine Licensed Site Evaluator, David Marceau explaining the capacity of the subsurface waste water system; test pit data on four excavated hand-dug shovel holes, the location of which are depicted on Site Plan C2.
- B. Discharges of storm water shall be treated to remove oil, grease, and sediment prior to discharge into surface water bodies. When the subdivision is within the watershed of a great pond, the storm water shall be treated in order to remove excess nutrients.** The developer states they will adhere to all state and local health and water resource rules and regulations.
- C. Applicable State and local health and water resource rules and regulations shall be adhered to.** The developer submitted to MDEP and Stormwater run-off plan that will be a contingency for a vote of approval.

### **11.2 The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision.** Letter from well driller, Delwin Philbrook, dated February 23, 2012, stating they will install wells deep enough to provide sufficient water supply. Statements from

Tony Casella describing abundant gallons per minute flow rates. Previous well drilled for Phases I through III proved the area has excellent underground water resources.

- 11.3 The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used.** Letter from well driller, Delwin Philbrook, dated February 23, 2012, stating, "The withdrawal of water from this location will not cause an unreasonable burden on the existing water supply."
- 11.4 The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.** Developer statement that areas susceptible to erosion will be controlled in accordance with Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices. Also, measures described and illustrated on Plan Sheet C3 and Site Plan C2.
- 11.5 The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.** ITE Trip Generation Summary submitted by Gartley & Dorsky Engineering & Survey dated September 25, 2012; and Traffic Study and Summary conducted by Gorrill-Palmer Consulting Engineers, dated March 14, 2012.
- 11.6 The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are to be used.** Letter from Maine Licensed Site Evaluator, David Marceau explaining the capacity of the subsurface waste water system; test pit data on four excavated hand-dug shovel hole, the location of which are depicted on Site Plan C2. Municipal services are not available at this time.
- 11.7 The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be used.** Solid waste will be taken to Midcoast Solid Waste. We have not been made aware of capacity problems at Midcoast Solid Waste.
- 11.8 The proposed subdivision will not an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.**
- A. Preservation of natural beauty and aesthetics.** The developer has successfully incorporated the natural landscape into the subdivision's design, avoiding large healthy trees wherever possible. Phases I through III have been attractively landscaped, as promised by the developer.
- B. Retention of open spaces and natural or historic features.** No open spaces will be retained for public use. 73% of the parcel will remain undeveloped. A letter, dated February 16, 2012, from Kirk Mohney, a state historic preservation officer with the Maine Historic Preservation Commission, stated there are no historic properties being affected by this development.
- C. Protection of significant wildlife habitats.** Maine Department of Inland Fisheries and Wildlife has not identified this land as a Significant Wildlife Habitat.

**D. Existing public rights of way to the shoreline of a water body.** There are no existing public rights of access to shoreline on this subdivision. Therefore, this standard does not apply.

**11.9 The proposed subdivision conforms with the duly adopted Subdivision Ordinance, Comprehensive Plan and Land Use Ordinance of the Town of Rockport.** Passage of this plan endorses its compliance with the Town of Rockport Land Use and Subdivision Ordinances and the Comprehensive Plan.

**11.10 The subdivider as adequate financial and technical capacity to meet the standards.**

**A. Financial Ability:** Our ordinance does not require proof of financial capability. However, this is the fourth and final phase of this subdivision. This phase will be self-financed in the same manner as Phases I – III. The Rockport Planning Board has every reason to believe the developer is capable of building what has been proposed.

**B. Technical Ability.** The developer has hired contractors who are known to this board and respected for their professionalism and technical ability.

**11.11 Whenever situated entirely or partially within the watershed of any pond or lake or within 250 of any wetland, great pond or river, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.** By taking adequate stormwater control measures and employing adequate water systems, the watershed of Penobscot Bay will not be adversely affected. This as evidenced in the:

a. Letter from Maine Licensed Site Evaluator, David Marceau explaining the capacity of the subsurface waste water system; test pit data on four excavated hand-dug shovel hole, the location of which are depicted on Site Plan C2.

b. MDEP and Stormwater run-off plan.

c. Developer statement that areas susceptible to erosion will be controlled in accordance with Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices. Also, measures described and illustrated on Plan Sheet C3 and Site Plan C2.

**11.12 The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.**

**A. Ground Water Quality.** The developer will site wells and septic apart as required by MDEP and other regulations, as evidenced by sitings on Plan Sheet C2.

**B. Ground Water Quantity.** Proper separation in locating septic and wells as mentioned in Part A., and letter from well driller, Delwin Philbrook, dated February 23, 2012, stating, "The withdrawal of water from this location will not cause an unreasonable burden on the existing water supply."

**11.13 If the subdivision, or any part of it, is in a flood prone area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval**

**requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation. NA**

- 11.14 All freshwater wetlands in the proposed subdivision shall be identified on any maps submitted as part of the application, regardless of the size of these wetlands.** There are no wetlands in the Phase IV portion of this development. All wetland locations for Phases I through III have been located and depicted on Plan Sheet C2.
- 11.15 Any river, stream or brook within or abutting the proposed subdivision shall be identified on any maps submitted as part of the application.** The only applicable water body, a stream, is depicted on Plan Sheet C1.
- 11.16 The proposed subdivision will provide for adequate stormwater management.** MDEP and Stormwater run-off plan.
- 11.17 If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland, none of the lots created within the subdivision shall have a lot depth to shore frontage ratio greater than 4:1.** NA
- 11.18 The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.** NA
- 11.19 For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.** NA. The subdivision is located entirely in Rockport.

There are no wetlands within the Phase IV portion of the development. Trees in excess of 24" will not be removed on the site.

Mr. Leichtman motioned to approve the application of Village at Rockport, Phase IV contingent upon receiving approval from the MDOT and MDEP (Stormwater Management Plan). The motion was seconded by Dr. Bates and passed 5-0.

The Plans for Village at Rockport, Phase IV were signed by the Planning Board. Mr. Ford will retain the plans until the remaining two (2) permits are received.

## **II. MINUTES**

Dr. Bates motioned to accept the minutes of October 17, 2012 as prepared. The motion was seconded by Ms. MacKenzie and passed 3-0-2. Ms. Price and Mr. Leichtman abstained.

The meeting adjourned at 6:45 p.m.

Respectfully submitted,

Melody Sainio  
Recording Secretary