

**Town of Rockport Planning Board  
PUBLIC HEARING  
Wednesday, January 11, 2012 – 5:30 p.m.  
Rockport Opera House Downstairs Meeting Room  
Meeting Televised on Channel 22**

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

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

**AGENDA**

**NEW BUSINESS**

1. **Village at Rockport, LLC**, 55 Hilltop Drive, Rockport, ME 04856  
**Request:** Subdivision pre-application plan meeting to add Phase III (22 dwelling units) to Village at Rockport. Represented by Gartley & Dorsky Engineering & Surveying.  
**Property:** 689 Commercial Street – Tax Map 10, Lot 55  
District #907 – Mixed Business/Residential District

**OTHER BUSINESS**

2. Review and Approval of Minutes

The meeting was called to order at 7:04 p.m.

**I. VILLAGE AT ROCKPORT, LLC**

**Representation:** **Andrew D. Hedrich**  
Gartley & Dorsky Surveying & Engineering  
59B Union Street, P.O. Box 1031, Camden, ME 04843  
Tel: 207-236-4365; Fax: 207-236-3055  
**Anthony Casella and John Richardson**  
Village at Rockport, LLC  
55 Hilltop Drive, Rockport, ME 04856  
**Property:** 55 Hilltop Drive – Tax Map 10, Lot 55  
District #907 – Mixed Business/Residential District

**Request:** Subdivision pre-application plan meeting to add Phase III (22 dwelling units) to Village at Rockport.

**Andrew Hedrich:** For Phase III we propose to develop six to seven acres of the available land on this 36-acre parcel with the rest to be left undeveloped. Phases I and II constitute a total of 19 residential units. We propose to add 22 to 25 additional units. We will add two or three new wells at locations not yet defined and four new septic systems. The primary 140-foot by 44-foot building will contain 15 to 18 units, but we are still working on the final configuration. In addition, there will be six single detached units. The improved road will be named Cabana Drive and there will be two parking spaces per unit. We will require a Tier 1 permit from the Department of Environmental Protection for wetlands impact at the rear of the development. We anticipate 14,650 sq. ft. of wetlands impact. We thought impacting the less valuable wetlands on this side of the stream would be a better alternative. The permit application has been submitted. We will also need a change of use permit from the Department of Transportation. This permit was previously waived because we had not been increasing the number of trips per day compared to the previous motel use, but now we are. A key component of this permit is the entrance configuration. We were previously allowed one entrance and one exit, but will now be required to close the exit. However, there would be some benefit to leaving the exit open with a gate for emergency purposes. We will include this in our DOT request and they seem receptive to the idea. We did not include the soils map with our application, but do have it available.

**Chairman Leichtman:** We normally just ask questions about the application, but since the preapplication meeting is a more informal process, we can have a broader discussion. I am confused about the DOT issue. I thought they said you can have only one egress and ingress point and you would have to choose.

**Andrew Hedrich:** They did and we are proceeding on the assumption that they will not allow it. However, as a result of discussions with the Fire Chief and Maine Water Company, we thought about asking to keep the existing exit if we gate it and prevent normal access. DOT said maybe, but we have to work on stormwater issues in that area.

**Chairman Leichtman:** You are not talking about creating a daily use driveway.

**Andrew Hedrich:** No.

**Anthony Casella:** The Fire Chief liked the idea of the new driveway and also being able to use the existing exit, so we presented the idea to DOT. Because it would be very difficult for fire trucks to turn around, they said okay as long as it is posted as an emergency exit.

**Mr. Alexander:** DOT is not asking that you install a gate?

**Anthony Casella:** No, we would just need a sign that it is an emergency exit.

**Mr. Alexander:** But I think people will use it anyway.

**Chairman Leichtman:** If it is for emergency access only, how much of the Ordinance road requirements come into play here? The standards require a perpendicular approach to the intersection and a 40% angle.

**Planning Director Ford:** My recommendation is that the Article 14 street design standards do not apply to an emergency access.

**Chairman Leichtman:** If it is available, people will use it.

**Anthony Casella:** We have no problem gating it.

**Chairman Leichtman:** I think that unless it is gated, it will be used. The Fire Chief mentioned that a crash gate could be used. I would like a letter from the Fire Chief that he has no problem with the road.

**Mr. Ostheimer:** Could they use a lift bar gate with a plastic card?

**Chairman Leichtman:** We don't want to go in that direction. If the residents are allowed to use it, all of the road standards would have to be met.

**Mr. Alexander:** Did any other issues come up that you could alert us to?

**Andrew Hedrich:** The most challenging aspect is the grading and stormwater management so we won't have water running down the driveways and into the houses. We will also be concerned with the proximity of the septic systems to each other and the buildings.

**Anthony Casella:** We discussed the height of the building with Scott Bickford with regard to conformance with the standard and staying within the 42-foot range by building into the trusses. We are also concerned with height from the standpoint of aesthetics and keeping the building from looking huge.

**Chairman Leichtman:** Since you are building to suit, you don't know the number of occupants. If you had gone with one-bedroom and studio units, what would have been the total number for Phases I and II?

**Anthony Casella:** Six in the first building. In the new large building, two clients want penthouses, so we anticipate ending up with fewer units. However, we did add six more cottages because local people who are downsizing don't want an apartment or a lot of upkeep, but still want their own backyard.

**Ms. Price:** With regard to the driveway, I understand that it is more convenient to go one way, but you still meet the road requirements with only one entrance/exit?

**Andrew Hedrich:** Correct. There is adequate turnaround area and we meet the width requirement.

**Mr. Murphy:** I really want to discuss keeping the second access open. Some businesses along Route 1 have two or three curb cuts. It is counterintuitive to have fewer access points for more people. If the Planning Board has any weight with the DOT, I would like to make the existing exit available to people to use if the crash gate satisfies them.

**Anthony Casella:** The DOT left it up to the Town. They are happy with just a sign, but the Town is looking for a gate as long as we meet the stormwater problems.

**Chairman Leichtman:** I am uncomfortable without the crash gate because they are not building to specs for increased traffic and the DOT does not want it used as a driveway.

**Mr. Alexander:** If I lived there, I would be wishing it could be used as a driveway.

**Anthony Casella:** The DOT rule allows for only one entrance/exit in the same location.

**Planning Director Ford:** On an arterial highway MDOT's objective is to keep traffic moving at a certain rate of speed, and minimizing the number of curb cuts keeps traffic flowing.

**Chairman Leichtman:** They think every curb cut slows traffic down, but this makes no sense.

**John Richardson:** Aesthetically the development looks nice with the symmetry of the horseshoe driveway and this takes away from what we have done to upgrade the property.

**Chairman Leichtman:** What will the population be when the development is built out?

**Anthony Casella:** About 100 people.

**Chairman Leichtman:** DOT is saying that one driveway for 100 people makes more sense than two driveways.

**Andrew Hedrich:** That's what happens when we trip the traffic threshold.

**Mr. Alexander:** Why isn't a sign sufficient for the Town?

**Planning Director Ford:** The Ordinance says nothing about gates or signs. It only sets road design standards. The egress point closest to Rockland comes down at an acute angle and steeper slope. If it is going to be an access point, we want to ensure safe access.

**Mr. Alexander:** So it is probably not worth getting into all that earthwork.

**Anthony Casella:** But MDOT is restricting it anyway.

**Chairman Leichtman:** If they can't create a safe driveway I think it should be gated.

**Mr. Alexander:** What does the Ordinance say?

**Chairman Leichtman:** If it is going to be a road, it has to meet construction standards and those standards cannot be changed.

**Mr. Alexander:** So because it would be attractive to people to use, we need to block access?

**Chairman Leichtman:** I would agree except that it is a safety issue.

**Mr. Murphy:** The Ordinance says the standards "shall" be met, not "may" be met. It would be at least medium volume access and it could be high volume access. We would have to post a keep out/emergency access sign with minimal control, but it could be a safety issue.

**Mr. Alexander:** I am just exploring the possibilities to see if we can avoid the gate, but it doesn't look like it.

**Ms. Price:** Would the Town be liable if someone goes the wrong way?

**Chairman Leichtman:** No, but we can't give them even tacit permission to use this as an access.

**Mr. Alexander:** In my opinion, if you find something that works better for you and we have the flexibility, we are open to considering it, taking it in the context of a sign.

**Ms. Price:** But you're saying you cannot use it as a driveway, but you can use it for emergency access.

**Andrew Hedrich:** Tentatively.

**Ms. Price:** And it doesn't have to meet our Ordinance road standards if it is emergency access?

**Chairman Leichtman:** The DOT says you can use it as emergency access with a sign. If the Town goes along with that, the DOT is okay with it as well.

**Ms. Price:** That makes me a little concerned because the whole gate aspect presents a can of worms the Town might not want to open. Not that this is a gated community, but I just want us to be aware of it if we approve a gate here and maybe establish a precedent.

**John Richardson:** We didn't need an emergency exit with Phases I and II, and most people logically will go to the closest exit, so few people would violate that sign restriction.

**James Ostheimer:** I assume the pool is meant for use by the residents. How do you deal with friends of friends coming in to use it?

**Chairman Leichtman:** Our business is only what is in the Ordinance and admission to the pool is not part of that.

**Anthony Casella:** The people who live there will police the pool.

**James Ostheimer:** When I lived in Sun City in the southwest the pool was a big problem.

**Mr. Murphy:** It is up to the residents and the developer to deal with that.

**Chairman Leichtman:** I am not saying it is not a concern, but we have no authority over that.

**Ms. Price:** I don't know how typical this development is, but is it typical to say casually that they will just drill another well?

**Andrew Hedrich:** Yes. If you have an adequate water supply, you can. A subdivision is the same situation, and there is no problem if you can keep the separations you need and meet the regulations.

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

**Ms. Price:** I wondered why there is a reference to bald eagles on your Search for Wildlife Observations and Habitat sheet.

**Andrew Hedrich:** The application was sent to the State for NRPA review and we have to check the wetlands and wildlife habitats.

**Ms. Price:** Why did David Marceau do updates?

**Andrew Hedrich:** When you map the wetlands line there is some fluctuation, along with vegetation and soil conditions, so we find it beneficial to reevaluate those. This lot was mapped seven or eight years ago, so we thought it would be beneficial to locate the wetland line along the ridge.

**Chairman Leichtman:** We will schedule the site walk for 4:45 p.m. before the next meeting.

### **III. REVIEW AND APPROVAL OF MINUTES**

**MOTION – Thomas Murphy/SECOND – John Alexander:** To approve the minutes of the regular Planning Board meeting of August 10, 2011 as presented.

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

The motion was passed 3-0-2.

**MOTION – Thomas Murphy/SECOND – John Alexander:** To approve the minutes of the regular Planning Board meeting of November 9, 2011 as presented.

<b>VOTE:</b>	John Alexander	Yes
	Kerry Leichtman	Yes
	Thomas Murphy	Yes
	John Ostheimer	Abstain (not member of the Board)
	Sarah Price	Yes

The motion was passed 4-0-1.

**Chairman Leichtman:** We have scheduled a training session for 4:00 p.m. on January 25 in the Town Office Richardson Room.

The meeting was adjourned at 6:30 p.m.

The next meeting of the Planning Board has been scheduled for Wednesday, February 8, 2012.

Nancy Ninnis  
Recording Secretary