

**Town of Rockport Planning Board
PUBLIC HEARING
Wednesday, March 21, 2012 – 5:30 p.m.
Rockport Opera House Downstairs Meeting Room
Meeting Televised on Channel 22**

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

Also Present: Tom Ford, Planner
Sally Leighton, Videographer

AGENDA

NEW BUSINESS

1. **Pen Bay Medical Center**, 6 Glen Cove Drive, Rockport, ME 04856
Request: Site plan preapplication meeting to introduce two alternative fuel sources to power the Medical Center. Represented by Larry Mellenthin.
Property: 6 Glen Cove Drive – Tax Map 6, Lot 155
District #909 – Rockport Hospital and Resort District

2. **Rockport Investment Group, LLC**, 195 Commercial Street, Rockport, ME 04856
Request: Site plan preapplication meeting to expand an existing commercial building. Represented by Gartley & Dorsky.
Property: 195 Commercial Street – Tax Map 27, Lot 39
District #907 – Mixed Business/Residential

3. **Melissa Spear Dove**, 20 Park Street, Rockport, ME 04856
Request: Waiver of joint review of the proposed Creation Lot 5 in the Maple Grove Subdivision. Represented by Landmark, Inc.
Property: Park Street – Map 35, Lot 71-1
District #908 – Rural District

OLD BUSINESS

1. **Penobscot Bay Ice Co., Inc.**, 211 Union Street, Rockport, ME 04856
Request: Site plan preapplication meeting to locate an 8 ft. x 20 ft. Graffam Brother's Seafood Shack Restaurant. Represented by Kimberlee S. Graffam.
Property: 210 Union Street – Tax Map 30, Lot 107
District #901 – Harbor Village District

2. Request of **Melissa Spear Dove**, represented by Landmark Inc., **for a waiver of joint review of the proposed creation Lot 5 in the Maple Grove Subdivision** on a parcel identified Map 35 Lot 71-1 and located adjacent to Park St. in District 908.
Property: Park Street – Tax Map 35, Lot 71-1
District #908 – Rural District
3. David E. Herrick and Carolyn **A. Cavanaugh**, 70 Rockville Street, Rockport, ME 04856
Request: Site plan preapplication meeting to develop a 6,000 sq. ft. commercial building with an attached 1,200 sq. ft. office and apartment. Represented by Landmark Corporation Surveyors & Engineers.
Property: Commercial Street – Tax Map 20, Lot 133
District #907 and #907M – Mixed Business/Residential District and Modified

OTHER BUSINESS

4. Review and Approval of Minutes

The meeting was called to order at 5:36 p.m.

I. PEN BAY MEDICAL CENTER

Representation: **Larry Mellenthin**

6 Glen Cove Drive, Rockport, ME 04856
Tel: 207-236-3397; Fax: 207-236-6715

Property: 6 Glen Cove Drive – Tax Map 6, Lot 155
District #909 – Rockport Hospital and Resort District

Request: Site plan preapplication meeting to introduce two alternative fuel sources to power the Medical Center.

Presentation by Larry Mellenthin:

Pen Bay Medical Center began looking at alternate energy sources in 2008 when the boiler plant was constructed. The energy market has taken many twists and turns along the way. At this point, coupled with what is happening with the healthcare industry, this is now the most prudent time for Pen Bay to approach the Planning Board regarding plans they hope to resolve quickly.

Two (2) options are being considered and will, most likely, be narrowed to one (1) by the next Planning Board meeting. Option #1 is liquefied/natural gas and Option #2 is bio-mass. The intent was to start with the gas entity as a temporary feature, build some equity and then follow with the bio-mass.

Mr. Mellenthin introduced the following associates from WBRC Architects & Engineers: Paul Monyok, Civil Engineering; Dick Rawlins, Electrical/Mechanical; and Ray Boldic, Civil Engineering.

Paul Monyok:

Mr. Monyok described the proposed fuel conversion for Pen Bay Medical Center and indicated on a map where the proposed infrastructure changes would be located. The liquid/natural gas facility would be located on a concrete pad. There would be space on the pad for four (4) tanker trucks. One (1) slot

would house the truck holding the equipment for processing the gas, two (2) would be designated for the active gas supply and the spare gas supply. The fourth slot would allow for maneuvering and for pulling the next truck in while removing the empty tank.

An existing asphalt drive leads from the existing parking lot to the concrete pad. The proposed location is slightly developed and has a stockpile of material (tree stumps, etc.). The LNG facility will be fenced in.

An addition will be attached to the existing boiler plant. The addition will house the mechanical equipment for the bio-mass woodchip boiler setup. In front of the addition is a concrete encasement that will be located below ground with an at grade opening hatch where the chips can be dropped into the boiler. Minor site changes would be needed. Minor asphalt patching would be needed for the parking lot.

The existing parcel is 63 mixed acres of woods with some lawn. Fifteen (15) +/- acres are impervious (buildings and parking lots) and twelve (12) +/- acres are lawn. Approximately one-quarter of the site is covered. Both options will be 4,000 s.f. of new impervious area. At least five (5) acres of wetlands have been delineated and along with three (3) streams are noted on the map. There are no plans on touching the streams, other than using an existing stream crossing, and there should not be any impact to the wetlands. Any steep slopes are off the project site, although the site does slope from Route 1 to the bay.

Board questions:

Kerry Leichtman – You had talked about bio-mass or natural gas, not one and then the other.

Paul Monyok - WBRC is planning a two (2) phase project using liquid/natural gas first then the change to bio-mass as it currently stands.

Sarah Price – The natural gas would be a temporary thing unless you decide to go with that instead of the bio-mass.

Paul Monyok - If WBRC “decides to go with natural gas it would be temporary until we get to the bio-mass.”

Terri Mackenzie – Does this mean the infrastructure you are going to put in there will be dual fuel? Will the natural gas capacity of it, at least some portion of it, retain motility when it moves to bio-mass to go back to natural gas in the future should circumstances warrant that?

Paul Monyok – The plan would be to provide facilities for natural gas internally to the boiler plant. Conversions would be made to use that natural gas fuel as the heating source. Once the determination is made to use bio-mass the liquid/natural gas will be discontinued. The facilities will be abandoned and the conversions will take place inside the boiler plant to make it run off the bio-mass.

Jim Ostheimer – The connections to bring the LNG (liquid/natural gas) to the river. Piping is it?

Paul Monyok – Yes, it is.

WBRC projects one (1) delivery truck of LNG per week. For scheduling purposes there will be one (1) relief truck to be hooked up and could go on-line while the empty truck is removed from the site. The fourth slot is for equipment needed to process, pump and vaporize the natural gas and get it to the plant. At any one (1) time there will be two (2) trucks filled with gas on the site. The trucks will look similar to oil delivery trucks.

John Alexander – I want to clarify what I'm going to see when it is all built out. (Paraphrased) I'm going to see a concrete pad with a chain link fence around it. And I'm going to see, at worst, four (4) big tankers and at best two (2) tankers feeding the supply.

Paul Monyok – That is correct.

John Alexander – And I'm going to see a 2,500 s.f. addition on the building. That's basically what I'm going to see.

Paul Monyok – That is correct.

For security reasons the liquid/natural gas field will have night lighting and security cameras.

Jim Ostheimer – As I understand it LNG is not explosive and not flammable. Is that correct?

Dick Rawlins – Liquefied natural gas it not explosive. It is stored in a double walled tanker (DOT approved). The natural gas is cooled down to 260 degrees, so it is a liquid and not under pressure. It is a chilled liquid and there is a vacuum between two (2) tanks. A crude liquid keeps it in the liquid stage. The vapor forms as it moves through the gas line. LNG is not explosive but is flammable. It is a combustible fuel that vaporizes and does not pool or pond.

John Alexander – From a technical point of view, from us as a Planning Board. Do we really have to be concerned with the technology, the gas and the bio-mass? Or is it DEP?

Kerry Leichtman - Only as far as it falls under our responsibility for safety and things like that. We can depend on the experts that do the licensing. Our responsibility is to the Town and the people that live nearby.

Kerry Leichtman - Let me paraphrase again what I think I'm hearing. Understand that I understand you are in a decision making mode, you haven't made decisions and there's nothing wrong with that. I'm not trying to cast dispersion by what I'm saying. You are definitely going to do the natural gas facility. The question is whether or not later on you do the bio-mass. Is that correct?

Dick Rawlins – No. Ideally, what we want to do is a bio-mass project. Right now we burn a #6 fuel which is a very dirty fuel and also a harder fuel to get. From the emissions point of view it is the worst of the options on the table and that is what we're currently burning. The goal is to switch over to biomass wood chips.

Bio-mass is cleaner and would significantly lower operating costs for the hospital. Natural gas as an interim step would allow WBRC to provide a significant reduction in energy savings and energy costs. The hospital is hoping to bank the savings and use it to pay for the bio-mass project. The estimated cost ranges from \$500,000 to \$2,000,000. The end game would be to use the bio-mass boiler as the primary fuel and convert the #6 fuel to a #2 fuel.

Paul Monyok noted the LNG was designed to Nation Fire Protection Standards.

Kerry Leichtman – Three (3) concerns: 1) the natural gas facility and the kind of security that would be necessary; 2) lighting and light pollution; 3) noise and what hours of the day; 4) security; 5) the Board will depend on WRBC to educate the Board as to energy standards, safety records, track record, and possibly peer review on the information. These concerns should be addressed at a future meeting.

Fencing will physically secure the site and a security camera will be monitored.

Terri Mackenzie – I want to hear and be educated along the lines of what could go wrong (i.e. how the fuel is chilled, safety precautions, back-up plan, fuel conditions for safe storage, etc.).

Tom Murphy – Three (3) things not yet discussed: 1) letter from the fire chief; 2) letter from the police chief; 3) parking and circulation (only one (1) entrance and exit to facility; if there is a need for rapid evacuation; possible second exit crash gate; length of tractor trailer rigs and maneuverability).

Sarah Price - The number of parking spaces. The last paragraph you mention submitting all these permits. I would ask you to presume you are talking to lay people. Educate the Board on the permits. What requirements are voluntary and what are required. Make a distinction on what is being done beyond what is required.

Kerry Leichtman - Please realize we need to be educated. Talk down to us. You can educate us as we go and we can all talk more intelligently as we go.

Acronyms should be explained.

II. ROCKPORT INVESTMENT GROUP, LLC

Representation: William Lane
Gartley & Dorsky
Phone #236-3265

Property: 195 Commercial Street – Tax Map 27, Lot 39
District #907 – Mixed Business/Residential

Request: Site plan preapplication meeting to expand an existing commercial building.
Represented by Gartley & Dorsky.

Presentation by William Lane:

Rockport Investment Group, LLC proposes to expand an existing 765 s.f. one (1) story commercial building by 850 s.f. (1-1/2 stories) and the possible expansion of its use as a professional office. The parcel is adjacent to Tropical Nails and significantly slopes behind the developed footprint on the site. Existing utilities would be used. Additional parking would be added to the site creating twelve regular parking spaces and one (1) ADA handicapped parking space. No change of use for the office building is proposed.

Kerry Leichtman – 1) A nice big lawn in the front. A landscaping plan will have particular import to us; 2) Not totally sure of nature of businesses that would totally occupy this space.

One (1) parking space is required for every 200 s.f. of office space.

John Alexander – Give consideration to site line, ingress and egress and site distance.

Tom Murphy - Make sure you have the appropriate lighting for the space and that the sign not have lights that shine into people's eyes as they go by.

III. MELISSA SPEAR DOVE

Representation: Tom Fowler
Landmark Corporation
236-6757

Property: Park Street – Map 35, Lot 71-1
District 908 – #Rural District

Request: Waiver of joint review of the proposed Creation Lot 5 in the Maple Grove Subdivision.

(New Business, Item C was moved to the end of the agenda.)

I. PENOBSCOT BAY ICE CO., INC.

Representation: **Kimberlee S. Graffam, President**
211 Union Street, P.O. Box 340, Rockport, ME 04856
Tel: 207-236-3397; Fax: 207-236-6715

Property: 210 Union Street – Tax Map 30, Lot 107
District #901 – Harbor Village District

Request: Site plan preapplication meeting to locate an 8 ft. x 20 ft. Graffam Brother's Seafood Shack Restaurant.

A pre-application meeting was held on February 15, 2012 to review this proposal. A site walk was held prior to this meeting.

Presentation by Leni Gronros:

Graffam Brother's Seafood Shack was opened in 2011 with a Peddler's Permit to see how it would work out. It worked out well and we want to make this a more efficient operation and make it more comfortable for our patrons by adding a couple more picnic tables and a porta-potty to the premises.

The shack will be moved 10' back on the Union Street side from last year's position. Additional whiskey barrels with plants and rose bushes will be added to the site.

No Board comments on presentation.

Planner Tom Ford submitted a site map showing abutter's map and lot numbers, a list of abutters and a property record card to the Board members. The submissions satisfy a few deficiencies in the application.

Kerry Leichtman – Site Plan 1304.1 – #3 Municipal map and lot numbers and names for abutting land owners. That is handled by two (2) of those handouts. Written statement, requirement #1 – Evidence by the applicant of his interest. The property record card is intended to address that. So, we have those items now.

What we don't have, and I'm going to suggest that we waive, is Site Plan Requirement #2 - existing soil conditions. And the reason I think it is okay to waive is there's going to be no excavation, no changes to the land whatsoever. So, I don't think we need that information. #11 natural contours at an interval of 2 feet. And again, this is a fairly flat piece of land that has been in use and the way the land is used is not changing. I would suggest we waive the contours not being on the map.

MOTION – Kerry Leichtman/SECOND – Thomas Murphy: To waive Site Plan Requirements #2 and #11.

VOTE:	Kerry Leichtman	Yes
	John Alexander	Yes
	Terri Mackenzie	Yes
	Thomas Murphy	Yes
	John Ostheimer	Yes
	Sarah Price	Yes

The motion was passed 6-0-0.

Kerry Leichtman – Is the scale accurate? The reason I ask about the scale is because the parking lot lane looks kind of funky. Are they 9' across?

Leni Gronros – That's the best I can do.

MOTION – Kerry Leichtman/SECOND – Thomas Murphy: The application is complete.

Board Discussion:

Sarah Price – Is that considered a right-of-way to get through? His equipment and his shed?

Kerry Leichtman – Not formally. If they were different owners of the land. (The abutter rents from the Graffam's.)

VOTE:	Kerry Leichtman	Yes
	John Alexander	Yes
	Terri Mackenzie	Yes
	Thomas Murphy	Yes
	John Ostheimer	Yes
	Sarah Price	Yes

The motion was passed 6-0-0.

Kerry Leichtman – 1305.4 – I will read each topic. If I have anything to say about it, I will. And if anybody else does, please jump in.

Preserve and enhance the landscape

Sarah Price – So, are we skipping the written statement?

Kerry Leichtman - No, that was part of the completeness. Did you miss out on that?

Sarah Price – Yeah.....Well, I'm sorry I do have an issue.....I just wanted to be clear that under the business description #2 that we are describing this as a take-out restaurant.

Ms. Price questioned why the business could not continue under the issued Peddler's License.

Tom Ford explained an Itinerant Peddler's License was issued by the Planning Office. The operation was "pushing the edge" of the license last summer. A peddler's business should open one (1) hour after sunrise and close one (1) hour before sunset. Signage should be removed daily when the business closes. There is a daily cost for being open under this type of permit.

With the advice and consent of Planner Ford and CEO Bickford, Ms. Graffam and Mr. Gronros sought Planning Board review and approval for a change of use on the property from a parking lot to a restaurant.

Ms. Price also questioned the restaurant being "mobile" since wheels remain on the structure. She pointed out the ordinance does not cover this type of restaurant. Mr. Ford considers the business to be a restaurant "with take-out capabilities."

Kerry Leichtman – Preserve and enhance the landscape.

Sarah Price – Pointed out the ordinance says "define, soften or screen the appearance of off-site parking areas from the public rights-of-way and abutting properties and structures." It is Ms. Price's opinion there is a difference from being a parking lot to becoming a parking lot for a restaurant. She questioned how the parking would be defined and if it ends at the property line.

Jason Moholland, abutter to the property, forwarded a letter to the applicants stating he does not want his property line obstructed by a fence or tree line between Graffam's parking lot and his lawn since it would limit the way he uses his yard.

It is Ms. Price's opinion that having the parking lot "more defined would make it safer." Mr. Leichtman noted the perspective business and the abutter "are good" and the respective business owners, own that lot next door. Mr. Murphy respectfully asked to "move on."

Kerry Leichtman – Soil and erosion control
Vehicular access
Parking and circulation

Mr. Leichtman questioned the lack of letters from the Police Chief and Fire Chief. He noted the letters were previously required for Site Plan Review. Mr. Leichtman asked Chief Kelley if there are concerns with the application. Chief Kelley did not receive any complaints in 2011 and does not anticipate any problems in 2012. Mr. Murphy asked Mr. Ford to look into this change in the ordinance.

Mr. Ostheimer expressed his concerns about over flow parking and Ms. Price mentioned pedestrians and bike riders not having a cross walk at that location. Mr. Alexander considers a cross walk to be unnecessary while Mr. Murphy said a cross walk could be added if a problem arises in the future.

Kerry Leichtman – Surface water drainage
Existing utilities
Special features of the development

Terri Mackenzie – Asked the applicants to screen the fencing from abutters. Mr. Gronros does not believe plants would not grow under the trees.

No abutters were in attendance at the meeting although all abutters were notified.

Kerry Leichtman – Municipal services
Water quality
Air quality
Water supply

Does anyone find the landscape plan to be deficient?

(TAPE CHANGED)

II. 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, Village at Rockport, LLC
55 Hilltop Drive, Rockport, ME 04856
Property: Hilltop Drive – Tax Map 10, Lot 55
District #907 – Mixed Business/Residential District

Request: Subdivision final plan review to add Phase III (21 dwelling units) to Village at Rockport.

Sarah Price – Ms. Price mentioned the well in the extended parking lot and pointed out there are no setback requirements for a well to be away from a parking lot. She was concerned about possible contamination. Mr. Hedrich is unaware of any prohibitions in this situation.

The wells are 300' down. Road salt would not be able to contaminate a well. This matter was discussed at length.

Ms. Price expressed her concern with Cabana Drive being a dead end street and not having a cul-de-sac. Mr. Hedrich explained the driveway would be utilized as the turn around.

MOTION – Kerry Leichtman/SECOND – Thomas Murphy: To waive the requirement of the cul-de-sac in recognition of the parking lot.

VOTE: Kerry Leichtman Yes

John Alexander	Yes
Terri Mackenzie	Yes
Thomas Murphy	Yes
John Ostheimer	Yes
Sarah Price	Yes

The motion was passed 6-0-0.

There were no public comments.

Kerry Leichtman – Article 11 – Performance Standards and 30A MRSA Section 4404 are meant to mirror each other. The Chairman reviewed:

- Undue air or water pollution
- Sufficient water supply
- Unreasonable soil erosion
- Unreasonable highway or road congestion
- Adequate sewerage
- Disposal of solid waster
- Scenic or natural beauty of the site
- Confirmation to Town standards
- Financial capacity
- No adverse
- No adverse effect on ground water
- Freshwater wetlands
- Adequate stormwater management
- All rivers identified

MOTION – Thomas Murphy /SECOND – Sarah Price: To approve the application of Village at Rockport, LLC presented by Gartley and Dorsky for a subdivision Final Plan Review to add Phase III, 21 dwelling units on Map 10, Lot 55.

VOTE:	Kerry Leichtman	Yes
	John Alexander	Yes
	Terri Mackenzie	Yes
	Thomas Murphy	Yes
	John Ostheimer	Yes
	Sarah Price	Yes

The motion was passed 6-0-0.

III. DAVID E. HERRICK AND CAROLYN A. CAVANAUGH/HERRICK’S GARAGE

Representation: **Thomas P. Fowler**
 Landmark Corporation Surveyors & Engineers
 219 Meadow Street, Rockport, ME 04856
 Tel: 207-236-6757; Fax: 207-470-7020
David E. Herrick, Herrick’s Garage
 70 Rockville Street, Rockport, ME 04856

Property: Commercial Street – Tax Map 20, Lot 133
District #907 and 907M – Mixed Business/Residential

District

Request: Site plan preapplication meeting to develop a 6,000 sq. ft. commercial building with an attached 1,200 sq. ft. office and apartment.

Pre site walk

Kerry said - Applicant presentation, questions from the Board on the presentation and will determine if the application is complete, more discussion, public comment and then proceed to vote.

Tom Fowler – Proposes to construct a professional office, a commercial building over 1,000 s.f. for vehicle repair and auto sales. An existing barn on the property will be relocated, an auto and sales service center will be constructed, and a single family residence will be constructed above the office.

Truck rental

Measurements of bldgs

New connections to utilities, construct new entrance, improvement existing gravel parking lot, new paved area.

Install landscaping

Pre app mtg. concerns – separation between office/apartment building and garage. Mr. Fowler noted the connector structure is shorter than required. He will request a waiver. Mr. Fowler met with Fire Chief Woodward regarding this matter.

Landscape boulders will be located along the right-of-way line. Light poles will be added to the sales area. The boulders and poles should help to keep the sales vehicles from “creeping” **over the line.** There are 27 designated spaces for the sale of vehicles. The landscape plan conforms to Town requirements.

Exterior sheathing was previously discussed. Mr. Fowler said the plan is to finish the end of the garage building facing Route 1. The office building will be entirely sheathed in vinyl shingles. The garage **building will also be shingled** on the side facing Route 1. Two walls of the buildings will have Metal sheathing. Mr. Fowler provided photographs of other buildings in Rockport that were sheathed in metal.

Mr. Fowler reviewed permits that have been applied for that will be submitted.

Kerry Leichtman found both the Site Plan and Written Statement plan to be complete.

MOTION – Kerry Leichtman/SECOND – Thomas Murphy: The application is complete.

VOTE:	Kerry Leichtman	Yes
	John Alexander	Yes
	Terri Mackenzie	Yes
	Thomas Murphy	Yes

John Ostheimer Yes
Sarah Price Yes

The motion was passed 6-0-0.

Kerry Leichtman reviewed the Performance Standards

Soil and erosion control
Vehicular access
Parking and circulation
Surface water drainage
Existing utilities
Special features of development

Exterior lighting – Three types of lighting lot plan. Parking lot lighting will illuminate cars for sale at night. Security lighting also. Mr. Fowler explained the different types of lighting that is proposed.

Emergency vehicle access
Municipal services
Water quality
Air quality
Water supply

Section 1000

Landscaping – a line of firs and lilacs along property line by Dorrs. Mr. Leichtman questions if there would be enough light for the vegetation to grow.

Mr. Murphy recommended plantings along the open area behind the house to soften the view.
Under lighting – landscape lighting

Ms. Price expressed her concern for the abutter on the south end of the parking lot. She noted the balsam firs would grow rapidly compared to **the privets**. Mr. Fowler addressed the matter of trees on the site.

Boulders will limit the amount of fill that could be brought in to the site. There will not be any trees planted between the boulders and the abutter's boundary line.

Architecture- The pitch of the roof was thoroughly discussed.

Kerry Leichtman – the requirements for no metal buildings in Rockport did not come in until 2009 or 2010. The buildings were discouraged before that time. Comparisons were made between the proposal repair garage to the building photographs provided at this meeting. The pitch to the proposed buildings is greater than his current building.

Kerry Leichtman – You are asking us to waive 2 requirements. To my thinking, the biggest difference of all is you are on Route 1. The requirements for having an attractive building and attractive landscape are of premium importance and I have a lot of trouble with considering the kind of building you are talking about.

Kerry Leichtman – The Town has put a lot of emphasis on making the corridors going through Town and to Town attractive.

The style of the proposed buildings, the sheathing, the siting of the buildings, and vegetation was discussed at considerable length.

Sarah Price remembered being surprised with the “traditional” look at some of the metal sheathing she has seen. It is her opinion that the proposed building looks “like a warehouse or an industrial building.” She said, “Our job is to keep and protect the Rockport tradition.” Mr. Leichtman added that some of the trees being considered as screenage belong to abutters.

It is Mr. Herrick understands the pitch could be increased but he is unsure “to what extent.”

John Alexander – Obviously it looks like the building doesn’t fit with the visual harmony with the environment that we’re looking for. But obviously, the drawings make the house and the office look much wider. You are being strongly encouraged.

1003.4 – Tom Murphy read.
.... metal are not permitted”

Kerry Leichtman – It is very difficult to be tough on this. It’s just not cutting it for the location that you’re putting it.

Terri Mackenzie – I don’t feel like you do. I like the drawing; I like the style of this front building. I like the landscape design. I trust Mike Farmer. I just don’t have that much of a problem with this style of building. I think with the landscaping mitigation and this traditional style building siding. I really do believe that’s mostly what you are going to see.

Jim Ostheimer – I’m wondering about functionality. There are other kinds of construction that would suit your purpose.

David Herrick – It wouldn’t be cost effective.

Tom Ford – You may want to do a consensus of the Board..... If the vote is going to be a negative vote I would suggest that you not do that tonight that you give some direction on these various aspects that you talked about.

Mr. Leichtman asked if Mr. Herrick would like to proceed with a vote on the entire project or a vote on the car sales and postpone the vote on the garage.

Mr. Fowler requested time to confer with his client. Mr. Leichtman called a break.

If he had the option on constructing the office and apartment.

Terri Mackenzie asked if part of the landscaping could be included. This would allow the Board a “better idea” of how the landscaping is or is not mitigating the site.

MOTION – Kerry Leichtman/SECOND – Thomas Murphy: To approve the application of David Herrick and Carolyn Cavanaugh represented by Landmark Corporation for a Site Plan Review to develop a 1,200 s.f. office and apartment on a parcel identified as Map 20, Lot 133 located on

Commercial Street in District 907 and 907M. And that this approval is for everything on the submitted Site Plan with the exception of the 6,000 s.f. commercial building.

VOTE: Kerry Leichtman Yes
John Alexander Yes
Terri Mackenzie Yes
Thomas Murphy Yes
John Ostheimer Yes
Sarah Price Yes

The motion was passed 6-0-0.

New

III. MELISSA SPEAR DOVE
Representation: Landmark

3. **Melissa Spear Dove, xxxxxxxxxxxxxxxx**

Request: Waiver of joint review of the proposed Creation Lot 5 in the Maple Grove Subdivision. Represented by Landmark, Inc.

Property: Park Street – Map 35, Lot 71-1
District 908 – #Rural District

Tom Fowler – The overall piece being divided does extend into the Town of Camden. The proposal is before both the Rockport and Camden Planning Boards. The Camden Planning Board would like one (1) plan. Mr. Fowler submitted a draft template to the Camden Planning Board that was not accepted. The Town Attorney for Camden will prepare a document for signing at the April 5th Board meeting. A joint hearing for both Boards will be held in Rockport. Approval would create a fifth lot in Maple Grove Subdivision.

Terri Mackenzie – How many people actually made this decision?

Tom Fowler – Three (3).Board members.

It is an 8.3 acre piece, basically around the driving range. The Maine Farmland Trust limits the development to one (1) house.

MOTION – Kerry Leichtman/SECOND – Thomas Murphy: To accede to the request of Melissa Spear Dove and sign the joint waiver of review for the proposed creation of lot five (5) in the Maple Grove Subdivision, Map 35, Lot 71-1 located adjacent to Park Street in District 908.

VOTE: Kerry Leichtman Yes
John Alexander Yes
Terri Mackenzie Yes
Thomas Murphy Yes
John Ostheimer Yes
Sarah Price Yes

The motion was passed 6-0-0.

MOTION – Kerry Leichtman/SECOND – Jim Ostheimer: To request of the Town Planner to investigate whether or not we can have Camden pay our legal fees.

VOTE:	Kerry Leichtman	Yes
	John Alexander	Yes
	Terri Mackenzie	Yes
	Thomas Murphy	Yes
	John Ostheimer	Yes
	Sarah Price	Yes

The motion was passed 6-0-0.

John Alexander – Is it possible instead of going down that track we could have Tom speak with Camden and ask them to rethink their decision. Mr. Leichtman stated that he, Tom and Bill Plouffe (Town Attorney) had numerous discussions regarding this matter. The Town of Camden would give no reason “other than procedure.”

IV. REVIEW AND APPROVAL OF MINUTES

MOTION – Thomas Murphy/SECOND – Sarah Price: To approve the minutes of the Wednesday Planning Board meeting of February 15, 2012 as presented.

VOTE:	Kerry Leichtman	Yes
	John Alexander	Abstain (not present at the meeting)
	Terri Mackenzie	Yes
	Thomas Murphy	Yes
	John Ostheimer	Yes
	Sarah Price	Yes

The motion was passed 5-0-1.

The meeting was adjourned at 10:22 p.m.

The next meeting of the Planning Board has been scheduled for Wednesday, April 11, 2012.

Melody V. Sainio
Recording Secretary