

**Town of Rockport Planning Board
Meeting Minutes
Thursday April 22nd, 2021- 5:30 PM
via zoom
Streamed at <https://livestream.com/Rockportmaine>**

Board Present: Chair Joe Sternowski, Vice Chair John Viehman, Mark X. Haley II, , Carter Skemp, Victoria Condon, Thomas Laurent

Board Absent: David Pio

Staff present: Town Planner Orion Thomas, Videographer Bruce Hilsmeier, and Town Staff Member and Acting Recording Secretary Mandy Marriner-Everett

Chair Sternowski called the meeting to order at 5:30 p.m. and established a quorum. There were no board members with conflicting interest.

No written comments were submitted to Town Planner Orion Thomas prior to the meeting.

Item #1 Minutes

MOTION- John Viehman moved to approve the minutes of the March 25th, 2021 Planning Board meeting as amended. Seconded by Tom Laurent. Only board members who were present at that meeting can participate in the vote. **Carried 3-0-0**

MOTION- John Viehman moved to approve the minutes of the April 7th, 2021 Planning Board meeting as amended. Seconded by Mark Haley. **Carried 6-0-0**

Item #2: Consideration of a Pre-Application Site Plan Review from Rick Jones at Maine Water Company for a proposed construction of additional lined lagoons at their existing water treatment facility located at 855 Rockland St in Rockport, ME. In zone districts 908, 915, and 1400 At Map 37 Lot 130.

Presenting on behalf of the applicant was Rick Jones and Evan Jones of Jones and Associates who oversee the project's environmental permitting. Mike Ames, superintendent of Maine Water's Camden and Rockport region, Mike Demmons- in charge of operations for Maine Water, Dan Libby – plant operator, Dan Flagg – Design engineer

Existing Facilities Overview presented by Evan Jones.

History of existing site and improvements from original construction in 1993 to 2018 when the spray irrigation fields were constructed to dispose of CIP process water through snow making.

Existing Lagoons –

Clean in place (CIP) lagoons and air scrub/ reverse filtration lagoons exist on the site and were both constructed in 2002 with the intention of blending both water streams. The streams were separated in 2017 due to adverse effects of their combination.

Maine Water is proposing to build necessary storage of CIP/ AS/RF water to create a reliable winter operation and to create the ability to take the lagoon offline for necessary maintenance.

Proposed lagoons-

Two new lagoons are being proposed – one CIP and one AS/RF.

CIP will be on the west side of the existing facilities.

AS/RF will be easterly of existing lagoons. All developments are setback at least 100' from mirror lake, but a portion of the CIP lagoon will be in the 250' setback.

This facility is currently licensed through the DEP.

State authorities have been consulted as necessary and the necessary state permits are either pending or in place. Resource minimization plan in place.

Overview of site plan was presented by Evan Jones. Shoreland setbacks and resource protection measures were highlighted.

The board asked for some further clarification as to certain survey lines and setbacks and the applicant will include these items on the final site plan.

The risk/ hazardous material was discussed. Dan explained what the byproducts contained and what preventative measures were being used to prevent contamination.

Groundwater relief drain location was shown and Dan Flagg explained its purpose. The applicant was asked to add topo lines and flow arrows to the final site plan to show drainage.

Forested buffers and the spillway are done to DEP specifications and are shown on the site plan.

No loud pumps will be onsite.

No additional lighting fixtures are being proposed. Electric receptacle will power temporary lights if needed for maintenance around the new lagoons.

The applicant stated that the volume of the lagoons is known, but at this time the lot coverage in acres is approximate.

Abutter notifications are not required under Rockport's Land Use Ordinance, but the applicant stated that abutters were notified through the DEP process.

Elevations of the berm were discussed as being low profile and vegetative in nature. The west lagoon will require some fill as the water table is high, but the applicant hopes to minimize earthwork needed.

All DEP and Army Corp of Engineer recommendations and requirements have been followed.

It was clarified that this project is in front of the Planning Board due to the size of the expansion and its classification as a nonresidential structure as per the Code Enforcement Officer's review of the proposal.

The Board had no other concerns. The applicant plans to be back in front of the Board with the final site plan pending state permitting of the project.

Item# 3: Consideration of a Pre-Application from Maine Health and represented by Gartley & Dorsky Engineering & Surveying Inc. The owner is proposing to construct an expansion of its emergency department by +/- 8,000 sq.ft. Located at 4 Glen Cove Drive, Rockport, ME in zone district 909 and 1400 at Map 06 Lot 155.

Presented by Will Gartley of Gartley and Dorsky who is acting as a local representative for Maine Health throughout the Planning Board and town permitting process. Joining him was E 4 H Architects, and RSF Engineering who are the Civil Engineers on the project.

Will Gartley introduced the project as a 5,000 sq ft expansion of the Emergency Room with a 3,000 sq ft. canopy attached bringing the total expansion to 8,000 sq ft. The site plans submitted for final review will be clarified to show the breakdown of the expansion.

The expansion was shown in relation to existing buildings onsite. The expansion will be adding approximately 1000 sq ft of impervious area to the existing site, but there will be overall minimum impact to the campus. Minor landscaping will be done.

Parking concerns have been addressed. There are currently 29 parking spaces and there will be 22 remaining after the expansion. This will still provide adequate parking using the best practices for calculating parking space allowances for Emergency Room facilities.

The Board had no other questions, and the applicants plan to submit final site plan to the Board for the May Planning Board meeting.

Item # 4: Consideration of a Site Plan Review from Jeremy Fletcher and represented by Gartley & Dorsky Engineering & Surveying Inc. For a proposed construction of a 73' pier with a seasonal gangway and float located at Map 28 lot 75, located at 55 Sea Street Rockport, ME, zone district 901 and 1400. This proposed construction has been approved by the Harbor committee.

Will Gartley of Gartley and Dorsky presented on behalf of the applicants. The size, location and structural components of the proposed pier were addressed. All state and

federal permits are in place. Rip rap has been completed and the Town of Rockport has finished stabilization in the area.

The Harbor Committee has approved the application pending final review by the Harbor Master to assure that this pier's placement will not interfere with existing town moorings in the area.

No other concerns were stated from the Board. Joe Sternowski opened the Public Hearing portion of the review.

No public comments were submitted, and the public hearing was closed.

Motion – Tom Laurent moved as a finding of fact to accept the application submitted as being complete. Seconded by Victoria Condon. No discussion. **6-0-0 CARRIED**

The Board reviewed the application pursuant to Chapter 1400, specifically 1415 item B governing wharfs, piers and docks.

Motion- Mark Haley moved as a finding of fact to approve the application as submitted contingent upon the Harbor Master resolving any issues with the pier and the existing town moorings. Seconded by Carter Skemp. **6-0-0 CARRIED** and the project was approved.

Item # 5: Consideration of a Site Plan Review from Buck Holdings, LLC, represented by Gartley & Dorsky Engineering & Surveying Inc to construct a 16' x 32' retail building and 19' x 54' greenhouse at 1132 Commercial Street in Rockport, ME. Map 1 Lot 100 (906 zone district). The applicant is proposing to maintain the existing building located at 1126 Commercial Street, Map 1 Lot 80 (906 zone district) and use it as a retail space. A 20' wide driveway is proposed between the two lots. The proposed driveway will also cross Lot 90 on the Town of Rockport Tax Map 1 (902 and 1400 zone district)

Buck Holdings LLC was represented by Will Gartley of Gartley and Dorsky Engineering.

Will Gartley presented the proposal on behalf of the applicant Buck Holdings to construct a greenhouse and maintain an existing building on site as retail space.

A site walk by the Planning Board has been conducted at the address 1126 Commercial St.

The site plan was shown and discussed, including existing entrances and facilities and the proposed building site.

The expansion of the existing entrance has been permitted by the MDOT.

The DEP has been on site and has determined that an existing drainage ditch is not a classified stream. The applicant plans to maintain the ditch.

The existing sign is in the Right of Way and will be moved for better line of sight.

Existing wetlands on site have been delineated and proposed grading was shown. No state permits will be needed for clearing or earthwork. The existing wetlands will capture stormwater drainage.

The applicant will not have to cut into Route 1 to access utilities – water and power are onsite.

Joe Sternowski opened the Public Hearing portion. No public comments were submitted, and the hearing was closed.

MOTION: John Viehman moved as a finding of fact that the application is complete and meets the requirements of Section 1300 of the Land Use Ordinance. Tom Laurent seconded. No discussion – **CARRIED 6-0-0**

The Board reviewed the acceptable uses for the zoning district in which the proposed site is to be located – district 906 mixed residential/commercial. Retail use is an acceptable use according to chapter 900 of the LUO.

MOTION- Mark Haley moved as a finding of fact that the intended use for this property is permitted in the Land Use Ordinance. Seconded by Victoria Condon. No discussion. **CARRIED 6-0-0**

The Board reviewed the application's compliance with section 1300 of the LUO – General performance standards, specifically 1305. Board members were given the opportunity to have any concerns expressed.

A lighting plan and a letter from Maine Water stating that there is adequate water supply for this proposal will need to be submitted to the board.

MOTION- Mark Haley moved as a finding of fact that the application meets section 1305 with the conditions that a final lighting plan and a letter from Maine Water be submitted stating that there is sufficient water supply for this proposal. Seconded by Tom Laurent. No discussion. **CARRIED 6-0-0**

Section 800 of the LUO was reviewed, and standards applied. The Board's concerns were addressed.

The detail sheet portion of the erosion control plan was inadvertently not submitted with the applicant's materials. The Board will place a condition upon approval that the plan be submitted in full to the Planning Office.

The applicant stated that some excavation of the site will be required, but earth materials will not be removed from the site.

Storage of fertilizer was addressed by the applicant. Only a minimal amount of fertilizer will be stored on site. No fertilizer will be offered for retail sales.

Nuisances were discussed. There will be no heavy machinery on site. Noise nuisances will be minimal.

Lighting – there was no lighting plan submitted with the application. The Board will require the applicant to submit a lighting plan as a condition of approval.

801.8 covering exposed storage areas was discussed. This standard will not apply as the operation will be retail.

The standards covering parking, loading and driveways was discussed as it applies to the proposal. There will be 13 parking spaces provided. It was determined that there is adequate off-street parking.

An issue with the entrance driveway was discussed. The grading of the MDOT portion of the shoulder does not meet the current LUO standard. The MDOT did permit the expansion but the applicant does not wish to change the grading of the MDOT right of way. The Board decided it would create a condition of approval that the grading from the edge of the state road must be compliant with the LUO and that the MDOT shoulder is not graded to Ordinance standards but has been deemed safe and acceptable by the Board.

The applicant explained that any retail deliveries will be delivered off site and trucked to the location on small box trucks.

MOTION -Mark Haley moved that as a finding of fact the proposed site plan meetings the requirements of Section 800 with the provisions that an acceptable erosion control plan be submitted, and that the grading of the entrance driveway be consistent with 808.3 of the LUO to the edge of the existing road apron. Carter Skemp seconded.

CARRIED 6-0-0

Section 1000 of the LUO was discussed, and the applicant answered Board questions and concerns.

MOTION- John Viehman moved that as a finding of fact the proposed project is compliant with Section 1000 of the Rockport LUO. Mark Haley seconded.

CARRIED 6-0-0

Signage was discussed. The Code Enforcement Officer will oversee the signage for compliance. One existing sign will be moved for better line of sight.

The Board decided to take a vote and place conditions on the applicant to submit the required missing materials prior to permitting taking place rather than continue the application. The process of overseeing the conditions was discussed.

MOTION – John Viehman moved to approve the application submitted by Buck Holdings, LLC, represented by Gartley & Dorsky Engineering & Surveying Inc to construct a 16' x 32' retail building and 19' x 54' greenhouse at 1132 Commercial Street in Rockport, ME. Map 1 Lot 100 (906 zone district). The applicant is proposing to maintain the existing building located at 1126 Commercial Street, Map 1 Lot 80 (906 zone district) with the following conditions:

- That an acceptable erosion control plan be provided to the Planning Office.
- The applicant must submit a letter confirming adequate water supply be provided by Maine Water.
- An acceptable lighting plan be submitted to the Planning Office.
- The existing sign must be relocated back from the road.
- The parking lot entrance must be graded so that it conforms to the LUO from the edge of the state road.

Mark Haley seconded. **6-0-0 CARRIED** and the site plan was approved with the conditions stated.

#6- Other Business

Rain dates for site visits were discussed.

A site walk was conducted on M Richardson's property on April 8th. Joe Sternowski solicited public comments on the site walk to which there were none.

#7: Adjournment

MOTION – Mark Haley moved to adjourn the meeting. Carter Skemp seconded.

Carried- roll call vote – 6-0-0 and the meeting was adjourned at 8:35 PM.

Respectfully Submitted,

Mandy Marriner Everett

Acting Recording Secretary