

**Town of Rockport Planning Board Meeting  
Meeting Minutes  
June 24th, 2021, 5:30 PM.**

Geoffrey C. Parker Conference Room  
Rockport Opera House  
Meeting Televised on Channel 22  
Streamed on Livestream.com

**Board Present:** Mark X. Haley II, Carter Skemp, John Viehman, Joe Sternowski,  
Thomas Laurent.

**Board Absent:** David Pio, Victoria Condon.

**Staff Present:** Orion Thomas.

**Chair Sternowski** called the meeting to order at 5:31 PM; a quorum was able to be established.

Mark Haley recused himself from all topics related to the Mid-Coast Recreation Center Inc., as he serves on their board.

**Item #1: Approval of Minutes.**

The previous meeting minutes were not yet available for review.

**Item #2: Continuance: Consideration of a Minor Subdivision Final Review for M. Richardson represented by Ingraham Land Consulting for a 4-lot subdivision located at Map 6 lot 65-001, zone district 904. The landowner is proposing to retain the remaining land**

Mr. Laurent addressed the letter, *Questions for Rockport Planning Board for 6/24/2021 Meeting.final.pdf*, submitted by the residents of Bay Ridge. The letter contained complaints about the development of the lots in question.

**Question 1** After examining the first complaint which the residents of Bay Ridge brought forth, the board determined that the complainants misinterpreted the plan laid out by the applicant. It was then determined that the applicant's plan did not conflict with the legal agreement stated in *Warranty Deed with Covenants* between Richard Nightingale and the Bavassos (found in R\_Richardson\_LL\_C\_Applcmt Submission.1.pdf, 7th section).

**Question 2** Concerning the second item brought forth by the complainants, the board discussed whether the evidence provided by the applicant was sufficient to satisfy the requirements laid out in The Rockport Subdivision ordinance, section

6.3.D.7.C. After examination and discussion, the board determined that sufficient evidence of either requirement had not been provided and that one of these conditions must be met for approval.

**Question 3** The board examined the complainant's concerns regarding the Rockport Subdivision ordinance, section 11.12.A.1, p 11-7, and determined that both requirements needed to be met to satisfy the concerns of the neighbors and be granted approval by the board.

**Question 4** The Board examined the concerns regarding the violation of ordinances as laid out in The Rockport Land Use Ordinance 5.7, p.5-2. It was determined that the board has no authority in this area and that all future questions regarding violation of ordinances should be directed to the Code Enforcement Officer. It was determined that the cutting of trees was not in violation of the ordinance, while gravel and site work present on the lot was in violation. The board determined that they would refer these problems to the discretion of the Code Enforcement Officer.

Chair Sternowski Addressed concerns about the need for a Storm Water Plan and determined that due to conditions present on the site that the applicant could not forgo a Storm Water Plan. Concerns about the accuracy of the most recent land survey, given that the topography of the parcel has since been altered, were also addressed. The board wanted a more recent land survey to be included with the stormwater plan.

**Letters of Support** were addressed and determined to be of no consequence at this time.

**Chair Sternowski** also addressed section *807.6 of the Land Use Ordinance: Nuisances* and determined that the applicants should follow the said ordinance. Any further questions or concerns regarding noise complaints should be referred to the Code Enforcement Officer.

**Mark Haley** made a motion to grant a continuance with three conditions to be met. Firstly, that the five-year moratorium on the development or sale would be met as a condition of approval. Secondly that the applicant could provide a qualified individual to address the concerns submitted by neighbors. The applicant must meet the requirements met in subdivision ordinance *11.2.A pg. 11-2* as well as ordinance *6.3.D.7.6*. Thirdly that the applicant must obtain a Storm Water Plan.

**Thomas Laurent** seconded the motion.

No Discussion.

Carried. roll-call-vote 5-0-0.

**Item #3: Consideration of a Final Site Plan application for a 23,328 sq. ft. rooftop solar project at Mid-Coast Recreation Center, Inc. (MRC) represented by ReVision Energy, Inc. This proposed project is located at 535 West St, Rockport, Maine. Map 025, Lot 101-100. This parcel is in Zone District 907 Mixed Business Residential – Building Footprint 10,000 sq. ft.**

**The Applicant** opened with a statement from the Director of Mid-Coast Recreation Center Inc., Craig Wilson, detailing the benefits and community impact of the proposed solar project. It was also established that no significant changes were to be made to the development or layout of the plan. It was also established that no tree clearing was necessary and that the required electrical equipment would be placed with other utilities in the designated area.

**The Board** addressed questions concerning the ownership of the solar project. The applicant stated the terms of ownership were laid out in *Rockport Planning Site Plan Submittal 535 West St Solar.pdf*, specifically the section *Easement Agreement* which laid out the proposed Power Purchase Agreement.

**Thomas Laurent** Addressed concerns about the length and noise level of the project. The applicant satisfactorily addressed these concerns, stating that the project will take about two months and will be completed before the (MRC) peak season. Regarding any potential noise complaints, the applicant determined there would be minimal disturbances and little heavy machinery used.

**Chair Sternowski** expressed concerns about the need for a Surety Bond, and the decommissioning of the solar panels. The board discussed who would bear the financial burden at the time of decommissioning, as well as who would oversee the proper removal and disposal of the panels. The applicant states as laid out in their Power Purchase Agreement that the owner at the time of decommissioning would be obligated to meet these requirements in 120 days. There was some debate as to whether these panels would fall under current ordinances laid out by the Town of Rockport, and the board referred this issue to the town attorney for further examination.

**The Board** addressed concerns about the height to be added by the project. The applicant stated that the project should have minimal to no impact on the height of the building.

**John Viehman** made a motion stating that the applicant met the requirements in *Section 907*.

**Carter Skemp** seconded the motion.

No Discussion

Carried 4-0-0 (Mark Haley was recused)

**John Viehman** made a motion to stipulating that *Section 1000 Performance Standards* does not apply to the proposed solar project.

**Carter Skemp** Seconded the motion.

No Discussion

Carried 4-0-0 (Mark Haley was recused)

**John Viehman** made a motion to stating that the applicant met the requirements as laid out in *Section 800 General Standards*, specifically *Section 801.6*.

**Carter Skemp** seconded the motion.

No Discussion

Carried 4-0-0 (Mark Haley was recused)

**Thomas Laurent** made a motion stating that the applicant had met the requirements laid out in *Section 1305 Standards of Performance*.

**John Viehman** seconded the motion.

No discussion

Carried 4-0-0 (Mark Haley was recused)

**John Viehman** made a motion to approve the final site plan on the condition that the issues concerning future removal of the solar panels be reviewed by the town attorney.

**Carter Skemp** seconded the motion

No discussion

Carried 4-0-0 (Mark Haley was recused)

**Item #4: Consideration of a Pre-Application for a change of use for a property located at Map 20 Lot 182 & 183. The property is owned by Doug Clayton and is being represented by Stephanie Turner. The owner is proposing to add a walk-up takeout food business and a food truck court. This property is located in Zone District 906.**

**The Applicants** presented their initial proposal to the board for a takeout restaurant and food truck court.

**The Boards** raised multiple concerns with the applicant's proposal and recommended that the applicant return with a more detailed plan. It was also recommended that the

applicants look over town zoning ordinances to get a better understanding of what the board needs for plan approval.

### **Review of By-Laws:**

There were no changes made to the by-laws at this time; however, there was discussion as to whether changes should be made in the future. The board expressed concerns about the number of new applications to be heard each month and how the board would choose which applications would receive priority. It was determined that the board would make adjustments in the future if the need arose.

### **Election of Officers:**

**The Board** discussed postponing the Election of officers as not all members were present; however, they decided to continue with the vote and seek the later approval of the absent members.

**Joe Sternowski** was nominated as Chair. Joe accepted the nomination.

Carried 5-0-0

**John Viehman** was nominated as Vice-chair. John accepted the nomination.

Carried 5-0-0

### **Other Business:**

#### **The Board**

1. Determined that grading requirements on Route 90 should meet Maine DOT requirements.
2. Discussed the proper notification of abutters and neighbors of new applicants and determined that the town should oversee sending out these notifications.
3. Discussed the current ordinances regarding placement of solar panels and solar farms and determined that these ordinances should be expanded to better meet current concerns.
4. Determined going forward to use digital copies of all documents used for the planning board meeting apart from larger materials such as site plans. It was also determined that the board could be provided with hard copies upon request.

### **Adjournment**

**John Viehman** moved to adjourn the meeting.

**Mark Haley** seconded the motion.

**Meeting Adjourned 8:41 P.M. June 24, 2021.**

Respectfully Submitted,

Regan Elizabeth Crowe -Recording Secretary.