

Town of Rockport Planning Board Minor Subdivision Decision – 26 June 2025

6 Central St
Rockport, ME 04856

*	Findings of Fact	*	Chelsea Market Subdivision
*	&	*	Chelsea Market Realty LLC
*	Conclusion of Law	*	1113 Commercial St. Tax Map 002 Block 157

Board Present: Jeff Leclair, Sam Clark, Tom Laurent, Peter Sarno, Jan Rosenbaum

Board Absent: Scott Gazelle, Robert Dybas

Staff Present: Orion Thomas, Director of Planning and Development
Geoff Parker, Audio and Visual Technician

Absent: John Viehman, Select Board liaison

Project Overview

Mr. Campbell presented the information for the subdivision. When they first came in front of the board, they were requesting to add four (4) units, making it a major subdivision. However, they have cut it back to only add two (2) units, making it four (4) units total, allowing them to fall under a minor subdivision. This reduction reduces some requirements from DOT. They no longer need a new entrance permit, and they don't need the storm water that was required to get the new entrance permit from DOT. Roof water will be collected and put into a rain garden, which is similar to a retention pond. The actual impervious area to be added is minimal (numbers are on the plans) and a few waivers are being requested, which are permitted by the ordinance.

Waivers being requested:

1. Storm water management plan – they are not in the watershed of a great pond and the impervious area is less than 5% of the overall subdivision
2. Article 6, Section D – because the project is not in the watershed or a great pond and best management practices will be followed during construction.

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3. Article 12, Section 6 requires subdivision utilities to be underground, we are requesting a waiver because they are adding a single duplex where everything else in the area is overhead. Understanding the requirement is for new subdivisions/developments.
4. Article 13 – performance guarantees – we are not putting in any infrastructure, just building a duplex.

CONFLICT OF INTEREST: none

CLARIFYING QUESTIONS FROM THE BOARD:

Mr. Clark inquired about the overhead connection of utilities. The connection to the home is visible, but how are the utilities connected to the mobile home?

Mr. Campbell is unsure how the utilities are connected to the mobile home and cannot honestly answer. He did not notice a second connection going to the mobile home, he assumed it was there. It is possible that the mobile home is connected to the house. These are items that he should not assume.

Chair Leclair referred to the survey which shows two (2) lines – one to the house and one to the mobile home.

The plan is to add a third line to the same pole for the new dwelling.

Public Comment and concerns

In person public comment - none

Written public comment was received from a David Yarosis and added to the record. The concerns mentioned in this letter will be addressed later in the meeting. This letter can be found in the appendix.

PUBLIC COMMENTS CLOSED

Findings and Conclusions

Subdivision Ordinance

Article 6 – Minor Subdivision

Findings: The Planning Board finds the below information from the submitted application with regards to the Article 6 requirements.

6.3 Submissions

1. Name of Plan: Chelsea Market Subdivision
2. Last time the board verified right title and interest in the property
3. A boundary survey was included in the current package and shows the meets and bounds.
4. Copy of deed is included
5. Deed restrictions – no additional other than what’s in the deed
6. Sewage disposal was described as municipal.
7. Water supply was described and there are written statements from fire, water, and police department with no concerns.
8. Date – yes
9. Names/address of owners – yes
10. Location of mines, gravel pits, freshwater lines – none
11. Acreage shown
12. Streams, rivers, brooks
13. Contour lines are shown
14. Zoning district is unknown
15. Sewer is shown
16. Widths of streets - not really
17. Not applicable.
18. Open space to be preserved – none
19. Not applicable.
20. Flood prone area – no portion is included

One concern from the written comments received was whether the proper amount of open space/lot coverage allowed was captured. In reading the ordinance, a distinction is not made whether land is developable or not if it is a wetland, it is still your property, and it’s still considered lot. The Planning Board asked Director Thomas if this thought process was correct. Director Thomas confirmed that it was correct based on the Town’s ordinance.

The Planning Board confirmed with Mr. Campbell that he had the same interpretation. Chair Leclair restated for the board his interpretation of the lot boundary is that all qualifies as a lot and your lot coverage is based on that as the denominator. The board agreed.

The Planning Board reviewed other issues covered in the written concern:

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Another item from the written comments received was an enforcement issue.

The last item from the written comment received was regarding the intentions of the planning board. This is addressed by the fact that we have state legislation LD 2003 incorporated into our Land Use Ordinance now and a new Comprehensive Plan.

Parking – two (2) spaces per unit

21. Hydro geologic assessment – waived last time and again in this application
22. Not Applicable.
23. There are no more than 40 parking spaces, and no traffic studies are required
24. Erosion management – Chair Leclair asked Mr. Campbell to clarify “best practices”. Mr. Campbell responded that more information is included in the detail sheet attached to the application. For example, there are plans that include a silt fence for runoff.
25. Not Applicable.
26. Wildlife Habitat – nonadjacent
27. Great pond – none, no phosphorus control
28. Contour lines have shown that there are no internal roads
29. Removal of land of soil from the property?

Removal of earth from site discussed:

- some would be removed, but applicant does not know where it will go at this time.
 - some surface materials would be brought in, but unsure of how much
30. No property lines to be drawn on property, as the units will only be rentals (not owner occupied).

This concludes the review of Article 6.

The Planning Board asked other members if there were areas they would like to review.

The Planning Board had a question regarding the requested waiver related to the Storm Water Management Plan. Mr. Campbell responded that this waiver is in regards to this application not proposing 5% or more of impervious area and thus it is not required.

Requested waivers

1. Professional engineers plan for storm water
2. Underground utilities not being provided
3. Article 6, Section D, 25 – Erosion sedimentation control plan
4. Performance Guarantee

Conclusions: The Planning Board concludes that based on the above findings, the submitted application satisfies the requirements of Article 11 with the following waivers:

1. Article 6, Section D, Number 24 – Storm Water Management.
2. Article 6, Section D, Number 25 – Erosion sedimentation control plan

Vote: Yes 5

No 0

Abstain 0

Article 11 – Performance Standards

Findings: The Planning Board finds the below information from the submitted application with regards to the Article 11 requirements.

11.1 The Proposed Subdivision will not result in undue Air or Water Pollution

11.2 The proposed Subdivision has Sufficient Water Available for the Reasonably Foreseeable needs of the Subdivision.

The Planning Board finds the application to meet these requirements.

11.3 The Proposed Subdivision will not cause an unreasonable Burden on an Existing Water Supply, if One is to be Used.

The Planning Board finds the application to meet these requirements.

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.

The Planning Board finds the application to meet these requirements.

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.

The Planning Board finds the application to meet these requirements.

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 utilized.

The Planning Board finds the application to meet these requirements.

11.7 The Proposed Subdivision will not Cause an Unreasonable Burden on the Municipality's Ability to Disposed of Solid Waste, if Municipal Services are to be Utilized.

The Planning Board finds the application to meet these requirements.

11.8 The Proposed Subdivision will not have 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.

The Planning Board finds the application to meet these requirements.

11.9 The Proposed Subdivision Conforms with the Duly Adopted Subdivision Ordinance, Comprehensive Plan and Land Use Ordinance of the Town of Rockport.

The Planning Board finds the application to meet these requirements.

11.10 The Subdivider has the Adequate Financial and Technical Capacity to Meet the Standards.

The Planning Board finds the application to meet these requirements.

11.11 Whenever Situated Entirely or Partially within the Watershed of any Pond or Lake or within 250 feet 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.

The Planning Board finds the application to meet these requirements.

11.12 The Proposed Subdivision will not, alone or in conjunction with Existing Activities, Adversely Affect the Quality or Quantity of Ground Water.

The Planning Board finds the application to meet these requirements.

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.

The Planning Board finds the application to meet these requirements.

11.14 All Freshwater Wetlands within the Proposed Subdivision Shall be Identified on any Maps Submitted at Part of the Application, Regardless of the Size of these Wetlands.

The Planning Board finds the application to meet these requirements.

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 Planning Board finds the application to meet these requirements.

11.16 The Proposed Subdivision will Provide for Adequate Stormwater Management.

The Planning Board finds the application to meet these requirements.

11.17 If any Lots in the Proposed Subdivision have Shore Frontage on a River, Stream, Brook, Great Pond or Coastal Wetland, Non of the Lots created Within the Subdivision Shall have a Lot Depth to Shore Frontage Ratio Greater than 4:1.

The Planning Board finds the application to meet these requirements.

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.

The Planning Board finds the application to meet these requirements.

11.19 For any proposed subdivisions 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 Adjourning Municipality in which part of the Subdivision is Located.

The Planning Board finds the application to meet these requirements.

Conclusions: The Planning Board concludes that based on the above findings, the submitted application satisfies the requirements of Article 11.

Vote: Yes 5

No 0

Abstain 0

Article 12 – Design Guidelines

Findings: The Planning Board finds the below information from the submitted application with regards to the Article 12 requirements.

12.1 Sufficient Water

The Planning Board found the application to have met the requirements of this section.

The Planning Board noted having received Fire Departments comment of no concern with this development.

12.2 Traffic Conditions

The Planning Board found the application to have met the requirements of this section with the existing driveway.

12.3 Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas or Public Access to the Shoreline.

The Planning Board found this section not applicable for review.

12.4 Storm Water Management Design Guidelines

The Planning Board found this section not applicable for review.

12.5 Lots

The Planning Board found the application to have met the requirements of this section.

12.6 Utilites

Applicant requested a waiver for this section since the existing utilities are above ground.

12.7 Monuments

The Planning Board found this section not applicable for review.

12.8 Cluster Developments

The Planning Board found this section not applicable for review.

12.9 Phosphorus Export

The Planning Board found this section not applicable for review.

Conclusions: The Planning Board concludes that based on the above findings, the submitted application satisfies the requirements of Article 12 with the following waiver:

1. Article 12, Section 6 – underground utilities within Growth Area

Vote: Yes 5

No 0

Abstain 0

Article 13 – Performance Guarantees

Findings: The Planning Board finds this application to not be required to uphold the performance guarantee requirements.

Conclusions: The Planning Board concludes that based on the above findings, the submitted application as submitted should not be required to provide a performance guarantee, and issues a waiver for:

1. Article 13 – Performance Guarantee

Final Approval

Based upon the forgoing Findings and Conclusions, the Planning Board finds that the applicant has satisfied each of the review criteria for approval and therefore the Planning Board approves the Minor Subdivision Review of Chelsea Market Subdivision at 1113 Commercial St. Rockport, ME, and identified as Tax Map 002 Block 157 with the following waivers granted:

Waivers

1. Article 6, Section D, Number 24 – Storm Water Management.
2. Article 6, Section D, Number 25 – Erosion sedimentation control plan
3. Article 12, Section 6 – underground utilities within Growth Area
4. Article 13 – Performance Guarantee

Vote: Yes 5 No 0

Abstain 0

Dated in Rockport, Maine this 26th day of June 2025

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Rockport Planning Board Chair

Printed Name : _____

Signature : _____