

Town of Rockport Planning Board Site Plan Decision – 28 July 2022

6 Central St
Rockport, ME 04856

*	Findings of Fact	*	Hope For The Future, LLC
*	&	*	6 Madelyn Ln. Rockport
*	Conclusion of Law	*	Map 10 Lot 75-001

Pre-Application Meeting of May 26,2022

Project Overview

Applicant Hope For The Future, LLC (HFTF) has acquired property located at 6 Madelyn Lane off Route 1 in Rockport, Maine. Applicant is proposing to convert existing buildings, which were previously used as medical and physician offices, into supportive housing. The operation of this facility is intended to provide affordable workforce housing to the local area population, as well as provide other services (such as transportation, education, etc.).

The proposed site plan will result in the creation of 18 residential dwelling units, as well as offices and meeting spaces that are to serve the residents of the 18 newly created residential units. Existing are two buildings on the subject property and the proposal is to modify the interiors of these buildings to create the residential units, offices and meeting spaces. There are no proposed alterations to the existing building footprint or roofing. Landscaping for the project will primarily remain the same with the exception of creating two storage facilities, two enclosed dumpsters, a picnic canopy, a play area and American with Disability (ADA) approved walkways. There will be a transportation shelter facility constructed for residents of the property. The facility will be connected to existing public water and public sewer, which may cause some minimal disruption to existing landscape.

Access to the property is directly from Route 1, a state-owned highway. There will be no changes to the entrance of the existing property.

Pre-Application Meeting Discussion

The Planning Board conducted a Pre-Application hearing on May 26, 2022 to review whether or not the application as presented was complete and included sufficient evidence in the record to support the Board’s decision whether or not the application was complete. The representatives for the applicant provided a brief project description and answered questions from the Plan Board.

The Planning Board conducted an informal “straw poll” at the pre-application review, related to **Title 30A, Section 4402, Item 6 Exclusion**. The Planning Board informally decided that this statute would apply and that the proposed project would not have to meet the requirements of subdivision review and would simply need to meet only the Town of Rockport Land Use Ordinance (LUO).

Hope for the Future, LLC
Site Plan Review
Findings of Facts and Conclusion of Law

The Planning Board reached a consensus on a summary list that the applicant was to provide at submittal of Final Site Plan review. The items on the list included:

1. Letters from Maine Water and the Sewer Consultant showing capacity is available for proposed; and
2. Provide a traffic analysis projection for the proposed project.

The Planning Board concluded the meeting with the expectation from the applicant that a final application would be before the Board at the July 2022 meeting for review.

July 28, 2022 Planning Board Meeting

The Planning Board conducted a site walk prior to this meeting.

Hope for the Future, LLC's, representative, Will Gartley of Gartley & Dorsky Engineering and Surveying, started the presentation by allowing the owners of Hope for the Future LLC to make a comment. Rick and Ann Bresnahan. Mr. Bresnahan started the comment by what projects he and his wife are invested and involved in, and about the current project. HFTF is a housing development converting the existing offices into housing units. Mr. Bresnahan commented the collaborators on the project and the need for housing in the area.

Mr. Gartley started with his overview of the application. Previously the home of medical offices, in the 907 zoning district. The proposed conversion into 18 independent dwelling units with office space and meeting space. The density in the zone is one unit per 10,000 sq. Ft, which would allow up to 26 units. Mr. Gartley stated they are only proposing 18 units. The development will include a bunch of site improvements, from connection to public water and sewer, creation of a play area in what is now the parking area. Proposed storage area for each building. Two enclosed dumpster and backup generator for each building. Picnic canopy and shelter for public transportation pick up. Pathway from each building that are ADA compliant. Ms. Amanda Austin of 2A Architects discussed the exterior building amenities being added; possibly replacing siding and roofing of both buildings, a few windows will change, but the height of the building will not change. Mr. Gartley discussed the items included in the application and the two items requested by the Planning Board at the May 2022 meeting. Mr. Gartley stated there are letters from Maine Water Company about water supply and from Woodward and Curran about sewer capacity. Mr. Gartley stated he had a notice from MDOT that the entrance permit is in the mail at this time. Mr. Gartley provided as well the traffic analysis requested. Mr. Gartley went on to state the other items submitted in the application per the requirement of the Land Use Ordinance. Mr. Gartley stated he would be happy to answer any questions the Board might have during the review.

Chair Sternowski asked the Board if there were any clarifying questions from the other Board members. No Board members had any questions at this time.

Chair Sternowski then opened the public hearing portion of the meeting at 5:45pm.

Public Comment and concerns

The board opened the floor to public comments and heard from multiple citizens in the neighborhood of 6 Madelyn Lane, including Kate Killoran, Mr. Doucette, Scott and Catherine Warren, Sharyn Pohlman, and Stephanie Primm.

Ms. Killoran stated that she lived in Rockport, but not at the abutting property of the proposed project. Ms. Killoran stated she is one of five siblings who own the abutting property. Ms. Killoran expressed concerns about the scope of the project, traffic, water and sewer assessment, and information about land use. She wished to defer approval until the applicant gives more information about land use. Mr. Doucette represents the residents of Sea Light Lane, who feel that this development poses a potential risk to their community. Scott and Catherine Warren, who own a campground nearby, desired to learn more about how the project would operate. They also expressed concerns about the adverse impact it would have on their campground and felt this project should be located closer to town. Ms. Pohlman pointed out that this project was under discussion for approximately 16 months and therefore abutters had ample opportunity to become aware of the project. Ms. Primm stated that this project will not be transient housing, but low-income housing. The site plan will include transportation, services, and overnight security. The board discussed the need for a right-hand turning lane as required per the Rockport land use ordinance. They determined that the board may require documentation from the Maine DOT.

Chair Sternowski Closed the Public Comment portion at 6:08pm

Findings and Conclusions

Title 30A, Section 4402, Item 6 Exceptions

Findings

The Planning Board discussed the ***Title 30A, Section 4402, Item 6 Exceptions*** and decided this exemption is upheld for the building already exists and is being converted into housing.

Conclusion

The Planning Board determined the exemption from ***Title 30A, Section 4402, Item 6 Exceptions*** is applicable for this application.

Yes 4 No 0 Abstain 1

Abstention: Jeff Leclair, for he was not at the last meeting for the discussion of this exception.

Chapter 1300 – Site Plan Review

Site Plan Content Complete

1304.1

The site plan of the applicant must contain at a minimum 15 criteria that include such features as applicant name and address, municipal map and lot numbers; plans drawn to scale to detail total floor area and footprint of proposed structures and lot coverage; elevations drawn to scale detailing siding and roofing materials, door sizes and window openings related to Architectural Review; scale, north arrow, legend, space for dates of any revisions; exact dimensions, acreage of parcel to be built upon; Existing and proposed locations and dimensions of utility lines, sewer lines, waterlines, easements, drainage ways, and public or private rights-of-ways; size, shape and location of existing and proposed buildings; if site is to be served by subsurface wastewater disposal system, if so- evaluator should be provided; location and dimensions of on-site pedestrian and vehicular access ways, parking areas, load and unloading facilities, design of ingress/egress of vehicles to public streets and curb and sidewalk lines; landscaping plans showing location, type and approximate size of plantings and location and dimensions of all fencing and screening, and maintenance and replanting provisions to be noted; natural contours at intervals of two feet; specifications of quantities and grades of materials to be used if land-filling is proposed; photographs of the project area prior to any site preparation submitted with a map; and a digital copy of lot lines and buildings, if available.

Findings

The board discussed the need for a right-hand turning lane as required per the Rockport land use ordinance. The Board determined that they may require documentation from the Maine DOT.

The Board discussed the aforementioned requirements for completeness, and found this section to be complete.

Conclusion

Based on the above referenced information, the applicant has met all requirements of Section 1304.1 Site Plan Content of the Town’s LUO.

Vote: YES 5 No 0 Abstain 0

Written Statement:

1304.2

The applicant must address ten written statement standards listed in the Town’s LUO Section 1304.2 Written Statement. Standards to be addressed include evidence of title and interest by applicant on the land that the application covers; a description of proposed uses to be located on site; total floor area and footprint of proposed building(s) and structure(s) and the lot coverage; summary of existing and proposed easements, restrictions and covenants on the property; method of solid, liquid, chemical or other waste disposal; erosion and sedimentation control plan, stormwater drainage control plan and soils information; approximate amount of blasting required; if public water and sewer are to be used, written statement from water and sewer utility to provide service to new development; estimate of date when construction will start and be completed; and a list of approvals and permits required by the Office of the State Fire Marshall and other State and Federal Agencies.

Findings:

The submitted material is deemed to be complete and complies with all applicable requirements of Section 1304.2 Written Statement.

Conclusion

Based on above information and information in record, the Planning Board finds that the application is complete

Vote: Yes 5 No 0 Abstain 0

Chapter 900 – Zoning District Review

The purpose and permitted uses of each Zoning District is contained within Section 900 of the Town’s LUO. The subject property currently holds two different zoning districts: District 907 (Rockport Mixed Business / Residential) and District 903 (Residential Coastal). The proposed use is contained within District 907- Rockport Mixed Business / Residential. Table 917 Land Use Table, B- Residential of the LUO lists all permitted and conditional uses within each district. “Residential Multifamily” is a Permitted use within District 907 according to Table 917B Residential. Additionally, as the site plan contains professional office spaces, Table 917 C- Commercial allows “Office / Professional” uses within District 907.

Findings:

The submitted material is deemed complete and in compliance with all applicable requirements of Section 900 Zoning Districts of the Town’s LUO. The proposed newly created 18 residential dwelling units is determined to be “Residential Multifamily” with no communal bathrooms or congregate eating facilities. Each unit has its own kitchen and bathroom. As indicated in Table 917-B Residential as a permitted use within the Zoning District 907 (Rockport Mixed Business / Residential). Additionally, the proposed uses of offices and meeting spaces, are Permitted in Table 917-C Commercial as “Office / Professional”.

Conclusions:

The Board discussed the definition of various types of housing units referenced in the LUO Definition Chapter 300. After reviewing the characteristics of the proposed residential units, it was determined that the project most closely met the definition of a Residential Multifamily dwelling.

Based on the above information, the applicant’s proposed uses of multifamily residential and office/ professional are determined to be uses that are permitted within the Zoning District 907 (Rockport Mixed Business/Residential). The proposed meets all requirements of Section 900 Zoning Districts of the Town of Rockport’s LUO.

Vote: Yes 5 No 0 Abstain 0

Section 1305 – Performance Standards

Hope for the Future, LLC
Site Plan Review
Findings of Facts and Conclusion of Law

The following standards are to be used by the Planning Board in judging applications for site plan reviews and shall serve as minimum requirements for approval of the site plan. The site plan shall be approved unless, in the judgment of the Planning Board, the applicant is not able to reasonably meet one or more of these standards. In all instances, the burden of proof shall be on the applicant.

Preserve and Enhance the Landscape, Soils and Erosion Control, Vehicular Access, Parking and Circulation, Surface water Drainage, Existing Utilities, Special Features of Development, Exterior Lighting, Emergency Vehicle Access, Municipal Services, Water Quality, Air Quality, Water Supply

Findings:

1305 performance standards are submitted to the Board as outlined on page 15 of the document of the application.

The application states that the applicant was applying for the DOT permit. The Board hasn't seen it officially, however the Board determined it will be a condition of approval. It appears that the applicant is stating that the permit has been provided, but the applicant has not received it at the time of this meeting.

Regarding the parking and circulation, the calculations are in the application and the Board is actually going to look at this in more detail when we get to section 800. The applicant submitted some calculations related to the number of parking spaces required, resulting in a total of 53 parking spaces.

Mr. Haley asked if any impervious surfaces would be removed? Mr. Gartley said it is possible, but ultimately depends on the decision made for the proposed play area. Ms. Austin stated another area might require impervious surfaces to be removed. Chair Sternowski confirmed from the applicants that with all this, they will still have 53 parking spaces remaining. Mr. Gartley said there is currently a total of 79 spaces, and with the proposed removal of impervious surface it would reduce the parking spaces, but still satisfy the required minimum of 53 spaces.

Surface water drainage. The applicant is not doing a lot here to change the impervious surface, or to change the drainage that exists at this time.

Existing utilities, the applicant has provided a letter from both main water that there's sufficient water supply, and also from Woodward & Curran that sewer capacity is sufficient for the changes that are proposed.

Exterior lighting. The applicant is going to add exterior lighting to the building, all downward facing, pole lighting, in the parking lot will remain.

The board has a letter from the Fire Chief stating that he's fine with the site plan as proposed for emergency vehicle access.

The Board found that a separate main is run for the fire system so the water volume is adequate for the sprinkler system.

Conclusion:

Based on the above information, the Board finds the application is compliant with section 1305.

Vote: Yes 5 No 0 Abstain 0

Chapter 1000 – Performance Standards

The detailed performance standards address requirements for Area Landscaping, Architectural Review and Parking Lot Design and Landscaping. This is done to ensure that development and redevelopment is done in a manner that enhances the overall aesthetic appeal and visual character of Rockport’s roadways and neighborhoods. All new commercial development proposed shall be subject to these regulations, procedures and standards specified in sections 1002, 1003 and 1004.

Findings:

The Planning Board determined that the Site Plan submitted proposes no needs for additional landscaping requirements. Section 1002 Area Landscape Regulations has been provided. Section 1003 Architectural Review Standards does not apply because this is redevelopment (interior) of existing structures. No exterior work has been proposed in the site plan application provided. A new roof is not included in plan, and this will need to be processed through Code Enforcement Officer in the future if a new roof is proposed at a later date. Parking Lot Design and Landscaping Section 1004 have been met as applicant is not proposing any disturbance to existing ground, with the exception of minimal disturbance for new water and sewer connections for the property. Applicant proposed upgrading pedestrian walkways to be American with Disabilities (ADA) compliant and existing trees, shrubbery and other vegetation will be maintained as it exists on the subject property. The site plan depicts the addition of two new enclosed dumpsters and two storage facility buildings, a play area that will reduce some parking spaces as well as a shelter for transit pick-ups / drop offs.

Conclusions:

Based on the above referenced information, the Planning Board determines that the application and site plan, as presented, is compliant with applicable requirements of Section 1000.

Vote: Yes 5 No 0 Abstain 0

Chapter 800 – General Standards of Performance

Section 800 of the Town’s LUO contains 14 standards of performance that must be met when proposing new development or redevelopment within the Town of Rockport. These standards include Environmental, Industrial standards, Traffic Circulation, Access & Street Design, Cluster Development, Lots, Livestock, Mobile Homes, Access Management, Wireless Telecom Facilities, Service Drops, Home Occupations, Wind Energy Systems, Blasting Standards and Itinerant Peddlers.

Findings:

The submitted application has met all applicable requirements listed within Section 800 General Standards of Performance. Many of these listed standards do not apply to the proposed redevelopment. There are no environmental concerns as there are no ground disturbances proposed. The minimum parking requirements will be exceeded, as proposed, based on the proposal. With respect to Access Management, the proposed new uses of the existing facility will generate less volume of trips than the previous use was designed for. The LUO requirements for a deceleration lane/turn lane for property with greater than 50 parking spaces will not be required, as the existing 10-foot-wide shoulder on Route 1 leading up to the entrance to the subject property will provide motorists separate access to the property and this is why there is no deceleration lane. The Board determined that they have the authority granted to them under Section 1306 to waive this requirement. They also noted that other existing properties on Route 1 with greater than 50 spaces do not have a deceleration lane. The Rockport Police Chief noted no safety concerns with the application. The remaining subsections of section 800 General Standards of Performance do not apply to the proposed.

Conclusions:

Based on the above information, the applicant’s proposed site plan satisfactorily meets the requirements of Section 800 General Standards of Performance, and Section 1306 General Provisions provides a waiver for mitigation of requirements of Section 808.3 Access Management (k), (i and ii) due to the existing MDOT US Route 1 ten-foot-wide shoulder leading up to the property.

Vote: Yes 5 No 0 Abstain 0

Final Decision

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 Site Plan Review Application of Hope for the Future, LLC, located at 6 Madelyn Lane, on Map 10 Lot 75 – 001 subject to the following conditions:

Conditions of Approval

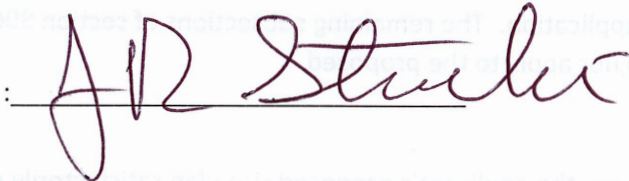
- (1) That the Town of Rockport receives in a timely fashion the Maine Department of Transportation (MDOT) Entrance Permit.

Vote: Yes 5 No 0 Abstain 0

Rockport Planning Board Chair

Date : 3 November, 2022

Printed Name : JOSEPH STERNOWSKI

Signature : 

Appendix:

Applicants application