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Transmittal by email

Zoning Board of Appeal
c/o Mandy Marriner-Everett
101 Main Street
Rockport, ME 04856

Re: 20 Central Street LLC Building Permit Appeal

Dear Fellow Citizen Volunteers,

I write today as a concerned resident and appellant. Setting aside the messy, Constitutional questions surrounding the applicability of the two citizen-based revisions to the Land Use Ordinance (LUO) enacted in 2020, the Board still has plenty of material to work with regarding the integrity of the Code Enforcement Officer's (CEO) building permit issuance process. My understanding is that the CEO is charged with ensuring compliance with all relevant ordinances and statutes – be they municipal, state or Federal – a broader scope than the Planning Board site plan review. Still, there is an obligation to ensure compliance with the Planning Board approved site plan. Otherwise, there is no purpose to the site plan review process as defined in the LUO. I will focus my comments here on this aspect of the appeal.

I see two primary departures from the Planning Board approved site plan to the building permit approval. The most notable and troubling change is the appearance of an event center on the top floor with a 132-seat configuration shown in the building permit drawings. During the Planning Board hearings this space was characterized as a “top level restaurant (+/- 60 seats) [which] will be busiest in the afternoon and evening.” Further, the street level space was said to be “the main function of the lower-level restaurant (+/- 24 seats) will be breakfast for the guests.” This area appears in the building permit drawings as a 34-seat space with a bar and piano. The design features alone contradict the earlier assertions. More tellingly, an interview with the developer in the November 13, 2020 [Camden Herald](#) said “In the summer of 2022 or 2023, a wedding reception may be held on the top floor of a new hotel in downtown Rockport, giving the revelers an unparalleled view of the scenic harbor. Downstairs in the bar and lounge area, a visiting musician may take a turn at the baby grand piano, entertaining other guests.” The deception of the Planning Board by the developer was no mistake. Unfortunately, it was missed by the CEO. Aside from the obvious noise and light issues we will all live with for years, this runs afoul of the Planning Board's efforts to provide adequate (and required) off-street parking for the property with an additional 82 seats. This, alone, is reason to overturn the building permit issuance and remand the new design for a new full site plan review. Throw in the newfound retractable roof and dozens of other exterior changes from the approved site plan, and you need not go deep into the myriad ordinances and statutes to find other reasons to overturn the issuance.

Just a quick note on the assertions by counsel for the Applicant that the appellants lack standing. While we spent inordinate time on this during the last appeal, I will reassert that not only did I participate in most of the Planning Board meetings, I also had discussions with the CEO on the building permit drawings, and am awakened and bothered by construction noise each and every workday at the site – and will be by that 2022 wedding reception, too. Our property will be permanently impacted by the submitted building as it is visible from multiple rooms and locations across our lot.

Sincerely and Respectfully,
Mark Schwarzmann