

Approved at January 29, 2015 meeting.

**City of Rockland
Comprehensive Planning Commission
Minutes for January 15, 2015**

Board Present: Chair Valli Geiger, Thomas Keedy, Adam Ackor, Ann Morris, Amy Files, Alt. Jesse Butler, Eileen Wilkinson (arrived 7:15)

Board Absent: Audra Caler-Bell

Guest: Michelle Gifford, Cheryl Michaelsen, and Michael Laposta

Staff Present: Code Enforcement Officer John Root, Asst. Code Enforcement Officer David Kalloch, City Attorney Kevin Beal, and Recording Secretary Kara Cushman

Meeting called to order at 7:01 p.m.

Alt. Member Jesse Butler told the Commission he would like to become a full member. Amy Files has been appointed by the Council as a full member. Michelle Gifford would like to become an alternate. Audra Caler-Bell has been hired as the City's Community Development Director so will be resigning.

Previous Minutes:

It was agreed to add in the first paragraph of December 11, 2014 minutes that "Alt. Member Files and Alt. Member Butler would like to become regular members, instead of alternates."

ACTION: Member Morris made a motion, seconded by Member Keedy to accept December 11, 2014 COMPS Commission Minutes as amended. VOTE: 6-0-0

New Business:

Ordinance Amendment #1-2015, Ch. 19, Sec. 19-302 and 19-304 Amending Zoning Regulations of Bed and Breakfast Establishments

Cheryl Michaelsen and Michael Laposta, owners of Berry Manor Inn, discussed their plans for their bed and breakfast business. They have lived at their current residence that includes Berry Manor Inn and the Carriage House for 17 years, and have recently purchased the abutting property, the Talbot Home. The Talbot Home is situated 20 feet from the Carriage House. They would like to make a campus of the Berry Manor Inn, Carriage House, and Talbot Home, and live in the Talbot Home, but this ordinance amendment is needed for them to be able to fill the residency requirement.

Chair Geiger said the ordinance amendment is written so narrowly as to only affect the Berry Manor Inn since it changes the B & B residency requirement only for abutting properties "where the property line separating the parcels is uninterrupted and intersects with the boundaries of two streets separated by the subject parcels." It would only apply to very few properties. She asked about allowing it for other B&B's too. Alt. Member Butler agreed saying it was very street specific. City

Attorney Beal said these regulations are only in Zone "A", and not in other zones. He said there was discussion of crafting regulations in a special-use ordinance that would apply to all zones, but City Council wanted something a little narrower.

Member Files said she wouldn't want all Residential Zone "A" properties to be bought up for B&B's. Asst. CEO Kalloch said someone else could have purchased the same property and sought approval to use it for a B&B. Cheryl Michaelsen said they would still have to go through the planning process that involves neighbors. Chair Geiger said Cheryl and Michael are looking to just live in the Talbot house. There are 4 rooms in the Carriage House and 8 in the Berry Manor Inn. City Attorney Beal said the 8 room maximum would apply if they decide to have inn rooms in the Talbot House.

ACTION: Member Morris made a motion, seconded by Member Ackor to change the language in Sec. 19-304, Part "B" of Residential Zone "A" Conditional Uses to read: "Owner Occupancy. Notwithstanding anything to the contrary in Sec. 19-302, the owner of an existing Bed and Breakfast Establishment may be authorized by the Code Enforcement Officer to reside in a residence on a parcel that is immediately contiguous to the Bed and Breakfast Establishment parcel where the property line separating the parcels is uninterrupted. The owner of a new Bed and Breakfast Establishment may be authorized by the Planning board to reside in a residence on a parcel that is immediately contiguous to the Bed and Breakfast Establishment parcel where the property line separating the parcels is uninterrupted." The COMPS Commission recommended adoption by City Council. VOTE 7-0-0

Ordinance Amendment #10-2014, Ch. 19, Sec. 19-302 and 19-309, Regulations for Container Restaurants and Food Wagons

CEO Root said the food wagon is subject to the same design standards and maximum setbacks as other buildings, even if they are somewhat portable. All are reviewed by the Planning Board. He said he was in favor of this amendment, as it provides guidelines to review containers and food wagons by.

Asst. CEO Kalloch said he had contacted the state health inspector. The state is not familiar with container restaurants. They were not sure if they would be able to approve them right now. The food inspectors have contacted other states to find their regulations on containers. Container restaurants, that are not mobile wheeled vehicles, would need to meet all the requirements for any permanent restaurant, including having all required sinks, interior bathroom(s) and be hooked up to water and sewer. Wheeled/mobile food vehicles can have holding tanks and depending on the types of services have to meet different standards. For example, ice cream stands require limited sinks and other facilities while mobile wagons cooking meat and seafood have more stringent requirements, etc. Container restaurants would have to meet the full requirements of a regular restaurant.

CEO Root said containers are not that portable. He said they had first put together thoughts as to not specifically define container restaurants, but label them as portable and semi-portable, as they are not permanent establishments like Wasses, for example.

Chair Geiger said each food stand renting space at City parks pays \$3000 per year and it goes into the general fund. What if that money was used to fix up the park? City Attorney Beal said there is room for up to 4 stands in the City Parks. There has been none at Snow Marine Park for a few years.

ACTION: The COMPS Commission made a motion to change paragraph B (17) to read: "Except for food trucks or food wagons on locations for less than six days as part of a permitted festival or event, container restaurants and food wagons in any City park or parking area are subject to periodic inspections and enforcement by the Code Office, the provisions of this section, the operators' permits, and any additional standards imposed by the Council or by the Harbor Management Commission as a condition of the use agreement. Container Restaurants and Food Wagons located on a Municipal property that includes parking are exempt from any additional specific parking requirements."

VOTE: 7-0-0

ACTION: The COMPS Commission made a motion to change paragraph B (18) to read: "Container Restaurants and Food Wagons having a floor area for the principal structure of 250 sq. ft. or more, and/or that are operational more than eight months and permanent restaurants are subject to full site plan review and approval pursuant to Chapter 16, Article II." VOTE: 7-0-0

ACTION: The COMPS Commission made a motion to change paragraph B15 to read: "Container restaurants and food wagons permitted under this provision may not operate more than 8 months of the year." [And remove hours of operation.] VOTE: 7-0-0

ACTION: Member Wilkinson made a motion, seconded by Member Files to recommend adoption of Ordinance Amendment #10 with amendments to City Council. VOTE: 7-0-0

Ordinance Amendment #36-2014, Ch. 19, Sec. 19-301 and 119-304, Establishing the Commercial Corridor Overlay Zone "CCOZ"

ACTION: Member Morris made a motion, seconded by Member Files to recommend adoption of Ordinance #36 with changes to City Council. VOTE: 7-0-0

Old Business:

Downtown Zone Building Height Regulations-180 Day Moratorium

Chair Geiger said the moratorium ends on March 10, 2015. Member Files spoke about areas where she thought reduced heights may be appropriate. These included south of Park Street and Park Drive, some of the areas north of Summer Street that are predominantly residential, and the area behind Rankin block and Leland Street. Member Keedy mentioned the Knox County Court House is the tallest building in the city, but the building is not right up to the road, there is plenty of space around it. There should be relational proportion between the street size and the building height.

Asst. CEO Kalloch said that he will be documenting the number of stories of buildings in the Downtown

area for next meeting. Member Morris asked about using Route 1 from Main Street to Union Street as the boundary as to where 5-story buildings can be. (The area inside the rotary.) Chair Geiger asked members to walk the area for the next meeting.

Historical Preservation Sub-Committee

Member Morris discussed the letter that will be presented to the City Council to get them thinking about Historical Preservation. The letter can be added in the City Council member's packets for the February City Council meeting. Along with the letter, information on Maine Historic Preservation Certified Local Governments and National Historic Registers will be included. She asked that the COMPS Commission look at the letter for the next meeting and we could vote on it then.

The next meeting is January 29, 2015.

Respectfully Submitted,

Kara Cushman
Recording Secretary

To Do Reminders:

- A. Read the 2011 Waterfront Area Redevelopment Plan for the next meeting, as it will be presented by Gerald Weinand.
- B. Read the Historic Preservation Letter to be sent to City Council
- C. Walk the Main St. to Union St. area