

(Approved at December 11th meeting.)

**City of Rockland
Comprehensive Planning Commission
Minutes for November 13, 2014**

Board Present: Chair, Valli Geiger, Terry Pinto, Eileen Wilkinson, Jesse Butler, Ann Morris, Adam Ackor

Board Absent: Alt. Amy Files, Audra Caler-Bell, Thomas Keedy

Staff Present: Asst. Code Enforcement Officer David Kalloch, City Attorney Kevin Beal, Substitute Recording Secretary Sandy Billington

Meeting called to order at 7:05 p.m.

Previous Minutes:

Clarification of “Historic Preservation” section of October 30, 2014 COMPS Commission Minutes made by Member Morris. There are many historic preservation ordinances in Maine but only 10 are certified.

ACTION: Member Morris made a motion, seconded by member Wilkinson to approve October 30, 2014 COMPS Commission Minutes with above change. **VOTE: 6-0-0**

New Business:

Ordinance Amendment #28, Ch. 19, Sec. 19-304, DT Zone Regulations – Street Level Residential Uses

Chair Geiger spoke to the changes made by City Council in final passage of this amendment regarding residential 1st floor regulations that require 75% of area be commercial uses. The Comprehensive Planning Commission had recommended that residential use of the entire first floor area be permitted everywhere but Main Street (Mayor Isganitis in agreement; voted down by Council). A map was provided by ACEO Kalloch, showing areas where residential on first floor is permitted.

**Ordinance Amendment #36, Ch. 19, Sec. 19-304, Commercial Corridor Overlay Zone Regulations and
Ordinance Amendment #37, Zoning Map Amendment – Commercial Corridor Overlay Zone (Camden Street)**

Passed by Council, 3 - 1. Councilor Hebert stated he could not support CCOZ even though the City Council had accepted the Camden Street Studies that included these design concepts. Member Wilkinson spoke to keeping Council updated and continuing to lobby for this project.

Member Pinto stated there is a lesson to be learned from “old school” thinking on such projects. It was mentioned that where there are residential neighborhoods now, a residential feeling can be maintained.

[Member Morris inquired as to whether Chair Geiger can remain in this position in conjunction with election to Council. City Attorney Beal assured the commission that she can. Chair Geiger has opted to leave the Maine Indoor Air Quality Council as her choice.]

Ordinance Amendment #38, Ch. 19, Secs. 19-302 & 19-304, Regulation of Adult Entertainment Establishments

Clarification was made that this is a zoning concern as it amends Chapter 19. Such establishments are not currently regulated and as such could open anywhere retail is permitted. Chair Geiger stated that she assumed banning such establishments outright can't be done. City Attorney Beal explained that prohibiting obscenity is virtually unenforceable and therefore a better method for controlling such establishments is to regulate impact on the community through two approaches: zoning and/or licensing. City Attorney Beal said he did a lot of research and borrowed from other communities to put together what he believes is the most detailed amendment in the state. Member Morris inquired if explicit language could be limited more in the ordinance – does it limit itself by being so specific?

Member Pinto questioned how the ordinance would relate to art. Member Butler wondered if the 10% limitation may not work for an art show that is 80% nudes or if nude performance art or figure drawing classes would be affected. Is there enough “wiggle room” in the ordinance where an adult entertainment establishment could call itself a gallery vs. retail? The last line of the ordinance uses the term “educational” which would allow art class with nude models. Member Ackor asked about “decency standards”. Members asked about using the term “cultural” or if that was too loose a term to protect galleries, owned by artists, showing their own work, etc. Member Pinto said the ordinance would protect the community two ways including against those who may be “too sensitive.” Member Wilkinson asked if it would be helpful to bring in the economic value impact? This was found to be covered in the findings. It was also discussed that these establishments would be controlled and allowed in C1, C3 and Plaza Commercial Zones. Plaza Commercial includes Shaw's Plaza, the former Walmart site, and Hannaford Plaza. C1 is located mostly along Payne Avenue and Park Street with a small area on Camden Street. Industrial Park was brought up – no retail is allowed in this industrial zone. C3 is along Route 90.

Member Butler stated that these are places we are trying to improve and such an establishment would be harmful. Dave showed exactly where such a business would be permitted on the zoning map. The 300 feet minimum distance to certain other uses was also discussed. Chair Geiger questioned if this may be seen as protecting Main Street again. Member Pinto stated there would be many controls in place if such an establishment did exist. The commission agreed that the ordinance was “really well done”. Member Butler expressed support for the ordinance, member Pinto agreed as long as there's no art conflict. Member Morris appreciated the signage restrictions.

City Attorney Beal spoke to the licensing component – no criminal background for any employee or owner permitted, no minors employed, no merchandise/pictures anywhere in view from the exterior, must be closed between 12 – 6 a.m., no alcohol, no illegal activities, management station with view throughout, security cameras on outside; state law prohibits children from entering (no minors, age 18). Member Wilkinson wondered if the age limit should be 21. Member Pinto and Chair Geiger disagreed.

ACTION: Member Pinto made a motion to accept the ordinance as written, seconded by members Wilkinson and Morris. VOTE: 6-0-0

Return to Commercial Corridor Overlay Zone; Amendment #36

The City Council approved no amendments in first reading, second reading on December 8th. Some stated concerns presented to be shared with COMPS (see below).

Mayor Isganitis: Side setback question – 10 feet minimum. Not sure it was understood correctly – no maximums side setback – abutting residential do you want more? Identified view corridors. Commercial/residential – if residential in commercial zone, no special considerations – restrictions apply to zone.

85% of land covered – could have big box stores – not the intent of the overlay zone. Not supposed to have unrelenting walls – Parking if not in front, end up with backs turned to the street so to speak.

Camden Street Study – small liner buildings/conceptual – not allow of big boxes with massive blank walls. Kalloch suggested some general standards should be arrived at to help with the Planning Board part. Ex. Oriented to and with functional entrances from the street and no parking between buildings and street. Member Pinto asked about more than one building on a lot. Chair Geiger mentioned including pictures (liner buildings, etc.), and consideration of things that affect function (and look at size from a time when smaller parcels were the norm). Member Pinto said some language was needed to say how to make a big box store, without it looking like one.

Perhaps more time is needed to meet to come up with recommendations to council. Review of down town zone development should be done per City Attorney Beal before the next meeting – components of the zone itself (not design standards). Could ask to postpone to January, 2015 or meet December 4th? If second reading is moved to January, in the meantime look at development standards and the Camden Street study (contact Jane LeFleur.) Next meeting will be December 11th. Meeting before to come up with language then give everyone on council enough time to get it. Member Wilkinson suggested “form based code terms.” Member Pinto suggested it’s time to set up a professional planning group to be on call to ask such things as needed (mentioned \$30,000 has been approved by council). Subcommittee to be City Attorney Beal, Chair Geiger, Member Butler.

Ordinance Amendment #20 Moratorium of buildings over 50 feet in Downtown Zone.

When does the 180 day height moratorium end? It began September 10, 2014 so it ends in March, 2015. Examples of Height Overlay maps requested by Alt. Member Files from Portland, ME were presented. Member Pinto mentioned width of street should be considered as well – 55 feet tall can get five stories in – 65 feet now – 50 feet moratorium cap after the hotel proposal at request of then Councilor Dickerson. Proposal needed for March. 65 feet at least for five stories – which is shorter than the hotel was originally approved for. In the future, landscaped roofs should be an incentive. It was the plan here but wasn't allowed. 65 feet harkens back to height of Courthouse – nothing to be built taller than it.

Agenda for January to include dealing with height moratorium (heights and street widths included) for areas all the way along Main Street. Council can then look at it in February.

When can Eric Galant meet with COMPs? January 29th meeting was proposed.

ACTION: Chair Geiger made a motion to postpone to second reading of Amendment #36 and #37 to January, 2015 regular meeting allowing COMPS Commission to use December, 2014 meeting to address CCOZ concerns. Member Wilkinson seconded. VOTE: 6-0-0

ACTION: Motion to adjourn made by Member Wilkinson, seconded by Member Morris at 8:50 p.m.

Next meeting scheduled for December 11, 2014.

Respectfully submitted,
Sandy Billington (acting recording secretary)