

**CITY OF ROCKLAND
PLANNING BOARD
AGENDA**

Tuesday, February 16, 2016

5:15 PM

Rockland City Hall Council Chambers



I. Call to Order and Roll Call:

II Public Comment:

III. Communications:

IV. Old Business:

V. New Business: **1. Alan & Marion Sewall dba: Sunset Terrace Mobile Home Park are seeking approval for a re-subdivision which divides the parcel located at 280 Park Street and creates a separate lot containing a single family dwelling at 278 Park Street.**

VI. Other: **Discussion of Ordinance #48 establishing a Moratorium on Power Generation Facilities effective 2/10/16 retro to 12/14/15. The Energy Advisor Committee has been invited to attend this meeting.**

VII: Sign Approved Plans:

VIII. Previous Meetings Minutes: **January 19, 2016**

IX. Adjournment:

cc: City Manager
Department Heads
Applicants
Larry Prichard, Chairman of Energy Advisory Committee

Subdivision Information Sheet

Please Note: This information sheet along with the required fee, will not be processed unless completed and signed by the applicant and submitted to the Code Enforcement Office no later than three weeks (21 days) to the day before the first meeting of the next month. The Subdivision application, Department Head Sign-Off Sheet and all other required information shall be submitted two weeks (14 days) to the day before the first meeting of the next month. See **PC Submittal Deadlines and Fees.**

Applicant's Name: ALAN SEWALL

Applicant's Address: 125 HAYDEN POINT RD. So. THOMASTON

Applicant's E-mail Address: ASEWALL@ROADRUNNER.COM

Applicant's Telephone #: 207 975 5380

Title of Proposed Development: EXISTING SUNSET TERRACE MOBILE HOME PARK

Street Address of Proposed Development: 290 PARK ST

City Tax Map #, Block and Lot #: _____

Square Footage (if applicable) of Proposed Building(s) Including all Floors: _____
EXISTING HOUSE LOT

Number of Lots (if applicable): 1 LOT 100' x 100'

Zone: B

Proposed Use: EXISTING HOUSE

Estimated Cost of Development (if applicable): _____

Estimated Time to Completion (if applicable): _____

Property Owner's Information (if different): Name: MARION SEWALL

Property Owner's Address: 125 HAYDEN POINT RD. So THOMASTON

Property Owner's E-mail Address: MLS HAYDEN@ROADRUNNER.COM

Property Owner's Telephone #: 207 542 5443

The applicant is requested to submit **8 copies of the Preliminary Subdivision Plan** of the proposed development **and any other information required** to the Code Enforcement Office no later than two weeks prior to the 1st meeting of the next month. **Final Subdivision Plan submittal requires 8 paper copies and two mylars. One paper copy and one mylar will be retained for City records, and one copy and one mylar must be filed by the applicant with the Knox County Registry of Deeds.**

Applicant's/Owner's Statement:

To the best of my knowledge, all information submitted on this information sheet is true and complete.

Applicant's/Owner's Signature: Alan Sewall Date: 2-5-16

Permit #
code # 3250 PB16-11 Receipt # 171286

Date 2/5/16

\$ 150.00

vision

CITY OF ROCKLAND
www.ci.rockland.me.us

Subdivision Application
Preliminary Plan

The following requirements shall be met and information furnished to complete an application for a Preliminary Plan for Subdivision Review: No plan shall be considered unless payment of the fee, as prescribed in Chapter II of the Rockland Code, is made payable to the City of Rockland.

A. Basic Information. The Preliminary Plan map shall not be less than sixteen inches by twenty-four inches (16" X 24"); **at least nine (9) copies shall be provided to the City; seven (7) for the Planning Board; one (1) for the City Attorney; and one (1) for the Code Enforcement Officer**, and drawn to a scale of not less than one inch (1" equals forty feet (40') nor greater than one inch (1" equals four hundred feet (400') with contour lines at five-foot (5') intervals unless otherwise specified by the Planning Board. Each shall include:

(1) Name of Subdivision. Proposed name or identifying title of the subdivision along with the date of submittal.

Name of Subdivision: SUNSET TERRACE ASSOCIATES
Date of Submittal: JUNE 1998

(2) Name of Subdivider. Name and address of subdivider and his authorized agent, owner(s), engineer(s) and surveyor(s).

Owner(s) Name: ALAN SEWALL

Address: 125 HAY DEN POINT ROAD
SO. THOMASTON ME

Telephone #: 207 975 5380 Email Address: ASEWALL@ROADRUNNER.COM

Agent or Applicant
Name: _____

Address: _____

Telephone #: _____ Email Address: _____

Engineer's Name: ALFRED - NORTH STAR

Address: 67 WARREN STREET
ROCKLAND MAINE

Telephone #: _____ Email Address: _____

Surveyor's Name: FREDRICK BEAL

Address: P.O. BOX 513 WEST MEADOW RD.
ROCKLAND ME

Telephone #: _____

Email Address: _____

- (3) Description of Land. Deed, book and page number of original tract or parcel of land: acreage of the tract or parcel, city tax map, block and lot number, and names of abutting landowners. (Information may be obtained either from the County Registry of Deeds and/or municipal tax maps or assessment cards.)

Book & Page (Registry of Deeds): BOOK 1245 PAGE 096

Acreage (City Assessor): 4.949

Tax Map #, Block & Lot # (City Assessor): 58-A-7-100

Abutting Landowners: Names and addresses of all abutting landowners shall be submitted with this application (attach to application).

- (4) Survey. Perimeter survey of tract made and certified by a registered land surveyor relating to reference points, showing true north arrow, graphic scale, corners of tract, date of survey and total acreage. This survey shall conform to the requirements of "A", above, and shall be submitted with this application.

The Preliminary Plan shall also show the following:

- (5) Man-made and Natural Features. Existing buildings, lot lines, roads, streets, highways, utility lines, sewer lines, pumping stations, water lines, easements, natural features such as lakes, streams, rivers, wetlands, natural drainage ways, wooded and open roads, etc.
- (6) Proposed Construction. Proposed buildings, lot lines and approximate dimensions (and acreage) of each lot, roads, streets, highways, utility lines, water lines, sewer lines, EXISTING pumping stations, easements and disturbances of natural features.
- (7) Drainage. Indication of proposed surface water drainage (shown by arrows) and diversion plan.
- (8) Soils Investigation. If the subdivision is not to be served by a public sewer line, then an onsite soils investigation report by a licensed soil scientist, certified by the State of Maine Department of Human Services must be made. This report shall contain the most appropriate and suitable subsurface sewage disposal systems on each lot in the subdivision and be signed by the soil scientist.
- (9) Water Supply. Proposed water supply system(s). CITY ROCKLAND WATER
MAINE WATER
- B. Additional Information. The Preliminary Plan map shall be accompanied by the following data:
- (1) Different Owner: If the owner of the land is not the subdivider, state whether the subdivider has an option to buy or a purchase and sales agreement. MARION SEWALL
- (2) Water Table. Statement indicating the water table level of the area from approved evidence. SEE ATTACHED
- (3) Solid Waste Disposal. Statement of method of solid waste disposal. ROCKLAND WASTE TREATMENT
- (4) Notice to Abutters. Copies of letters to abutting landowners notifying them of the proposed subdivision. BY CITY OF ROCKLAND
- (5) Financial Capability. Statement of financial capability to complete the subdivision project. N/A

- (6) Compliance with Other Laws. Statement of intention to comply with applicable local, state and federal ordinances, statutes, laws, codes and regulations such as, but not limited to, zoning ordinances, Great Ponds Act, Coastal Wetlands Act and the flood prone areas subject to the National Flood Insurance Program.
- (7) Fire Protection. Statement from the Fire Chief concerning availability of fire hydrants and/or fire ponds.
- (8) Covenants. Deed restrictions and covenants running with the land.
- (9) Other Studies. The Planning Board may require that the subdivider make other studies and provide other data that it deems necessary or desirable.

Applicant's Statement:

To the best of my knowledge, all information submitted in this application is true and complete.

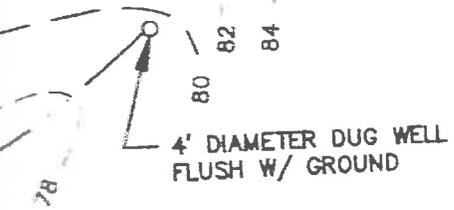
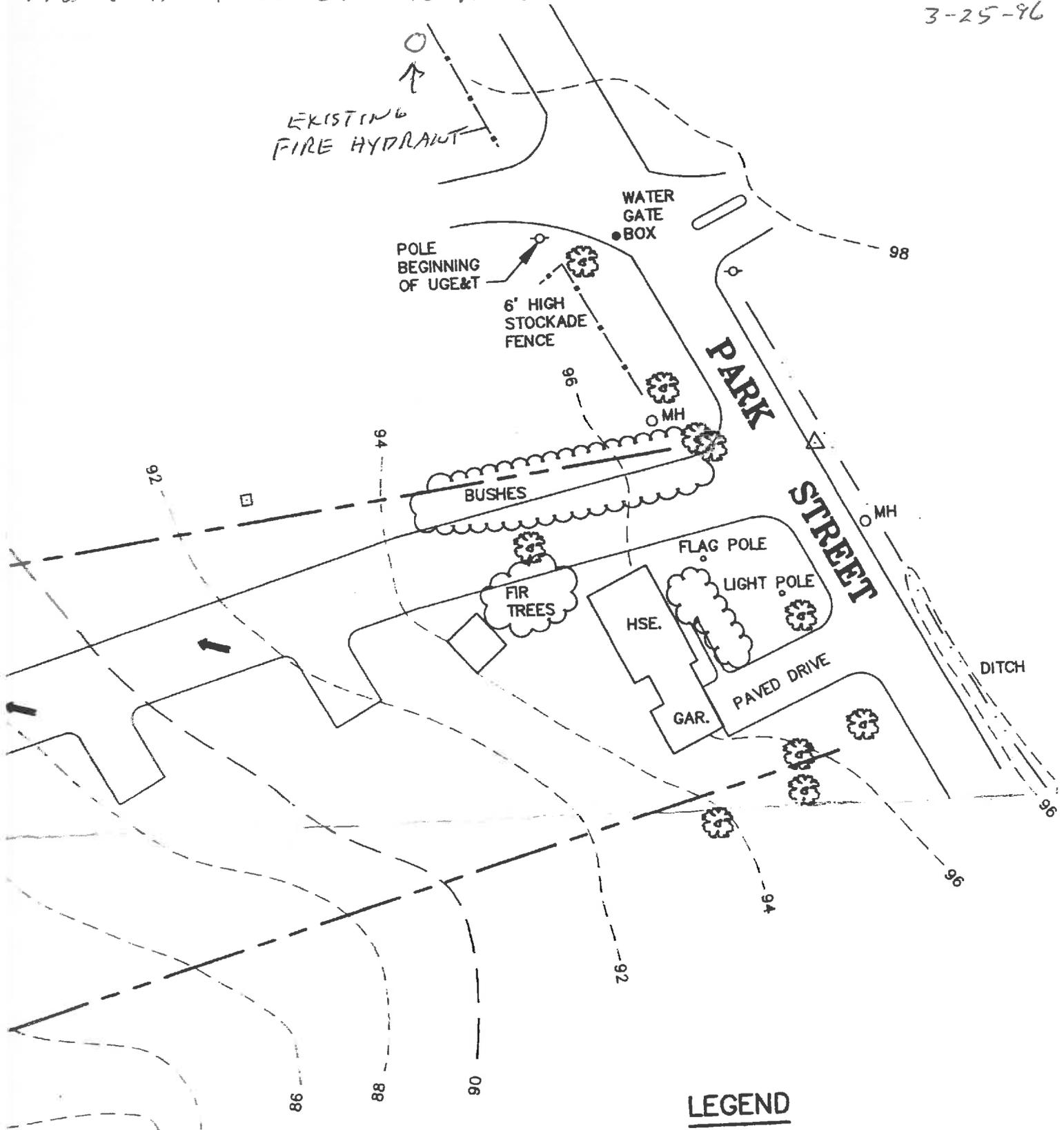
Signed: Alan D. Sewall Date: 2-5-16

Note to Applicant: The above completed sections of this form returned to the Code Office with the required fee, constitutes the "application" and should be submitted 21 days prior to the first meeting of the month (normally the 1st Tuesday of the month, but check with the Code Office for confirmation):

Eight copies of the Preliminary Plan with other required documents shall be submitted to the above noted address 14 days prior to the first meeting of the month.

FROM: PINE TREE ENGINEERING ORIGINAL DRAINAGE PLAN

3-25-96



LEGEND

-  EXISTING C
-  EXISTING A
-  EXISTING E
-  PROPOSED
-  EXISTING I

2-5-16

ATTN. ROCKLAND PLANNING BOARD

RE: SUBDIVISION APPROVAL

I Alan Sewall INTEND TO COMPLY WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL ORDINANCES, STATUTES, LAWS, CODES AND REGULATIONS SUCH AS, BUT NOT LIMITED TO, ZONING ORDINANCES, GREAT PONDS ACT, COASTAL WETLANDS ACT AND THE FLOOD PRONE AREAS SUBJECT TO THE NATIONAL FLOOD INSURANCE PROGRAM.

Alan Sewall



Adam Miceli
Interim Fire Chief
Rockland Fire & EMS

February 7, 2016

Rockland Planning Board

Re: Subdivision of 280 Park Street

Dear Planning Board,

While there is no substitute for home fire sprinklers, the available water for firefighting efforts in the area of 280 Park Street are quite adequate with two hydrants each within 400 feet of the property both with a flow capacity of over 1000 gallons per minute. I would have no issue with any type of residential structure on this property.

Sincerely,

Adam Miceli
Interim Fire Chief
Rockland Fire & EMS

NOTICE OF PUBLIC HEARING
CITY OF ROCKLAND
PLANNING BOARD

The Rockland Planning Commission will hold a public hearing on the following on Tuesday, February 16, 2016, in the Rockland City Hall Council Chambers located at 270 Pleasant Street beginning at 5:30 PM:

1. Alan and Marion Sewall, dba Sunset Terrace Mobile Home Park, are seeking approval for a re-subdivision which divides the parcel located at 280 Park Street and creates a separate lot containing a single-family dwelling at 278 Park Street.



John A. Root, Jr., for Chairman
Rockland Planning Commission

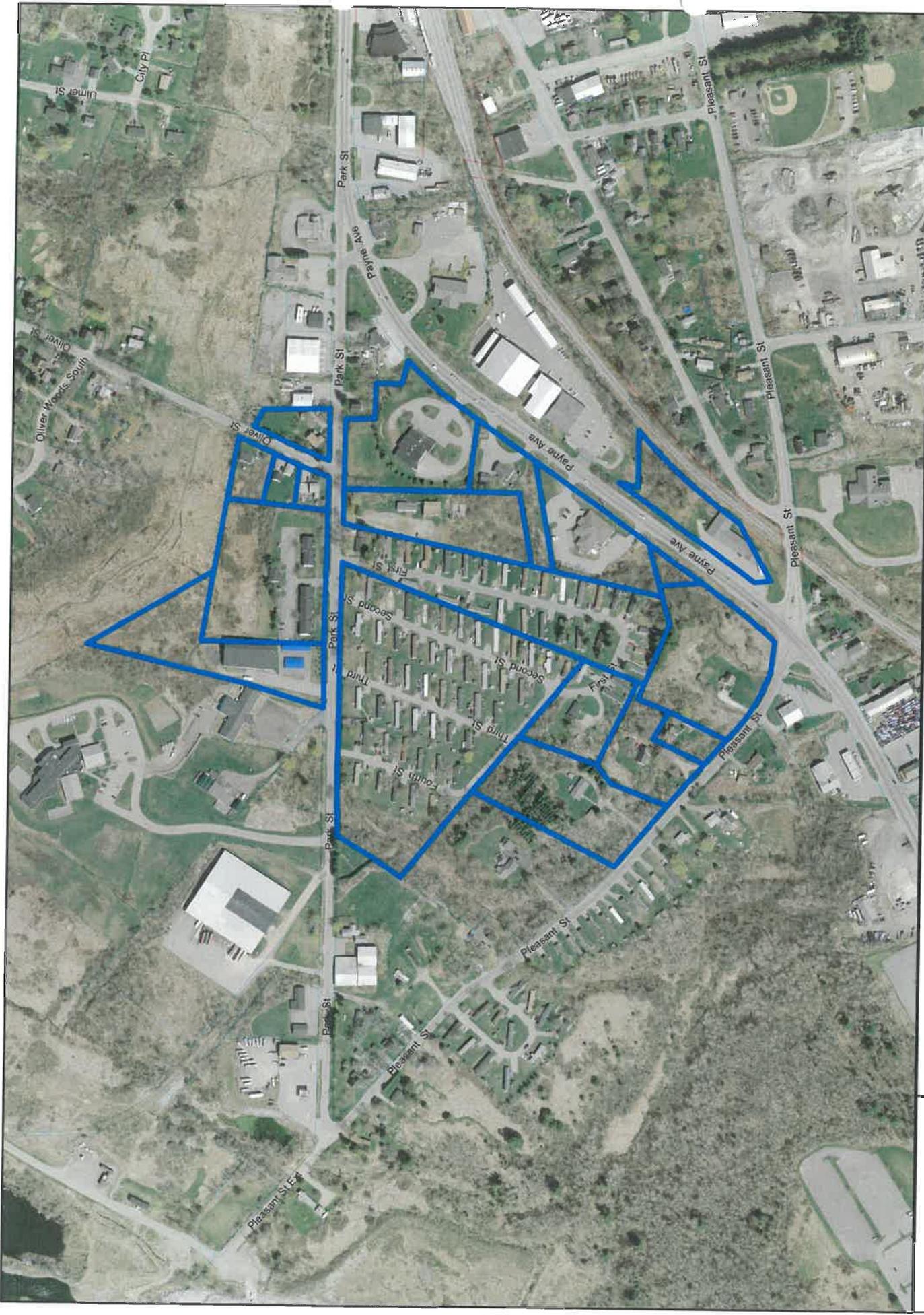
CITY OF ROCKLAND
Code Enforcement Office
270 Pleasant Street
Rockland, Maine 04841
(207) 594-0308 - Fax (207) 594-9481
City's Web: www.ci.rockland.me.us Email: jroot@ci.rockland.me.us

**ROCKLAND PLANNING BOARD
NOTICE TO PUBLIC AND TO ABUTTERS OF APPLICATION FOR
RESUBDIVISION REVIEW**

Date: February 5, 2016

Dear Property Owner or Interested Member of the Public:

This is to inform you that an application for Re-subdivision Review (Chapter 16, Article I, RCO) has been submitted to the Rockland Code Enforcement Office by **Alan & Marion Sewall, dba Sunset Terrace Mobile Home Park** for property in your neighborhood located at **280 Park Street, Tax Map #58A7, 282 Park Street, Tax Map #58A8 and 130 First Street, Tax Map #58A6**. The requirement for the review **results from dividing off a portion of the parcel at 280 Park Street, (Tax Map #58A7) thus creating a separate parcel containing a single-family dwelling located at 278 Park Street.** The application and subdivision plan are available for your inspection at the Code Enforcement Office at Rockland City Hall from 8 AM – 4:30 PM, M-F. On **Tuesday, February 16, 2016, at 5:15 PM**, in the **Rockland City Hall Council Chambers located at 270 Pleasant Street**, this application will be presented to the Rockland Planning Commission. At this meeting, the Commission will review the application for completeness. If the application is found to be complete, the Commission may begin to determine if the proposal meets the Requirements of our Ordinance, Section 16-105. **This notice serves as the notice of public hearing required by the Ordinance.** Your written or oral comments are welcome.



CITY OF
ROCKLAND
KNOX COUNTY
MAINE

Printed: 2/5/2016

1 inch = 400 feet

0 100 200 400 600



Feet



DISCLAIMER

Tax maps are compiled from aerial photography, existing surveys, deeds, and landowner's descriptions. They are to be used for assessment purposes only, and not for conveyance.

CITY OF ROCKLAND, MAINE

ORDINANCE AMENDMENT #48

(As Amended 01/11/16)

IN CITY COUNCIL

December 14, 2015

**ORDINANCE AMENDMENT: Establishing Moratorium On
Site Plan Applications For New
Grid-Scale Power Generation Facilities**

WHEREAS, properties within the City of Rockland have become a focus for a proposal to construct a gas-fired, combined-cycle electric power generation facility; and

WHEREAS, if not properly sited and designed and regulated, grid-scale power generation facilities can be a source of considerable air, water and noise pollution that can adversely impact the neighborhoods and communities where these facilities are located, thereby endangering public health, safety, and welfare; and

WHEREAS, public and professional comments have raised questions as to whether the City's current noise standards are an appropriate tool for addressing the specific types of sounds originating from grid scale combined cycle power generation facilities; and

WHEREAS, the City has no specific ordinance provisions governing acceptable sources or disposal options for the potentially large volumes of water needed for cooling grid scale combined cycled power generation facilities; and

WHEREAS, the City has no specific regulations governing potential impacts from the air emissions associated with large volume open cooling water towers that are utilized at many grid scale power generation facilities; and

WHEREAS, community members have questioned whether the City's commercial and industrial ordinance standards, which were developed for large volume retail and specialty manufacturing, provide appropriate regulation for a grid scale power generation facility when this type of generation facility is located on parcels abutting residential zones or historic districts; and

WHEREAS, appropriate zoning limitations, site plan and performance standards, and other municipal regulations can ameliorate the impacts of grid-scale power generation facilities by requiring their location in industrial areas; by limiting noise, vibration, and emissions; and by requiring appropriate buffering and screening from public ways, residential areas, and other incompatible uses; and

WHEREAS; the development of natural gas fired combined cycle power generation facility would require the construction of a natural gas distribution line into the City to provide fuel; and

WHEREAS; the City's street opening ordinances do not include provisions that provide for adequate inspection of natural gas piping as it is being installed to insure leaks are avoided; and

WHEREAS, the City Council hereby finds that, to avoid the serious public harms that reasonably may ensue from the unregulated siting and development of grid-scale power generation facilities in the City, a moratorium is needed while the City studies, drafts, and adopts one or more zoning or other ordinance amendments to establish reasonable municipal regulations for grid-scale power generation facilities to avoid and/or ameliorate such public harms,

NOW, THEREFORE, THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

THAT, pursuant to Title 30-A, Maine Revised Statutes, Section 4356, a moratorium is hereby established barring the acceptance of new site plan applications, and the processing of and action upon site plan applications filed with the City on or after December 14, 2015, for the construction of electrical power generation facilities having a capacity in excess of 10 megawatts in the City of Rockland for 180 days. The provisions of this moratorium do not apply to businesses constructing heating or power generation systems to meet on-site heating and/or power needs; and

THAT, within 14 days of the Council's adoption of this ordinance in second reading the City's Energy Committee is directed to convey to the Planning Board a summary of any issues that the Committee recommends be considered by the Planning Board based on the forums held by the Committee and the Energy Committee is also directed to provide advice or assistance to the Planning Board as may be requested by the Board's Chairman; and

THAT, within 30 days of the Council's adoption of this ordinance in second reading ~~the City Manager, in consultation with the Energy Committee,~~ is directed to provide options for technical experts from which the to Planning Board can select ~~for technical experts~~ to advise the Board as needed ~~the Board may choose~~ in this process; and

THAT, no later than March 4, the City Manager is directed to bring before Council for its consideration a draft of a street opening ordinance that addresses the technical questions, inspection requirements, and responsibility for costs related to the installation of natural gas distribution lines and any other infrastructure changes that should be made in tandem with this work; and

THAT, the Planning Board is directed, no later than March 4, 2016, to draft for City Council consideration, an ordinance or ordinances regulating the siting and development of grid-scale power generation facilities in the City of Rockland.

First Reading 12/14/15
First Publication 12/24/15
Public Hearing 1/11/16
Final Passage 1/20/16
Second Publication 1/21/16
Effective Date 2/10/16

Sponsor: Councilor Jillson
Originator: Councilor Jillson

D-R-A-F-T
CITY OF ROCKLAND
PLANNING BOARD
Minutes of Meeting
January 19, 2016

Board Present: Chair E. Laustsen, W. Bodine, and P. vanVuuren

Board Absent: A. Knickelbein and C. Jordan

Staff Present: CEO John Root, City Attorney K. Beal, and Secretary D. Sealey

The Chair called the meeting to order at 5:17 P.M. and reviewed the agenda.

Public Comment: None

Communications: None

New Business:

1. Center for Maine Contemporary Art – 21 Winter Street – Request to Amend Approved Plan - Tax Map 1, Block H, Lot 4: Will Gartley of Gartley & Dorsky Engineering & Surveying and CMCA Board Chair Charlotte Dixon represented the applicant. Mr. Gartley said the applicant wanted to make two changes: 1) to remove a door onto the sidewalk on Winter St. and 2) to remove the canopy over the courtyard.

He explained that the door as approved would not be operable. It had been intended as an extra entrance into the gift shop, which was also accessible from double doors off the courtyard, but now was not wanted for security reasons.

The courtyard canopy was no longer necessary to meet the setback requirements because a recent zoning change allowed the courtyard to be part of the public space. Removing the canopy would require an easement agreement with the city in accordance with Ordinance Amendment #43.

Ms. vanVuuren noted that the revised plan stated there would be 53' between doors on the façade, while the ordinance required a maximum of 50'. Mr. Gartley explained that the receiving door at the far end was part of that calculation. There was an extended discussion of the number of doors and their placement.

Chair Laustsen read aloud the proposed additional Findings of Fact.

ACTION: Ms. vanVuuren made a motion to approve the Findings.
Carried 3-0-0

ACTION: Mr. Bodine made a motion to approve the changes to the Site Plan with the condition that an easement granted to the city in accordance with Ordinance 19-304 (14) and 19-304 (23) must be granted for the removal of the canopy to be implemented.
Carried 3-0-0

2. ADZ, LLC – 250 Main Street – Request to Amend Approved Plan - Tax Map 5, Block C, Lot 4: Cabot Lyman, representing the applicant, said he wanted to eliminate the solar shades over the windows because the Maine latitude was too high for them to work properly and they would obstruct the windows. Ms. Van Vuuren responded that all windows on a public street in the Downtown Zone must have lintels and Scott Teas, the building's architect, had argued that the shades represented the lintels. Chair Laustsen said the shades were always intended to be part of the design and work as lintels

Mr. Lyman said they had not come up with a way for the shades to work at this latitude and said he had never considered them an important part of the building. Ms. vanVuuren stated that, from a design perspective, without them the building had no visible lintels above each window. She stressed that they had to be visible, though not structural, as a new interpretation of the old buildings in the district. Mr. Laustsen said the shades had been architect Teas' interpretation of the design standards. Without a visible lintel, Ms. vanVuuren said, the elements did not meet the ordinance requirements.

Chair Laustsen read from the approved Findings of Fact that "The quality of materials and the integrity of the proposed design as presented must be maintained and implemented." Ms. vanVuuren said that the argument that the sun shades met the need for a visible lintel was how the applicant had met the Design Standards.

CEO Root asked if the Board could suggest any alternatives, to which Ms. vanVuuren replied that Mr. Lyman should look to Mr. Teas for an alternative. Mr. Lyman responded that Mr. Teas was out of the country and unavailable. He also said he needed to open the hotel by April and didn't have the time or money to spend on altering the windows.

Ms. vanVuuren said the building must be built the way it was presented. She again urged Mr. Lyman to contact the architect to come up with an alternative or present an argument that there were lintels without the shades. City Attorney Beal quoted the ordinance as saying, "All windows must contain visible sills and lintels."

The Board confirmed to Mr. Lyman that they could not approve his requested change and advised him to speak with the architect and come back with a solution.

Other: Review Memo to City Council: City Attorney Beal had drafted a memo from the PB to the City Council in which the Board proposed changes to ordinance Chapter 16 (Site Plan Review). The PB wanted permission from the council to move ahead with working on these changes.

Ms. vanVuuren asked how this would proceed. CEO Root responded that the City Council might meet with the Board or simply tell it to move forward.

ACTION: Ms. vanVuuren made a motion to have Chair Erik Laustsen sign the memo and send it to the Council.
Carried 3-0-0

Mr. Laustsen said the PB had been invited to send 1 or 2 members to the Thursday Energy Committee meeting. Mr. Bodine had agreed to attend.

Approve Minutes of the 1/5/16 Meeting:

ACTION: Mr. Bodine made a motion to approve the minutes as amended.
Carried 3-0-0

Adjournment:

ACTION: Ms. vanVuuren made a motion to adjourn at 6:40 P.M.
Carried 3-0-0

Respectfully submitted,

Deborah Sealey