

Approved 2/16/16

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