

Approved 6/18/13

CITY OF ROCKLAND  
PLANNING BOARD  
Minutes of Meeting  
June 4, 2013

**Board Present:** Chairman E. Laustsen, K. Swan, G. Terrien, and P. vanVuuren

**Board Absent:** W. Bodine

**Staff Present:** Code Enforcement Officer J. Root and Secretary D. Sealey

The Chairman called the meeting to order at 5:15 P.M. and reviewed the agenda.

**Public Comment:** John Alexander, owner of the properties at 106 and 108 Union St., said he was delighted the building next door at 110 Union St. was going to be redeveloped, but asked the PB to resist the request for a Change of Use because the building under consideration was within 5' of his building and did not meet the Standards in Chapter 19 of the Rockland Ordinance. Mr. Alexander asked the Board to review closely and, if they had the flexibility to waive some requirements, not to do so.

Mr. Alexander said this was an awkward spot: a 20' required front setback was actually less than 7', and a 15' required side setback was actually 8' at the widest point. He said the two buildings were so close together that it would be difficult to screen. 110 Union had both front and side entrances and parked cars would face Mr. Alexander's building. He was extremely concerned over what business would go into such a small retail space.

Mr. Alexander concluded by saying the project would have difficulty meeting drainage, screening, headlight, and landscaping requirements. Chair Laustsen noted that the applicant had a stockade fence and an evergreen hedge on his plans. Mr. Alexander responded that the Board would need lots of flexibility and leeway to approve the application.

**Communications:** The Chair noted that Public Works Director Greg Blackwell had as yet been unable to look at the brook at 110 Union St., and might have comments on the proposed project once he did.

**Old Business:**

**Bar Harbor Bank & Trust – 245 Camden St. – Revised Site Plan Review Application to Reduce the Scope of the Project and Eliminate the Retaining Wall – Tax Map #34-A-3:** Engineer Shawn Frank of Sebago Technics and Jackie Curtis, Vice President of Administrative Services at Bar Harbor Bank & Trust, represented the applicant before the Board. Mr. Frank said their project had been approved last October, reminding the Board there was a steep slope at the back of the property and redevelopment required an extensive retaining wall. This had become very expensive and tonight they were presenting a more scaled-back plan.

Current plans called for modernizing the facade and interior. Bank business would be conducted from a trailer on site for the six months of construction; there would be no drive-up service during this period. Mr. Frank noted that the Police Chief had wanted a "Right Turn Only" sign and said the bank was still willing to meet that request.

Chair Laustsen stated that the current parking lot went to the sidewalk and asked if it would be pulled back. Mr. Frank said it would, though there would be a tip-down curb in front of the temporary trailer. Mr. Laustsen asked if any thought had been given to closing the curb cut by the Harbor Plaza entrance and making the other two-way. Mr. Frank replied that they had concluded that would be too confusing, and that they had also wanted to retain the current traffic flow. Though they had wanted to close that entrance, the site costs would be too expensive for the size of the project.

Mr. Swan said cars turning left southbound competed with Shaw's customers turning right to go north: Mr. Frank agreed. Citing Bar Harbor Bank & Trusts' three curb cuts, Mr. Swan asked if the middle one could be removed. Mr. Terrien suggested coming in the middle curb cut and leaving through the left one. Ms. Curtis said in that situation ATM and drive-up cars would generate cross traffic and Mr. Frank said this would just be relocating the problems. Mr. Terrien responded that the problem would be solved if cars entered via the middle curb cut and went around the existing bank. Mr. Swan added that a small island should be able to direct the flow and allow closing of the curb cut closest to Shaw's. Mr. Terrien asked if it was out of the question to have all vehicular access come in from the north cut. Mr. Frank said the bank wanted to retain direct access to Rte. 1 and the Police Chief had requested no left turns from that cut. CEO Root confirmed that the chief still wanted that restriction on the most northern cut only. There was additional discussion.

Mr. Root said the existing site and the connection the bank would add did not necessarily relate to curb cuts. Mr. Terrien said that, given the reluctance he sensed on the part of the Board to approve perpetuating a problem (the proximity between the 2 entrances at the southern end), if the Board did not need to approve this work he would prefer to allow the CEO to handle it because he could not vote for reinstating the southernmost entry.

Chair Laustsen asked CEO Root if there was anything here he could not enforce. Mr. Root replied that the Police Chief would still have to approve it, but the CEO himself would see this as a minor revision improving the parking. Ms. vanVuuren asked about the sidewalk and CEO Root replied that, were the plan rescinded, the sidewalk would not come into it. Mr. Laustsen asked the CEO if he would be able to permit the parking lot if the bank rescinded the plan. Mr. Root said he felt changing the circulation and traffic could be important, but this was just adding another exit onto a private way. He added that he could ask the bank to plant some shrubs.

Jackie Curtis, on behalf of Bar Harbor Bank & Trust, officially rescinded the original approved plan and the revised application. Mr. Terrien said if the bank decided to go to one entrance he could support that improvement.

#### **New Business:**

**Rockland Realty, LLC – 110 Union St. - Site Plan Review Application for Change of Use From Single-Family Dwelling to Mixed Use with Retail on the First Floor and an Apartment on the Second Floor - Tax Map 22-E-7:** Architect Bryan Austin of 2A Architects, LLC and applicant Richard Rockwell appeared before the PB. Mr. Austin explained that Mr. Rockwell was asking for a Conditional Change of Use in a TB-1 Zone that abutted a residential zone on only one side. The existing lot was just over 5,000 sq. ft. He said Ordinance Chapter 19 allowed a Change of Use for an existing lot with an existing single-family residence when it did not meet the dimensional requirements. The proposed use would be for retail on the first floor (800 sq. ft.) and an apartment on the second floor (600 sq. ft.).

The building at 110 Union St. was 5' from the narrowest corner on the southeast. There was an existing drive from Union St. and four parking spaces. Mr. Austin said abutting properties to the south were residential units, though located in TB-1. There was a 40% allowance for building coverage and this would be just 15.4%. There would be 61.4% lot coverage, but this could be brought down to the maximum 60% allowed by shaving some space from the parking stalls. There would be a 3' buffer with a foot of dense screening and a 5'-high fence would be installed at the back of the property.

Richard Rockwell said this would be his third project in Rockland, where he had grown up. He said he was attracted to disasters that needed attention. Mr. Rockwell had redeveloped 449 Main St. (The Faber Building), as well as a building on Granite St. He agreed with John Alexander that aesthetics were important and said he resisted renting to anyone who would not be an asset to the community. Mr. Rockwell said the single-family home at 110 Union St. was an eyesore that he felt he could make much nicer. He felt a 2-family might generate more traffic, though it would make more money for him. Mr. Rockwell concluded by saying he simply wanted to fix something that was broken and make it right.

CEO Root explained that the relevant ordinance amendment had been designed to allow retail on a busy street in the TB-1 Zone where the residences were not very attractive. He said that meeting setbacks was

not required, but everything should be done to see that residential abutters were protected. Mr. Terrien said the ordinance required, "Where natural buffering does not exist or is not possible to be retained shall be landscaped to provide a visual screening between uses." He asked if that were being done here. Mr. Root responded that a 4' picket fence might not be sufficient. Mr. Rockwell said he would be glad to work with his neighbor to be sure he was comfortable. Mr. Terrien stated that he saw no problem if the two parties could agree on an appropriate buffer.

Mr. Alexander received confirmation from the CEO that the ordinance would allow an existing building to not meet setback requirements. In that case, Mr. Alexander said, the PB could go through the Standards and allow them to be met only to the greatest extent possible. He declined to answer Mr. Rockwell's question about what he would find acceptable, until the PB had made a site visit.

Chair Laustsen led a review of the elements of the Site Plan. There would be four exterior lights on the building and cut-sheets had been provided. There was discussion of Lindsay Brook. The sewer line would have to be replaced if the applicant could not show it was in good shape and sufficient to the use.

**ACTION:** Mr. Swan made a motion to accept the application as complete.  
Carried 4-0-0

Chair Laustsen led a review of the Standards. There would be two parking spaces for each of the building's uses. Landscaping would be the big issue. Mr. Terrien said the surface elevation in the back would be raised approximately one foot, resulting in a contour change possibly affecting drainage. The building would be sprinklered. Mr. Terrien said he wanted to specify what type of sprinkler system would be installed, but CEO Root said that was his responsibility.

Mr. Laustsen said he wanted to see the buffering and walk around the property. Mr. Rockwell said he wanted to understand the wishes of his neighbor and to do what he would like. Chair Laustsen clarified that the Board's decision would be based on the ordinance, rather than what the applicant wanted to do.

The Site Visit was scheduled for 5:00 P.M. on June 5. Mr. Alexander said he would not attend the site walk, choosing to rely on the Board's judgment. Mr. Laustsen invited him to submit something if he liked.

**Previous Meetings' Minutes: 4/23/13 & 5/7/13**

**ACTION:** Ms. vanVuuren made a motion to approve the 4/23/13 and 5/7/13 meetings' minutes as amended.  
Carried 4-0-0

**Adjournment:** Mr. Swan made a motion to adjourn the meeting at 7:15 P.M.  
Carried 5-0-0

Respectfully submitted,

Deborah Sealey  
Recording Secretary