

Approved 4/15/14

CITY OF ROCKLAND
PLANNING BOARD
Minutes of Meeting
April 1, 2014

Board Present: Chairman E. Laustsen, W. Bodine, A. Knickelbein, P. vanVuuren, K. Swan and G. Terrien

Board Absent: None

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

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

Public Comment: None

Communications: CEO Root said correspondence had been received and provided to PB members from Eric Galant (Mid-Coast Regional Planning Commission), Christopher Brownawell (Farnsworth Art Museum), Rufus Williams, Jr., Jonathan Frost, Elliot Lowe, Maggie Trout, Paul Chartrand, Marcella Mace Christensen, and City Attorney Kevin Beal.

Old Business:

Center for Maine Contemporary Art – 21 Winter Street – Public Hearing and Final Site Plan Review to Construct a New Contemporary Art Center – Tax Map #1-H-4:

Before the Public Hearing began, PB member George Terrien made a statement in which he requested that those speaking address directly the criteria in the ordinance. He said the board was not empowered to negotiate and make accommodation. Mr. Terrien said the PB was not political, was not here to channel the desires of the public, and that public opinion had no bearing on its judgments.

Chair Laustsen opened the public hearing at 5:24 P.M.

Kendall Merriam said construction of the proposed gallery would force good artists out of the garage. He read a poem he had written and concluded by saying the building would be a bird killer.

Maggie Trout said the facade of the CMCA building would take more than 72% of the street line and access points might not meet entrance codes. She was concerned about runoff from the metallic exterior material and the lack of permeable surface.

Jim Kinnealy, 12 Elm St., said he had opened the Caldbeck Gallery in 1995 and had subsequently watched Rockland bloom. He thanked the PB for their thankless job and looking after Rockland's vision. Mr. Kinnealy said his gallery's courtyard always attracted people, as would CMCA's, and said the large wall of the proposed gallery was necessary to display art.

Dan Bookham, 129 Limerock St., said he felt this design was in compliance with both the intent and the words of the ordinance and spoke to the needs of CMCA, the premiere Maine institution for contemporary art. Having CMCA come to Rockland, he said, was a continuation of the long promise that Rockland was a special and unique place. In order to move forward, Rockland must embrace what it would be and this building would do that for the City of Rockland.

Frank Isganitis, 96 Limerock St., said there had been a lot of debate about CMCA coming to Rockland, but that was not the issue of these proceedings. Mr. Isganitis said Rockland would be a good fit for CMCA, yet the economic or community benefit was not relevant here. The issue was whether the

applicant's design met the standards set forth in Rockland since 2009. The question to be answered was whether this building's architecture was consistent with that of Main St. between Park and Summer Streets. He disagreed with those who felt a contemporary art museum and Rockland's historic preservation efforts were incongruent. He compared Rockland's recent history to that of Savannah, Georgia, where art had played a significant part in its revitalization. Mr. Isganitis gave a brief history of the implementation of the Architectural Design Standards and stated his support of them.

Jonathan Frost, 68 Masonic St., read aloud his March 31 letter to the PB. In this, he described the "Fireproof Garage" in which he had a gallery and which would be razed to make room for the CMCA-proposed gallery. Mr. Frost said this steel-framed and steel-sheathed industrial architecture was as legitimate a part of Maine's waterfront history as the brick-faced buildings on Main St. He then related how he felt the CMCA gallery's architecture reflected industrial waterfront aesthetics. He concluded by saying Winter St. shouldn't be forced to comply with the model of Main St.

Amy Files, 39 Pleasant St., said the design standards were too strict, though the applicant at the first meeting had explained, line by line, how they were met. Ms. Files was curious to hear how the City Attorney and Code Officer interpreted the ordinance.

Rick Thackery, Talbot Ave., said he had served on the Comprehensive Planning Commission [CPC] from 2006 to 2008, when it had tried to figure out how to help property owners in the Tillson Ave. area improve their ability to use their properties in new ways. The CPC looked for ways consistent with other downtown uses, mimicking the scale and density of existing buildings, but never dictating the character of the construction. Mr. Thackery said the CMCA building comported to the scale of Main St. buildings and its use was consistent with surrounding uses.

Gerald Weinand, Grove St., had served on the CPC for six years, three as chairman. He described the process the commission went through when adopting the code for the Tillson Avenue Area Overlay Zone. He said the main purposes of the ordinance were to allow landowners to maximize the value of their properties and to enhance and protect the nineteenth-century built environment of Main St. He said the intention had not been to dictate what overall design would look like. The drawings of architectural elements in the code were intended to provide the layman with the correct nomenclature to use when discussing a building. He concluded by saying the intent was to enhance the downtown area.

Brian Harden, 19 Traverse St., had served on the CPC for 11 years and was very involved with the 2005 update of the comprehensive plan. In 2009 he had been on the city council that approved the minimum Architectural Design Standards and had questioned whether there was enough flexibility to allow a project of exceptional merit to be considered. He had attended two previous meetings on this application and felt that it had met the standards. His one complaint was that he did not like to be lectured by a member of the PB about what he may or may not talk about at a public hearing. When standards were written for an overlay zone, specifics were usually accompanied by words allowing exceptional projects. Mr. Harden quoted from the Design Standards that they were "intended to achieve, in an extended downtown and redeveloped waterfront, a balance between historic architecture and a differentiated modern-built environment." He said he would approve this project based on that sentence alone, but he went on to refer other parts of the code that supported his argument for approval. He concluded by saying that Rockland had survived because it had always adapted and CMCA would help secure its economic future.

Chair Laustsen closed the public hearing at 6:02 P.M.

Architect Toshiko Mori, her associate and project architect Hye-Young Chung, engineer Will Gartley of Gartley & Dorsky Engineering & Surveying, and CMCA Director Suzette McAvoy represented the applicant. Ms. McAvoy thanked the PB and the city administration for its time and input on this project. She said CMCA's core purpose was to discover the artists of tomorrow today. She said the proposed building invoked traditional architecture through a contemporary lens. Ms. McAvoy said CMCA had worked hard on a design that would meet the standards while meeting CMCA's needs.

Mr. Gartley explained the review process and details that the public had not heard. He explained that they had been working with Mitchell Razor, who was working on a Winter St. redesign for the city. Mr. Gartley had

provided information on the lights for the face of the building and the walkway, which met the city's lighting ordinance regulations.

Ms. Mori thanked the board for its patience and help in arriving at a design that completely met every item in the code, ordinance, and standards. Using projected slides, Ms. Mori pointed out details of the building and noted that this building would be shorter than the existing one. She explained how they had utilized historical architectural elements in their design so it invoked, but did not mimic Main St. buildings. Ms. Mori stated the importance of authentic light for the artwork and said the quality of light in Rockland was very rare.

Mr. Gartley said the city had not yet developed a plan for Winter St., but would meet with landowners on Friday. The city would draft a plan and then hold public discussion meetings. The applicant had been told that a stormwater management plan would be implemented, with all runoff going into city systems. Mr. Terrien asked Mr. Gartley if he had any comments on City Attorney Beal's memo. The engineer said it basically outlined how the PB normally operated. Mr. Laustsen agreed with this assessment.

Chair Laustsen began the review of the standards by reading #10 (Compliance with Other Ordinances) aloud and saying it would be voted on separately. The chair continued by reading the titles of the other standards. He noted that the applicant would have to come back to the PB if the landscaping plans changed.

Mr. Terrien asked how the board could approve an application that did not address drainage, the way that the site was currently configured, and the fact that they did not have assurance that changes would be made and how they would impact drainage. Mr. Laustsen replied that he had already stated that it could be a condition of approval that the applicant would have to come back with a new drainage plan if the city did not complete work on Winter St. Mr. Terrien did not think the question of drainage had been answered. Mr. Gartley gave a brief history of working with the city regarding stormwater management, stating that the city wanted the CMCA building to connect into the planned system. He said it did not seem sensible to design alternate drainage plans at this juncture, since the city said it would go through with its plans. Mr. Gartley agreed the applicant would have to come back to the PB with another drainage plan if the city scuttled or did not implement this one.

The board decided to vote on each standard separately.

Mr. Swan read a statement in which he thanked everyone involved, especially CEO Root and City Attorney Beal. Mr. Swan said there had been confusion over the design and development standards because the proposed building would be in both the Downtown District and the Tillson Avenue Area Overlay Zones. He touched upon some of the standards that had been contested, including the wall height, window placement, etc. He said he understood the importance of supporting the arts, but felt a portion of the facade and front design as proposed did not meet the design standards the city had adopted.

ACTION: Mr. Terrien made a motion to approve the traffic standard.
Carried 5-0-0

ACTION: Ms. vanVuuren made a motion to approve the compatibility with other uses standard.
Carried 5-0-0

Regarding landscaping, Mr. Gartley said the proposed street trees were within the ROW, but the applicant had agreed to supply them. The applicant would also be sharing the cost of sidewalks and curbing, etc. Mr. Swan felt CMCA should be responsible for the trees and Mr. Laustsen said they had agreed to that; however, a condition of approval could be returning to the PB if the landscaping changed. Mr. Gartley explained that the applicant had no control over placement of street trees since it would be a city plan. CEO Root read from the ordinance to illustrate the landscape elements that would be the responsibility of the applicant.

ACTION: Mr. Bodine made a motion to approve the landscaping standard.
Carried 4-1-0 (Mr. Swan voted against)

Ms. vanVuuren said she supported the drainage plan because it was understood that, should the city make changes, the applicant would come back with engineered changes to meet requirements. There was further discussion of possible mitigation of stormwater runoff. Mr. Terrien asked Mr. Gartley to explain how drainage flow into the sewer could be reduced. Ms. Knickelbein asked if the project was responsible for improving stormwater management. Chair Laustsen replied that it was not. Mr. Terrien disagreed, saying there were major drainage problems throughout the city and he was not willing to perpetuate that situation by saying things were the way they were.

ACTION: Ms. vanVuuren made a motion to approve the drainage standard.
Carried 4-1-0 (Mr. Terrien voted against)

ACTION: Mr. Terrien made a motion to approve the lighting standard.
Carried 5-0-0

ACTION: Mr. Terrien made a motion to approve the fire hazard standard.
Carried 5-0-0

ACTION: Mr. Bodine made a motion to approve the water and solid waste standard.
Carried 4-1-0 (Mr. Terrien voted against)

ACTION: Ms. vanVuuren made a motion that the proposed use and layout were compatible with the area.
Carried 4-1-0 (Mr. Terrien voted against)

Mr. Terrien read a statement, quoting Mr. Beal's memo regarding the Architectural Design Standards. He noted that CMCA must be required to comply with all applicable development and architectural standards separately regardless of whether other requirements in the ordinance had been satisfied. Mr. Terrien asked that the board take a straw poll on the three questions he had brought up at the last meeting. Ms. vanVuuren, Mr. Bodine, and Mr. Laustsen objected. There was protracted discussion, including readings from the ordinances and Mr. Beal's memo, with board members stating their interpretations of both.

ACTION: Mr. Bodine made a motion to approve the minimum Architectural Design Standards in the Downtown and Tillson Avenue Area Overlay Zones.
Carried 3-2-0 (Mr. Terrien and Mr. Swan voted against)

ACTION: Mr. Bodine made a motion to approve the Development Standards in the Downtown and Tillson Avenue Area Overlay Zones.
Carried 3-2-0 (Mr. Terrien and Mr. Swan voted against)

ACTION: Ms. vanVuuren made a motion to approve the standard requiring compliance with other ordinances.
Carried 5-0-0

Chair Laustsen read aloud the 28 Findings.

ACTION: Mr. Swan made a motion to approve the Findings.
Carried 4-1-0 (Mr. Terrien voted against)

ACTION: Ms. vanVuuren made a motion to approve the project with the condition that, should the City not complete the sewage and stormwater separation plan for Winter St., a revised stormwater management plan shall be submitted to the Planning Board for review and approval.
Carried 3-1-1 (Mr. Swan voted against and Mr. Terrien abstained)

Other Business:

Shoreland Zoning Permit Extension Request for Central Maine Power Company Section 48 Transmission Line Rebuild Project: CEO Root said this concerned the requirement to start construction within one year and he would straighten it out.

Minutes of Previous Meeting: 3/18/14

ACTION: Ms. vanVuuren made a motion to approve the minutes of the 3/18/14 meeting with changes.
Carried 5-0-0

Adjournment: Mr. Swan made a motion to adjourn the meeting at 7:55 P.M.
Carried 5-0-0

Respectfully submitted,

Deborah Sealey
Recording Secretary