

Approved 6/4/13

CITY OF ROCKLAND
PLANNING BOARD
Minutes of Meeting
April 23, 2013

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

Board Absent: None

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

The Chairman called the meeting to order at 7:07 P.M. and reviewed the agenda.

Previous Meeting Minutes: 4/2/13

ACTION: Ms. vanVuuren made a motion to approve the 4/2/13 minutes.
Carried 5-0-0

Public Comment: None

Communications: CEO Root had provided the PB with an email from William and Carole Black and a letter from Don and Darlene Borkowski, both concerning the 24 Lincoln St. proposal, and submittals from City Attorney Kevin Beal concerning condominium documents for the Liberty Hospitality and the Thompson & Cosgrove applications.

Old Business:

1. Navigator Motor Inn (Liberty Hospitality of Maine, LLC) - 520 Main St. – (“Residences at Summer and Maine”) - Application to Change 9 Existing Motel Rooms into 3 Condominium Units– Final Subdivision Review - Tax Map #4-A-3 -: Architect John Hansen and owner Robert Liberty represented the application before the PB. Mr. Hansen said several changes had been made. Mr. Hansen had also discovered that the floor plans provided for the last meeting were incorrect and had replaced them for this meeting. The dumpster had been relocated to the future elevator site because it would have blocked a parking space; it would be surrounded by a cedar fence with a gate. The Summer St. grease container would also be concealed. Re-stripping the parking area without losing spaces had allowed more landscaping than requested by the PB at the last meeting; all cars would face the other way, so no lights would face the street. The landscape plan, now including the islands in the parking lot, had been revised to show materials. Mr. Hansen said there were not as many trees as required by the Performance Standards, but noted that there were 80 plants rather than the 20 required by ordinance.

Ms. vanVuuren had expected to see more evergreens and Chair Laustsen asked if there were an option for more. Mr. Hansen replied that they could replace some of the plants with evergreens. Ms. vanVuuren said the perennials would be no buffer in the winter. Mr. Terrien commented that evergreens had trouble growing in salty environments, but Mr. Laustsen countered that they had performed well in other projects. Mr. Swan thanked Mr. Liberty for the expanded landscaping and expressed satisfaction with what had been done on the south end of the property.

Regarding the condominium documents, Mr. Hansen said Mr. Liberty would have to run the City Attorney’s issues past his lawyer, though none of them looked like serious problems. The applicant had not received the comments until today and was certain his attorney and Mr. Beal could resolve them.

ACTION: Mr. Terrien made a motion to accept the final plan application as complete.
Carried 5-0-0

Chair Laustsen read aloud the 26 Findings of Fact, as well as a condition that revised condominium documents would be submitted to the City Attorney for review and approval.

ACTION: Mr. Bodine made a motion to approve the findings.
Carried 5-0-0

ACTION: Mr. Terrien made a motion to approve the subdivision with the condition that revised condominium documents would be submitted to the City Attorney for review and approval.
Carried 5-0-0

2. Orchid LLC – 24 Lincoln Street – Application for Site Plan Review for Conditional Use to Operate a Cultural, Arts & Live Arts Center – Public Hearing and Final Review -Tax Map #22-D-4:

The application was represented by developer Mario Abaldo and architect Jason Merriam. Chair Laustsen asked what changes had been made. Mr. Abaldo read aloud the submitted list of Site Plan modifications made in response to PB concerns. These included more evergreen plantings, showing the existing and new plantings, cutoff features for the new outdoor lighting, dimming the lights at night when the building was not in use, and locations of the sewer and water lines. The retaining wall would displace 6 trees, but there may be an agreement between the developer and abutter Charles Jordan Jr. to provide taller plants.

Chair Laustsen opened the public hearing at 7:43 P.M.

Ann McCook (16 Lincoln St.) asked if there would be motion-sensitive lights to deter kids from running through the parking lot at night. Mr. Abaldo said he could look into that if she liked. Ms. McCook then said the building needed more lavatory space if large functions would be held. She said the current bathrooms' location near the entrance was a problem because artists dripped water in the halls after cleaning up their supplies. Mr. Abaldo said there would be a separate designated cleanup area for the artists' use.

The secretary read aloud a letter from Don and Darlene Borkowski, who asked that the Planning Board place appropriate conditions on its approval so concerns of the neighborhood took precedence over those of the developer. Also read was an email from William and Carole Black, who supported the project but were concerned about people parking on their property line and against their fence.

Chair Laustsen closed the public hearing at 7:53 P.M.

Chair Laustsen said this application would be reviewed under the Site Plan Ordinance as a Conditional Use in a Residential "A" zone. He said the 112-124 parking spaces were a big plus and noted the sidewalk out front and walkways around the perimeter of the building. The use of the property would not change. Aside from the forthcoming agreement with the Jordans, landscaping appeared to be adequate.

Mr. Laustsen said the PB's biggest concern was drainage. The Site Plan had failed to solve this issue, so a stormwater drainage plan was being requested. Mr. Abaldo said an engineer would tell them what to do. Chair Laustsen cautioned that runoff must drain through the property, rather than through that of its neighbors.

Mr. Swan asked if noise in the parking lot at night could be controlled. Mr. Abaldo responded that he would have parking attendants to direct traffic, but the police would have to deal with people returning after the building was closed.

GEO Root stated that the previous neighborhood agreement, the result of a lawsuit, had limited the number of artist studios and hours of operation. Mr. Abaldo said his enterprise was not non-profit and he wanted to run a successful business. There would be a fulltime manager in the building to take comments and answer questions. During events there would be two people in the building and two people in the parking lot to oversee operations. However, Mr. Abaldo did not envision a lot of large events that would disturb the neighborhood. Events would not likely run past 9:00 P.M. and he was willing to work with the community and neighbors. Mr. Abaldo said the old agreement was all standard and he would try to raise the scale of the art community in this building. He expected it to be a step above a community center. Mr.

Terrien stated that he wanted the minutes to reflect that the PB was not utilizing the conditions of the previous settlement agreement in its review of the submission. Mr. Laustsen and Ms. vanVuuren noted that neither the Planning Board nor the City of Rockland were parties to the referenced settlement agreement, or responsible for its enforcement.

Mr. Laustsen stated that the three additional pole lights in the parking lot could not exceed 12' in height, including the bases. There was brief discussion of the type and strength of the outdoor lighting. The Chair reported that Police Chief Boucher had said the City's Noise Ordinance would be strictly enforced.

Mr. Laustsen asked the applicant how he wanted to proceed on the drainage plan. He suggested an agreement be established with the Jordans or, alternatively, a landscape plan be submitted for approval. An engineered stormwater plan must also be submitted. Mr. Terrien said the Board should also address the Blacks' concerns about moving the parking away from their line. Mr. Abaldo responded that he had agreed to shift the parking so no one would hit the Blacks' fence. He had decided to eliminate that parking space and put in some landscaping. Mr. Laustsen noted that the drainage plan would be tied into the parking plan. The Chair asked the Board if it was comfortable with this. Mr. Terrien observed that the preliminary site plan, as presented showing the expansion of parking, made no provision for blocking possible concentration of runoff onto the land of Corley-Fletcher, so the PB could not find that there was no problem, as ~~was~~ required by the Standards.

Mr. Bodine asked if Mr. Abaldo had thought further about Walker Place and the developer said he had decided to leave it open for City access.

ACTION: Mr. Terrien made a motion to approve the standards, but under Drainage have a condition that an engineered drainage and parking plan shall be submitted to the Planning Board for review and approval.
Carried 5-0-0

Chair Laustsen read aloud the 27 Findings of Fact.

ACTION: Mr. Swan made a motion to approve the findings.
Carried 5-0-0

ACTION: Ms. vanVuuren made a motion to approve the plan with the conditions that 1) an agreement between neighbors Charles and Robin Jordan and the applicant for a retaining wall and landscape buffer between the properties be established or, alternatively, if an agreement is not reached, a plan will be submitted to the Planning Board for review and approval and 2) an engineered stormwater drainage plan, as well as a parking plan, be prepared and submitted to the Planning Board for review and approval.
Carried 5-0-0

3. Thompson & Cosgrove – 220 Camden Street – Subdivision Plan to Change the Existing Single-Family Dwelling Into Five Residential Condominium Units – Final Subdivision Review - Tax Map

#36-A-3: Patrick and Jane Cosgrove, owners of Thompson & Cosgrove, LLC, represented their application before the PB. Mr. Cosgrove said their attorney had melded the two deeds for their properties on Camden St. and Belyea Ave. into one, which they had registered. Chair Laustsen said the plan would need to show the book and page numbers for the registered survey. CEO Root added that a stamped survey and deed must be submitted.

Mr. Cosgrove pointed out that the sewer line was now located on the drawing and Gartley & Dorsky had certified that it was adequate for five units. There was a statement from Gartley & Dorsky regarding the parking lot drainage and drainage lines had been added to the Site Plan. Condominium documents had been submitted.

In regards to Belyea Ave., Mr. Root reported that Public Works had no knowledge of pending change to the street, even though Greg Blackwell had raised the issue.

Mr. Cosgrove had shown the required Camden St. sidewalk and an added line of cedar on the plan. Mr. Laustsen asked about the height of the parking lot guide rail, saying the curbing was shallow at that spot. Mr. Cosgrove agreed to install more substantial curbing.

Chair Laustsen asked what engineer Bill Lane had said about the swale by the sidewalk. Mr. Cosgrove replied that Mr. Lane had felt the existing riprap was adequate for soil retention. The applicant said the sidewalk would duplicate what was in front of Home Depot and Goodwill.

Mr. Terrien said he had hoped for more information on how the drainage would work in the parking lot because the red and blue arrows just showed it at the driveway and not the other way. He did not know whether the water went down over the edge of the asphalt parking onto that slope, and the information on the plan was not enough to tell him that. CEO Root asked Mr. Terrien to clarify what he wanted. Mr. Terrien responded that it had been clear at the last meeting and he still had not gotten what he asked for. Mr. Bodine said he thought the Gartley & Dorsky letter had covered it, adding that he thought the PB had been concerned about the street level on Camden St., not the possibility of drainage changing from the prior drainage to a future drainage. Mr. Laustsen said, and Mr. Cosgrove agreed, that current and future drainage were the same; however, at the site visit, the possibility of a swale along the backside of the sidewalk had come up. Mr. Terrien said the Gartley & Dorsky letter spoke about current conditions, but did not answer the question of the need for a swale. He also said that Gartley & Dorsky did not put their name on the plan. Mr. Cosgrove responded that he had asked the engineering firm to design a site plan appropriate for his application and had not discussed whether their name would or would not appear on the plan; he could arrange that if it was an issue for the PB.

Mr. Cosgrove said he could not understand what changes in drainage were expected since he was not altering the parking lot, Belyea or Pen Bay Aves, the storm drains were existing, and the parking lot sloped away from Camden St. The water traveled down the two driveways to Belyea and Pen Bay and ran down the side of each of those streets, because they were slightly crowned, and there were storm drains at the bottom of each street. The water had been moving this way for seven years and no alterations were being made. Therefore, Mr. Cosgrove asked, how was it expected that this drainage pattern would change?

Mr. Terrien replied that the 82' contour at the southeastern corner of the paved parking area showed it drained down to the south. Mr. Cosgrove said he had been asked to have arrows show the drainage and Bill Lane had done that after walking the site after a rain. What more could he do? Mr. Terrien asked Mr. Cosgrove to have Mr. Lane add a paragraph to his letter because the arrows only dealt with water coming down the driveway, but did not show what happened at the end of the parking lot. Mr. Terrien suggested the paragraph say that Mr. Lane had observed the existing conditions and the drainage off the paved parking was not going to create a problem, and that the creation of the sidewalk along Camden St. and the increase of the slope were not going to create drainage or icing problems on that sidewalk. Mr. Terrien said this had not been addressed in Mr. Lane's letter or on the plans. Mr. Cosgrove said Home Depot had installed several hundred feet of sidewalk, with a comparable incline running down to it, and there was no swale in front of any of that sidewalk. Mr. Swan suggested a sentence saying the ends of the parking lot drained toward the building and would not go over the parking lot. Ms. vanVuuren felt Mr. Lane needed to speak to both the parking lot and the sidewalk.

Chair Laustsen noted the issues City Attorney Kevin Beal had with the submitted condominium documents. Since Mr. Cosgrove had not seen Mr. Beal's report until this evening, he said he would give them to his attorney tomorrow for resolution.

Mr. Laustsen asked the Board if there were any other issues. Ms. vanVuuren said if Gartley & Dorsky Engineering & Surveying would put its name on the Site Plan the board might feel a little better. CEO Root said the PB must be certain the two-lot issue had been resolved. Mr. Laustsen asked the applicant to make sure everyone understood how those two lots were parceled together.

Adjournment: Mr. Bodine made a motion to adjourn the meeting at 9:40 P.M.
Carried 5-0-0

Respectfully submitted,

Deborah Sealey
Recording Secretary