

Approved 5/27/14

**CITY OF ROCKLAND
PLANNING BOARD
Minutes of Meeting
May 6, 2014**

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

Board Absent: None

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

The Chair called the meeting to order at 5:18 P.M. and reviewed the agenda.

Public Comment: Amy Files, 39 Pleasant St., had questions and concerns regarding the plans for a boutique hotel at 450 Main St. She said the building was too tall for the location and was not in scale with the neighborhood, which was 1- and 2-story buildings. Ms. Files did not see Rockland as an urban area and felt this building would set a precedent for the height of future development. Ms. Files said the hotel would increase traffic, light, and noise. She stated that the general Downtown District ordinance language allowed the PB to use discretion and common sense.

Ms. Files called for a traffic impact study for the intersection of Main and Pleasant Streets, as well as review of the pick-up/drop-off situation. She did not believe the owner of Rock City Coffee Roasters had agreed to have her vent pipe incorporated into the hotel structure. Finally, Ms. Files asked how trees shown on the plan would fit onto the sidewalk.

Debbie Atwell, 81 Pleasant St., said the plan showed a door on Pleasant St. marked "Emergency Egress/Delivery/Dining Room Exit", which seemed to her to be an overwhelming number of uses. Ms. Atwell asked if all deliveries would occur on Pleasant Street.

Communications: CEO Root noted a memo from City Attorney Beal regarding container restaurants and food wagons; a memo from Hole In the Wall Bagels owner Dave Parker regarding parking for the 743 Main St. application; additional construction information submitted by Mr. Stinson; and an email from Patty Fletcher regarding Dunkin Donuts' concerns about parking for Home Kitchen Cafe's proposed ice cream shop.

Old Business:

Power Engineers, Inc. for Central Maine Power – 203 Park Street – Request 1-Year Extension to Existing Shoreland Zone Permit for Section 48 Transmission Line Rebuild Project: Gary Emond of environmental consultants Power Engineers said the Shoreland Zone permit allowing CMP to replace 14 poles within Resource Protection had expired. CMP had acquired both DEP and Army Corps permits and requested a 1-year renewal of its shoreland permit: completion of the project was slated for September 2014.

Chair Laustsen listed amendments to the original Findings of the 4/3/12 approval.

ACTION: Ms. vanVuuren made a motion to approve the Standards.
Carried 5-0-0

ACTION: Ms. Knickelbein made a motion to waive the reading of the Findings of Fact and approve them.
Carried 5-0-0

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

New Business:

1. James Hatch and Susan Schiro (Home Kitchen Cafe) – 19 North Main Street – Site Plan Review Application for Change of Use from Hair Salon to Ice Cream Shop & Bakery – Public Hearing - Tax Map #3-C-4:

The applicants appeared before the PB. Mr. Hatch explained that they wanted to open an ice cream shop in the building at 19 North Main St., behind their Home Kitchen Cafe restaurant. They had an agreement with property owner Roxanne Camber to lease, with an option to buy, the building. Eventually they wanted to add a bakeshop to the premises, but immediately they planned an interior takeout window and 12 seats. Retail goods would be shelved on the left of the entry porch. There was a handicap-accessible bathroom on the first floor of the building.

Mr. Hatch said they had mapped out 7 parking spaces (including 1 handicap). Home Kitchen Cafe no longer served dinner, so its parking would also be available in the evening. Mr. Hatch expected most of the ice cream business to be in the afternoon and Ms. Schiro said their employee parking across the street would also be available for customers. She acknowledged that there had been problems with their customers parking in the Dunkin Donuts lot next door, which had been difficult to police. They wanted to work with Dunkin Donuts to develop clear signage.

Mr. Bodine said his parking concerns related to Home Kitchen Cafe had always been with vehicles backing out from the parking lot. Mr. Root said the current configuration was the best way it could be handled. Mr. Bodine suggested an agreement with Dunkin Donuts to get rid of plantings and have the restaurant egress through the Dunkin Donuts lot. There was further discussion of parking problems and solutions.

The Chair opened the Public Hearing at 6:02 P.M.

Abutter Susan Edmonds, 21 North Main St., asked about plans for the north side of the 19 North Main St. property, which she said looked bad. Ms. Schiro said they were trying to get a builder to determine whether the barn should be removed and rebuilt or fixed up. Mr. Hatch added that they wanted all vents, stacks, etc., on the south side of the property facing the commercial district. He said nothing would be happening on the north side.

Dunkin Donuts Director Peter Fletcher, 12 Linden St., said that he and Mr. Hatch had agreed before this meeting to work together on the parking issues. He would be willing to bring any alternate suggestions to the Owner of Dunkin Donuts. CEO Root expressed his appreciation that things were being worked out without involving the PB.

The Chair closed the Public Hearing at 6:18 P.M.

The PB reviewed the Elements of the plan.

ACTION: Mr. Bodine made a motion to accept the application as complete.

Carried 5-0-0

CEO Root advised the applicants to contact Terry Pinto regarding the sewer capacity fee. Mr. Hatch said the bakery part of the new building would also serve as an additional kitchen for Home Kitchen Cafe. Ms. Schiro said the ice cream business would be seasonal.

The PB reviewed the Standards. Ms. vanVuuren asked about buffering and landscaping. Both Mr. Root and Mr. Laustsen pointed out that the abutter had said she wanted none because the snow plowed from her driveway was stored there. Ms. vanVuuren said she had wanted to be sure because the zoning contained strong language regarding buffering between residential and commercial properties.

ACTION: Ms. vanVuuren made a motion to approve the Standards.

Carried 5-0-0

Chair Laustsen read allowed the 23 proposed Findings of Fact.

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

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

2. Steven Stinson and Luanne Clifford (Claws Restaurant) – 743 Main Street – Site Plan Review Application to Construct a 590 sq. ft. Deck for Outside Dining at a Take-Out Restaurant – Tax Map #13-B-2: Mr. Stinson said that since his pre-application discussion with the PB in February he had gone before the ZBA and received a variance for a 6' encroachment into the 12' setback for the property at 743 Main St. This would allow him to build a 40' X 14' 9" deck for the use of diners at his proposed restaurant "Claws".

The PB reviewed the Elements.

ACTION: Ms. Knickelbein made a motion to accept the application as complete.
Carried 5-0-0

The PB reviewed the Standards. Exterior lighting would be changed to meet code requirements. Mr. Stinson said abutter Steel Pro had given permission for use of its parking spaces when their business was not open. Rubbish would be removed daily.

ACTION: Ms. vanVuuren made a motion to approve the Standards.
Carried 5-0-0

Chair Laustsen read aloud the 26 proposed 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 project.
Carried 5-0-0

3. Front Row Management, LLC – 31 New County Road – Site Plan Review Application for Change of Use for a Portion of a Building From Retail Space to Function Facility – Tax Map #50-A-8: Architect Chuck Campbell appeared to represent applicant Eric Wass (Front Row management, LLC). FRM had acquired 31 New County Rd and wanted to renovate one end of the building to be used as a function room for wedding receptions, parties, etc. In order to be exempt from the sprinkler requirements, the size of the room would be reduced by the installation of cabinets. The function space would be 1,495 sq. ft., with an additional 700 sq. ft. used for kitchen and bathrooms.

Mr. Campbell explained that there was an issue with parking. The property line was close to the building and 15 spaces were required for this business, while 27 spaces were required for the entire complex. There was a lengthy discussion regarding parking and buffering. CEO Root said Mr. Wass needed to work with the City to acquire adjacent land to the ROW in order to have enough parking. He said people already parked there, but he wanted such use to be formalized; there was no way to have enough parking with buffering placed at the ROW. Chair Laustsen advised Mr. Campbell to have the applicant approach the City Manager to see if he could buy or lease property abutting the ROW and figure out screening and buffering.

The PB reviewed the Elements of the Site Plan.

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

The PB reviewed the Standards. Parking, buffering, ingress, and egress were all cited as issues needing to be resolved. The PB urged the applicant to negotiate with the City or MDOT on these matters.

Minutes of Previous Meeting: 4/15/14

ACTION: Ms. Knickelbein made a motion to approve the minutes of the 4/15/14 meeting with one change.

Carried 5-0-0

Other Business: The board was informed that the City Council had decided to postpone action on the proposed Ordinance Amendment regarding seasonal container restaurants and food wagons in the Downtown & Tillson Avenue Area Overlay Zones, which had been slated for discussion at this meeting.

Adjournment: Ms. vanVuuren made a motion to adjourn the meeting at 8:30 P.M.

Carried 5-0-0

Respectfully submitted,

Deborah Sealey
Recording Secretary