

Approved 7/22/14

CITY OF ROCKLAND
PLANNING BOARD
Minutes of Meeting
June 10, 2014

Board Present: Chairman E. Laustsen, W. Bodine, C. Jordan, A. Knickelbein (Alternate), K. Swan, and P. vanVuuren

Board Absent: None

Staff Present: Code Enforcement Officer J. Root, City Attorney K. Beal, and Secretary D. Sealey

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

Public Comment: *All of the following comments were in reference to the proposed hotel at 250 Main Street:*

Peter Smith, 10 Lisle St., said he had lived in Rockland since 1962. He said when Rockland was a “quaint fishing village” there was nothing quaint about it: there were lime kilns, fish processing plants, and a sardine factory. Mr. Smith said Rockland had come a long way to being a tourist destination and the proposed hotel at 250 Main St. would help the community very much.

Maggie Trout, Broadway, said the PB had received copies of her last minute, brilliant idea, which was that the hotel would function better with a 1-week minimum stay restriction. There would be far less traffic, it would fill an unmet need, and would be more stable, detracting from the transient nature of a hotel environment.

George Terrien, 222 Broadway, said he understood there had been some modifications to the hotel design. He asked that the PB hold another public hearing if these changes were significant. His concerns continued to be the height, size, and scale compatibility with the neighborhood. He asked the PB to find the project not compatible with its surroundings, asking where it could be less compatible. If the board did feel it was compatible, Mr. Terrien asked that each member state specifically how he found it so.

Paula Sutton, 387 Mountain Rd., Warren, said this concept would fit in with her vision of Rockland and what she hoped for the town.

Sandra Schramm, 16 Broad St., asked the PB not to grant [sic] the application until the City Council made a decision on the designated parking requested in front of the hotel. She added that ADA sidewalks and parking spaces were not clearly specified. In regards to the satellite parking lot between Pleasant and Union Streets, there was only a letter of intent and drainage would have to be mitigated before it could be used. Ms. Schramm asked the PB to think before allowing a 65’ building in a residential neighborhood, creating a terrible imbalance.

Alan Toubman, 45 Ocean St., said the PB needed to consider the effect this hotel would have on others. He said the law prevented the PB from acting outside the Comprehensive Plan and it could not treat residents as second-class citizens. He said that just because someone came in with an application didn’t mean it had to be approved. Mr. Toubman said a traffic study should have been done before the application was determined as complete.

David Myslabodski, Broad St., said he had watched the 2010-2011 City Council meetings when the first ADZ application was under consideration. He said if the ADZ hotel building was not dissimilar to its surroundings, he did not know what was. He said the Comprehensive Planning Commission had stated it did not want buildings that were out of place and it was ironic that the PB had approved the first ADZ

application. Mr. Myslabodski said the PB should ask the City Council or Comps for help if it had trouble dealing with conflicting codes.

Christian Dehlinger, 7 Pleasant St., said he had lived for 25 years next to a large, not good-looking building (Hollydach's). He said Mr. Lyman had always built good-looking things. Mr. Dehlinger said he saw more and more property for sale, heavy taxes, and a high mil rate: the city needed to get it under control or bring in more revenue. He said he had no deal with Cabot Lyman, but supported him as his neighbor and supported his project. Mr. Dehlinger said he didn't know why everyone thought the hotel was such a monstrosity. He believed in the plan because visitors would continue to come and need a place to stay.

Dan Bookham, 129 Limerock St., said Rockland was an urban area and he enjoyed the vibrant, compact, and urban center and he was excited about the hotel, though he agreed it was tall in comparison to neighboring buildings. He said many businesses were making the area an urban center. He concluded that in the context of the code, the proposal and how we live is urban.

Amy Files, 39 Pleasant St., said the decision was about the code. She appreciated the changes to the plan. Most people, she said, were concerned with height and precedence. Ms. Files said many people were moving to Rockland, attracted because it was a small seaside town and not urban.

The public comment section was finished at 5:47 P.M.

Communications: CEO Root read aloud the list of emails and letters received and listed on the agenda, as well as those distributed to board members this evening. Ms. Knickelbein asked if memos received from City Attorney Beal and CEO Root could be read aloud. Chair Laustsen said those would be considered later in the meeting.

Old Business:

ADZ Properties, LLC – 250 Main Street – Final Review of Proposal to Construct a New 5-story Boutique Hotel – Tax Map #5-C-9: Architects Scott Teas and Pamela Hawkes of Scattergood Design and owner Cabot Lyman represented the applicant. Mr. Lyman said he had been at the Rockland Historical Society and found that Rockland had a huge mass of buildings prior to 1952. He then read aloud an award received for the previously approved building planned for 250 Main St. Mr. Lyman said he had gone ahead with plans because of the accolades received. Several requested changes had been made since the last meeting and the developer thought they had been improvements.

Mr. Teas said they had provided the requested traffic study, which concluded there would be no significant impact on traffic with 25/trips per peak hour. Traffic engineer Diane Morabito had felt there was adequate city parking available for the hotel's needs.

The building would now be 56' 6" from the base, 7' lower than the maximum height allowed. The solar panels would reach 70' (75' allowed) but their exact reconfiguration had not yet been determined. Mechanical equipment would be screened on the roof.

As for changes related to scale, Mr. Lyman was willing to move the vent stack to the outside of the building where it would be serviceable and would also help to break up the north wall. Complaints about the west elevation had led them to make it more conventional by changing to rectangular windows, even though they were not needed for bathrooms.

Mr. Teas said the north side of the building had received considerable comment, so both it and the west side had been wrapped in terracotta tile. The architect said they were pleased with the progression of the building and felt it was a modest size for the size of the city. The elevator tower would not be seen from the harbor and vines and greenery would soften the building.

Ms. Hawkes mentioned the itemized standards list she had provided and offered to answer any questions. Mr. Laustsen said the terracotta tiles and windows had softened the look of the building and visually connected it with other older buildings in town.

Mr. Swan said he still had height concerns because of the 65' maximum. He had watched the City Council meeting where lowering the height to 50' had been discussed. Chair Laustsen said that, even if it were lowered, it would not affect this application. Mr. Swan disagreed. Mr. Teas told Mr. Swan the increase in the amount of glass was because they liked it. They had listened to his concerns about party walls and now had a design wall, not a common party wall. Mr. Lyman said quite a bit of glass had been added since the PB last saw the north elevation. Mr. Swan responded that the ivy would only grow in the summer and questioned whether there would be space for the three proposed trees.

Mr. Lyman said they had been asked to create the hotel's sidewalk to match one proposed by the city from the train station to the corner. CEO Root said the design would have to be worked out with the Public Works Department: the plans would be submitted and reviewed. Mr. Root added that it was not uncommon for those details to come with the construction plans. Mr. Swan thought the sidewalks should be in the plans but not be conditional. The CEO said the sidewalks were in the plans, but the question was whether the trees would fit. Ms. vanVuuren explained that the city was trying to do something along the street and the applicant was responding to something the city would do in the future. She reminded Mr. Swan that no landscaping was required in the DT Zone.

Mr. Swan asked if the developer planned to use the rooftop deck in the future. Mr. Lyman said he was unsure at this time, but if they did decide to use it a new application would have to be submitted to and approved by the PB. Ms. vanVuuren asked if they still planned a green vegetated roof, to which Mr. Lyman replied that it seemed unlikely with no one up there to enjoy it. He confirmed that the lower deck would also be unlikely to be green, either.

Chair Laustsen asked the City Attorney to discuss his conclusions regarding the question of whether an application that included a use permitted in a zone, or a building that complied with specific dimensional standards in that zone, could be denied because the PB found it incompatible with the uses or dimensions of other buildings in the area. Mr. Beal said the PB typically interpreted the compatibility standard as being satisfied when the zoning regulations were met. He said it was the board's responsibility to objectively apply the Site Plan standards; in considering standards, the courts have said the PB must use its judgment. The courts say compatibility is too vague a standard because it is supposed to be clear and concise. Mr. Beal said he had summarized related cases in his memo.

The City Attorney said the Rockland PB's approach has been appropriate since the courts say administrative boards don't have the authority to regulate use unless it's a conditional use. Mr. Bodine said Mr. Beal had given the board a very definitive, clear and concise opinion and members were basically shackled by the code. If this were not so, the PB could be biased. The fact that the PB could not interpret protected the community while requiring it to be aware of our municipal ordinances.

Chair Laustsen then asked the CEO's opinion on the height of the solar panels. In response, Mr. Root read aloud his 6/5/14 memo to the PB, which concluded that the solar panels must be approved if they were below 75'. Mr. Swan asked if the panels could be laid flat and Mr. Teas responded that it was a possibility. Ms. Knickelbein said the panels would probably not be visible from the street, with which Mr. Lyman agreed. Mr. Swan made other suggestions and asked about other possibilities. Mr. Laustsen asked about outdoor lighting and Mr. Teas said 6 lights would be incorporated into the soffit.

Mr. Swan said though there was a traffic study he did not see how things would be handled without at least 1 parking spot. And what about the coffee roasters? Mr. Lyman responded that he had asked Susanne Ward if she wanted to approach the City Council with him, but she had declined. He noted that he could not get permission to use the DOT property until the PB approved his application, but there was quite a bit of public parking available. The developer was not now planning to ask the City Council for designated parking spaces. Mr. Swan asked about loading and unloading of supplies and said he remained concerned even after Mr. Lyman said it would be dealt with as any other business.

Mr. Swan asked questions about construction and Mr. Lyman said the entire building would be encased in scaffolding. Mr. Root asked if the construction would be limited during the summer festivals. Mr. Lyman responded that construction would not start until fall and much of it would be pre-fabricated on Lyman Morse premises. Mr. Teas told Mr. Root that roof mechanicals would be screened with gray metal. The CEO reminded the applicant that any projections over the property line, such as awnings, would need City Council approval.

In response to Mr. Swan's question as to how the coffee-roasting stack would be handled, the Chair said this was not the developer's problem. Mr. Bodine said this was not the board's purview and it could not impose a resolution on the two parties. CEO Root said it was Susanne Ward's problem and he would encourage her to hook up; otherwise, she would have to find another solution.

Mr. Bodine thanked the developer for successfully mitigating the mass of the north elevation with the terracotta tiles.

Ms. Knickelbein said she thought the design spoke to compatibility since the city had many abutting buildings that were not the same height. She thought that added to the interest of living in Rockland. Mr. Jordan agreed with Ms. Knickelbein. He said he had decided to take the opinion of Mr. Beal and would vote to approve because the memorandum of law was clear. Mr. Jordan did not believe the hotel would be the downfall of the area and concluded by saying sometimes you had to go past your own negative opinion.

Chair Laustsen, leading an overview of the Standards, said he would allow any one standard to be voted on separately. He noted the following: a traffic study had been submitted, the City Attorney had provided his legal opinion, landscaping was not required (though the applicant planned to plant trees and vines), the impervious surface would be nearly identical to the earlier plan, there was a separated storm drain, and the building would be sprinklered.

Mr. Swan asked for a site walk, but the Chair reminded him that it been determined unnecessary at the preliminary meeting.

ACTION: Mr. Bodine made a motion to approve the Standards.
Carried 4-0-1 (Mr. Swan abstained)

Chair Laustsen read aloud 21 Findings of Fact.

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

Chair Laustsen read aloud five proposed conditions, as follows:

1. Any changes to the design materials or the Site Plan must be presented to the Planning Board for approval.
2. Any protrusion, including building overhangs or awnings, over the public sidewalk must receive approval from the City Council.
3. The construction detail drawings of the sidewalk must be submitted to the CEO and the Public Works director for approval. The applicant must also receive approval for moving the crosswalk. The costs for both the sidewalks and the moving of the crosswalk, if approved, will be born by the applicant.
4. Detailed drawings of the rooftop mechanicals, including HVAC and the required screening, need to be submitted to the CEO for approval.
5. A Performance Bond will be required, based on the cost estimate of public improvements such as, but not limited to, sidewalks, sewer connections, and roadwork, and approved by the director of Public Works. The Performance Bond will be reviewed by the city attorney for his approval. Permits will not be issued until the Performance Bond is established.

ACTION: Ms. vanVuuren made a motion to approve the application with the conditions stated.
Carried 4-0-1 (Mr. Swan abstained)

Adjournment: Ms. vanVuuren made a motion to adjourn the meeting at 7:59 P.M.
Carried 5-0-0

Respectfully submitted,

Deborah Sealey
Recording Secretary