

**Approved 12/1/15**

CITY OF ROCKLAND  
PLANNING BOARD  
Minutes of Meeting  
November 3, 2015

**Board Present:** Chair E. Laustsen, W. Bodine, C. Jordan, A. Knickelbein, and P. vanVuuren

**Board Absent:** None

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

The Chair called the meeting to order at 5:35 P.M. and reviewed the agenda.

**Public Comment:** None

**Communications:** CEO Root said the only item was an email from Home Counselors, Inc., regarding the Starfire project: a copy was in the packets.

**New Business:**

**Review 2015 Micro-Enterprise Assistance Grant Project for Financial Assistance to Bixby & Company and Midcoast Music Academy:** Economic Development Director Audra Caler-Bell had advised the PB that CDBG funds had been received to help two local companies with funding. The Code Enforcement Officer had found both companies to be in compliance with city codes. To complete the grant requirements, the PB was asked to review the documents and decide if the projects were consistent with the comprehensive plan and met local permitting regulations.

**ACTION:** Ms. Knickelbein made a motion to approve the Chair signing the letter stating the projects were compatible with the comprehensive plan and consistent with local permitting requirements.  
Carried 5-0-0

**Old Business:**

**Winter Street, LLC – 8 & 12 Winter Street – Continued Site Plan Review for Construction of a 40,000 Sq. Ft. 5-Story Art Management / Gallery Space (“Starfire”) – Public Hearing - Tax Map 1, Block D, Lots 9 & 10:**

Eric Allyn and Joe Rosillo of A & R Architects and Will Gartley of Gartley & Dorsky Engineering & Surveying represented the applicant. Architect Rosillo distributed a booklet entitled “Response & Further Clarification” to PB members. Mr. Allyn said that following the last meeting, his company had submitted a 10/2/15 document responding to issues and questions regarding how the Starfire building met the standards. This booklet had a few additions to that document. The Chair responded that the Board had not seen this until tonight and CEO Root had also not seen it. Mr. Allyn said he had emailed it to the Code Office and the City Attorney, but he had failed to submit the required 8 copies.

Mr. Allyn proceeded to review the booklet page by page for the Board. He started with the façade and said the ordinance did not state “portions of principal facades”, or “greater than 10’ in length per story”, or “greater than 10’ in multiple lengths across the building”. He said the Starfire building had one principal façade, which was one wall, and had no blank walls greater than 10’ in length. He gave further illustration of measuring length to define dimensional proximity. Mr. Allyn said his premise was that across the length of the building there were doors and/or windows within 10’ of each other.

Mr. Allyn then discussed façade material requirements, saying that the ordinance did not state that design was limited to the materials listed within it. As to the glass curtain wall on the primary façade, the designer said the City of Rockland had recently approved two designs that included glass curtain walls, though they were not made of reflective glass. He cited the 2011 Rockland Area Redevelopment Plan (accepted by the City Council, but not incorporated into the ordinances) as saying that the city should consider less traditional materials. Mr. Allyn said the Starfire building used many of the materials mentioned in the ordinance and noted there was no indication of the percentage required of the materials, nor was there a restriction on other materials being used in the façade design.

Mr. Allyn said the purpose of the Architectural Design Standards was to achieve a balance between historic architecture and a modern-built environment. He said the Starfire building's architectural elements included all of the items requested by the ordinance.

The designer said there had also been a question of whether the ordinance diagram used to explain the elements was intended to be mimicked or was simply illustrative. He read that these architectural elements were not intended to impose any particular style or to foreclose modern design that "evokes, but does not mimic, the historic architecture in downtown Rockland." Mr. Allyn declared the ordinance stated clearly that the diagram included in the ordinance was for illustrative purposes only. Chair Laustsen noted that the City Attorney had also indicated that the diagram was illustrative only.

Designer Allyn then moved on to a discussion of City Attorney Beal's 10/26/15 memo entitled "Legal Questions Arising from 09/29/15 Planning Board Meeting – Starfire Building". Mr. Allyn said he was in agreement with Attorney Beal's responses to the Board, but had some minor issues with the response and elucidated these. Ms. vanVuuren questioned the City Attorney about the scope of his review concerning the three different sets of standards required for review. She understood that when there was ambiguity in a set of standards the PB was to look to the purpose of that particular set of standards. Mr. Beal agreed that the PB was to look first to the plain meaning of the language, then to the purpose statement in the ordinance for guidance. There was further discussion related to earlier points made by the designer.

Mr. Allyn said there had been questions from the Board about the technical properties of the reflective glass making up the curtain wall. One question concerned the reflective intensity of the light reflected off the building. He said that 33% of the natural sunlight would be projected outward by reflection. In comparison, non-mirrored glass would have an average reflection of 20% - 21% while polished aluminum panel would reflect 85% - 90% of sunlight.

Chair Laustsen asked if Mr. Allyn had given any thought to concerns about birds flying into the building. Mr. Allyn said he had searched for information to find out if this problem actually existed and had found no reliable data. He said he continued to explore two options: one was an etched glass that allowed birds to perceive it, and the second was a sonic option that deterred birds from flying into the glass. The designers would continue to consider these options as part of their process.

Mr. Allyn then displayed photographs of buildings from around the world that employed reflective glass.

The designer said he had concluded his response to earlier expressed concerns and asked if the Board had other items or issues it wished to discuss. Chair Laustsen asked about Mr. Allyn's discussions with CEO Root concerning building height. Mr. Allyn said it was actually more of an occupancy discussion and was on-going.

Mr. Laustsen said the PB had received elevations of the 3 other sides of the building, as requested. He asked how snow would be removed from the roof. Mr. Allyn responded that snow would not have to be removed: the roof had been engineered to hold excessive weight and would self-drain as the snow melted.

Chair Laustsen understood the roadway agreement was as yet unsigned. Mr. Allyn said the agreement between Winter Street, LLC and Polly Saltonstall allowed for excavation, construction, and directing drainage away from Ms. Saltonstall's structure. Mr. Root asked if there would be any issues with blocking

the ROW during construction. Mr. Allyn responded that it could be an issue day-to-day, but not on an ongoing basis. Mr. Gartley said they would coordinate with people who had rights to the ROW.

Mr. Laustsen said the PB would need to see the actual agreement with Mace's. Mr. Gartley confirmed that screening would not be needed for Mace's.

*The Chair opened the public hearing at 6:29 P.M.*

Proprietor of the Starfire building, Jake Dowling of 9 Samoset Rd., said he had operated the abutting Dowling-Walsh Gallery for 7 years. He thanked the PB for holding the review meetings and thanked A & R Architects for their expertise. Mr. Dowling said the Starfire building was intended to continue and expand upon the creative arts economy in Rockland. The idea of the building was to have a warehouse and also add to downtown characteristics. He said the top floor had a human element, providing unusual views.

For his purposes, Mr. Dowling said the core economic aspect of the building was to have good non-window storage. In addition, aesthetics were important to the people with whom he worked. He said his business was purely reactive and could provide answers and resources to perpetuate the arts economy in the city.

Chair Laustsen asked if the main use of the building would be to do restorative work and store artworks. Mr. Dowling responded that there could be seasonal people who wanted storage or shipping; collectors could have run out of wall space; his company could rotate their collections; or it could be that institutions needed working space. He said he would provide resources and handlers and could be competitive on costs, which might draw business from larger cities. The point of the building's location, he said, was to be an engaged participant in downtown development.

*The Chair closed the public hearing at 6:40 P.M.*

Ms. vanVuuren asked Mr. Allyn for a simple explanation of why the building belonged in that spot. He replied that it was an organic response to the rebirth of Rockland and how art has revitalized its future. He said Starfire would enhance pedestrian activity down Winter St. Furthermore, it was symbiotic with the CMCA building and would be a draw from Main St. down to the development area.

Edward Collins, attorney for the project, said he had presented an analysis of the reserved road between Aurora and the proposed Starfire building. He said Maine statutes said Aurora and Winter Street, LLC would each own to the middle of this road.

Mr. Gartley said he understood that the PB needed the building height, the agreement with Aurora, information on bird kill, screening of utilities, and noise expectation figures for the next meeting on November 17.

**Approve Minutes of 9/29/15 Meeting:**

**ACTION:** Mr. Bodine made a motion to approve the minutes of the 9/29/15 meeting.  
Carried 4-0-1 (Mr. Jordan abstained)

**Adjournment:**

**ACTION:** Ms. vanVuuren made a motion to adjourn the meeting at 6:54 P.M.  
Carried 3-0-0

Respectfully submitted,

Deborah Sealey