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May 20, 2020

Town of Rockport
Planning Board
101 Main Street
Rockport, ME 04856

RE: Application of 20 Central Street, LLC for Site Plan Review

Dear Planning Board members:

I have appeared before the Planning Board at its last two hearings on behalf of my client, Kimberly Rehmeyer. This letter is presented on behalf of the nonprofit advocacy organization Friends of RockP.O.R.T. (Protect Our Rockport Town), as well as the following Rockport residents and property owners:

David Barry – 8 Church Street
Lisa Breheny – 429 Park Street
Constance Gibbons – 8 Franklin Street
Kathie Grealish – 18 Summer Street
David Kantor and Michael Hampton – 32 Main Street
George and Eliza Haselton – 7 Simmons Road
John Priestley – 71 Main Street (home); 23 Central Street (business)
Kimberly and Rex Rehmeyer – 40 Main Street
Mark Schwarzmam – 33 Mechanic Street
Winston Whitney – 30 Main Street

I am writing to summarize the continued problems with this application and to respectfully request that the Planning Board deny the application unless it can attach conditions to remedy these problems. The meeting on May 21 is the Board's last opportunity to address problems with this application that will inevitably lead to appeal. Please consider this letter to also incorporate the contents of my December 19 and January 23 letters on behalf of the above-named residents.

A. PARKING REQUIREMENTS (Section 803).

1. Not enough parking spaces are provided.

The Applicant must demonstrate how they can meet the parking requirements under the Ordinance for the total spaces needed for the proposed two restaurants and 26 hotel rooms. Pursuant to Section 803.1, the parking requirements for this application are as follows:

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<u>Use</u>	<u>Standard</u>	<u>Spaces required</u>
Hotel	2 spaces plus 1 for each room offered for rent	28
Restaurants	1 space for each 3 seats	28
	<u>TOTAL</u>	<u>56</u>

As demonstrated in my letter of January 23, there is already a deficit of 21 spaces in the Sandy's Way lot, based upon previously approved site plans for existing uses in Union Hall and the Shepherd Block. This poses the following problems under the Ordinance:

- A. Section 1004, which applies to commercial developments, requires that "[A]ll development shall provide permanent off-street parking spaces in the accordance with the minimum amount specified in Section 803." Section 1004 is a clear requirement and does not allow for waiver.
- B. If the hotel and restaurants are to use any of the spaces in Sandy's Way, they will be sharing them with existing uses in Union Hall and the Shepherd Block. Whether or not the Board accepts the premise that it has previously allocated the spaces to other uses, it is clear simply from observing recent use of the lot that it is often full even today. Thus, any use of the lot will be shared with existing uses. Such shared use of the lot cannot be approved by the Planning Board without the Board of Appeals having approved it pursuant to Section 803.1(3).

2. The planned off-site parking does not meet distance, ownership, and site plan approval requirements.

The Planning Board cannot proceed with approval of the off-site parking plan because of the following deficiencies:

- A. The Sandy's Way lot is not located on the same lot as the hotel. It is therefore "off-site parking," which the Board of Appeals must have reviewed pursuant to Section 803.1(3). In relation to such approval, the applicant would have to present evidence of joint ownership or lease. The applicant has not presented such evidence, nor has the Board of Appeals approved the off-site parking in the Sandy's Way lot.
- B. The applicant has not presented to the Planning Board a perpetual easement that guarantees the availability of either the Sandy's Way lot or 310 Commercial Street (the former Hoboken Gardens lot), as required by Section 1004.2. A lease of any term is not sufficient. The Planning Board must also review the proposed agreement prior to approving this application.

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- C. The former Hoboken Gardens site, as used for the hotel's off-site parking, will become a "parking lot" under the Ordinance. A "parking lot" is defined as, "[a]n area where motor vehicles may be located for the purpose of temporary, daily or overnight off-street parking." The valet parking site must therefore meet the requirements of Section 1004 with regard to spacing, circulation, grading, drainage, and landscaping. A landscape plan for the parking area is required pursuant to Section 1002.1. The applicant has presented no plans for the parking lot to demonstrate that the Section 1004 requirements will be met.
- D. The Planning Board absolutely cannot consider the Hoboken Gardens site to be grandfathered to allow for its use as a parking lot without having to meet the Section 1004 standards. First, as demonstrated by the aerial photographs attached as Exhibit A, the site is used for storage of equipment and materials used by Hoboken Gardens. It is not being used for parking. Second, even if this area was already being used for parking, its use for hotel valet parking would be a new, independent use that requires review in conjunction with the site plan for the hotel. Third, the Section 803 parking requirements must be applied to any new construction, and the applicant is using the Hoboken Gardens site to meet those requirements. As such, the Planning Board must apply the design and landscaping requirements of Section 803 and Section 1004 standards to the off-site parking as part of its review of the broader hotel project.
- E. Off-site valet parking, to be located a mile away, is not a viable way to meet the requirements of the Ordinance. Hotel guests will find it challenging and impractical, and will want ready access to their vehicles. They will therefore be tempted to park their vehicles on downtown streets for long periods, if not overnight. There is no way for the Town to ensure that guests are using the valet parking. In fact, the hotel representatives have stated that they will use the Sandy's Way lot for hotel guests in the winter, without establishing that there will be sufficient space in the lot to accommodate hotel guests plus the guests to the restaurants and other downtown businesses. The Comprehensive Plan at page 55 notes that downtown Rockport already "suffers from inadequate parking at certain times of the day in 'high seasons' or during some public events. Because of this stated concern, which underlies the parking standards found in Section 803, those standards must be strictly applied. At the very least, the Planning Board must attach a condition stating that the hotel must ensure use of valet parking by all guests.

2. ARCHITECTURAL REVIEW STANDARDS (Section 1003)

Rockport's Comprehensive Plan serves as a valuable guide in interpreting and applying Section 1003. In the 2002 Comprehensive Plan Survey, respondents cited Rockport Harbor and the ocean as two of the principal views deserving protection. A review by the State Planning Office of the state's most significant scenic areas called Rockport Village, "[o]ne of Maine's most visually cohesive villages, with a strong

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orientation to its deep, well-defined harbor. Steeply sloping streets lead to a waterfront park, a rather extensive mooring area for pleasure craft and commercial boats, and an historic lime kiln. The density of development decreases with distance from the village center, terminating in a small lighthouse at the mouth of the harbor. A highly memorable, unified landscape.” The recommendations from the report for viewshed management were for “Strict performance standards for new construction and re-development activities within the viewshed of the harbor. Conservation easements to protect the edges and the skyline.”

Especially when considering the intent of the Ordinance as supported by the Comprehensive Plan, the following architectural review standards of Section 1003(1) are not met:

- A. The hotel is not “located and configured in a visually harmonious manner with the terrain and vegetation of the parcel and surrounding parcels.” “The architectural design of structures and their materials and colors” are not “visually harmonious with the overall appearance of neighboring structures.” The hotel is being located on a block of structures that are all very similar in era and design, but as designed it contains many architectural elements which are not harmonious with those other structures.
- a. The balconies on the front and rear are incongruous with the rest of the block, which has no protrusions whatsoever.
 - b. The balconies may be lit at all hours, casting light pollution to an extent that is very significant compared to existing light pollution on the street.
 - c. The balconies do not fit the New England vernacular, and the sheer number of them is visually imposing.
 - d. The hotel will eliminate the current side façades of abutting structures, including their windows.
 - e. The mass of the façade is, overall, not consistent with the mass of other buildings on the block.
 - f. The building is set back from the sidewalk, unlike the other buildings on the block.
 - g. The proposed design features mulled (double) windows, unlike the other buildings on the block.
 - h. The proposed design lacks the ornate, corbelled brick cornice of the other brick buildings on the block.
 - i. The proposed design lacks the stone window lintels present on the other buildings on the block.
 - j. The façade of the building (both front and rear) has far more glass than on the other buildings on the block. The rear of the building overwhelms the more sedate, historic rear facades of the neighboring buildings and is visually imposing when viewed from the harbor.

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- k. The proposed façade design not include any granite, unlike the other buildings on the block.
 - l. The size and proportion of the windows in the proposed design are smaller than and not in keeping with the surrounding structures.
 - m. The stories of the hotel facing Central Street are equal in height, unlike the other buildings on the block which have shorter stories below and taller stories above.
 - n. The first floor of the hotel is several steps up from the street, which differs from surrounding buildings, all of which have their first story at or within one step of the sidewalk.
 - o. The hotel will completely cover the terrain and vegetation of the parcel.
- B. The hotel will eliminate scenic views from the main road by blocking out the current view entirely. There is no view more precious than the view of the harbor from Rockport's commercial streets. This lot has provided fully open views for over a century. Those views are important, ingrained, and must be retained. There is a way to develop this lot by building into the slope, which would allow the views to be retained. At the bare minimum, the Planning Board must require the building to maintain at least the length of view that existed when a structure last sat on the lot. As depicted in the maps, historic photographs and plan attached as Exhibit B, the structures that last stood on the lot allowed for a thirty-five-foot viewshed. The hotel could easily be redesigned to maintain that viewshed, without unduly restricting the applicant's development rights. The Planning Board must require this in order to meet Section 1003(1).
- C. The hotel will eliminate scenic views from the abutting structures by blocking their windows entirely.

3. NUISANCES (Section 801.7)

- A. The rooftop bar will be unduly noisy due to its position facing the harbor. The Applicant has drawn a lot of comparisons to his existing hotel at 16 Bay View Street in Camden; however, unlike Camden, Rockport does not have a lot of ambient noise. The noise from the rooftop bar will be distinct and will be amplified across the water and throughout town due to its height (especially since it is already located uphill). The rooftop bar is not in keeping with Rockport's overall environment and should not be permitted, especially not during the quieter evening hours.
- B. The noise and light generated from guests using their balconies will also cause a nuisance and will negatively affect nearby residents' quiet enjoyment of their properties. The balcony lights also violate Section 801.7(3).

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4. TRAFFIC CIRCULATION (Section 803, 808, 1305.3)

- A. Because it does not provide a front pull-off area for arriving guests, the hotel will cause unsafe traffic circulation as vehicles double-park to offload guests and bags.
- B. The hotel proposes that large delivery trucks will be unloaded on Central Street. This will create an extremely unsafe situation and will impede flow of traffic, in violation of Section 803.1(1).
- C. The valet parking service, as well as the hotel and restaurants, will create significant additional traffic burden along its route, which is entirely residential in character. The Planning Board cannot make a responsible decision on this application without requiring a full traffic and parking study to consider the various impacts of the hotel on the already stressed roads of downtown Rockport.

Thank you for your consideration.

Sincerely



Kristin M. Collins

KMC:

**EXHIBIT A
(2004)**



Pascal Ave

Commercial St



Image © 2020 Maine GeoLibrary

Goog



EXHIBIT A
(2012)

Commercial St

Pascal Ave

1

Goog

**EXHIBIT A
(2014)**



Commercial St

Pascal Ave

**EXHIBIT A
(2018)**



Commercial St

Pascal Ave

© 2020 Google

Goog

Imagery Date: 6/19/2018 44°10'52.47" N 69°04'53.31" W elev 97 ft eye

1996

EXHIBIT B

c. 1912

Source: Walsh
History Center



*Circa
1870*



EXHIBIT B

Source: Walsh History Center

EXHIBIT B c. 1898

Source: Walsh History Center

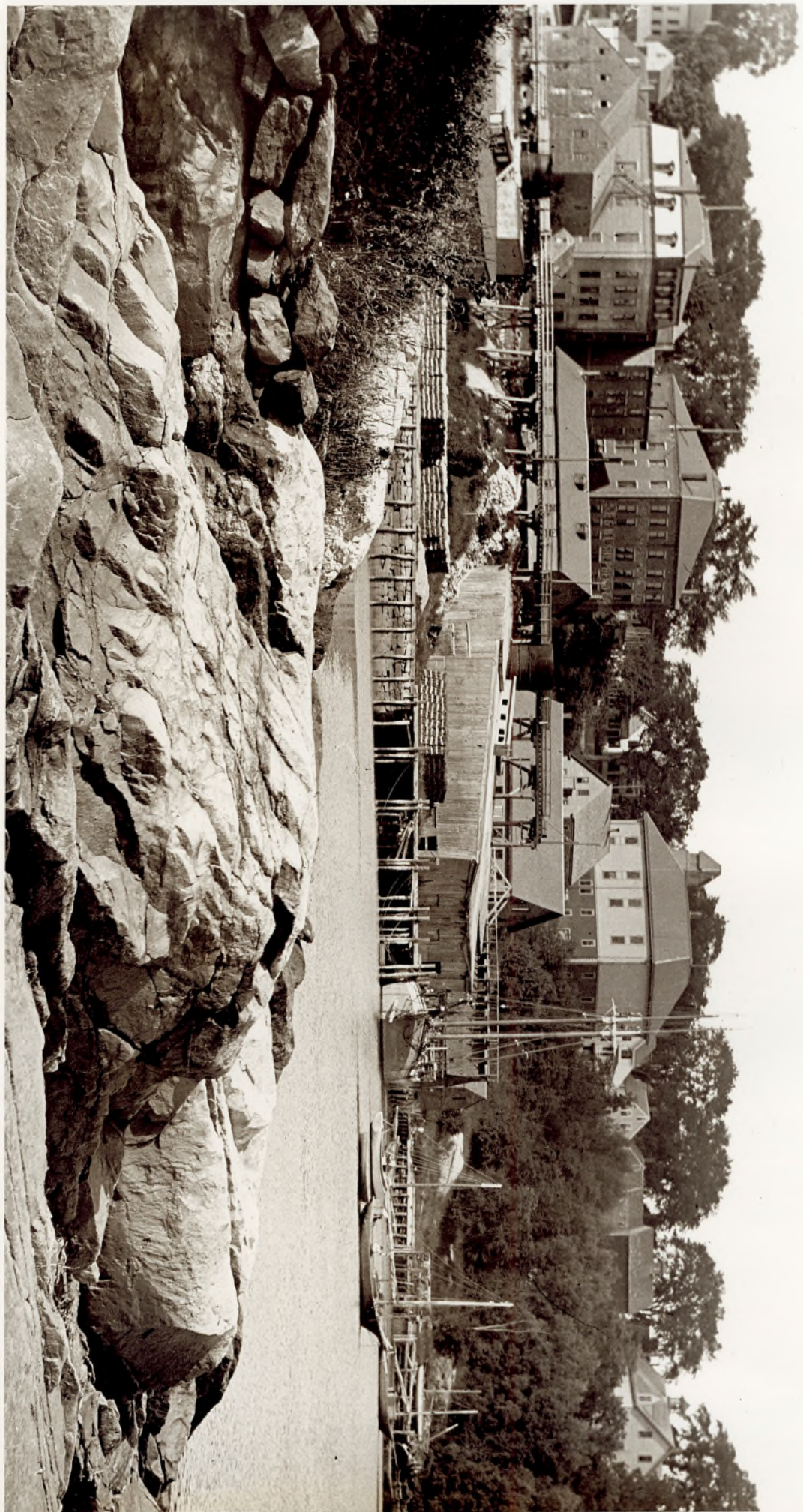




EXHIBIT B

Source: Walsh History Center

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Source: Walsh History Center

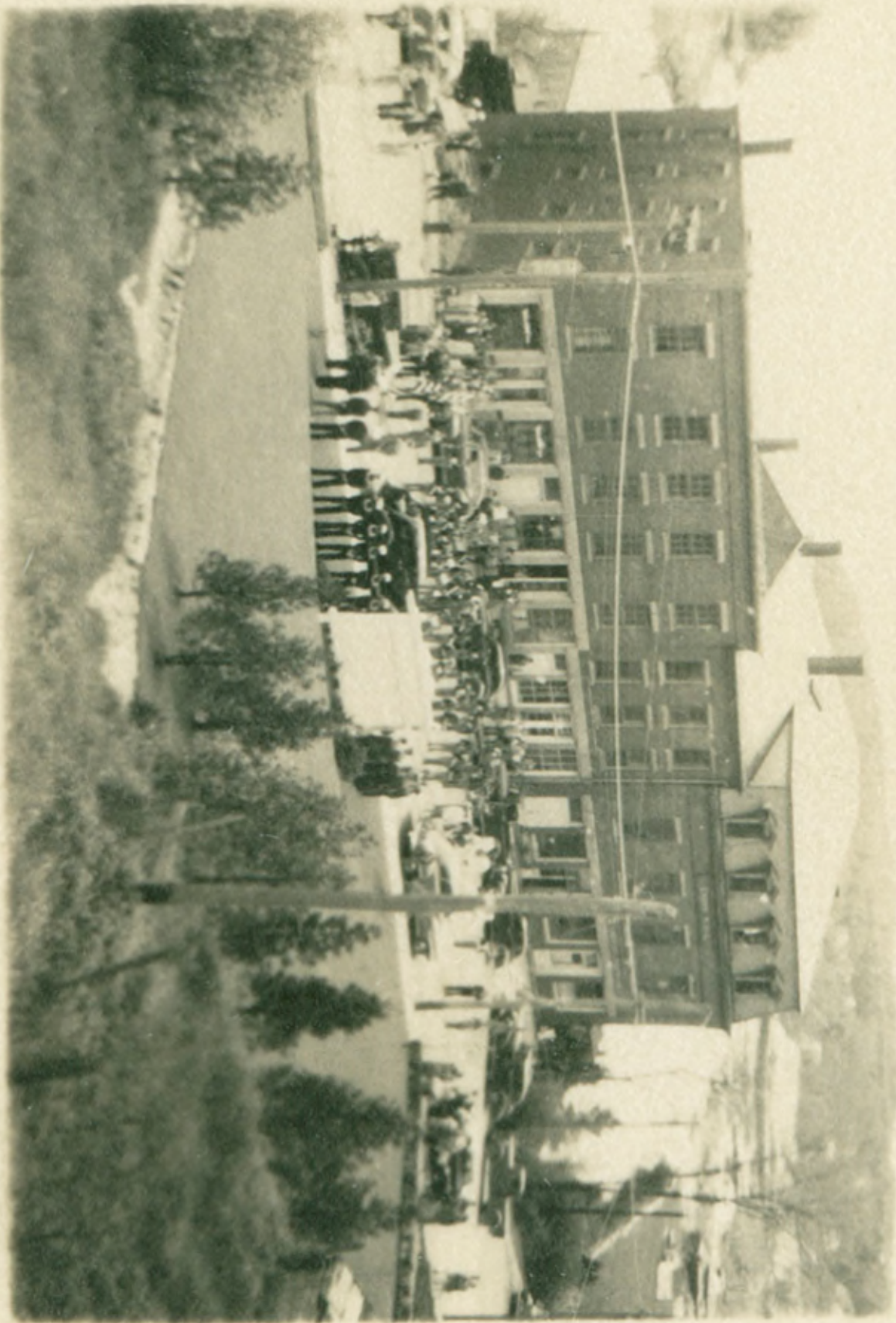




EXHIBIT B

Source: Walsh History Center

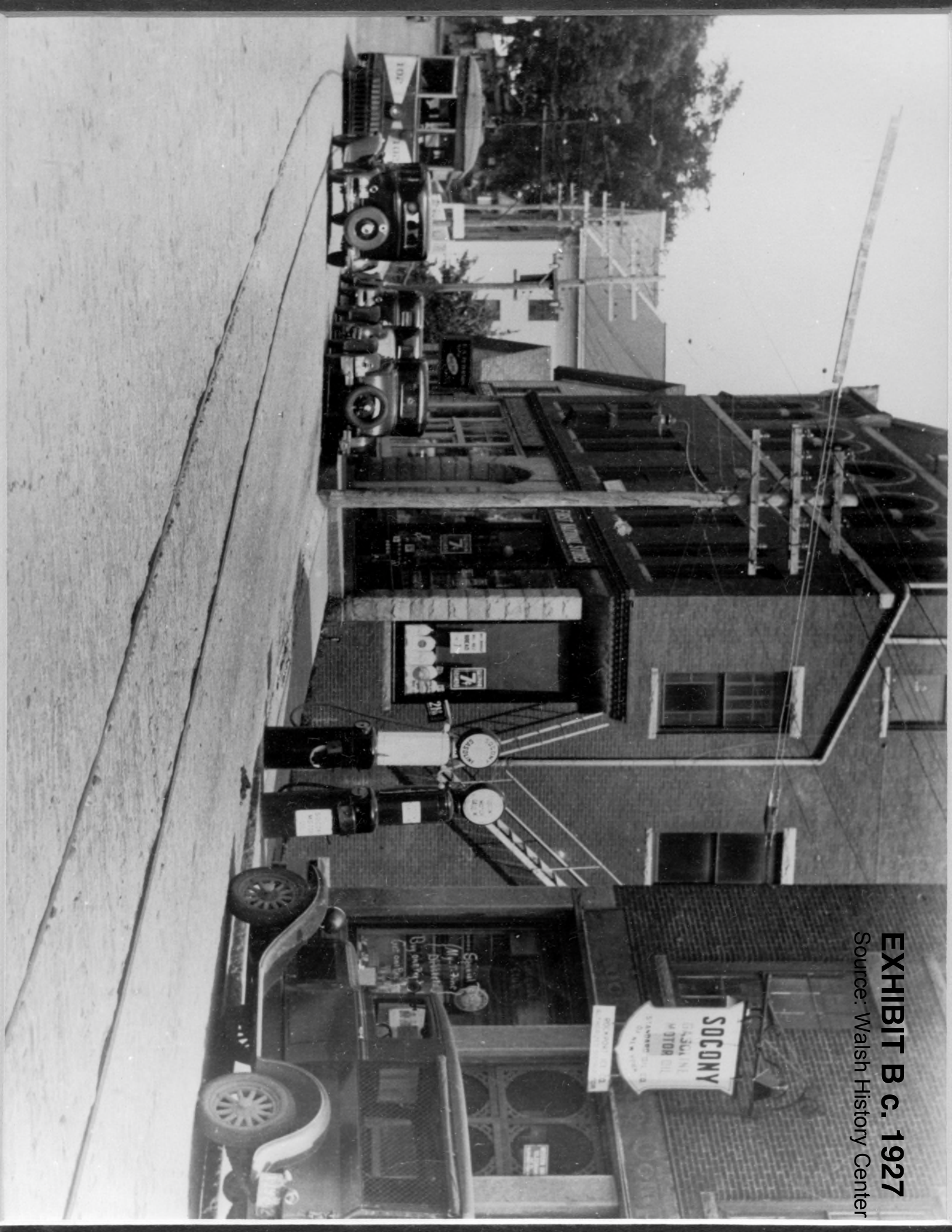


EXHIBIT B c. 1927

Source: Walsh History Center

NOON FORK - MAINE



EXHIBIT B c. 1937
Source: Walsh History Center

1937