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October 23, 2020

**DELIVERED TEN COPIES BY HAND
and VIA EMAIL TO bnajapauer@rockportmaine.gov**

Geoffrey Parker, Chair
Zoning Board of Appeals
C/O William Najpauer, Town Planner
Town of Rockport
101 Main Street
Rockport, ME 04856

**RE: Appeal of Planning Board Approval of 20 Central Street, LLC Site
Plan**

Dear Chairman Parker and Zoning Board of Appeals Members:

Please accept this letter as a written reply from 20 Central Street, LLC (hereinafter, "Applicant") to the appeal, dated May 18, 2020, of the Rockport Planning Board's Site Plan approval of the Applicant's Site Plan for development of a hotel in downtown Rockport. In an effort to make this document more user friendly, the order of the issues discussed will be presented in approximately the same order as in the appeal letter from Kristin M. Collins, Esq., filed by the Appellants and dated May 18, 2020.

Additionally, attached to this letter, as Exhibit A, is an outline of specific time stamps of video from Planning Board meeting that are referred to in this letter or in Attorney Collins's letter to Leah Rachin, Esq. dated October 9, 2020. The Applicant has added summaries and quotes to these entries but encourages the ZBA to view the videos themselves for a better understanding of the context in which these statements were made.

Standing

The Appellants all claim to be residents and taxpayers of Rockport. The Appellants main claim to having the standing necessary to make this appeal is not that their property will be directly affected by this project, but rather that there is the potential that they will be bothered personally when they visit downtown by increased traffic, less parking, and impaired scenic views. They offer no evidence to prove this assertion. If this were the standard for standing, virtually anyone from anywhere could appeal a Planning Board decision, just based on the fact that they occasionally visit the area near an approved project and feel somehow put upon by this change.

This is not the standard in Maine. Maine does not have "drive-by" standing.¹ Simply put, the Appellants must show that the approved project will have a negative impact on the property that they own. It appears that only one Appellant, Barry, owns property that can be constructed to abut the proposed hotel site, and it is across Central Street consisting of a steeply sloped lot with the residence located above on Church Street.² It is not enough to make generalized claims and certainly not enough to claim that one will be vexed by the perception of more traffic or difficulty parking when away from one's property.

The ZBA should dismiss this appeal for the lack of standing of the Appellants and take no further action in this Appeal.

Record

The attorneys for the Appellant, Applicant, Planning Board, and ZBA have met and agreed as to what evidence is part of the record in this appeal. These documents include, minutes of Planning Board meetings, videos of said meetings, submissions by the Applicant, and submissions by members of the public. Items on this record will be referred to in this letter and the Applicant reserves the right to expound upon other items in the record during the hearing.

¹ "Today's opinion denies the plaintiffs "drive by standing" as persons aggrieved. It holds, in essence, that one's status as a user of a public facility, even a frequent user, does not create a status sufficiently distinct from any member of the public to become a "person aggrieved" with standing to challenge in court an action that, allegedly, may affect one's use and enjoyment of the public facility." *Nergaard v. Town of Westport Island*, 2009, 2009, ME 56 para 31, Justice Alexander, concurring, quotations in the original.

² See Planning Board minutes from October 24, 2019 page 3.

Basis for Appeal

As a preliminary matter, the Appellants, throughout their submission apply the incorrect Standard of Review that this ZBA must use in reviewing the Planning Board's approval of the Site Plan.³ The correct standard is not whether the Planning Board made "errors of law, abused its discretion and made findings not supported by substantial evidence in the record." This is the standard under Section 705.1 of the Land Use Ordinance; however, Section 705.1 refers Site Plan Review appeals to Section 1307.⁴ The Standard of Review in Section 1307 and applicable in this appeal is "whether the Planning Board's decision was within the scope of its authority and supported by substantial evidence in the record."⁵ This the standard which the ZBA must apply to this appeal.

Simply stated, this means that the ZBA must determine whether the issues being brought forth in this appeal are those with which the Planning Board is charged to determine under the Land Use Ordinance. The answer to this question is yes. The issues raised by the Appellant: parking, traffic circulation, nuisances and architecture are all within the scope of the Planning Board's authority in the Land Use Ordinance.

As will be outlined below, there is also substantial evidence in the record supporting each decision made by the Planning Board. In this matter, it is not the ZBA's role to "rehear" the evidence. The Planning Board conducted four substantive hearings regarding the Applicants site plan and the ZBA conducted its own hearing where the valet parking and many other issues were heard. The ZBA's role here is appellate. As such, it is not necessary for the ZBA to agree with the Planning Board's decision but only to determine whether the Planning Board had the authority to make the decision it did and whether there is enough evidence in the record to support that decision. Even if the ZBA disagrees with the outcome, it must vote to deny this appeal if the said requests have been satisfied.

³ See letter of Kristin Collins dated May 18, 2020 page 2.

⁴ The full text of Section 705.1 reads as follows:

705.1 In all cases, a person aggrieved by a decision of the Code Enforcement Officer or the Planning Board, except for a Planning Board decision pertaining to subdivisions, shall commence his or her appeal to the Board of Appeals within 30 days after the decision of the Code Enforcement Officer or the Planning Board. In appeals to the Board of Appeals from Planning Board decisions, the Board of Appeals shall review the record of the Planning Board decision to determine whether the Planning Board has made an error of law, abused its discretion or made findings not supported by substantial evidence in the record. (See Section 1307 for Site Plan Review appeals).

⁵ The full text of Section 1307 reads as follows:

1307. Appeals An appeal of the Planning Board's final decision may be filed by any person aggrieved by that decision. An appeal from a final decision of the Planning Board shall be by appellate review to the Zoning Board of Appeals based on the Planning Board record to determine whether the Planning Board's decision was within the scope of its authority and supported by substantial evidence in the record.

Further, even if the ZBA were to apply the Standard of Review in Section 705.1 of the Land Use Ordinance as used by the Appellants, when it comes to the Planning Board's discretion regarding site plan applications, Section 1306 of the Land Use Ordinance provided in relevant part that, "The Planning Board may modify or waive any of the above application requirements or performance standards when the Planning Board determines that because of the special circumstances of the site...such application requirements or standard would...be an unnecessary burden upon the applicant and not adversely affect the abutting landowners and the general health, safety and welfare of the town." As a result, the Appellants' frequent claims that the Planning Board made errors of law are not well founded since these were matters within the Planning Board's authority and discretion to modify or waive under Section 1306.

Bias of Chair and Vice Chair

It is the understanding of the Applicant that the counsel for the Planning Board and the Planning Board Chair and Vice Chair will address this issue at the hearing. While the Applicant has no doubt that the Chair and Vice Chair can ably defend themselves, the Applicant feels it is important to note the following:

First, the statements that the Appellant allege show bias were taken out of context during discussion where the Chair and Vice Chair asked a total of at least 29 questions.⁶

Second, there is no evidence offered that indicates the action of the Planning Board or its Chair or Vice Chair showed any favoritism or bias towards the Applicant. To the contrary, the record shows that the Applicant was questioned thoroughly on all relevant matters and required provide all necessary documents.

And third, based on the Standard of Review in Section 1307 of the Land Use Ordinance, as stated above, the issue of any alleged bias of the Chair or Vice Chair is not matter for review by the ZBA in this matter.

Parking Requirements

The Appellant takes issue with decisions the Planning Board made regarding the parking in the Applicant's plan. The decisions made by the Planning Board were all within the scope of its authority and the record is replete with discussions regarding parking.⁷

⁶ See reference to this discussion on the attached Exhibit A, page A-1

⁷ See reference to discussions regarding parking on pages A-6, A-7, A-9, A-10, A-11, A-13, A-14, A-15, A-16, A-17 and A-19.

The Board Chair brought to the attention of the members of the Planning Board a parking study that was conducted by the town and in possession of the town. The study's possible deficiencies due to its age were acknowledged and discussed. The study illustrated the number of public parking spaces within walking distance of the downtown. The change in use of certain buildings makes no difference.

The Planning Board was within the scope of its authority and there is substantial evidence in the record to support the Planning Board's finding that there are enough parking spaces provided. The record is filled with extensive discussion regarding parking and the number of parking spaces. The record indicates that the Planning Board found that the project required a total of 56 parking spaces and that this requirement was met by the 21 parking spaces on site behind the building and the 35 spaces served by valet parking as approved by the ZBA on January 22, 2020.⁸

There is ample evidence in the record that the Applicant's members are also the member(owner) of the Sandy's Way lot. In the October 24, 2019 Planning Board meeting, the Applicant stated that they were working out how many spaces to lease from Shepherd's block.⁹ Applicant and Planning Board also discussed the public's use of the Sandy Way lot, that the Applicant was willing to continue the public use, and that this public use is different than a shared parking lot for multiple businesses.⁵

The issue of whether or not the 310 Commercial Street parking and the Applicant's valet plan was acceptable was an issue handled by this ZBA in an extensive hearing on January 22, 2020. Contrary to the Appellant's letter, a plan for the parking lot was submitted. The ZBA determined that the valet parking plan and location met the standards of the Land Use Ordinance. The ZBA also determined that the Lease offered by the Applicant for 310 Commercial Street parking met the standards of the Land Use Ordinance. The Planning Board was within the scope of its authority to rely upon the ZBA's waiver for the off-site parking spaces in its decision, and further, the ZBA is not in a position to hear an appeal of its own decision.

Architectural Review Standards

As the Appellant states, Architectural Review standards "are by their very nature subjective and sometimes vague." Other than exterior lighting provisions of Section 801.7 of the Land Use Ordinance, Section 1305 does not require a detailed review of Section 1003; nevertheless, the Applicant and the Planning Board had lengthy discussions regarding elements of the design and the Applicant made substantial changes in response

⁸ Planning Board minutes February 27, 2020, page 11.

⁹ See reference to discussion of the shared use of the parking lot on pages A-6, A-9, A-10, A-11, A-15, A-16, A-17, A-19

to input from the Planning Board and the public.¹⁰ While the Appellant has listed many perceived differences between the proposed structure and adjacent buildings, there is substantial evidence that the Planning Board thoroughly reviewed the standards under Section 1003¹¹ and it was within the scope of its authority to find those standards had been met.

The “scenic view” described by the Appellant has been of a changing character throughout Rockport’s existence. As was mentioned in the Planning Board hearings, the space between the Shepherd Block and the now demolished building was a narrow wedge approximately 10 feet wide on the water side¹² that has been at times occupied by oil trucks and gas pumps.¹³ The Planning Board was within its scope of authority and had ample evidence to find that the “scenic view” cited by the Appellant was not of the type that needs to be retained under Section 1003.

Nuisances

The Planning Board heard substantial evidence and thoroughly considered the impact of potential noise and light on nearby residents.¹⁴ The Planning Board also heard about the rooftop bar being partially enclosed, the uses of acoustic music only, and the limited hours of operation per the zoning ordinance.¹⁵ It was noted that the property opposite the building location is a steep undeveloped slope and that the neighboring properties on the same side of the street are commercial properties. It was within the scope of their authority to determine that the proposed hotel would not cause nuisance conditions.

Traffic Circulation

As with the other issues raised by the Appellant, the issue of traffic circulation is within the scope of the Planning Board’s authority under the Land Use Ordinance. The Planning Board heard from the Applicant and the public’s concerns regarding the possible increase in traffic caused by the hotel and found that if there were traffic enforcement issues that would be within the purview of the police department.¹⁶

¹⁰ See references to discussions regarding changes made by the Applicant to site plan on pages A-5, A-12, A-13, A-14, A-17, A-19

¹¹ See references to discussions regarding the architecture of the building on pages A-3, A-4, A-5, A-7, A-8, A-12, A-13, A-14, A-17

¹² See reference to discussion of the space between the buildings on pages A-3, A-4, A-18

¹³ For example, see photos of the front of the Central Street buildings attached as Exhibit B to Attorney Collins’s letter of May 18, 2020.

¹⁴ See reference to discussion regarding potential noise and light issues on pages ** also see November 21, 2019 Planning Board meeting minutes pages 4, 5, and 9

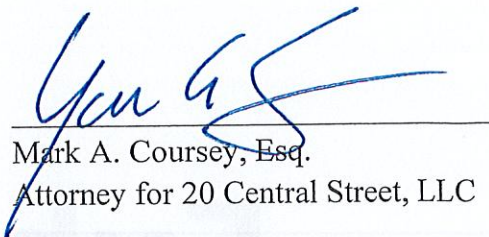
¹⁵ Planning Board minutes November 21, 2019, page 5

¹⁶ Planning Board minutes February 27, 2020, page 10

The Planning Board listened to requests from members of the public to require a traffic study. The Planning Board determined that they would not require such a study, which was within their authority under the Land Use Ordinance.¹⁷

For the reasons outlined above, the Applicant respectfully requests that ZBA deny this appeal. Thank you for your time and consideration in this matter.

Sincerely,



Mark A. Coursey, Esq.
Attorney for 20 Central Street, LLC

Enc

cc: Philip R. Saucier, Esq.
Kristin M. Collins, Esq.
Leah B. Rachin, Esq.

¹⁷ See reference to discussion of a traffic study at pages A-7 and A-16. See also the minutes of the November 21, 2019 Planning Board page 10.

Exhibit A

10/24/2019

Time Stamp	Speaker	Summary	Quote
1:16:45- 1:16:54	Joe Sternowski - Chair of Planning Board and John Viehman	Board members comments after questions to initial proposal. The two board members who make these comments asked the majority of the questions, brought up the parking concern, and articulated a number of concerns that would need to be addressed in the application. Total questions asked 29 (1 question = 1 sentence that may have multiple questions within) Joe Sternowski= 6 John Viehman= 20 (John also brought up the parking concern and asked multiple questions re: parking)	John Viehman: "It's very exciting see this coming in" Joe Sternowski: "Yeah it is. I think it will be a big add to the - village John Viehman: "We've been waiting, with bated breath" (chuckles as he says this)
0:42:43	Joe Sternowski	Calls Gartley and Smith to come forward on pre-application to speak to board for "35 room hotel"	
0:43:47	Stu Smith	Begins overview of pre-application	
0:44:04- 0:44:51	Stu Smith		"MaryAnn and I met about 8 years ago with umm representatives from the town of Rockport, uhh, some select board members, Richard Remson was there. Umm and representative hook-- uh representatives from Leucadia Corporation and they were talking about what they wanted to do in the downtown or village section of Rockport, and they invited us as owners of hotels, - we had two hotels at that time in Camden. Lord Camden Inn and Grand Harbor Inn-- and

			their interest in talking to us was that they felt a small hotel in the downtown village area would be a valuable asset to create a more vital, viable, and energy level in the village.”
0:46:23-0:47:15	Stu Smith	Generally, discusses ties to Rockport and properties they own. Bought a property to prevent a Family Dollar from coming in on Route 1.	46:36- 46:41 “We very much love the town of Rockport and we like the village aspect.”
0:47:14-0:47:30	Stu Smith	Want to keep space open to the public.	“We look to, umm, keep things as much open to the public as possible. And businesses that we’ve done in Camden, that’s what we did with all the hotels we have there. So those are all- instead of becoming condo projects that block people out we end up building something that keeps it open to the public.”
0:48:25-0:50:03	Stu Smith	Pros to a hotel in Rockport	
0:50:44 – 0:51:10	Stu Smith	More pros: Employment (15- 20 full time, 25 summer jobs)	
0:51:12 – 0:51:35	Stu Smith		“I think the biggest thing that I could say is it’s a business that fits with what’s already here... Restaurant on the first floor to serve primarily breakfast to the hotel guests but it would be open all the time.”
0:52:05-0:52:24	Stu Smith		“There would be a, uhh—on the top floor looking out over the harbor we would have a uhh restaurant/bar/meeting area up there that would be very similar to what we have on the roof at 16 Bay View, but this would

			be able to be enclosed so in the winter time it could be used at that time as well.”
0:54:25-0:54:32	Tyler Smith		“The brick [composing the veneer] would be similar to uhh—the goal would be to make it look like it had been there for a couple hundred years just like a lot of the other buildings in the area.”
1:23:00		Well wishes to next applicant on moving forward with an application for their project	“We wish you well” 1:23:18 Joe Sternowski “Good Luck”

November 21, 2019

Time Stamp	Appellant Notes	Speaker	Summary	Quote
01:08:20-01:08:57	1:08-1:10 (statement from applicant re: gap between buildings)	Tyler Smith and John Viehman		John: “That building [pointing to picture depicting the brick structure occupying 20 Central Street before the structure failed and fell down in the 1970s] is attached to what is now the Shepard’s building is that correct?” Tyler: “It is not. There is actually a space between them. And I think, umm, the building that was previously located at 20 Central Street went right up to the umm lot line. So if you look at the site plan you’ll see the lot line that actually there’s a small wedge, umm, and it was – it would have been wider at Central Street at the Central Street side without looking umm at the scale its probably about 25 feet wide the previous wedge when this building was there and it

01:13:15 – 01:13:47		Tyler Smith	Explains the rationale for why the building would be situated back from the sidewalk unlike the original building at 20 Central Street. Additionally, at 01:18:45- explains one reason for this was for better ADA access into the lobby. (Second reason was to allow for landscaping)	narrowed to about 10 feet on the water side.”
01:16:27- 01:17:06		Tyler Smith	Outdoor balcony lights on timers, turn on at dusk and automatically off at 11pm. Guests can override and turn them off.	“As you can see from this rendering too there is, umm, some landscaping in front. So unlike the previous building that was located on 20 Central Street, umm, our building is going to be situated back from the sidewalk. Umm, and depending on which end of the building you’re at, so when you’re at the 18 Central Street, umm, it’s back significantly almost 12 or 15 feet back, umm, from that sidewalk space. .. [explains its to help allow for a grade change]
01:17:07- 01:17:25		Tyler Smith	First floor lights	“Most of the navigation lighting that we use is highly scrimmed so you couldn’t see the individual fixtures from the road or from properties that would be across from the road and that’s really to be able to navigate on that first floor and on decks during those times.”
01:24:32- 01:24:42		Tyler Smith	Brick. Goal to have a historic brick close to matching the 22 Central Street building	“The goal would be to have a historic brick that would match some of the buildings umm on either side”
01:24:49- 01:24:55		Tyler Smith	Paneled surface on 1 st floor similar to other historic buildings.	
01:25:28- 01:25:59		Tyler Smith and		John: “So, yeah, is your goal to make this basically sort of gently, umm, flow into the

		John Viehman		same look of the Shepard building ultimately? Or, I mean is that the – Tyler: “Yeah, I think we’d look at, umm, as you go further down the street, umm, ya know Union Hall is an example, umm, of a Mansard roof in this whole, umm John: “Not just with the roof but with the brick and everything else?” Tyler: “Yes. I mean the goal is to make it look like it’s been there, umm, for a hundred years just like the other buildings. Q: “The first floor panels are metal?” Tyler: “No, the first floor panels will be uh, will be wood or Azek and painted.” Q: “Oh all right.” Tyler: “Yep. It’ll be a similar, uh, I think if we went up to umm if I can scroll up here, similar for example to the front of the 22 Central building or even the 18 Central building where you have uh, wood paneling associated with all the windows.
01:26:04 - 01:26:33	1:26-1:29 (statement from applicant re: paneling)	Board member and Tyler Smith	Similar to front of 18 and 22 central that have wood paneling with the windows	
1:26:44- 01:26:55		Tyler Smith	Abuts two buildings	
1:49:10		“Michael”	Public comment. Concerns with parking and appearance. Cites balconies and the necessity of the balcony on the central street side	
2:20:49- 02:21:17		John Viehman and Tyler Smith	Lights pushed back towards the building, cognitive of the property line and in compliance with the ordinance.	“You’ve got the lighting pretty well detailed. My concern would be are you making—are you installing lights that would be pushing ya know the light back on the building and not spilling out to the street and or the ...

2:35:40 – 2:37:56 (Summary)	2:35-2:38 (chair commentary re: available parking spaces)	Joe	Chairman notes he went back and briefly looked at the parking plan submitted over the year for the three buildings. 3 important packages: 10/8/2008 regarding the Shepard Block changing from residential to commercial. Needed 38 parking spots. In June 19, 2012, ZBA for Union Hall renovation. Agreement before ZBA was to add the end of the parking lot by the park (25 spaces) to service restaurant, apartments, and businesses in Union Hall. August 8, 2012, 27-31 spaces required for Union Hall renovation. (now see quotes next column)	Tyler: "Correct. That would be the intent with most of the lighting would be hard scrimmed as far as uh with regard to property line and there is some reference, uh, we would be in compliance with the light ordinance as well...
2:38:02 – 2:38:50 (quote)				"We had about, as best I can tell, my interpretation 38 spaces that were allocated to the Shepard block and those are all spaces that are in this parking lot... [Tyler remarks that's more spaces than currently in the lot] That would leave the hotel none. I hope there is a solution with the town working with the applicants but we're looking at what the land use ordinance is and for the land use ordinance we can't ignore what came before us and just move on. We need to figure out a way to resolve this."
2:50:35 – 2:51:34 (quotes)	2:50-2:51 (comment re: traffic study)	Clarke, Joe, Attorney	Clarke believes and then is agreed with by attorney that a traffic study is not required for this application.	Clarke: "Can we agree that a traffic impact study is not required?" Member "No, I think that would be helpful to the..." Joe "OK. Let's, let's talk about that and maybe the comments that apply to section 800. So there certainly were a lot of comments that were voiced by the public with regard to parking being a sensitive

				item. Umm, I think you're recognizing, uhh, the impact of that and I think you've agreed to go off and take a look at how the requirements would be effected by those three buildings plus the new one." Tyler: "Correct." Joe: "Uhh lets see umm other comments related to section 800 from the public, you mentioned Clarke that the traffic study?" (overlapping voices) Clarke: "One of the comments mentioned a traffic study. As I read the language it doesn't meet the threshold." Attorney: "Well it only applies to certain areas throughout 90 , US 1, it doesn't apply to all areas within the town." [They all turn to 808.3 and
2:52:52-2:55:10	2:53-2:54 (comment re: parking lot landscaping requirements	Joe and Board members.	Landscaping in the front and rear. Rear would be planter base and seasonal. Currently some "wild bushes" near the previously reviewed parking lot so not appropriate for it to review.	
2:55:12-03:01:10 (Summary)	3:00-3:02 (comment from applicant re: projection of balconies)	Joe, Lou, Tom	Architectural Review Standards. Multiple comments on the balconies. Ordinance should fit in with the existing neighborhood. Tyler describes the balconies more. Wrought iron, metal base, non-combustible surface. Balconies would not go over the sidewalk. Black powder color, matte finish. Balconies	Joe: "Do we believe that with the Mansard roof that's used here is allowed in the Village, the other buildings use that, the brick that's used here, and then the black metal and wood outlining that fits harmoniously with the surrounding buildings in the village?" Lou: "I mean the i-beam." Joe: "I'm sorry not the what? The..."
3:01:10-3:02:06 (quote)				

			on Central Street side because there are rooms on that side. History of balconies in New England Architecture. Railing on balconies would be more traditional than the 18 Central deck. Center balconies on rear inset.	Lou : The i-beam balconies I was on that committee. There's nothing else in downtown that has i-beam balconies on it like that in the front." Joe: "So it doesn't say it has to be exactly like every other building. But it needs to fit in." Tom: "I think it fits in. I'm just throwing that out there." Joe: "Ok I appreciate that and I also appreciate the concern of the public in expressing this in that everybody drives and walks through this Village so we need to respect everyone's opinion. As we look at these things though, it doesn't say it has to be exactly the same as everything that is there. [wooden schooners not hauling limestone anymore] ... I think its ok that its not exactly the same as those building that are there. But they do have to blend in and fit I believe.
03:02:26 – 03:03:20		Joe, Lou, John, Tyler, Stu	Lou looking at section 1003.4. "Building Materials" and remarks he does not see anything about wrought iron beams. Tyler describes the adjacent building has wood paneling and a steel beam. Someone jokes "there's your harmonious." Stu adds there are steel columns on the Shepard block.	
03:04:26 – 03:05:04	3:05-3:07 (comment	Joe, Tyler	Wood or Azek at eyelevel, softer than metal, to be consistent with the storefronts of the adjacent buildings	

03:06:10 – 03:06:28	re: exterior architecture)	Joe	(though the other buildings have granite in addition to paneling)	Joe: “Ok anyone have any concerns about the appearance of the building blending in with the neighborhood? [silence] Ok. Do we, would anyone like to suggest that there be changes made to it? *all “no”s*
03:08:43- 03:10:10	3:08-3:10 (comment re: shared parking; parking easement)	John, Joe, Attorney	1004 – Parking lot design and landscaping. Section called Shared parking. John highlighting #2 on shared parking. Describe peaks etc. Easement required to be recorded related to the shared parking.	
03:10:27 - 03:11:36		Joe, John	Turns to letters submitted prior to meeting. Within letters comments were: parking, noise – discussed no amplified music, restaurant closed before 10, height – building meets ordinance. John comments re: comprehensive plan.	
03:11:36- 03:15:19		John	John states he went through the comprehensive plan and found under goal and priorities that this is probably a business opportunity. Falls under state growth goals, etc. Business plan stressed parking behind the business.	03:15:06 “Clearly in the comprehensive plan they were working to support economic development and business and that’s what we’re looking at.”

December 19, 2019 (this meeting's video is broken up into 7 parts.)

Time Stamp	Appellant Notes	Speaker	Summary	Quote
Video 3, 0:05:32- 0:18:18	:05:-14 (applicant presentation re: parking)	Will	Will reads letter on position of applicant on parking. Shared use of 49 existing parking spaces, public for EE's, and offsite. (ends 08:39) Valet Parking explanation (a lot of discussion of Camden practice. Mentions complimentary valet during peak for Nina June with this service) 08:40 – 18:18	
Video 3, 0:18:20 – 0:22:07	18:-24 (applicant discussion of shared / previously obligated parking)	Will, Joe	Will details spaces and their history. States at least half of the spaces in the back lot are not designated for any particular use. Stu also owns all of them. Joe details 2012 appearances regarding the property. In conclusion, Joe concurs there was a waiver granted by the planning board for Union Hall off-street spaces.	“When the Union Hall project was approved the planning board unanimously waived any requirements for parking. They didn't have any, and um the board allowed the restaurant to go in and all the uses without any parking whatsoever.” Joe interjects with August 2012 minutes and voices agreement. “So then when Shepard's block came forward, that was prior to this parking lot being expanded, and there were only about 28 spaces available back there, so in that application there was a discussion that there were 28 spaces that went with that property that were available. Clearly there were more spaces required, um if you went through the ordinance . . . at the time the Board approved that use with the 28

Video 5	1:15-1:20 (Planning Board discussion re: long-term enforcement of off-site parking lease)	Board	(About an hour of the Board's discussion was to come up with a number of spaces – keeping back lot with public spaces to serve the community and continue to support growth in the village. Motion sending applicant to ZBA to request approval of 34 satellite spaces (under ownership or lease as condition of approval) passed at 1:24:51. (attorney clarifies use is not required as it is meeting a statutory number.) Re-word the motion for about 8 minutes – this is the time frame the Appellant notes.	spaces that were available. At a later date, they came back and did another site plan review for the expansion of the parking . . . Those additional spaces are not designated they are not a requirement of any use that exists, umm so there have been many changes of uses and additional uses in the village where the town has pretty consistently not required any additional parking. At least half these spaces we have out here are available to be used. (ending at 20:38)
				John leads discussion of “what is offsite” at 01:17:15 Working of motion between 1:15:00 and 01:23:00.

February 27, 2020 (All timestamps are on Video 4 titled "Item 3")

Time Stamp	Appellant Notes	Speaker	Summary	Quote
0:03:43-0:06:41		Tyler Smith	Walks through some of the major changes. Removed floor plus 9 rooms, lines up floors with Shepard building. Arches over Iron posts. Decks are smaller, dropped a window, more brick. Granite sills on windows and doors similar to adjacent building.	
0:07:57-0:24:40	:08-12 (discussion of lighting plan)	Tyler Smith	• Similar lighting plan. • Number of lights reduced. • Lights are both accent bulb on the wall (on timers, go off at 10 or 1pm) that are low wattage. • Navigation lights attached to deck above. • The number 6 lights are over 25 feet from the sidewalk with the illumination designed to only impact the deck. Tom recites there is an ordinance prohibiting any lighting, other than a street light, over 25 feet. 0:11:13-0:11:34. • 0:16:24 -0:17:20 Joe brings up the potential of a second floor exit where lights would be required. Bill agrees and states the ordinance could be much clearer that it is. • Lou brings up depending on the interpretation of this section, the	Tyler: "As you know umm exterior lighting doesn't need to be very bright at all to be effective uhh in providing navigation and being able to sit out there and read." 0:09:37-0:09:47 0:12:36 Joe: "Is that, is item "c" there Bill intended to be lights on buildings or in that intended to be a free standing light? The way that's worded..." Bill: "Yeah, I'm looking. It doesn't really give us much guidance." [Tyler notes it could be interpreted to prohibit interior lights] Bill: "I think we could read that in context that their talking about exterior."

			box accent lights hanging on the walls would not be permitted either. • Discussion on if ordinance applies to private and public way • Bill advises there is a safety issue if no light and an accessible deck • 0:20:32 – Mark articulates his interpretation of ordinance. • “Extending” vs “above 25 feet.” • ** 02:20:32 – 0:21:33 is Marks explanation and 3 members of the board’s agreement. ** • 0:21:34- Tom definition of fixtures and Tyler affirms they would comply with that • Motion that lights comply passes 5-2 at 0:24:40	[Tyler states he interprets it governs fixtures as the ordinance states no lighting fixtures over 25 feet and his fixture is 10 inches high. Bill disagrees. Joe states because of context and wording reads it as a single light on a pole and refers to other buildings in town with such a fixture.] 0:15:01: - 0:15:41 “Well, how do others interpret that? Is it acceptable to have a light attached to the building or do you believe that refers to something on a pole?” John: “Tom you brought it up...” Tom: “Well no I believe what the law says in here. That would mean that any of those decorative fixtures, the decorative hanging lamps on the top floor or all the 6s so that you’ve got three rows of lighting there that are above 25 feet. 0:22:53 – 0:23:16 Joe: Yeah I think there’s probably 100 buildings around town that have lights that are above a second story. Either for safety reasons or for decorative lighting or to illuminate the parking lot. I think this, in the context it is here, implies something that is free standing.”
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				Board member: "I concur"
0:24:45 - 0:28:50	24-:29 (further discussion of lighting plan)	Tyler and Board members	• Lighting plan from back, no carriage lights on walls. • Elevations • Not a straight face to the front of the building • Straight rails as a result of public comment.	0:23:50 - Clark: "I move as a finding of fact that the lights comply with 801.7. . ."
0:29:09 - 0:31:54	29-:31 (discussion of common wall)	Tyler	• 22 Central has no windows • 18 Central has about 6 windows. • In the areas with the windows, most of the rooms there is only one space that is used as a small office on the top floor that would lose a window and not have another window. • Board member comments "Yeah, I mean that's, that's fine." 0:30:20. • Exhaust duct for 18 Central that penetrates the roof, not exterior to the building • Currently a few pumps that are going to be relocated (brings up site plan)	
0:34:59	35-:38 (discussion of parking requirements)	Tyler and Board members	• In season, Valets would be at rear entrance • Proposing to keep 57 spaces	

	and provisions)		• 21 on site solely dedicated to hotel and these 21 have no current dedicated use 0:36:30- 0:36:39 • 36 Offsite spaces approved by ZBA in January (off site lot) • John and Tyler summarizes (0:37:19:- 0:38:05)	
0:38:17-0:38:42		Kristine	Objects to finding of fact on lighting without public comment as it was a new lighting plan	
1:00:02 – 1:01:09		Phil	Legal counsel believes the board's determination on 801.7 was reasonable. Uses word "extend" and distinguishes street light and fixture. Ordinance does not talk about public hearing process. Notes that board could bring it up again after the public comment period and vote again.	
1:01:14			Public commentator requests an address of the matter of a traffic study	
01:01:54 – 1:02:01	1:01 (applicant suggests site plan submitted to ZBA)	Tyler	Offsite parking site plan was submitted and approved by ZBA	
1:07:45 - 1:38:55	1:08-1:25 (discussion and votes re: parking requirements)	Board members	• December meeting had concerns with parking. • Concerns with previously dedicated parking spaces. Joe Reviews history and documentation in application 1:08:51- 01:13:24	

			• 28 spaces committed by previous board, remainder are uncommitted. (1:13:12- 1:13:18) • 1:14:50 – 1:18:39 Lou wants to clarify how many spaces given to Shepard building, Union hall has no parking per previous planning board, and how will “this be regulated” (1:16:05) (Lou voices concern when it is summer and parking used for three restaurants, a hotel, an event, and a library at the same time) • 10 page plan of valet service submitted to ZBA • Parking not going to be an issue every night, summer it will be a full time job of moving vehicles around. • Offsite parking probably for hotel guest so can control the 21 spaces in the back to allow for event space if needed. • 1:18:52 -1:20:33 Joe brings up Stu’s December statement that the parking lot behind 20 Central would be shared then he described his willingness to share the parking lot with the public. That is different than a shared parking lot for multiple businesses. Tyler agrees and points to the correct terms in the ordinance and the intended use is what the board had approved.
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02:04:48-02:15:42	2:05-2:16 (discussion of architectural standards and lighting)	Board members	1:20:39 -1:38:55. 56 Spaces. 21 in off-street, 35 spaces in satellitia. Votes on (1) finding of fact there are 56 spaces (1:20:39 -1:24:26) (2) finding of fact that 56 spaces in plan proposed is satisfied (1:32:28 - 1:38:55) - Public comment on the original proposal, based on comments there were modifications made. - Run through of ordinance and - Tom states that lighting and deck on front is not harmonious with the abutting buildings (2:05:44) - Lights #4 on the plan should be the same as Lights #1 - at 11pm the lights above the ground (safety) turn off automatically. - Union Hall and Shepard Hall have fixtures (Union's are on 24 hours a day). 2:09:54- 2:10:03 - Decks are not overhanging public sidewalks - Tom argues that decks on front don't serve a purpose, no view like in back - Chair and table typically on deck, center deck is 2 person deck at most - Self-policing if noise complaints to respect other rooms as well	2:05:22 02:05:25 Joe: "The fact that [the front] is consistent with the surrounding buildings in the neighborhood." 2:14:59 - 2:15:46 Tom: "It's [the design] better now than it was before." Board member: "Does it comply with the ordinance?" Tom: "If the ordinance is not clear. You can say if say its not harmonious then, there's no there's no iron clad way to say. [Reads ordinance] So that's an aesthetic judgment... it's absolutely subjective."
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2:15:48- 2:19:12	2:16-2:19 (discussion of scenic view)	Board members	• Special district standards and increasing the downtown but looking at the ordinance • Comment about a scenic • "Gap" was 10 feet, not open like it is today historically. • Building came down in the 1970's • Still a view by the Opera House • Wedge shape 10 ft at narrowest • Board member is ok with it but brought up due to comments	2:16:42 – 2:16:58 John: "If I could comment a little bit on that. I think there was a comment about that about a scenic view being there going back to the mid 1800s or something but there was a building there—" Board member "We saw that yeah" John "So just bear in mind."
2:25:10 – 2:32:52	2:25-2:32 (discussion of traffic considerations)	Board members	• Tom brought up concerns about what all the valet trips will do for local traffic as most of the route is residential • Yearly average of 4700 car traffic • In application with the number of rooms included the average of check-ins • Most check-ins during 3-6pm no matter the season. • Number of trips based on fully occupied hotel (a third of hotel at most) 3-4 trips per hour during 3-6pm • Work hours 50 people on the road in 10 minutes vs 16 people checking in over 3 hour period • Tyler remarks that all of these discussions occurred at the ZBA and Bill remarks that it is germane for the Board to discuss it (2:31:55)	

2:38:52			• Motion site plan application meets cite plan content requirements. passes 7-0	
2:48:16- 2:50:51		Tom, John	• Tom voices disagreement and concerns with loading and parking. He adds a “but” and resolves that it is going to happen. • Requiring offsite parking for restaurants • Rockland and Camden use public parking, not required to create off site parking • Valet service a valiant effort but it will create more traffic • Joe notes 2 hour parking in Village • Enforcement is a problem • For the select board and ordinance review committee to deal with	
2:50:51 – 2:52:31		Joe	• Charges with making sure this project as presented complies with the ordinance. No enforcement capabilities, back to looking at if consistent with ordinance. Motion presented and passes 6-1	

