

## BATH PLANNING BOARD MINUTES

January 5, 1999

As approved February 16, 1999

A meeting of the Bath Planning Board was called on 1-5-99 for the purpose of conducting regular business.

### MEMBERS PRESENT

Bob Oxton, Chair  
Jim Harper, Vice Chair  
Paul Karass  
Marjorie Hawkes  
Margie Lowe  
Tim Vrabel, Associate Member  
George Pollard, Associate Member

### STAFF PRESENT

Jim Upham, City Planner  
Marsha Hinton, Recording Secretary

Bob Oxton, Chair, called the meeting to order at 6:00 p.m.

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### MINUTES OF THE NOVEMBER 11, 1998, REGULAR MEETING

Margie Lowe stated that the minutes record that she seconded a vote at the November 11, 1998 meeting and she was not present at that meeting. Paul Karass stated that he had seconded that vote.

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There being no further discussion on the November 11, 1998, meeting minutes, Bob Oxton, Chair, asked for a motion.

**MARGIE LOWE MADE A MOTION; SECONDED BY PAUL KARASS TO  
APPROVE THE ~~OCTOBER 20~~, 1998, MEETING MINUTES AS AMENDED.  
NOVEMBER 17,**

**UNANIMOUS AGREE.**

### MINUTES OF THE DECEMBER 1, 1998, SPECIAL MEETING

There being no discussion on the December 1, 1998, meeting minutes, Bob Oxton, Chair, asked for a motion.

**MARJORIE HAWKES MADE A MOTION; SECONDED BY JIM HARPER TO  
APPROVE THE DECEMBER 1, 1998, MEETING MINUTES AS SUBMITTED.**

**UNANIMOUS AGREE.**

**MINUTES OF THE DECEMBER 6, 1998, SPECIAL MEETING**

There being no discussion on the December 6, 1998, meeting minutes, Bob Oxtan, Chair, asked for a motion.

**MARJORIE HAWKES MADE A MOTION; SECONDED BY MARGIE LOWE TO APPROVE THE DECEMBER 6, 1998, MEETING MINUTES AS SUBMITTED.**

**UNANIMOUS AGREE.**

**Old Business:** None.

**New Business:** **Public Hearing Amendment to the Zoning Map** – request to change from C2 Zone to C4 Zone two parcels of land off Cottage Street (Map 28, Lots 11 & 13) Camden/Rockport Motor Inn, Applicant.

Bill Hahn stated that the owners of the Camden/Rockport Motor Inn desired to expand into the Bath/Brunswick area and had identified two lots along Cottage Street on which they would like to build a 77 unit hotel. In moving toward that goal he was before the Board to request its recommendation to the City Counsel for a zoning change from C2 to a C4 zone because the C2 zone does not allow this type of business. These lots are in an area seems to be referenced in the new Comprehensive Plan as being designated as Highway Commercial which approximates the C4 zone.

Marjorie Hawkes asked where they proposed to enter and exit from this site.

Bill Hahn said that Cottage Street would be the main entrance and exit with an alternative entrance though Cumberland Farms. He does not propose to use this as an exit.

Marjorie Hawkes ask if there was a map that showed the traffic flow because she felt she needed more information before she could make a decision.

Jim Upham, City Planner, stated that the application before the Board tonight was for a zone change recommendation, not a site plan review. Therefore what has been submitted is really all that was necessary for a zoning change recommendation.

Marjorie Hawkes stated that she was not against a zoning change, but was just wondering what would happen if the change was made.

The Board held discussion on the process for site plan review after any zoning change, the Comprehensive Plan, entrance and exit to the site, impact as relating to the new bridge, and the drawing submitted by the applicant.

There being no further discussion from the Board, Bob Oxtan, Chair, open the floor to any members of the public present who wished to comment.

Dean Stackpole, 45 Western Avenue, stated that he does not want to have the zoning changed for this neighborhood. Cottage Street is just a small street. He pointed out that as it is now cars coming off Route 1 have created a traffic hazard. Trucks coming into this neighborhood have knocked over resident's fences. He was wondering why Bodwell's had not been considered as a more suitable site. It just was feasible to make this neighborhood a high density traffic area.

Robert Gracebeard, 10 Cottage Street, stated that Cumberland Farm trucks drive on his lawn now. Because he work's for a truck company he understands how difficult it is for truck to maneuver in this area. He said that is was not feasible for a business of this caliber. He said it would not be right to jeopardize this neighborhood without adequate access in and out. Accidents happen all the time at Cumberland Farms with cars coming in and out now. Increasing the traffic flow with a 77-unit hotel would only make it more hazardous.

Pam Gracebeard, 10 Cottage Street, stated that her issue was with pedestrian traffic, particularly children who currently ride their bikes on Cottage Street and walk to school, and Cumberland Farms. She also pointed out that there were a number of elderly residents who didn't need the additional worry the increased traffic would cause. She added that she was also concerned that over time the hotel would want a restaurant and then a bar. She said that it wasn't right to negatively impact a nice family neighborhood to put in a business. She asked why the Wing Farm development wasn't being considered as a site.

Bruce Garbin, 8 Cottage Street, stated that it was originally identified as a C2 zone and he strongly believes it should stay a C2 zone. If this area was to be changed to a C4 zone then any type of business could be established. Also if the zoning change was enacted the road would have to be widened to provide adequate access.

Bill Torrey, 704 High Street, said that his property would be looking down on the proposed hotel. He added that he agreed with Mr. Garbin's comments. This would not be located on Leeman Highway; it would be located in an established neighborhood. He wanted to know why it was being built 200 feet from Leeman Highway. He strongly cautioned the Board to look very carefully at making a zoning change on so little information.

Barbara Plant, 49 Western Avenue that the increased used of Cottage Street concerned her. There would be more commercial trucks and front-end loaders using a very small street in a very nice neighborhood. She reminded the Board of

the many small children who lived there. She stated that there would also be an increase in noise and added that it just was not plausible.

Mrs. Stackpole, 45 Western Avenue, stated that there is a hotel there now that is causing parking problems. She wanted to know where all these people who would be using this motel were going to park, let alone the residents on Cottage Street park. She pointed out that Cottage Street was already in poor repair and that adding additional traffic was not going to make things any better. She added that this neighborhood was very nice. She felt like the opinions of the people who lived there and paid taxes were being ignored.

There being no further comment from the public present, Bob Oxtan, Chair, closed the public portion of the hearing.

Jim Upham reminded the Board that they were here tonight to vote on a recommendation to the City Counsel for a zoning change and that the Board needed to look to the guidance of the Comprehensive Plan. This has been designated in the new Comprehensive Plan as a Commercial Contract Zone and that was as close to C4 as you could get.

Tim Vrable stated that he was involved with the development of the Comprehensive Plan and understood the desire to better utilize the area along the Leeman Highway to attract motorist and travelers. He also understood the desire to protect neighborhoods. This neighborhood is established and survived against all odds and he felt that changing the zone would be a radical change to this neighborhood and he has reservations about making such a change.

Bob Oxtan, Chair, stated that he felt that in changing the zone to C4 would allow greater protection to the neighborhood that what is present in a C2 zone. The Board would have more control over what goes on in a C4 zone.

Paul Karass read § 8.11 and asked if a 70-unit motel was considered a moderate use.

George Pollard stated that he also part of the development of the Comprehensive Plan and that he felt that if he did not have something more detailed to review he would not be able to vote for a change from the current C2 zone. He felt the change would be toxic to the neighborhood.

Marjorie Hawkes stated that she also was active in the development of the Comprehensive Plan and the Commercial Contract zoning was put in place for a reason. The neighborhoods were taken into consideration and this was the decision that the citizens who worked on the Comprehensive Plan made.

The Board held discussion on the impact of a change in the zoning to this neighborhood, the reasoning for the establishment of a Commercial Contract

zone, and the process involved in the City Counsel's consideration of this request.

There being no further discussion from the Board, Bob Oxtan, Chair, asked for a motion.

**PAUL KARASS MADE A MOTION, SECONDED BY MARGIE LOWE TO RECOMMEND TO THE CITY COUNSEL THAT THE PLANNING BOARD IS NOT IN FAVOR OF THE PROPOSED ZONING CHANGE.**

**3 IN FAVOR (MARGIE LOWE, JIM HARPER, PAUL KARASS)  
2 OPPOSED (BOB OXTON, MARJORIE HAWKES)**

Bob Oxtan, Chair, stated that the Planning Board was not going to recommend to the City Counsel that this zone be changed. The City Counsel would now have two readings of this request and the second reading would be a public hearing.

**New Business: Site Plan Review** – Construction of new YMCA facility, Centre Street (Map 25, Lot 46) Bath Area Family YMCA, Applicant.

Bill Haggett gave a brief history of the project and discussed changes made since the last time they were before the Board. He pointed out areas that had been designated as snow storage areas because of the good drainage. He stated that they have been responsive to the recommendations made by the City as well as abutters to this site. However, there were two issues that they have only heard today. One of those issues he was made aware of only 5 minutes before the meeting. The first was the concern that the Recreation Department had with the impact the service access road had with the areas currently utilized as warm-up and spectator areas. He stated the reasons they had decided not to put the service access road where the Board had suggested they explore was in the first instance cost of ledge removal and the negative impact on the environment. He stated that he has had discussion with Jack Hart today and they feel that an agreement can be reached. The second was the letter from the Fire Chief that he saw only minutes before the meeting that addressed a fire access road around the Huse School. He reminded the Board that they had originally planned for a fire access road around the Huse School, but had taken it out because of the concerns of the School with regard to potentially increased traffic in areas where small children were.

Cynthia Orcutt discussed the access to the site, traffic patterns, parking capacity, formulas used to arrive at parking capacity numbers, compatibility with surrounding structures, the efforts made to preserve and enhance as much of the natural landscaping as possible, lighting, special features, building materials, additional landscaping in disturbed areas, and signage.

Rob Prue discussed the surface drainage, snow removal and where the utilities would come into the site.

Discussion was held by the Board on the traffic flow within the site including delivery trucks, the service access road and fire access from Huse School, utilities, water main replacement, and cost of additional ledge removal.

There being no further discussion from the Board, Bob Oxtan Chair, opened the floor to any member of the public who wished to speak.

Jack Hart, Recreational Department, stated that all his concerns had been addressed other than the service access road. He stated that he was concerned with the loss this service access road would cause to established recreational areas. It would reduce land now used by spectators and as a warm up area. However, he has been in discussions with the applicant and is satisfied that they would be able to reach a compromise.

Bill Haggett stated that he would hope that the Board would grant conditional approval tonight. He felt by making eleventh hour concerns a condition of approval that could come back to the board for after some time had been given to address those issues this project would move forward.

David Galier, Andrews Road, felt that this site could not be a worse choice for building the new YMCA. This area was one of the few purely natural areas left in Bath. To put a building on the site would only destroy the natural beauty that has been enjoyed by Bath residents for many years. He asked that some other site be chosen.

There being no further comment from the public, Bob Oxtan, Chair, closed the public portion of the meeting.

Bob Oxtan expressed concerns with approving a plan that was no longer accurate given the Fire Chief's letter. He also pointed out that the plan was incomplete in that no dimensions were listed on the plan.

Rob Prue stated that there were unusual requirements placed on approval of projects for this particular site.

Jim Upham, City Planner, read the requirements for approval of project for this site.

The Board held discussion on the unusual requirements.

Jim Harper questioned the applicant on the cost of the additional ledge removal stating that he had also informally priced this type of work and had a much lower figure than was quoted by the applicant.

Jim Peavey stated that the difference in cost between the \$50,000 figure they were quoted by Crooker and the \$7,000 figure Jim Harper had been quoted by a local contractor was disturbing. However, Crooker had performed a detailed computerized mock up.

Jim Harper stated that he would prefer the service access road be move to the other side of the site so that the established recreational land would not be disturbed. He added that he did not feel that the additional cost was an argument in favor of destroying 50% of an established recreational area.

Discussion was held by the Board on tabling this project for two weeks to allow the applicant to prepare an accurate plan or granting conditional approval on the plan presented this evening, the hardship placed on the applicant by the last minute concerns expressed by the Recreational Department and the Fire Department, traffic, emergency vehicle access, the established recreational area, the loss of very old pine trees and ledge, and impact on residents.

Bob Oxtan, Chair, stated that at this time there were five unknowns associated with this project. The length and width of the service access road, changes to the exterior of the building, lighting, fire access into the site, and the service access road.

Jim Upham, City Planner, stated that he was very embarrassed and sorry for the inconvenience caused to the applicant by the lateness of the input of some of the city staff. He has established a new process for review to ensure timely review of projects because of this instance.

Bob Oxtan, Chair took a straw poll of the Board members to determine whether or not they should table this project for the next meeting or make a motion for conditional approval.

Unanimous agreement on voting for conditional approval.

**PAUL KARASS MADE A MOTION, SECONDED BY MARGIE LOWE, TO GRANT CONDITOINAL APPROVAL PROVIDED A RESOLUTION OF THE LOCATION AND WIDTH OF THE SERVICE ACCESS ROAD BE MADE SUBJECT TO WRITTEN POSITIVE ENDORSEMENT FROM THE RECREATIONAL DEPARTMENT, THE CITY STAFF AND THE YMCA; AND PROVIDED THAT A SOLUTION FOR THE FIRE ACCESS ROAD BE FOUND SUBJECT TO THE WRITTEN POSITIVE ENDORSEMENT FROM THE HUSE SCHOOL, CITY STAFF AND YMCA; AND THAT ALL CHANGES ARE SHOWN ON THE PLAN.**

**3 IN FAVOR (MARGIE LOWE, MARJORIE HAWKES, PAUL KARASS).  
2 OPPOSED (BOB OXTON, JIM HARPER).**

Bob Oxton, Chair, stated that this application had been granted conditional approval.

Bill Haggett stated that he was disappointed that the approval was not unanimous. He asked the reasons for the dissenting votes.

Jim Harper stated that he was concerned with preserving the existing recreational area and very strongly would rather the access road be on the other side. However, he felt this was a wonderful plan and looked forward to enjoying the facilities with his children.

Bob Oxton, Chair, stated that he felt the YMCA would be better located downtown. He also stated that he would utilize the facilities himself and also felt this was a wonderful project.

There being no further discussion, Bob Oxton, Chair, called for a motion to adjourn.

**JIM HARPER MADE A MOTION, SECONDED BY MARJORIE HAWKES TO  
ADJOURN THE MEETING AT 9:05 P.M.**

**UNANIMOUS AGREE.**

Minutes prepared by Marsha Hinton, Recording Secretary