

BATH PLANNING BOARD MINUTES

January 4, 2000

A regular meeting of the Bath Planning Board was called on 1-4-00 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxtan, Chair
Jim Harper, Vice Chair
Paul Karass
Marjorie Hawkes
George Pollard, Associate Member
David King, Associate Member

MEMBERS ABSENT

Margy Lowe

STAFF PRESENT

Jim Upham, City Planner
Marsha Hinton, Recording Secretary

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

Bob Oxtan, Chair, appointed David King as a full-voting member for purposes of this meeting.

MINUTES OF THE DECEMBER 14, 1999, REGULAR MEETINGS

There being no discussion on the December 14, 1999, meeting minutes, Bob Oxtan, Chair, asked for a motion.

PAUL KARASS MADE A MOTION; SECONDED BY GEORGE POLLARD TO APPROVE THE DECEMBER 14, 1999 MEETING MINUTES AS SUBMITTED.

UNANIMOUS AGREE.

Old Business: No old business.

New Business: **Historic District Review** – Addition to building at 343 Front Street, (Map 21, Lot 239); Raymond Stone, Applicant.

Raymond Stone, applicant stated that he has obtained approval from DEP as well as the Codes Enforcement Officer for this proposed addition. He pointed out that the addition would meet the 5 foot property line setback requirements for a garage. This proposed garage would actually be 5 ½ feet from the property line. Mr. Stone said that the exterior would be clapboard.

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

William Love, 351 Front Street, read the attached letter into the record. He also provided DEP information to the Board and asked that the Board to take note of

this documentation.

Nancy Sousa asked Mr. Stone to show how the proposed garage would sit on the property.

Mr. Stone pointed out the orientation of the proposed garage on the site plan.

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

Jim Upham, City Planner stated that this application was for historic district review and it was the job of the Board to review this application for compliance with § 1407 of the Land Use Code. He pointed out that Sagadahoc Preservation had reviewed this application and it was their opinion that this building's historic significance has already been diminished by the many changes to this structure over the years.

The Board held discussion on the type of singles to be used, compliance with historic district review, the many different types of windows in the building, and treatment of the exposed concrete on the east side of the building facing the water front.

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

DAVID KING MADE THE MOTION, SECONDED BY JIM HARPER TO APPROVE THE ADDITION TO BUILDING AT 343 FRONT STREET, (MAP 21, LOT 239); AS MEETING WITH HISTORIC DISTRICT REVIEW CRITERIA WITH THE CONDITION THAT SHIPLAP BE USED ON THE EXPOSED CONCRETE ON THE EAST SIDE OF THE BUILDING.

UNANIMOUS APPROVAL.

New Business: **Site Plan Review** – Expansion of Business including filling and grading upper High Street, (Map 12, Lot 1); Peter Kelley, Applicant.

Peter Kelley, applicant, outlined the history of this site from 1974 to date and the various times he has been before City of Bath Planning and Zoning Boards seeking approval for improvements to this site and his business. He highlighted the ways in which he as improved the property, the fact that one of the abutters is the City landfill, and that his neighbors were present to speak in support of this application. He reminded the Board that the land fill was getting larger and smellier and was drawing approximately 250 to 300 noisy sea gulls a day. When the City burned at the landfill, the smoke and smell for the abutters was unpleasant for several hours. The truck traffic in and out of the site was

continuous 5 ½ days a week. He stated that the plan before the Board was not an engineer's plan, but that he felt it was adequate for this purpose. He stated that he felt the additional expense of \$1,500 to \$2,000 for an engineering plan showing water run off was somewhat extreme. He added that he was fully in support of the Thorne Head Project and has made improvements on the roadway access into and out of Thorne Head. The strange weather rather than the movement of soils cause the current "muddy" situation.

Tom Barrington, Lower Kennebec River Land Trust, asked what the conditions were that promoted this request for an additional plan.

Jim Upham, City Planner, stated that the trigger was the movement of more than 50 cubic yards of soil. Mr. Kelley has moved a large amount of soil without a review of a site plan.

Ann Hammond, Thorne Head Project, asked if there was a problem with the water run off, if this was a visual consideration and whether the plan submitted does not address these issues.

Jim Upham, City Planner, stated that in any development where there is movement of large amounts of soil, a review is required to determine that adequate protections are in place to prevent erosion. Mr. Upham explained that the plan submitted does not adequately address these and other issues. He is unable to advise the Board one way or another with regard to this application because the plan does not show water runoff and other site plan approval criteria.

The Board held discussion on the current site plan compared with previous site plans.

Ruth Lawson-Stopp, Thorne Head Project, stated for the record that the Land Trust did not initiate review of this project by this Board and that there was no opposition from the Trust to Mr. Kelley's project. She did state that it was her opinion that it was unfortunate that the trees buffering this site from High Street were removed.

Kathy Patterson, 1620 High Street, stated that the trees were removed from Mr. Kelley's property at her request.

April Koehling, 1585 High Street, stated that she is in full support of Mr. Kelley, that he has made many improvements to the neighborhood, and would like to see him continue at this site.

Pam Murray, representing Mr. Kelley, stated that the trees were removed by request of the abutters, the other vegetation which was removed was scrub about knee high, the water run off has been improved by Mr. Kelley and the

current issue with run off was caused by the City who decided not to put in a third culvert.

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

David King stated that the site plan submitted did not show how several required criteria were to be treated. In order to provide for enforcement of this application, to ensure clarity for the future and to protect Mr. Kelley, the City of Bath and this Board, a site plan that included all the necessary information was required.

The Board held discussion on the expense involved with a new site plan, alternatives to incurring the expense, the support of the neighbors, parking, drainage, vegetative cover, the Site Lines letter, buffering, performance standards, grading, topography of the site and amount of impervious surfaces.

Consensus was reached by the Board that a site plan showing (a) the site as it was in 1997 compared to the site as it currently is; (b) the intended layout of the property; (c) illustration of the area where the 10 foot vegetative buffering will be located; (d) illustration of the wet lands as they existed in 1997; (e) illustration of the parking areas; (f) illustration of a suitable storm water run off proposal; and (g) illustration of a suitable landscaping plan is required before the Board could consider this application.

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

DAVID KING MADE A MOTION, SECONDED BY PAUL KARASS TO TABLE THIS APPLICATION UNTIL A SUITABLE PLAN WAS PRESENTED TO THE PLANNING BOARD BASED ON THE DISCUSSIONS HELD THIS EVENING.

UNANIMOUS AGREE

New Business: Review of Community Development proposed grant application – to determine consistency with Comprehensive Plan.

Discussion was held by the Board on tabling this agenda item due to the lateness of the hour and the need for a detailed consideration.

JIM HARPER MADE A MOTION, SECONDED BY DAVID KING TO TABLE THIS REVIEW UNTIL THE NEXT PLANNING BOARD MEETING.

UNANIMOUS AGREE.

Other Business: None.

There being no further business before the Board, Box Oxton, Chair, asked for a motion to adjourn.

JIM HARPER MADE A MOTION, SECONDED BY DAVID KING, TO ADJOURN THE MEETING AT 8:15 P.M.

UNANIMOUS AGREE.

Minutes prepared by Marsha Hinton, Recording Secretary