

A regular meeting of the Bath Planning Board was called on 4-3-01 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxton, Chair
Jim Harper, Vice Chair
Marjorie Hawkes
Paul Karass
David King
George Pollard

STAFF PRESENT

Jim Upham, Planning Director
Mary Jane Sullivan, Recording Secretary

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

MINUTES OF THE MARCH 6, 2001, REGULAR MEETING, WHICH WAS POSTPONED DUE TO SNOW. BOB OXTON DECLARED THE MINUTES APPROVED AS WRITTEN.

MINUTES OF THE MARCH 13, 2001, POSTPONED FROM MARCH 6. PAUL KARASS MADE A MOTION, SECONDED BY GEORGE POLLARD, TO APPROVE THE MINUTES OF THE MARCH 13, 2001, MEETING AS WRITTEN.

UNANIMOUS APPROVAL

Old Business: None

New Business:

Public Hearing – Request for Site Plan Approval – Construction of a new building; 616 High Street (Map 31, Lot 22); The Hyde School, Applicant

Jim Upham, Planning Director, indicated that the site is in the R1 zoning district and is a permitted use in that district. Items not on the original plans included lot lines, and setback and yard areas; location of existing buildings and structures; time of planting landscaping, landscaping maintenance plan, and the direction, radius, and intensity of exterior lighting. All these were included in the second packet, except lot lines, setback and yard areas, for which the applicant is requesting a waiver. Jim Upham told the Board that if the Board grants the waiver, he believes this is a complete application.

Bob Oxton, chair, asked if there were any questions.

JIM HARPER MOVED TO GRANT THE REQUESTED WAIVER AND THAT WITH

THE WAIVER THE BOARD DETERMINES THAT THIS IS A COMPLETE APPLICATION. DAVID KING SECONDED THE MOTION.

UNANIMOUS APPROVAL.

Tony Muench, Landscape Architect, representing the applicant, told the Board that he is also working with John Whipple, architect, and Tom Greer, engineer, on the proposed Hyde School project. Lavoe Davis of Hyde School indicated that this building is a Family Learning Center designed for intensive retreats for parents and students. Fifteen or 20 gatherings are planned for this year. John Whipple, the architect, said the building will have 21 dorm rooms equipped with bathrooms, a large great-room, which will accommodate about 70 people, and six seminar rooms. It is designed to replace the existing Family Learning Center, which is substandard. Tom Greer, the engineer, said the big issue with the project design is drainage. The site is designed to divert a third of the drainage, which has drained from the Hyde School site to Pine Hill, in a different direction by creating a swale. A detention basin will be constructed so that the increased runoff will not increase peak flows. He said that the project requires a Storm Water Permit from DEP because the amount of impervious surface created since 1997 is over one acre. Mr. Greer told the Board he is still working with the Public Works Department on how to sewer the site. Jim Upham said it is unlikely the city will run the sewer line to the site. Mr. Greer said he will work with the Public Works Department to meet City standards.

Members of the Planning Board asked questions. They asked Mr. Greer how long the DEP could take with the Storm Water application. Mr. Greer said he will hear in 30 to 60 days.

Jim Harper observed that cutting the swale is likely to require blasting to get it below the road. The architect and engineer mentioned that it was less intrusive to lower the ditch than to raise the road. They have pitched the street so 95% of the water goes into the swale. There are no curbs, so snow can be pushed into the swales.

Bob Oxtan asked if there were any other questions. Hearing none, he opened it to the public. Nancy Jacobs, an abutter who lives at 37 Pine Hill Drive, said she is concerned and skeptical about the drainage plan and the impact of blasting. Hyde School has been a bad neighbor, and there was impact from the last Hyde expansion although they said there wouldn't be. She also indicated that Hyde School vehicles were blocking fire lanes in Pine Hill.

Mr. Greer recommended restricting the size of the blast. At this level typical residential structures are not damaged. Blasting specifications include a test blast, and seismograph readings on buildings within 200 feet. They also videotape building foundations outside before the blast and with the permission of owners, the inside foundations as well. This provides a record of any pre-existing cracks.

Bob Oxtan asked what if her house is on the same ledge, might the blast affect her house even if it is more than 200 feet away? Tom said that occasionally it can happen. He would be willing to have her basement videotaped.

Ms Jacobs said that this project looks like Hyde School is building 21 hotel rooms, and she doesn't see the need for it. Ms Jacobs asked if abutters have any say because the land near the Pine Hill neighborhood is getting built up. She also mentioned the drainage problem again.

Jim Upham said that the swale would divert water, which is presently going through the Pine Hill development, to the detention pond they are creating. He also said that the Board has no authority to review the use. It is a permitted use. All the Board is here to do is to review the development and determine if it meets the requirements of Article 10 of the Land Use Code.

Paul Karass spoke to the problem of vehicles parked in the road. The parking lot is private property and the condominium association needs to deal with the situation just as a property owner would if a car was parked in their driveway. It is an internal matter how they deal with cars parked illegally.

Bob Oxtan thanked people for their comments, and closed the public session.

Jim Harper asked Tony Muench how they were screening the dumpster. Mr. Muench said with a stockade fence. Mr. Muench commented that it was an attractive building with minimal low wattage lighting, all down light. Lights on the building are inside the porch, to make it feel like a walk in the woods.

Jim Upham said that the Article 10 Checklist in the Planning Board packets indicated that most everything as been met and if the Board grants approval, then the only conditions would be that the connection to the public water system be approved by the Bath Water District, the connection to the Public Sewer be approved by the Public Works Director, that the Public Works Director approve the drainage plan, and that the blasting specifications and blasting plan be approved by the Public Works Director.

Jim Harper asked again when they expected DEP approval. Mr. Greer said it will be submitted tomorrow, and DEP has 60 days to respond. Thirty days has been average for response, and Hyde School can't start the project until they get DEP approval. They want to start building as soon as possible.

JIM HARPER MADE THE MOTION TO APPROVE THE SITE PLAN FOR CONSTRUCTION OF A NEW BUILDING AT 616 HIGH STREET, HYDE SCHOOL APPLICANT, WITH THE FOLLOWING CONDITIONS: THAT THE APPROVAL BE CONTINGENT UPON THE RECEIPT OF THE D.E.P. STORM WATER PERMIT, THAT THE METHOD OF CONNECTING TO THE PUBLIC WATER SYSTEM BE APPROVED IN WRITING BY THE BATH WATER DISTRICT, THE METHOD OF

CONNECTING TO THE PUBLIC SEWER BE APPROVED IN WRITING BY THE BATH PUBLIC WORKS DIRECTOR, THAT THE DRAINAGE PLAN BE APPROVED IN WRITING BY PUBLIC WORKS DIRECTOR, AND THAT THE BLASTING PLAN AND SPECIFICATIONS BE APPROVED IN WRITING BY THE PUBLIC WORKS DIRECTOR; AND THAT WITH THESE CONDITIONS THE PLAN MEETS THE REQUIREMENTS OF ARTICLE 10. DAVID KING SECONDED THE MOTION.

UNANIMOUS APPROVAL

Discussion of Comprehensive Plan amendment relative to the Medium-density Future Land Use Area.

Jim Upham, Planning Director, told the Board that the State Planning Office has reviewed the Land Use Code to determine if they believe it is in compliance with the Comprehensive Plan. The only issue they have raised is the fact that in the Comprehensive Plan it says that the Medium-density Residential Area will have uses similar to those in the Low-density Residential Area. However, R2 zone uses are much more similar to the R1 zone uses than to the R3 zone uses.

Jim Upham thinks we need to amend the Comprehensive Plan slightly in Section 13.1.4 (page 13-5). This is in the discussion of the Medium-density Residential Area. He has discussed this with the City Solicitor and he feels that this is the appropriate thing to do. With this change the State Planning Office will determine that our Code is consistent with the Plan. Having the Code consistent with the Plan provides benefits to the City in the way of grant funding and it also means that any State land use must comply with our ordinance.

Jim Harper commented that it was a real compliment if that's all they found wrong. He also asked about the wording in the second paragraph.

It was determined that "High-density" in the second paragraph should be "Low-density."

Paul Karass asked for discussion of the proposed resolution. Following the discussion **DAVID KING MOVED THAT ARTICLE 13.1.4 OF THE COMPREHENSIVE PLAN BE AMENDED TO READ:**

"The Medium-density Residential land use area is the residential area that is transitioning (over time) from a rural, low-density pattern of residential development, to one that is similar to the High-density Residential area. As growth occurs in Bath, this is the area in which it should take place.

The densities should be such that developers are encouraged to extend public sewer and water lines. To do this the Land Use Code will have a density like the Low-density Residential land use area in the non-sewered part of this area, with a high density allowed in the sewerred part.

The uses in the Medium-density Residential land use area will be very similar to those allowed in High-density Residential area. Except, that in one portion of the Medium-density Residential area there will be the Mobile Home Park Overlay area.”

SECONDED BY JIM HARPER.

UNANIMOUS APPROVAL

Discussion of Planning Board meetings being televised on BCTV.

Following the discussion, it was determined by consensus that starting with the next meeting meetings will be televised. This will help the public see what the planning board does and that it does it professionally. The only change would be that anyone speaking would have to go to the lectern.

JIM HARPER MADE THE MOTION TO ADJOURN, SECONDED BY GEORGE POLLARD.

UNANIMOUS APPROVAL

The meeting was adjourned at 7:15 PM.

Submitted by Mary Jane Sullivan, Recording Secretary