

## **BATH PLANNING BOARD MINUTES**

**JULY 10, 2001**

A regular meeting of the Bath Planning Board was called on 7-10-01 for the purpose of conducting regular business.

### **MEMBERS PRESENT**

Bob Oxtan, Chair  
Marjorie Hawkes  
Robin Haynes  
Paul Karass  
David King  
Jim Harper, Vice Chair

### **MEMBERS ABSENT**

George Pollard

### **STAFF PRESENT**

Jim Upham, Planning Director  
Mary Jane Sullivan, Recording Secretary

Bob Oxtan, Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m.

### **MINUTES OF THE JUNE 19, 2001 REGULAR MEETING**

Robin Haynes asked that a correction be made to the minutes on page 3, paragraph 4, 2<sup>nd</sup> sentence. She asked that it read, "She said that the design of the deck should not necessarily be a copy of something historic, particularly a false past at odds with this structure. Any design, modern or historic in feeling, should be respectful of the original building."

**SEEING NO OTHER CHANGES, BOB OXTON DECLARED THE MINUTES APPROVED WITH THE CORRECTION.**

**Old Business: None**

**New Business:**

#### **Item 1**

**Request for Site Plan Approval – Construction of a maintenance building and laundry building accessory to Townhouse Apartments; Drayton Road (Map 29, Lot 17); EWT LLC7, applicant.**

David King said he would abstain because the applicant is a client of his.

Bob Oxtan said the first issue is to determine if the application is complete. Jim Upham said that he believes the application is complete.

**PAUL KARASS MOVED, SECONDED BY JIM HARPER, THAT THE APPLICATION IS COMPLETE.**

### **UNANIMOUS APPROVAL**

Frederick Brown of Trapper Brown Corporation, a design-build construction firm from New Hampshire, spoke for the applicant, EWT LLC7. He said this is a simple project that will build a small laundromat and a two bay equipment garage. He said the applicant owns a number of the apartments at Hyde Park. He is asking for a waiver for off-street parking. Currently there are seven parking spaces on the street that he wishes to utilize in lieu of creating more parking on-site. He said he expected that most people would utilize the laundry by walking there. He feels there is enough parking. Off-street parking would diminish green space that he feels is more valuable to the community than more parking. There is also space for an additional 50 cars across the street.

He told the Board that the most recent plan has Yard Area lines added. A note on the plan has addressed the exterior lighting.

Bob Oxtan opened to the public for comment. Seeing none, this portion was closed.

Paul Karass asked if the laundry would be open to the public. Mr. Brown replied that it was not prohibited but that they will not advertise. Jim Upham mentioned a letter, dated June 16, 2001, from Cricket Smith-Gary of Trapper Brown Corp., which says that the applicant will limit access to the laundry facility by using a master key system. He also said that the R1 zone does not permit a public laundry facility. It is only allowed if accessory to the applicant's apartments. The Code Enforcement Officer, Scott Davis, has determined that the use is an allowable accessory use if the master key system is employed.

Jim Upham said there are two issues relative to parking. The Section 10.01 of the Land Use Code states that if an applicant can meet the intent and purpose of a standard by an equivalent method, that equivalent method may be approved by the Planning Board. And, Section 10.06, B, 8 indicates parking cannot be closer to the street than the building. Again, in Section 10.01, the Code says that the Planning Board may waive the requirement to meet a standard if the Board finds that, due to special circumstances, meeting the standard is not required in the interest of public health, safety, or the general welfare, or is in appropriate. The Board will have to decide if the requirement to put the parking in back of the building should be waived.

Jim Upham said that the Codes Enforcement Officer has ruled that the on-street parking is grandfathered. These are legal nonconforming parking spaces. He recommends that the Board find the existing, on-street parking meets intent of the requirement to provide parking. And, that the requirement that parking not be in front of the building be waived. He said that in his opinion the applicant has made a good case for a waiver.

Bob Oxtan asked for comment from the Board. Robin Haynes had no comment on parking, but brought up the issue of landscaping. She said that the applicant could do more. Marjorie Hawkes agreed, but Bob Oxtan said landscaping is not required. Jim Upham stated that we would like it if the applicant voluntarily screened the building by landscaping, but that we cannot require it because this is considered a residential use because it is accessory to a residential use; just as a person's garage is a an accessory residential use. Mr. Brown said he would notify the owner of this suggestion.

Jim Harper asked about the walkway leading to a parking space. Jim Upham said he thought the intent was to not allow parking in that one space. Hash marks painted on the ground were recommended to indicate no parking.

Bob Oxtan said there should be cutoff lighting for the incandescent lighting planned for over the exterior door

Jim Upham said that the Public Works Director is concerned about cutting and patching of the pavement of Drayton Rd. Typically it is prohibited to cut roads recently paved. He said the applicant should get approvals from the Public Works Director for the method of cutting and patching.

Paul Karass questioned whether the laundry would be open 24 hours, and if noise would be a problem. The response was that it would fall under the noise ordinance of the City, but it would be open 24 hours. Jim Upham said the Hyde Park Community Council is quite active and will hopefully police it well. Mr. Brown said that maintenance building is strictly for the owners, not the tenants.

**JIM HARPER MOVE, SECONDED BY ROBIN HAYNES, TO GRANT SITE PLAN APPROVAL FOR CONSTRUCTION OF A MAINTENANCE BUILDING AND LAUNDRY BUILDING ACCESSORY TO TOWNHOUSE APARTMENTS; DRAYTON ROAD (MAP 29, LOT 17); EWT LLC7, APPLICANT, WITH THE FOLLOWING CONDITIONS: THAT THE AREA BETWEEN DRAYTON ROAD AND THE BUILDING BE PAINTED TO INDICATE THAT IT IS A PEDESTRIAN WALKWAY; THAT ALL EXTERIOR LIGHTING UTILIZE CUTOFFS SO AS TO MINIMIZE IMPACT TO ADJACENT RESIDENT AREAS; THAT ANY CUTTING AND PATCHING OF DRAYTON ROAD BE ACCOMPLISHED IN ACCORDANCE WITH PUBLIC WORKS DIRECTOR'S REQUIREMENTS; AND THAT A WAIVER BE GRANTED FOR REQUIREMENTS OF ARTICLE 10.06, B, 8 IN ORDER TO MAINTAIN THE CURRENT GREEN SPACE AT THE REAR OF THE BUILDING IN THE INTEREST OF PUBLIC HEALTH, SAFETY AND WELFARE; AND THAT THE BOARD FINDS THE EQUIVALENT METHOD OF MEETING THE PARKING REQUIREMENTS SATISFACTORY.**

**UNANIMOUS APPROVAL**

**Item 2**

**Request for Site Plan Approval – Construction of a City Park; Central Avenue (Hyde Park) (Map 28, Lot 216); City of Bath Recreation Department, applicant.**

This item was withdrawn and deleted from the agenda because the City does not have a lease to the land and, thus, does not have standing to come before the Board.

Bob Oxtan asked if there was any other business.

Jim Upham said there is an applicant for setback reduction requirement in the 3C Zone, which would require a meeting on July 24<sup>th</sup>. Bob Oxtan said he will be on vacation July 21-August 12, but Jim Harper, Vice Chair, will be available to chair the meeting on July 24 and also August 7.

The August 7 meeting will be a public hearing for the Hyde School zone change request.

No other business.

**PAUL KARASS MOVED, SECONDED BY MARJORIE HAWKES, THAT THE MEETING BE ADJOURN, AT 6:50 PM.**

Minutes prepared by Mary Jane Sullivan, Recording Secretary