

BATH PLANNING BOARD MINUTES

AUGUST 7, 2001

A regular meeting of the Bath Planning Board was called on 8-7-01 for the purpose of conducting regular business.

MEMBERS PRESENT

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

MEMBERS ABSENT

Bob Oxtan, Chair

STAFF PRESENT

Jim Upham, Planning Director
Mary Jane Sullivan, Recording Secretary

Jim Harper, Vice Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m.

MINUTES OF THE JULY 24, 2001 REGULAR MEETING

On a motion by Paul Karass, seconded by Robin Haynes, the minutes of the July 24, 2001 meeting was accepted as printed.

Old Business: None

New Business:

Item 1

Request for Site Plan Approval – Amendment to the Zoning Map; Request for Zone Change – part of a parcel of land (part of Map 31, Lot 22) from C3 Zone to R1 Zone; Hyde School, applicant.

Eric Sterling and Joe Young representing the Hyde School explained that Hyde School would like to expand their educational use onto land near the soccer field. The land needed to build a small working farm for educational purposes in the back portion of their land is zoned commercial. They propose to move the line and change that portion from R3 to R1. They said that they understand the issue is the location of a potential Route 209 bypass. The rest of Hyde property is zoned R1. The part where the bypass road would go was zoned C3.

Jim Harper, Vice Chair, opened to the public for comment and recognized Nancy Jacobs. Ms Jacobs asked if farm animals are allowed. Jim Upham responded that if they get the zone change, they could then do anything allowed in that zone. And, that they would have to get site plan approval from the Planning Board to expand the school use. Nancy expressed concern about runoff of animal waste. Ms Jacobs then asked

how they got to nonprofit status and what about the tax base. Jim Harper stated that both questions were irrelevant to the issue of the zone change request.

Jim Upham reminded all that the public hearing is only about the zoning change from R3 to R1. Ms Jacobs then said she wanted it to remain R3, and asked if they needed to have it rezoned if they want the farm. Mr. Upham said that an expansion of the school use is not allowed in the C3 zone.

Vice Chair Jim Harper closed the public session as no one else wished to comment on the request.

David King said this area should not be R1. He said that R1 allows too high a density of residential use and such a density is inappropriate in this location. He suggested R2 might be more appropriate, or perhaps, R3. He thinks there are other less drastic ways to meet the needs of Hyde School. He said the R3 zone allows farming, and athletic fields, and the lot area is larger.

DAVID KING MADE THE MOTION, SECONDED BY MARJORIE HAWKES, TO DENY THE REQUEST FOR ZONE CHANGE FROM C3 TO R1, BUT TO OFFER AN ALTERNATIVE PLAN TO GO FROM C3 TO R3 AS A RECOMMENDATION TO THE CITY COUNCIL.

UNANIMOUS APPROVAL.

Item 2

Public Hearing – Amendment to the Land Use Code; Request to amend Article 8, Section 8.20, H (the process for amending Site Plans approved by the Contract Rezoning process.)

Jim Upham explained that this proposed change would allow for minor revisions of Contract Rezoning type site plans to be approved administratively provided that the site plan change does not affect Space and Bulk Regulations and does not affect the Mandatory or Discretionary Conditions that the developer has voluntarily entered into to receive any rezoning (relaxation) of Space and Bulk Regulations. The Planning Director, the Director of Public Works, and the Chairman of the Planning Board must unanimously agree that the change is minor or it has to go to the planning board.

Jim Harper commented that the Staff Review process has worked well before, and opened to the public for comment. Seeing none, this portion was closed.

DAVID KING MADE THE MOTION, SECONDED BY ROBIN HAYNES, TO RECOMMEND TO THE CITY COUNCIL THAT THE LAND USE CODE, SECTION 8.20, H, BE AMENDED AS PER THE ATTACHED.

APPROVED UNANIMOUSLY.

Item 3

Request for Site Plan Approval – Setback Reduction in C2 Zone; Construction of a garage; 105 ½ Court Street (Map 28, Lot 85); Joan Janowski, applicant.

Ms Janowski requested a reduced setback so she could build a garage. Paul Karass asked why she is proposing to build it 43 feet from the house, and she explained that a foundation already exists there. Jim Harper commented that he believed the existing landscaping is adequate.

DAVID KING MOVED, SECONDED BY PAUL KARASS, THAT THE APPLICATION WAS COMPLETE WITH THE EXCEPTION OF A LANDSCAPE ARCHITECT PREPARED LANDSCAPE PLAN FOR WHICH THE PLANNING BOARD GRANTS A WAIVER.

UNANIMOUS APPROVAL

PAUL KARASS MOVED, SECONDED BY ROBIN HAYNES, TO APPROVE THE REQUEST FOR A SETBACK REDUCTION AT 105 ½ COURT STREET.

UNANIMOUS APPROVAL

Item 4

Request for Site Plan Approval; - Setback Reduction in C2 Zone; Addition to the house at 18 Russell Street; (Map 32, Lot 56); Donald Wallace, applicant

Donny Wallace stated that he has a one-story house and wants to build a second story. In order to do this he said he needs the reduced setback allowed with an approved landscape plan. There is an existing 6' stockade fence on the east side. He will add a 6' fence on the west side and plant yews on the north. Questioning by the Board clarified that the required front setback is 15 feet and the sides are 10 feet, that the house was built four years ago, and that he proposes a hip roof with a dormer, and that the modification will not expand the footprint of the building with the exception of a small deck on the south side.

David King and Jim Harper made it clear that the additional fence is not required, but the applicant wants the fence anyway.

Jim Harper asked for public comment. There was none.

PAUL KARASS MOVED, SECONDED BY MARJORIE HAWKINS, TO FIND THE APPLICATION COMPLETE WITH THE EXCEPTION OF A LANDSCAPE

ARCHITECT PREPARED LANDSCAPE PLAN FOR WHICH THE PLANNING BOARD GRANTS A WAIVER.

THE MOTION CARRIED 3 (HAWKES, KARASS, AND HARPER VOTING YES) TO 2 (HAYNES AND KING VOTING NO).

PAUL KARASS THEN MOVED, SECONDED BY MARJORIE HAWKINS, TO APPROVE THE SITE PLAN REQUEST FOR SETBACK REDUCTION WITH THE CONDITION THAT A PLAN ILLUSTRATING THE CURRENT SETBACKS BE SUBMITTED TO STAFF FOR APPROVAL.

THE MOTION CARRIED 4 (HAWKES, KARASS, KING, AND HARPER VOTING YES) TO 1 (HAYNES VOTING NO).

Jim Harper instructed the applicant to see the City Planner tomorrow with the required information.

Item 5

Request for Historic District Approval - for construction of an addition to an existing house; 1044 Washington Street (Map 21, Lot 7); Sandra and John Armentrout, applicants.

David King stated that he has worked for Mr. Armentrout in the past but feels that he can act on the application without a conflict of interest. The Board agreed.

Sandra Armentrout told the Board she wishes to remove the existing portico and replace it. She would be changing it from Greek Revival to Georgian Architecture.

Jim Harper asked for public comment. There was none.

Questioning by the board revealed that the owner believed that the house was found on a map in the library dating back to 1780, and that the existing porch is being replaced by one that is wider but not as deep. It will be white and will have a copper roof, if not cost prohibitive.

Jim Upham said that the Board needs to approve a certain roofing material. Ms Armentrout said the alternative to copper would be architectural shingles, flannel gray, a dark gray, to match the ones over the top windows on the north side of the house.

Robin Haynes doesn't feel it's Georgian, but it is a lovely design. Jim Upham asked her if she thinks it meets the approval criteria of Sec. 8.12, H. She said that she feels it is compatible with the character of the neighborhood, but not her personally.

Robin Haynes told the applicant that Sagadahoc Preservation, Inc. would like to have the present porch if it is possible to remove it intact. Ms Armentrout said that she did not think that would be possible, but if so she would do that. Robin Haynes asked the owner to keep records of the present porch so for future owners would know what had been there. She agreed to do that.

DAVID KING MOVED, SECONDED BY PAUL KARASS, THAT HISTORIC DISTRICT APPROVAL BE GRANTED FOR THE REMOVAL OF THE EXISTING PORTICO AND THE CONSTRUCTION OF A NEW PORTICO ON THE BUILDING AT 1044 WASHINGTON STREET, WITH THE CONDITION THAT THE ROOF BE COPPER OR ARCHITECTURAL SHINGLES SIMILAR IN COLOR AND TEXTURE TO THE FLANNEL GRAY SHINGLES OVER THE WINDOWS ON THE NORTH SIDE OF THE HOUSE, AND THAT THE PORTICO BE PAINTED WHITE.

THE MOTION CARRIED 4 (HAWKES, KARASS, KING, AND HARPER VOTING YES) TO 0, WITH 1 ABSTENTION (HAYNES).

Item 6

Request for Historic District Approval Amendment – Façade changes to building at 149 Front Street (Map 26, Lot 265); John Hichborn, Applicant

David King indicated that Mr. Hichborn had been a client and a neighbor, but he feels there is no conflict of interest. The Board agreed.

Jim Magno, representing the applicant, told the Board that the amendment to the plan would allow for a handicap access ramp and deck with handrails and balusters identical to the rest of the front of the building.

Jim Harper asked for public comment. There was none.

DAVID KING MOVED, SECONDED BY ROBIN HAYNES, THAT THE AMENDMENT TO THE SITE PLAN APPROVED ON SEPTEMBER 6, 2000, MEETS THE CRITERIA OF SECTION 8.12, H, AND THAT HISTORIC DISTRICT APPROVAL BE GRANTED.

UNANIMOUS APPROVAL

Item 7

Request for Site Plan Approval - for construction of new buildings; Leeman Highway (Map 28, Lots 53 and 54); Mark Sewall, applicant.

David King questioned whether the application was complete. He said that the drawing does not show parking spaces for the employees and that it shows landscaping on other's property. Jim Upham conceded that parking is a submission requirement.

DAVID KING MOVED, SECONDED BY PAUL KARASS, TO FIND THE APPLICATION COMPLETE, AND THAT A PARKING SPOT BE ADDED TO THE PLAN AND ELIMINATE THE LANDSCAPING ON THE OTHER'S PROPERTY OR INCLUDE PERMISSION TO PUT IT THERE PERMANENTLY.

UNANIMOUS APPROVAL.

Mark Sewell, represented by Phil DeLeon his consulting engineer, spoke to the Board to address the items in Jim Upham's memorandum to the Planning Board.

They discussed the traffic flow on the site and the circulation problems created if more than 1 curb cut is closed. They discussed the concern of planting trees near the shopping center entrance; saying that they thought the land was the city's right-of-way.

Jim Upham stated that this item was not advertised as a public hearing and will not be presented to the City Council until the Board holds the public hearing.

Phil DeLeon says he has been working with Mark Sewall for 7-8 years on this project. The site is proposed to be redeveloped in pieces. The first piece will be this request. The next piece will be the expansion of Dunkin Donut.

There was considerable discussion about the impact of any Route 1 widening proposal because part of the traffic circulation is in the Route 1 right-of-way.

Jim Upham said the Board could allow a zero setback, but could not allow use of the State's property for parking.

Phil DeLeon asked if Scott Wilhelm's concern about the water-reuse system had been satisfied. Jim Upham said he would contact Mr. Wilhelm.

Phil DeLeon also asked about the concerns of the Bath Water District. He said that he thought that issue had been resolved.

The Board and the applicant also discussed the façade treatment of the car wash building. The Board indicated that certain types of concrete blocks could be acceptable.

PAUL KARASS MOVED, SECONDED BY DAVID KING, THAT THE ITEM BE TABLED TO THE 1ST MEETING IN SEPTEMBER AND SCHEDULE IT FOR A PUBLIC HEARING AT THAT TIME.

UNANIMOUS APPROVAL

The next meeting will be the Tuesday after Labor Day, September 4, 2001.

DAVID KING MOVED, SECONDED BY MARJORIES HAWKES, THAT THE MEETING BE ADJOURNED AT 8:30PM. UNANIMOUS APPROVAL.

Minutes prepared by Mary Jane Sullivan, Recording Secretary