

A regular meeting of the Bath Planning Board was called on 9-4-01 for the purpose of conducting regular business.

MEMBERS PRESENT

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

MEMBERS ABSENT

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 AUGUST 7, 2001 REGULAR MEETING

Robin Haynes noted that on Item 5, page 4 of the minutes, that there is no such map in the library, and the minutes should be amended to read that the "owner believed" the house was found on a map in the library dating back to 1780.

ON A MOTION BY JIM HARPER, SECONDED BY DAVID KING, THE MINUTES OF THE AUGUST 7, 2001, MEETING WERE APPROVED AS AMENDED.

Old Business:

Request for Site Plan Approval – for construction of new buildings; Leeman Highway (Map 28, Lots 53 and 54; Mark Sewall, applicant. (Tabled from the August 7, 2001 meeting)

DAVID KING MOVED, SECONDED BY JIM HARPER, THAT THE ABOVE ITEM BE REMOVED FROM THE TABLE. UNANIMOUS APPROVAL

New Business:

Item 1

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

DAVID KING MOVED, SECONDED BY ROBIN HAYNES, THAT FOR PURPOSES OF EXPEDIENCY, THE REQUEST FOR SITE PLAN APPROVAL LISTED UNDER OLD BUSINESS AND THE REQUEST FOR CONTRACT REZONING LISTED UNDER NEW BUSINESS, ITEM 1, BE COMBINED FOR PURPOSE OF DISCUSSION

UNANIMOUS APPROVAL

Mark Sewall, 97 High Street, presented his proposal for building a 4-bay carwash, and tearing down the existing garage.

Bob Oxtan, Chair, then open the Public Hearing. There was no public comment. Bob Oxtan then closed the Public Hearing.

Questioning of the applicant by the Board revealed that the original proposal had been scaled back by one-third so that the carwash "tunnels" are shorter. He told the Planning Board that arrangements for connecting to the public water system would be worked out with the Bath Water District. He also told the Board that he is proposing to modify the development by eliminating the "emergency exit, thus only landscaping would be in the Rt. 1 R-O-W.

Robin Haynes asked whether there was a distance of 2 feet or 3 feet between the building and the Route 1 R-O-W. The current drawing shows the building 3 feet from the right of way, but the change in dimensions accounted for only 2 feet. The applicant was not sure why there was a discrepancy.

David King asked Mr. Sewall what the City would gain by approving the Contract Rezoning which grants reduced setbacks. Mr. Sewall responded by saying that it would be closing a curb cut, landscaping, and an improved appearance. He was also asked if he had written easements from the City and from the State for landscaping. He said he did not have easements.

There was considerable discussion on the material and color of the proposed building. Mr. Sewall said he was considering white blocks with red and orange bands.

It was suggested by Robin Haynes was that a two tier landscaping proposal, with the first being the 3 feet that will be on the applicant's property and the second being in the State's R-O-W, which might not be permanent.

Jim Upham asked Mr. Sewall to prepare a formal color drawing of his proposal for the Board. Bob Oxtan said he was looking for a more colonial look. Robin Haynes suggested that the bands of color be done in brick.

There was further discussion on the curb cuts and concern with the queuing area. The applicant felt 75% of the carwash customers would come through the pumps to get to the carwash and 25% from Court Street. The Board did not see this as realistic.

Members felt that when the pumps are full, people coming from Route 1 would congest the area.

Jim Upham reviewed for the applicant items the Board will be looking for: A new landscape plan including the removal of the emergency exit on the State's right-of-way, details on the building façade, the specifications of the water separation system, details on the gasoline islands and vacuum islands, and when the existing carwash building would be demolished.

Bob Oxtan asked Mr. Sewall about his time frame. Mr. Sewall said that if he can't do it before October, he can't do it this year.

Marjorie Hawkes and Paul Karass said they would need to see more and recommended that the item be tabled.

PAUL KARASS MOVED, SECONDED BY DAVID KING, THAT THE ITEM BE TABLED TO THE NEXT MEETING.

UNANIMOUS APPROVAL.

The next meeting will be the Tuesday, September 18, 2001.

Item 2

Public Hearing – Amendments to the Land Use Code: Amendments to Sections 2.02, 3.03, 8.08, 8.09, 8.12, 9.02, 10.26, 10.32, 11.06, and 11.22

Jim Upham recommends these amendments to solve various problems encountered while working with the Land Use Code over the last 12 months.

In reference to paragraph 1 on Article 2, Section 2.02, David King said that although he hates vinyl siding, the City should not be able to say to someone they cannot do vinyl siding.

Jim Upham asked if there should be a review if someone wants to put vinyl over a 200-year old brick house. There was considerable discussion including reference to page 22, Section 8 of the Code on approval criteria, and page 20 Article 8, D 3 which covers when approval is required. Jim Upham pointed out that the present language in the Code does not prevent a homeowner from using vinyl siding; it only requires that they apply for and receive Historic District approval to do so. The consensus was to leave this article alone, that the amendment is not needed.

In reference to the amendment number 10, amending Section 11.22, the consensus was that this amendment needed further work.

DAVID KIND MOVED, SECONDED BY JIM HARPER, THAT WITH THE EXCEPTION OF ITEMS 1 AND 10, THE ORDINANCE AMENDMENTS BE RECOMMENDED TO CITY COUNCIL FOR PASSAGE.

UNANIMOUS APPROVAL.

Item 3

Request for Site Plan Approval – Construction of buildings at the Bath Landfill; Detritus Drive (Map 15, Lot 44 and Map 10, Lot 14); City of Bath Public Works Department, applicant.

Jim Upham said that he believes the application is complete with the exception of a request for a waiver for paving road to the pump station.

DAVID KING MOVED, SECONDED BY PAUL KARASS, THAT THE BOARD FINDS THE APPLICATION TO BE COMPLETE WITH THE EXCEPTION OF A REQUEST FOR A WAIVER FOR PAVING THE ROAD TO THE PUMP STATION.

UNANIMOUS APPROVAL.

Lee Leiner, Deputy Public Works Director, presented the proposal for replacing the existing truck scale and scale house, and moving it to improve the flow of traffic; enlarging the existing equipment garage to protect new equipment from weather and vandalism; improving the metal pile by building a 6-inch thick concrete slab ringed by a concrete block wall to keep the metal pile cleaner, and get a better price and make it easier on the equipment; and constructing a pumping station to collect leachate at the foot of the landfill and pump it on to the City's existing sanitary sewer line on Ancona Street.

Jim Upham commented also on the netting screen and barrier fence both very important to the neighborhood because they will help catch litter blowing off the landfill.

Bob Oxtan opened the meeting for public comment. Peter Kelly, an abutter, requested to look at the plan. After seeing it he had no further comment.

There was Board discussion on whether the scale was required to meet the Setback requirement or the Yard Area requirement.

DAVID KING MADE THE MOTION, SECONDED BY MARJORIE HAWKES, TO FIND THE APPLICATION COMPLETE AND MEETS ALL OF THE APPLICABLE APPROVAL CRITERIA OF ARTICLE 10 WITH THE EXCEPTION OF THE TRUCK SCALE WHICH MAY HAVE TO BE MOVED BACK OR ANGLED DIFFERENTLY TO MEET THE 20 FOOT SETBACK, SUBJECT TO GETTING A RULING FROM THE CODES ENFORCEMENT OFFICER ON WHETHER IT MEETS SPACE AND BULK

STANDARDS, AND REVIEW BY STAFF FOR APPROPRIATENESS, AND WAIVE THE PAVING OF THE ROAD TO THE PUMP STATION AS REQUESTED.

UNANIMOUS APPROVAL.

Item 4

Request for Historic District Approval amendment – for amendments to the approved plan; 19-23 Centre Street (Map 27, Lot 111); Sagadahock Real Estate Association, applicant.

Roy Ordway, representing Sagadahock Real Estate, stated that they want to change the front where Ernie Back's is by taking out the plate glass window and replacing it with the same type of windows as those they put on the east (alley) side last year, and replacing the door with a commercial bronze door.

JIM HARPER MOVED, SECONDED BY DAVID KING, THAT THE AMENDMENTS TO THE APPROVED PLAN BE APPROVED AS THE CHANGES MEET ALL THE REQUIREMENTS OF SECTION 8.12 FOR HISTORIC DISTRICT APPROVAL.

UNANIMOUS APPROVAL.

Item 5

Request for Historic District Approval – Façade changes to building at 25-27 Centre Street (Map 27, Lot 110); Sagadahock Real Estate Association, applicant.

Mr. Ordway asked that this item be tabled to the October 2 meeting.

DAVID KING MOVED, SECONDED BY MARJORIE HAWKES, TO TABLE THIS ITEM TO THE FIRST MEETING IN OCTOBER.

UNANIMOUS APPROVAL.

Item 6

Request for Site Plan Approval Amendment and Set Back Reduction in the C2 Zone – 831 Middle Street (Map 26, Lot 145); MidCoast Federal Credit Union, applicant.

Jim Schwartz of Hampton, NH, representing MidCoast Federal Credit Union, spoke regarding their proposal to change their heating system to propane gas. Emerald green Arborvitae will be used as landscaping along the east property line to shield the three tanks and surrounding guardrails from view.

Jim Upham said this is an amendment to a plan approved when the property was in the C1 zone. The new code moved it into the C2 zone. The plan was done by a landscape architect and meets the requirements for setback reduction.

Robin Haynes asked about screening toward 822 Middle Street. Jim Upham responded that the Board has no jurisdiction there as it meets the setbacks on that side. He also commented that the only possible items missing from the plan are lines that show Setback and Yard Areas, however, the plan does show the distance from the propane tanks to the property line.

DAVID KING MOVED, SECONDED BY JIM HARPER, THAT THIS APPLICATION BE FOUND COMPLETE AND THAT A WAIVER BE GRANTED FOR THE MISSING LINES THAT SHOW SETBACK AND YARD AREAS BECAUSE THE DIMENSIONS ARE ON THE PLAN.

UNANIMOUS APPROVAL

Bob Oxtan, Chair, opened the meeting to the public. There being no public comment he closed the public comment portion.

PAUL KARASS MOVED, SECONDED BY MARJORIE HAWKES, TO APPROVE THE SITE PLAN AS PRESENTED BY MIDCOAST FEDERAL CREDIT UNION BECAUSE IT MEETS THE APPLICABLE SECTIONS OF ARTICLE 10.

UNANIMOUS APPROVAL

Item 7

Request for site Plan Approval Amendment – Construction of Community Center building; 70 Office Drive (Map 19, Lot 145); City of Bath Recreation Department, applicant.

Jack Hart, City of Bath Recreation Director, presented the request for amendment to the approved plan. The biggest change is the move of the building from the east to the west side of the lot to avoid the cost of excavating the old broken foundation buried on the east side. Traffic circulation will be clockwise on the site. A sidewalk has been added to get to the playground, and storm water has been diverted under the sidewalk to the drainage system which exists around the baseball diamond. This stormwater management system has been approved by Public Works.

Bob Oxtan, Chair, opened the meeting for public comment. There being none he closed the public comment portion.

Discussion by the Board concluded that although the site has lost 5 parking spaces, parking is adequate to meet the requirement of 1 space per 300 square feet. The Board also questioned the need for a parking space to the immediate right of the entrance.

The bike rack, which the drawing shows to be in the Yard Area, will be moved into the green space in place of the parking space to be removed.

DAVID KING MOVED, SECONDED BY ROBIN HAYNES, TO FIND THE APPLICATION COMPLETE.

UNANIMOUS APPROVAL.

DAVID KING MOVED, SECONDED BY MARJORIE HAWKES, TO APPROVE THE AMENDED PLAN BECAUSE IT MEETS THE APPLICABLE STABDARDS OF ARTICLE 10, WITH THE CONDITION THAT THE BIKE RACK BE MOVED FROM THE YARD AREA INTO THE GREEN SPACE IN PLACE OF THE PARKING SPACE CURRENTLY ON THE SHOWN ON THE PLAN.

UNANIMOUS APPROVAL.

**Item 8
Election of Officers**

Conducted by Jim Upham. He opened the floor for nominations for Chair.

ROBIN HAYNES MOVED, SECONDED BY DAVID KING, THAT THE OFFICERS REMAIN THE SAME.

UNANIMOUS APPROVAL

Bob Oxtan will remain Chair and Jim Harper will remain Vice Chair.

Other Business

David King said that action needs to be taken immediately to correct the Setback definition that applies to buildings but not to structures. The staff will take action on this. There will be a meeting scheduled for public hearing and recommend for emergency passage by City Council.

DAVID KING MOVED, SECONDED BY PAUL KARASS, TO ADJOURN

UNANIMOUS.

Adjourned at 8:30 p.m.

Minutes prepared by Mary Jane Sullivan, Recording Secretary.