

A regular meeting of the Bath Planning Board was called on 11-6-01 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxtan, Chair
Jim Harper, Vice Chair
Marjorie Hawkes
Robin Haynes
David King
George Pollard

MEMBERS ABSENT

Paul Karass

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 September 18, 2001 meeting

MARJORIE HAWKES MOVED, SECONDED BY JIM HARPER, TO APPROVE THE MINUTES OF THE SEPTEMBER 18, 2001, MEETING AS WRITTEN.

UNANIMOUS APPROVAL

Minutes of October 2, 2001, meeting

ROBIN HAYNES MOVED, SECONDED BY JIM HARPER, TO ACCEPT THE MINUTES OF THE OCTOBER 2, 2001, MEETING AS WRITTEN.

UNANIMOUS APPROVAL

Old Business:

Item 1

Request for Site Plan Amendment and Amendment to Setback Reduction Plan. – 831 Middle Street (Map 26 Lot 161); MidCoast Federal Credit Union, applicant. (Tabled from October 2, 2001, meeting)

JIM HARPER MOVED, SECONDED BY DAVID KING, TO REMOVE THE ITEM FROM THE TABLE.

UNANIMOUS APPROVAL

John Szczepanski, White Pine Landscaping, Route 1, representing MidCoast Federal Credit Union, discussed the landscaping in the buffer area. The original site plan called for 25 emerald green arborvitae. The new design keeps the existing specimen trees in the buffer area, cleans out the underbrush, and adds fewer new evergreens.

Bob Oxtan, Chair, opened the meeting to the public. There was no public comment, so Bob Oxtan closed the public portion of the meeting and asked the Board for their comments or questions.

The Planning Board members said they thought the new plan was a great idea, and Jim Upham commended the MidCoast Federal Credit Union for its willingness to delay the completion of the project by “jumping through another hoop” in order to save some mature trees.

DAVID KING MOVED, SECONDED BY MARJORIE HAWKES, TO APPROVE THE NEW DESIGN AS PRESENTED, SINCE THE PLAN WAS PREPARED BY A REGISTERED LANDSCAPE ARCHITECT AND MEETS THE REQUIREMENTS OF SECTION 10.31 OF THE LAND USE CODE.

UNANIMOUS APPROVAL

Item 2

Amendments to the Land Use Code; Amendment to Article 2, Section 2.02, definition of “setback.” (Tabled from October 2, 2001, meeting)

Bob Oxtan, Chair, said this item would be moved to after Item 1 of New Business.

New Business:

Item 1

Public Hearing – Land Use Code Amendment – amending § 7.07 – LOTS LOCATED IN TWO DISTRICTS

Jim Upham, Planning Director, passed out copies of a possible change to the amendment, and explained that the amendment would allow an existing permitted use that is on a lot divided by a zone boundary to be expanded into the portion of the lot where the use would not normally be allowed by the Land Use Table. He said the use has to be one that is existing and the lot has to be existing. This procedure would not be allowed in a Resource Protection Zone, the Shoreland Zone, the Park, and Open Space Zone, or any Residential Zone. This amendment solves the issue of a teaching farm for Hyde School. The reworded paragraph B, 2, caps the expansion of the use at 20%.

Bob Oxtan, Chair, opened the Public Hearing. Eric Sterling, 616 High Street, spoke in support of the proposal. He said that Hyde School supports the proposed amendment.

No one else spoke for or against the proposal and Bob Oxtan closed the public hearing.

Bob Oxtan asked if the Board had any questions or comments. Jim Harper asked regarding our re-recommendation to the council that the area be rezoned to R3.

Jim Upham reported talking to Scott Davis, Codes Enforcement Officer. He said that Scott doesn't interrupt the educational farm as an agricultural use, but as a part of the school use. And Jim Upham said that the school use is not allowed in the R3 zone.

Bob Oxtan, Chair, asked if there were any more comments.

Jim Harper asked which Setbacks would apply in the C3 portion of the Hyde School lot. Jim Upham said that the C3 setback would apply.

DAVID KING MOVED, SECONDED BY GEORGE POLLARD, THAT THE PLANNING BOARD RECOMMEND THIS AMENDMENT TO CITY COUNCIL FOR APPROVAL AS AMENDED BY JIM UPHAM. (TEXT FOLLOWS. NOTE: ADDITIONS ARE UNDERLINED)

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE LAND USE CODE OF THE CITY OF BATH ADOPTED July 19, 2000, AND SUBSEQUENTLY AMENDED, BE HEREBY FURTHER AMENDED AS FOLLOWS:

Amend Section 7.07 as follows:

SECTION 7.07 LOTS LOCATED IN TWO DISTRICTS

A. Zone Boundary May be Moved 50 Feet.

When a lot is divided by a zoning-district boundary, the regulations that apply to the larger part of the area of such lot also may be deemed to govern the smaller portion, to a distance of not more than 50 feet beyond the zoning-district boundary. The entire lot is measured to determine the lot's size.

B. Uses not Allowed by Land Use Table May be Permitted

An existing permitted use or uses accessory to an existing permitted use, located on a lot that is divided by a zone boundary, may be located on that portion of the lot where the use or accessory use is otherwise not permitted by section 9.02, provided the following are met:

1. The lot, which is divided by the zone boundary, existed as a single lot of record on July 19, 2000.
2. The total cumulative area of land **developed after the effective date of this provision** ~~used by~~ **for** such use and any accessory use in that portion of the lot where the use or accessory use would otherwise not be permitted, whether being developed at one time or over a period of time, may not exceed 20 percent of the total land area of the use and accessory uses **on said lot** as of July 19, 2000, and
3. The principal use was in existence as of July 19, 2000, on that portion of the lot where it is a permitted use.

This provision does not allow a use or accessory use, which is not otherwise permitted by section 9.02, to be located in any overlay district, the Resource Protection Zone, the Shoreland Zone, the Park and Open Space Zone, or any Residential Zone.

UNANIMOUS APPROVAL

Old Business:

Item 2

Amendments to the Land Use Code; Amendment to Article 2, Section 2.02, definition of “setback.” (Tabled from October 2, 2001, meeting)

DAVID KING MOVED, SECONDED BY ROBIN HAYNES, TO REMOVE THE ITEM FROM THE TABLE.

UNANIMOUS APPROVAL

Jim Upham, Planning Director, said that the Board needs to be careful about what is captured in the definition of “Setback.” He suggested that structures of 800 cubic feet and three feet above the ground be the threshold of the size of structures that have to meet the Setback.

Considerable discussion expressed concerns that this might be too broad and allow a pretty big structure. Eventually, the Board reached consensus to drop the cubic feet requirement from the definition.

DAVID KING MOVED, SECONDED BY JIM HARPER, THAT THE PLANNING BOARD RECOMMEND TO CITY COUNCIL AMENDING THE DEFINITION OF SETBACK AS FOLLOWS. NOTE: ADDITIONS ARE UNDERLINED)

Setback. *The minimum allowable horizontal distance between the front, side, or rear lot line and the nearest point of the building, including decks or any covered projections thereof, on the lot. This definition also pertains to:*

1. A structure that is at any point within the Setback area more 36 inches above the ground; and
2. An outdoor swimming pool.

Bob Oxtan asked for further discussion. Discussion included considering if this height restriction would work for a handicapped gardener to work in a raised bed garden. It did seem reasonable. The three foot restriction will filter out a lot of things that would block air and light. Bob Oxtan called for the vote.

UNANIMOUS APPROVAL

Other Business

Item 1

Planning Board Update – Hospital to College conversion

Jim Upham reported that if State-wide Bond number 6 passes today, which is the education bond, the plan is to convert the hospital in Bath to a MidCoast Higher Education Center. The doctors of the MidCoast Medical Group will stay in the building and everything else will leave. The property will be given to the City and it will be leased Southern Maine Technical College (SMTTC) and the University of Southern Maine.

This conversion will need site plan approval, but not by the Planning Board, only by the Staff Review Committee. A post-secondary school is a permitted use in the R2 Zone.

Bob Oxtan asked when they'd like to move in. Jim Upham said USM would like to move in next July, but more likely it will be January 2003.

Jim Harper asked where would the door be. Jim Upham said that separate entrances for patients and students will present an architectural challenge. Probably there will be a back entrance off Park Street. Jim Harper observed that the lowest volume school should have the Washington Street side.

Jim Harper asked about hours of operation. Jim Upham said there would be a lot of evening courses. Bob Oxtan observed that there is plenty of parking. Jim Upham said we must ensure that we have enough parking to be good neighbors. Marjorie Hawkes asked if the lighting was good, and it is.

Item 2

City-wide Planning Update

Jim Upham reported that Robin Haynes and George Pollard have worked on this project. A grant was applied for and received a year ago. Terrance Dewan and Associates were selected to be consultants. The purpose of the study is to improve the

looks of the public areas to motivate private investment in the area, to make this neighborhood a neighborhood people want to live in.

The next subject for review in the neighborhood is traffic and parking, especially in the neighborhood at 7 a.m. and 3:30 p.m; and throughout the day on High and Washington Streets. The aim is to find traffic calming ideas.

Another planning project that relates to that is the Route 1 viaduct, which is due for a major overhaul, widening, or replacing. Jim Upham is working with the DOT to look at Route 1, to improve the access to downtown, to get some fences taken down, maybe reduce curb cuts, and to improve the traffic flow and appearance. A Request For Proposal (RFP) is due to go to consultant sometime later this month.

Jim Upham reported that last evening 50 people met at the Maine Maritime Museum's new facility to design the south yard park that is to be on land being given to the City. Ten acres of BIW land is being given to the city to mitigate the loss of view by the dry-dock. The first 6 acres at the foot of Rose Street will be ready next June, the final 4 acres no later than 2005. Per the DEP approval of the Land Level Facility, BIW must cap the site with two feet of earth. Terry Dewan is being paid by BIW to work on designing the park. Jim Upham reported that David King was at this meeting.

David King commented that the City needs to create a design concept to include all the openspaces already existing, perhaps give it an 18th century feel, while still incorporating some modern things. Style needs to be discussed to come up with a design concept that ties everything together, not a jarring change, but a flow. Jim Upham said he will mention this to Terry Dewan.

Another project is a Bike/Pedestrian Trail connecting the Kennebec River to the Sagadahoc River. A grant has been received for a feasibility study from the DOT looking at coming along the old Brunswick Road to Waterfront Park. The grant will be funded as soon as Congress approves the budget. It will be off road as much as possible. The real challenge is getting across the New Meadows River. The team we are using for this project is TY Wynn, an Engineering Firm, and Terry Dewan, a Landscape Architecture firm. We are also considering running the path by the railroad tracks.

Another grant is to study how the area from railroad station up to Waterfront Park ought to look. Cianbro is out of there now and dismantling their stuff. There is DOT money to renovate the train station. The dental office has moved, and the station is being shut up tight for the winter. The goal is to bring it back as a train station, not just a stop, but a place to buy tickets. Great American Station Foundation awards grants to rehab and renovate old train stations and the city has applied for a grant. In December Amtrak will open from Portland to Boston. Next they will come to Brunswick. The plan is our city's railroad station not to be part of Amtrak, but Safe Handling Org., called the Rockland Branch. The tracks are owned by the state now. Fifty-six miles of track is being

upgraded, rated to travel at 60 mph, traveling at 49 mph. They have replaced 27000 ties. Jim Upham will continue to update us.

Bob Oxtan, Chair, asked if there was anything else to bring before the Planning Board.

David King proposed that the planning Board revisit a section of the Comprehensive Plan this winter to make sure everything is up to date. Jim Upham said the city is thinking of applying for a grant for Comprehensive Plan Development. This would include census data and income data. The feeling is that the middle class is moving to surrounding towns. David King said the city must entice the middle class to stay, and make available middle income housing. Jim Upham said one of the ideas of South End Urban Design is to make people happy and want to stay.

Bob Oxtan, Chair, brought up the need for another meeting and after some discussion, the next meeting was scheduled for Tuesday, November 20. The other item Bob Oxtan reported was that through the Basketball season the Planning Board will not be televised live on Tuesday night. The Basketball games will be televised live, and the Planning Board will be taped and played later.

WITH NO OTHER BUSINESS TO COME BEFORE THE BOARD, JIM HARPER MOVED, SECONDED BY GEORGE POLLARD, THAT THE MEETING BE ADJOURNED .

UNANIMOUS APPROVAL

Adjourned approximately 7:30 p.m.

Minutes prepared by Mary Jane Sullivan, Recording Secretary