

A regular meeting of the Bath Planning Board was called on 11-20-01 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxtan, Chair
Jim Harper, Vice Chair
Marjorie Hawkes
David King

MEMBERS ABSENT

Paul Karass
Robin Haynes
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 November 6, 2001 meeting

DAVID KING MOVED, SECONDED BY MARJORIE HAWKES, TO APPROVE THE MINUTES OF THE NOVEMBER 6, 2001, MEETING AS WRITTEN.

UNANIMOUS APPROVAL

Old Business:

Request for Site Plan Approval – Expansion of business including filling and grading; Upper High Street (Map 12, Lot 1); Peter J. Kelley, applicant. (Tabled from the July 18, 2000 meeting)

DAVID KING MOVED, SECONDED BY MARJORIE HAWKES, TO REMOVE THE ITEM FROM THE TABLE.

UNANIMOUS APPROVAL

Jim Upham reported that this item came to the Planning Board 17 months ago, on July 18, 2000, and was tabled because the approval criteria were not met. Mr. Kelley hired Sitelines (Charlie Wiercinski) to prepare his site plan and supporting documents.

He also reported that additional information about the site has come to light since then concerning water quality in a shallow well on the site and an unapproved demolition debris fill site. In 1993-94 the City and Mr. Kelley agreed that instead of removing the demolition material, he should cap the site. A letter received November 15, 2001, indicates that the site was capped. The well in question is in the demolition debris itself and the contamination is probably not an indication of ground water quality.

He told the Board that the applicant has shown that the storm water standards have been taken care of and the plan seems to meet the standards of Section 10.02, (E). The primary issue remaining is whether the landscaping meets Section 12.10, (I).

Also, the Code Officer's memo points out that the 1983 Code prohibited storage in the Yard Area and the Yard Area must be landscaped.

David King asked the applicant if the plan before the Board replaces everything else the Planning Board had been given before. This was confirmed by the applicant.

Charlie Wiercinski, of Sitelines, in Brunswick, spoke for the applicant. He told the Planning Board that a topographic survey of the site has been prepared. Erosion control notes are on the plan. The pipe outlet underneath the entering driveway is also shown on the plan. And, hay bales have been put around the pond. The applicant proposes to extend the hay bales along the line of the silt fence, and have grass growing for erosion control. He showed the location of the shallow dug well, and he passed out pictures of the demolition debris.

Marjorie Hawkes about controlling erosion from the sand pile on the northern end. Mr. Wiercinski indicated that the applicant plans to mulch anything that would blow, not boulders. He said that Peter Kelly would need to make judgment calls.

Marjorie Hawkes commented that the hay bales and silt fence need to be put in before winter, and clean up the existing trees along the road. Then she asked where he planned to put trees, and Charlie answered on the street side of the culvert at the access drive.

Bob Oxtan, Chair, opened the meeting to the public. There being no public comment he closed the public comment portion of the meeting. He asked for further questions or comments from the Planning Board.

Jim Harper confirmed with Mr. Wiercinski that this plan supercedes the previous plan.

Bob Oxtan commented that Mr. Kelly is in the construction business and needs a place to store material and the city needs to keep him in business and protect the surrounding areas. This will be a permanent storage area.

Discussion followed regarding the need for property lines to be on the plan, whether the landscaping shown on the plan is adequate to meet the approval criteria of Section

12.10, (I), the fact that the Yard Area next to the northern property line needs to be loamed and seeded.

David King said the Planning Board would be remiss not to require a performance bond for anything that will be done in the spring. He recommended that a new plan be presented with the boundary lines, Setbacks, Yard Areas, and the additional landscaping, along with itemized cost estimates for completing the landscaping and a proposed form of bond so the Board can review it at that time.

Jim Upham reminded the Board that the 1983 Code, Section 12.04, allows the Board to require a performance bond and that the amount of a performance bond has to be approved by the Planning Board and the form of the bond has to be approved by the City Manager and City Solicitor.

The Board also asked that the plan show the location of the shallow, dug well, and a dotted line around the location of the demolition debris.

The applicant agreed to work with the City Solicitor to prepare a performance bond, and have 8 copies of all updated plans and supporting materials submitted to the Planning Office no later than Friday, November 30th.

DAVID KING MOVED, SECONDED BY JIM HARPER, THAT THIS REQUEST FOR SITE PLAN APPROVAL ON UPPER HIGH STREET FOR PETER J. KELLY BE TABLED TO THE FIRST MEETING IN DECEMBER.

UNANIMOUS APPROVAL

New Business

Item 1

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

David King disclosed that John Hichborn was a former client, but he sees no conflict of interest in participating in this decision.

Bob Oxton, Chair asked the other Planning Board members and the applicant if they had any objection to David King being allowed to participate in this decision. There was no objection.

Jim Magno, of Frohmiller Construction, representing the applicant, said the applicant would like to add a set of stairs to the left (south) end of the front porch.

Jim Upham asked if the pressure treated wood would be painted. Mr. Magno said the plan was to paint the balusters, the two columns, and the trim white. The rest of the pressure treated, which will weather in a year, will be left unpainted and will look natural. The lattice work is not to be painted.

The members of the Board said that they believed that the “trim” that will be painted white included all the pressure treated wood. Jim Harper said that when the plan said pressure treated wood they interpreted it as what it was to be made of, not that it would be left that way.

The Board members said that pressure treated wood is not historic.

Bob Oxton, Chair said the Board will need to review the notes and tape from that meeting, because the Planning Board understood “trim” to include the railing and lattice to be painted white.

DAVID KING MOVED, SECONDED BY JIM HARPER, THAT THE PLANNING BOARD FINDS THAT THE PROPOSED AMENDMENT TO THE PLAN MEETS THE REQUIREMENT FOR HISTORICAL DISTRICT REVIEW CONTAINED IN LAND USE CODE SECTION 8.12, H, PROVIDED THAT THE WORD “TRIM” ON THE PLAN IS MEANT TO INCLUDE BALUSTERS, RAILINGS, AND LATTICE WORK, AND THAT THESE ITEMS WILL TO BE PAINTED WHITE NOT LATER THAN MAY 20, 2002, WITH ONLY THE DECKING AND STAIR TREADS BE LEFT UNPAINTED.

UNANIMOUS APPROVAL

Item 2

Request for Site Plan Approval – Construction of building; Oak Grove Avenue (Map 19, Lot 6); City of Bath Cemeteries and Parks Department, applicant.

Jim Upham said the Board first needs to determine if the application, with waivers, is complete.

DAVID KING MOVED, SECONDED BY JIM HARPER, THAT THE APPLICATION WITH THE REQUESTED WAIVERS IS COMPLETE.

UNANIMOUS APPROVAL

Dennis Hebert, Superintendent for the City of Bath Cemeteries and Parks Department, thanked the Board for agreeing to have this meeting tonight. He told the Board that this portion of the cemetery property was originally intended for burial sites, but was abandoned because of so much ledge. This land is good for a building but not for burial plots. He introduced Steve DeWick of Pine Tree Engineering to help answer any further questions.

Jim Harper noted that the old building was not part of this request. Dennis Hebert said they have three alternatives being considered for the old building: 1) an offer to buy the property and building, 2) an offer to buy the building and move it, and 3) an offer by the fire department to burn it down.

Jim Upham reported that the Public Works Director is concerned about the increase in peak water flows that drain from this property into an area the city has had problems with and something needs to be done to slow down peak flows of storm water.

Steve DeWick told the Board that they propose to amend the plan by installing a six-foot wide stone filled drainage level spreader that will assure that stormwater runoff will be slowed.

David King asked if this was approved by Peter Owen, Public Works Director. Steve DeWick replied that this was one of Peter Owen's suggestions. Jim Upham feels that this is an appropriate solution, and stated that if the Planning Board got to the approval stage, they could make this a condition.

Jim Harper asked about the lighting on the back. Steve DeWick said it is low and down to the ground.

Jim Harper also said that not paving the parking lot and access drive is a waiver that fits the area. Dennis Hebert commented that this part of the grounds gets very little traffic, just department personnel.

Marjorie Hawkes asked how many trees have to be cut. Dennis Hebert responded that they were mostly small, but four large trees will be cut. He tried to move the footprint to minimize large trees needing to be removed. He wants to make it as unobtrusive as possible.

Bob Oxton, Chair, opened the meeting for public comment. Seeing none, this portion was closed.

Jim Upham said he thinks the three waivers requested are appropriate. These are:

- 1) waive the requirement to pave the access road,
- 2) waive the requirement to pave the parking lot, and
- 3) waive the location of parking.

Jim Harper spoke about needing to screen the dumpster. Dennis Hebert stated that it is on the backside, and neighbors couldn't see it in the summer as the growth is really thick. Jim Harper said this area is undeveloped now, and it might set a precedent if we didn't require it. Perhaps a stockade fence around it three sides would be appropriate. Dennis DeWick suggested an arborvitae buffer. By consensus the Planning Board would prefer the arborvitae.

Bob Oxtan, Chair, asked if there were any other issues. There being none:

JIM HARPER MOVED, SECONDED BY DAVID KING, THAT THE BOARD GRANT SITE PLAN APPROVAL FOR CONSTRUCTION OF A BUILDING ON OAK GROVE AVENUE, BY THE CITY OF BATH CEMETERIES AND PARKS DEPARTMENT WITH THE FOLLOWING CONDITIONS AND WAIVERS: WAIVER SECTION 10.03 (D) AND SECTION 10.06 (B), 3 & 8 AND TWO CONDITIONS; THAT A STONEFILLED DRAINAGE SPREADER IN THE SOUTH EAST CORNER OF THE PARKING LOT BE ADDED TO THE CONSTRUCTION AND APPROPRIATE LANDSCAPING BE ADDED TO THE SOUTH AND EAST OF THE DUMPSTER AREA.

UNANIMOUS APPROVAL

THERE BEING NO OTHER BUSINESS TO COME BEFORE THE BOARD DAVID KING MOVED, SECONDED BY JIM HARPER, THAT THE MEETING BE ADJOURN

UNANIMOUS APPROVAL

The meeting was adjourned at 7:30 p.m.

Minutes prepared by Mary Jane Sullivan, Recording Secretary