

A regular meeting of the Bath Planning Board was called on 1-8-02 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxton, Chair
Jim Harper, Vice Chair
Marjorie Hawkes
Paul Karass
George Pollard
David King
Robin Haynes

MEMBERS ABSENT

None

STAFF PRESENT

Jim Upham, Planning Director
Mary Jane Sullivan, Recording Secretary

Bob Oxton, Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. Board members were requested to speak up as loud as possible for members of the audience who are hearing impaired.

Minutes of December 4, 2001, meeting

Robin Haynes made a correction on the bottom of page one. It should be Marjorie Hawkes, not Marjorie Haynes.

JIM HARPER MOVED, SECONDED BY MARJORIE HAWKES, TO APPROVE THE MINUTES OF THE DECEMBER 4, 2001, MEETING WITH THE MODIFICATION NOTED.

UNANIMOUS APPROVAL

Bob Oxton, Chair, announced that New Business Item 3 would be taken up first.

New Business Item 3

Planning Board Approval of Performance Guarantee (according to Section 12.14); approval of performance guarantee to allow Conditional Certificate of Occupancy; Wing Farm Parkway (Map 24, Lot 6); R. M. Tate, applicant.

Jim Upham reported receiving more material from the applicant. The Board has been given a copy of the letter from R. M. Tate giving permission to go on site to install the landscaping. Coastal Masonry and Contracting will be responsible for placement of the landscaping. Skillins has provided an invoice for the landscaping shown on the approved plan at Spring 2002 prices. The only incomplete Site Plan item is the landscaping which cannot be done until Spring. The Codes Enforcement Officer has

documented that the building is safe for occupancy now. In the new code, permission to occupy without the entire site plan completed cannot be granted without a performance guarantee approved by the Planning Board. Checks to the City from Gardiner Savings for \$3,245.75 have been received to cover the cost of plants and installation

DAVID KING MOVED, SECONDED BY GEORGE POLLARD, THAT THE PLANNING BOARD APPROVE THE PERFORMANCE GUARANTEE RECEIVED FROM R. M. TATE TO ALLOW CONDITIONAL CERTIFICATE OF OCCUPANCY OF THE BUILDING AT WING FARM PARKWAY AND GIVING HIM UNTIL MAY 15, 2002, TO COMPLETE THE LANDSCAPING.

UNANIMOUS APPROVAL

Old Business

Item 1

Request for Site Plan Approval and Contract Rezoning – for construction of new buildings; Leeman Highway (Map 28, Lots 53 and 54); Mark Sewall, applicant. (Tabled from December 4, 2001, meeting)

Jim Upham passed out a memo from Fred Paganucci with the Maine Department of Transportation (MDOT) indicating that Mark Sewall paid for two parcels of land that abut the Leeman Highway in Bath and the Court Street extension (formerly Quimby St.) on Friday 1/4/02. The deeds will be forwarded to the Sagadahoc County Registry of Deeds for recording. Since the Board does not have a copy of the recorded deed yet, Jim Upham recommended that the Planning Board hold a workshop in the basement meeting room to discuss this site plan.

DAVID KING MOVED, SECONDED BY ROBIN HAYNES, THAT THIS ITEM BE REMOVED FROM THE TABLE.

UNANIMOUS APPROVAL

DAVID KING MOVED, SECONDED BY MARJORIE HAWKES, THAT THIS ITEM BE TABLED TO THE FIRST MEETING IN FEBRUARY, WITH A WORKSHOP ON JANUARY 22, IN THE BASEMENT MEETING ROOM.

UNANIMOUS APPROVAL

New Business:

Item 1

Public Hearing – Land Use Code text amendment; Amend Article 8, Section 813 – Special Purpose Commercial Contract Overlay District, D, 6; City of Bath, applicant.

Jim Upham explained the Special Purpose Commercial Contract Overlay District which allows land uses of the C1 district, and gets the sign regulations of the underlying district. In the case of the former hospital, which the City will be converting to an educational institution, the Code presently would allow only 6 square feet of signage. If this amendment passes, the standard could be relaxed through the contract rezoning process which will be negotiated with the applicant at a later date.

Bob Oxtan, Chair, opened the Public Hearing.

Peter Kelley of Washington Street spoke for himself and his mother on Winship Street. He came hoping to find out what is proposed. He asked if we will get another opportunity to get this explained to us. Bob Oxtan said yes.

Robert Barring of 70 Winship Street said he was here for the public hearing when the Davenport Circle project was being discussed. He commended the Board for their responsible action at that time and indicated it turned out very well. He pointed out a severe parking problem at the entrance to the old portion of the hospital. On his way here, two people walked out between parked cars and he almost hit them. Lighting should be improved. Noise in the parking lot is a problem, especially this time of year.

David King asked if the Board approves this amendment tonight, will the Board be done with it. Jim Upham said that the Staff Review Committee would have to review any changes to uses in the building.

David King said that changes should be required to come back to the Planning Board for Site Plan Approval.

Bob Oxtan asked for further comment from the public. Seeing none he closed the public hearing.

PAUL KARASS MOVED, SECONDED BY ROBIN HAYNES, THAT THE PLANNING BOARD RECOMMEND TO THE CITY COUNCIL AMENDMENT TO ARTICLE 8, SECTION 8.13 AS PRESENTED, THAT SIGNAGE MUST MEET THE STANDARDS OF THE SIGNS IN THE UNDERLYING RESIDENTIAL DISTRICT UNLESS THE SQUARE FOOTAGE AND NUMBER OF SIGNS IS INCREASED BY THE CONTRACT REZONING PROCESS.

UNANIMOUS APPROVAL.

Item 2

Public Hearing – Amendment to the zoning map; Request for a zone change on the parcel of land of the former Bath Memorial Hospital (Map 14, Lot 96 and Map 20, Lots 93, 112, and 113) to include the Special Purpose Commercial Contract Overlay District; City of Bath, applicant.

Bob Oxtan, Chair, recognized Tom McDonald of McDonald Associates, who spoke on behalf of the applicant as the City Manager was unable to attend.

Mr. McDonald told the Board that this property is expected to be transferred to the City of Bath by the end of the month. The one million dollar bond approved by the voters of Maine this past November will be used to rehabilitate this facility. SMTC will have a two year technical program, and USM will have a four year college program.

The hospital building has four distinct sections; the 1980s section where the Urgent Care was, the 1890s section is three stories and houses the Addiction Resource Center, the 1950s section is on Park Street looking toward Winship Street and is a two-story section, the 1940s section is a one-story section on Washington Street. He believes the schools will occupy the 1950s and 1940s sections although they are still working on this. There is about 60,000 square feet of rental space. The entrance to the school is to be on the Park Street side by the loading dock. Common areas include the patio, entrance, bookstore, and cafeteria. Midcoast Medical Group plans to stay a minimum of three years, and continue to have their entrance where it is now.

Architects are working on design, traffic flow, placement of classrooms, etc., anticipating occupancy in January 2003. The City is still looking for a renter for the urgent care section which they hope will be education related.

Board members questioned Mr. McDonald on maintenance. He answered that there will be a Board, similar to that which oversees the Customs House, to oversee the Midcoast Center for Higher Education, and the schools will pay rent. Plowing and janitorial will be by contract or City employees. It is intended that the facility be self-sustaining. It is anticipated that more than one million dollars will go into the project. It is expected that tenants will be identified for the other sections by January 2003.

There was some discussion around a possible Culinary Arts Program being open more than just school hours and a coffee shop as an extension of a Culinary Arts Program, and about non-students wanting to shop in the bookstore. It was mentioned that at Vocational School at Morse High School, the Culinary Arts Department has public functions where people may come. This it was said by David King is accessory to the educational use as opposed to a business person opening a business.

Bob Oxtan, Chair, opened the Public Hearing and recognized Peter Kelly, who wanted to hear about parking on the Winship Street side. He said parking is poor there now, and he asked if the big parking lot in the back would be used by the college at all.

Robert LaPage of 14 Park Street, asked if any study had been made to indicate the number of spaces needed for parking for the students.

Paul Karass asked how many students are expected to attend.

Mr. McDonald told the Board that there are currently 155 parking spaces, and when they school is in full swing they expect 500-800 students.

Robert Barrow of 70 Winship Street, recommended going to Brunswick High School to see what 500 students look like at night school.

Bob Oxtan, Chair, told the public that these parking questions will have to be addresses at Site Plan Approval stage. Seeing no others wishing to speak, Bob closed the Public Hearing. He said that this project is going to have a big impact to the community. He recommended approving with the condition that the site plan must be approved by the Planning Board.

Jim Harper reminded all that tonight's vote will be to approve the amendment to the zoning map. Jim Upham suggested including only granting certain C1 uses and eliminating 2.1.1.1.1 – Sales or rental of goods, merchandise, and equipment with less than 5,000 square feet of gross floor area, and 10.1 restaurants that do not allow service to customers in their cars.

DAVID KING MOVED, SECONDED BY MARJORIE HAWKES, THAT THE PLANNING BOARD RECOMMEND APPROVAL OF THE REQUEST THAT THE DESIGNATED LOTS BE REZONED INTO THE SPECIAL PURPOSE COMMERCIAL CONTRACT OVERLAY DISTRICT, WITH THE CONDITION THAT ONLY USE CATEGORIES 3.1.1, 3.1.2, 6.1.1, 6.1.2, 6.1.3, 6.1.4 AND 6.3 PLUS THE UNDERLYING RESIDENTIAL DISTRICT'S USES BE ALLOWED. THE PLANNING BOARD FINDS THAT A BOOKSTORE OR CAFETERIA, EVEN THOUGH THERE ARE INCIDENTAL SALES TO THE PUBLIC, CONSTITUTE ACCESSORY USES. FURTHERMORE, THE RECOMMENDATION FOR THE REZONING IS ONLY ON THE BASIS THAT ANY PROPOSED CHANGE OF USE IN THE BUILDING OR THE LOT SHALL BE SUBJECT TO SITE PLAN REVIEW BY THE PLANNING BOARD.

Jim Upham indicated that this vote puts the Planning Board on public record that incidental use is accessory. It is not taking over any code enforcement function.

UNANIMOUS APPROVAL

Other Items

Jim Upham told the Planning Board to be aware that tomorrow's City Council meeting will be followed by workshop on the South End Urban Design at approximately 7:45

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p.m. Jim Upham also told the Board that there will be a meeting regarding the South End Park at Maine Maritime Museum at 5 p.m.

The workshop meeting on January 22 will include three items: #1 is Mark Sewall, followed by discussion of the survey form on Planning Board ideas and goals, and the 3rd item is the South End Urban Design as it pertains to the Planning Board.

There were no other items.

PAUL KARASS MOVED, SECONDED BY GEORGE POLLARD, THAT THE PLANNING BOARD ADJOURN.

UNANIMOUS APPROVAL

Adjourned 7:07 p.m.

Minutes prepared by Mary Jane Sullivan, Recording Secretary