

A regular meeting of the Bath Planning Board was called on 5-7-02 for the purpose of conducting regular business.

MEMBERS PRESENT

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

MEMBERS ABSENT

Paul Karass

STAFF PRESENT

Jim Upham, Planning Director
Mary Jane Sullivan, Recording Secretary

PUBLIC PRESENT 7

Bob Oxtan, Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, May 7, 2002

Minutes of April 2, 2002 meeting

DAVID KING MOVED, SECONDED BY GEORGE POLLARD, TO APPROVE THE MINUTES OF THE APRIL 2, 2002 MEETING AS PRESENTED.

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 the February 5, 2002 meeting)

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

UNANIMOUS APPROVAL

Jim Upham reported that Mr. Sewall had requested that this be tabled again to the next meeting as his architect has not completed the drawings.

DAVID KING MOVED, SECONDED BY ROBIN HAYNES, TO TABLE THIS ITEM TO THE FIRST MEETING IN JUNE.

UNANIMOUS APPROVAL

Item 2

Request for Site Approval –Mining operations at North Bath Road (Map 6, Lots 1 and 2); H. C. Crooker & Sons, applicant. (Tabled from the April 2, 2002, meeting.)

DAVID KING MOVED, SECONDED BY GEORGE POLLARD, TO REMOVE ITEM 2 FROM THE TABLE.

Jim Upham reported that their consultant, Shawn Frank, had requested that this be tabled again to the next meeting.

DAVID KING MOVED, SECONDED BY ROBIN HAYNES, TO TABLE THE H. C. CROOKER SITE PLAN APPROVAL TO THE JUNE 4 MEETING AS REQUESTED BY THE APPLICANT.

UNANIMOUS APPROVAL

New Business:

Item 1

Public Hearing – Request for Zoning Map, Zoning Text Amendment, and Contract Rezoning; 1 Washington Street (Map 43, Lot 21); Plant Memorial Home, applicant.

Jim Upham apologized for not including a copy of the ordinance for approval to be sent to the City Council. The amendment begins at the bottom of the first page and allows new buildings and additions to buildings, giving design review rights to the planning board. The rest of the document sets up the contract zone. Each member received a copy tonight.

Chair Bob Oxtan recognized George McDonough of SMRT Architectural Engineering and Planning, who spoke for the Plant Home. The existing zone is nonconforming. The Plant Home is requesting to utilize the Commercial Contract Overlay District. The property is 20 plus acres. 2.3 acres of this will be set aside as overlay district. Tonight's focus is on getting approval for the overlay district.

Chair Bob Oxtan announced the public hearing. Jim Upham asked to be allowed to speak first. He wanted to be sure there have been no changes to the drawing in the ordinance as presented to the board tonight.

David King made a point of order. The stamped survey sketch on the board tonight has more detail in it than the drawing in the ordinance. A copy of this should be enclosed if the Planning Board decides to send this on to City Council.

Jim Harper asked Mr. McDonough if the Plant Home recognized that the zoning change limits the footprint, and Mr. McDonough indicated that he was aware of that. Chair Bob Oxtan opened the meeting for public comment. There was none, and this portion was closed.

Jim Harper finds this an appropriate use of the overlay. Jim Upham said the Planning Board must recommend the ordinance to the City Council.

DAVID KING MOVED, SECONDED BY JIM HARPER TO RECOMMEND THE PROPOSED ORDINANCE AS WRITTEN TO THE CITY COUNCIL FOR APPROVAL, WITH ONE CONDITION, THAT THE MOST CURRENT DRAWING WITH DETAILS BE ENCLOSED.

UNANIMOUS APPROVAL.

Item 2

Request for Approval of a Water Setback Reduction Plan – 155 Butler Head Road (Map 4, Lot 19); Tony and Mary Grill, applicants.

Chair Bob Oxtan recognized Mr. Tony Grill. He stated that his objective is a small one story addition to be built on an existing slab 16' x 28', with an additional 20' x24' on the back side, not the water side. He submitted pictures of the shoreline, and stated that it would be 135' from the water in an area which requires 150' setback.

Jim Upham advised that the 1983 ordinance was amended to establish a setback on Merrymeeting Bay of 150'. The city went through a process some years ago to make it more flexible to allow a maximum of 75' to the water providing certain environmental and aesthetic standards are met. The land where the addition is proposed has already been cleared since the home was built in 1986. Any impact that might have been made to the shore of the Merrymeeting Bay or the natural environment has already been made. The addition of this building will not add any further impact.

In response to questions from the board, Mr. Grill stated that the roof line plan is in the packet and is the same as the existing building. The existing siding continues to the addition.

Jim Harper agreed with Jim Upham that it seemed reasonable to grant this request.

Chair Bob Oxtan opened the meeting for public comment. Seeing none, the public session was closed.

David King stated that all the requirements are not met, although he is not opposed to the project. The ordinance needs to be modified. Possibly the Board could approve this request subject to D & F on minimum submission requirements being submitted to

staff for approval before the permit is actually issued. Hopefully, this would not be a hardship on the owner.

DAVID KING MOVED, SECONDED BY JIM HARPER, THAT THE PLANNING BOARD APPROVE THE REQUEST SUBJECT TO D & F ON MINIMUM SUBMISSION REQUIREMENTS BEING SUBMITTED TO STAFF FOR APPROVAL BEFORE THE PERMIT IS ACTUALLY ISSUED AND WITHIN 35 DAYS.

UNANIMOUS APPROVAL

Robin Haynes asked if the Board wished to deal with the applicable paragraph now. Jim Upham said instead he would add this to a list to be considered the next time we tweak the Zoning Ordinance. It is not necessary to do it now.

Item 3

Request for Site Plan Approval – Expansion of private school use (Learning Farm); 616 High Street (Map 31, Lot 22); Hyde School, applicant.

Jim Upham said before the applicant speaks, the Planning Board must determine if this is a complete application. There are two items that do not appear to be on the Site Plan. These are: (1) lines showing the setback and yard areas and (2) topography. Because the Learning Farm is so far from property lines I feel that lines showing the setback and yard areas would not give us much more information than we already have. Also, because the land is relatively flat where the Learning Farm will be located, topographic lines won't show us much. He recommended a waiver of H (setbacks and yard areas) and J (topography).

JIM HARPER MOVED, SECONDED BY DAVID KING THAT THE APPLICATION BE FOUND COMPLETE WITH THE EXCEPTION AS NOTED BY STAFF, WAIVING H (SETBACKS AND YARD AREAS) AND J (TOPOGRAPHY).

UNANIMOUS APPROVAL

Chair Bob Oxtan recognized the representatives of Hyde School, Eric Sterling and Carl Young, of 616 Hyde Street. Eric explained that they are proposing a 1.5 acre farm with vegetable plots, a compost bin, orchards, water access and a walkway. It will be all organic farming and the students will learn as they do the manual labor. The food grown will be used in the dining hall.

When questioned Mr. Sterling said an emergency vehicle could be driven over the adjacent soccer field right up to the gate of the farm and be no more than 500' from any spot on the farm. Stones have already been removed, showing that it was once a field. It is nice to reclaim a field. They decided not to get involved with animals because they are not ready to deal with the tighter regulations that would require at this time. The farm has already received a private donation of a 28' x40' greenhouse and 500 raspberry plants.

Jim Upham said that the Learning Farm is accessory to educational, secondary school use, not a farm use, but a part of the learning experience for the school.

Chair Bob Oxton opened the public comment section of the meeting.

Patty McGovern, of Hyde School, think this is a great addition and nice for the school. They could plant a row for the hungry or something.

Kathy O'Toole, a Bath resident and receptionist at Hyde School and a nurse, is excited about this expansion of the education at the school.

Chair Bob Oxton closed the public comment section and invited further questions from the board. Marjorie Hawkes asked if the green house would be run throughout the year. Another member asked how it would be heated. Mr. Sterling said it would be used throughout the year to grow spinach and lettuce. Its very innovative design is double lined and inflated, so that it can operate without heat in the winter. This follows the example of Elliott Coleman, producing the same quality but less quantity in winter.

JIM HAWKINS MOVE, SECONDED BY DAVID KING TO APPROVE THE SITE PAN FOR THE EXPANSION OF PRIVATE SCHOOL USE TO INCLUDE A LEARNING FARM AS PRESENTED BY HYDE SCHOOL.

UNANIMOUS APPROVAL

Jim Upham reported that he had no agenda items for another meeting in May, so the next meeting will be Tuesday, June 4, 2002.

GEORGE POLLARD MOVED, SECONDED BY ROBIN HAYNES, TO ADJOURN THE MEETING.

UNANIMOUS APPROVAL

The meeting was adjourned at 6:45 p.m.

Minutes prepared by Mary Jane Sullivan, Recording Secretary