

A regular meeting of the Bath Planning Board was called on 6-4-02 for the purpose of conducting regular business.

MEMBERS PRESENT

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

MEMBERS ABSENT

None

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. on Tuesday, June 4, 2002

Minutes of May 7, 2002 meeting

Robin Haynes commented that on page 2, Item 2, the minutes read David King moved and David King seconded. Bob Oxtan, Chair, asked that the record be checked and the correction made. (After review it was discovered that the minutes should say that the motion was made by David King, seconded by George Pollard.)

JIM HARPER MOVED, SECONDED BY DAVID KING, TO APPROVE THE MINUTES OF THE MAY 7, 2002, MEETING SUBJECT TO AMENDMENT.

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 May 7, 2002 meeting)

ROBIN HAYNES MOVED, SECONDED BY GEORGE POLLARD, TO REMOVE THE ITEM FROM THE TABLE.

UNANIMOUS APPROVAL

Jim Upham said he received a letter from Phil DeLeon, consultant to Mr. Sewall, requesting that this be tabled to the July meeting

There was some discussion about whether Mr. Sewall's application should be reviewed and acted upon, and Jim Upham said he would attempt to have Mr. Sewall at the July meeting and ready for review.

GEORGE POLLARD MOVED, SECONDED BY PAUL KARASS, TO TABLE THIS ITEM TO THE FIRST MEETING IN JULY.

THE VOTE WAS FIVE FOR AND ONE OPPOSED (DAVID KING). BOB OXTON, CHAIR, DECLARED THE MOTION CARRIED.

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 THIS ITEM FROM THE TABLE.

Jim Upham reported that DEP inspected the mining site and found a few violations of DEP performance standards. He said the applicant is working to correct the violations and would like the item tabled until the July meeting.

ROBIN HAYNES MOVED, SECONDED BY DAVID KING, TO TABLE THE H. C. CROOKER SITE PLAN APPROVAL TO THE FIRST MEETING IN JULY.

UNANIMOUS APPROVAL

New Business:

Item 1

Public Hearing – Request for Site Plan Approval and Contract Rezoning – Conversion of the former Bath Hospital to the Midcoast Center for Higher Education; 1356 Washington Street (Map 14, Lot 96); City of Bath, applicant.

Jim Upham, Planning Director, stated that first the Planning Board must determine if the application is complete. He told the Board that because of a community meeting, the City is trying to figure out if dead-ending Winship Street makes sense. Therefore, the City is requesting that the application relative to changing the use from a hospital to a post-secondary school be heard by the Board and that the rest of the changes to the site and the recommendation on the Contract Rezoning amendment be tabled.

David King objected to the site plan as presented because it did not show the parking spaces and circulation pattern.

There was considerable discussion about what the plan was that was being reviewed. Jim Upham said that it was the plan showing existing conditions; that the City was not requesting approval of any changes to the site only a change of use.

Jim Upham stated that the parking requirement according to the Code is 5 spaces per classroom for the educational facility portion of the building and one space per 250 square feet of office use for the existing use, doctors' office. The educational facility will have 14 classrooms requiring 70 spaces and the doctor's office has 8,456 square feet requiring 35 spaces; a 105-parking-space requirement. He said he has counted 128 parking spaces, and these existing spaces meet the parking requirement of the Code.

Jim Harper feels that approving only one piece procedurally contradicts the flow the Planning Board decided to follow at the last meeting. David King feels that a final site plan is needed to make the plan complete. Jim Upham argued that this was a grandfathered site and the changes that would be made if the Board grants approval would be inside the building. He said that the City will still need to come back to the Planning Board for site plan review for any exterior changes.

PAUL KARASS MOVED, SECONDED BY MARJORIE HAWKES, THAT THE APPLICATION BE CONSIDERED COMPLETE.

THE VOTE ON THE MOTION WAS FOUR (HAWKES, KARASS, POLLARD, OXTON) FOR, AND THREE (KING, HARPER, AND HAYNES) AGAINST. THE MOTION CARRIED.

Tom MacDonald spoke on behalf of the City. He asked that Site Plan Approval for exterior changes and the recommendation for the contract rezoning amendment be tabled. He said that because of the community meeting, the civil engineers and architect are taking another look at the Winship Street intersection.

Mr. MacDonald said the City took over the site in February 2002. University College (which currently has a site near Cook's Corner) and Southern Maine Technical College (for whom this would be a startup in the Midcoast area) would like to sign a lease of 5-10 years with the City for 25,000 square feet of the building. The interior layout will have both schools on the same level with SMTC using the 1950's wing with six classrooms for 15-25 students each, and University College in the 1940's wing with eight classrooms for 10-18 students each. He said that the Midcoast Medical Group will continue to lease the space they are presently in. Mr. MacDonald said this totals 14 classrooms and about 8,500 square feet of office use, requiring parking for 105 with a total of 128 spaces. He said the City hopes to be ready in a couple weeks with information on lighting, grading, landscaping, and other exterior changes.

Board members questioned the concept of only approving a change of use in the building. Jim Upham reminded the Board that when the Sheriff's office went into the Oak Grove Avenue building the Sheriff's Department had to get Site Plan Approval from the Staff Review Committee even though there were no changes to the exterior of the building or to the site. He said in this case Site Plan Approval is required from the

Planning Board. He also said that Site Plan Approval from the Planning Board is a requirement of the Contract Rezoning.

Bob Oxtan, Chair, opened the meeting for public comment.

June Dorian, 22 Park Street, said that she has been a resident of Park Street for 28 years. She said that she moved to this small quiet neighborhood when her children were small. Shortly after, the old Bath hospital opened with an entrance on Park Street where the new college entrance will be. Parking on Park Street made her nervous with small children. She told the Board that when the entrance was moved to Washington Street it was quieter again on Park Street. She said she is worried about what it will be like if the entrance is moved back to Park Street. She told the Board that the school is a good thing but she wishes the entrance would be on Washington Street to protect the integrity of this small quiet neighborhood.

Robert Barrow, 70 Winship Street, said he thinks the school is a nice idea, but he would like to see it at the old entrance. He said that improving the looks of the Park Street side is a good idea, but maybe the City needs to take another look at the design. He told the Board that he has talked to firefighters in the fire department and they are not sure they can get their truck into the planned new circle. He said that things still are not clear as to the proposal and urged the Planning Board to have a workshop on the issue.

There being no other members of the public wishing to speak, Bob Oxtan closed the public portion of the meeting.

David King said that what the Board needs to do is a site plan review. The only thing tabled, he said, should be the recommendation for the contract rezoning amendment.

PAUL KARASS MOVED, SECONDED BY GEORGE POLLARD, TO GRANT SITE PLAN APPROVAL FOR THE CONVERSION OF THE FORMER BATH HOSPITAL TO THE MIDCOAST CENTER FOR HIGHER EDUCATION; 1356 WASHINGTON STREET; CITY OF BATH, APPLICANT.

Board discussion followed. Jim Upham said that if the Board approves the motion, the plan the Board would be approving is the existing conditions drawing by Coffin Engineering dated March 2002. He told the Board that it would mean the City could go forward with the project with no exterior changes to the building or site. He said that before there are any changes, the City will have to come back to the Board for approval.

THE VOTE ON THE MOTION WAS UNANIMOUS FOR APPROVAL

Item 2

Request for Site Plan Approval and Approval of Shared Parking – 737 Washington street (Map 27, Lot 139); Riverside Sports Pub and Midcoast Pizza and More, and Bath Iron Works, applicants.

David King told the Board that he has represented two of the men involved in this item, but does not feel that he has a conflict of interest. Bob Oxtan asked the Board and the applicant if they had a problem with David participating in this vote. Neither party had issues.

Joe Comeau spoke representing both BIW and Pizza and More. He said that the request is two-fold: for shared parking and for site plan approval for the parking lot. He told the Board that BIW recently demolished the Shipbuilder's Café and this lot is now under a long term (25 year) lease to Riverside Sports Pub and Midcoast Pizza and More. He said this area is not adjoined to other BIW property and that the Land Use Code would not allow the parking lot as an accessory use to BIW because it is "off-site" (it's across King Street from the rest of the yard) and in a different zone. He told the Board that the property is surrounded on two sides by parking and on two sides by King Street. In return for a waiver of the requirement to screen this lot from King Street, he said BIW will landscape around the existing parking lot that is on the north side of the Pizza and More building.

At that point David King reminded the Board that the first order of business is for the Board to determine if the application is a complete application.

DAVID KING MOVED, SECONDED BY JIM HARPER, THAT THE APPLICATION FOR SITE PLAN APPROVAL AND APPROVAL OF SHARED PARKING BE FOUND COMPLETE.

UNANIMOUS APPROVAL

Jim Upham referred the Board to his memo. He said that under normal circumstances a parking lot needs to be buffered from a public street. He said he didn't think screening this parking lot from King Street meets any public need. He said that this compromise would vastly improve the corner of Washington Street and Leeman Highway. He said the guardrail will be removed, and the planting increased. And, wheel-stops will be put in so people don't back into the shrubs.

George Pollard observed that this will stop cars from going directly from that lot onto Leeman Highway.

Jim Harper asked for clarification regarding who would be removing the guardrail. He pointed out that the site plan says the guardrail is to be removed by the City. Peter Owen was present, and told the Board that the City will remove the guardrail.

David King asked if it might not make sense to remove King Street from being a public way. Joe Comeau said utilities run down that street but that BIW is open to discuss this at a later time.

Robin Haynes asked if there should be a change in the landscaping to do a better job in screening the vehicles. David King said cars being seen in a commercial-downtown area are a good thing.

Marjorie Hawkes said the Rosa rugosa are a good change and can withstand the salt. Joe Comeau said the evergreen BIW has in now has withstood the salt.

Bob Oxton, Chair, opened the meeting for public comment. There was none, so the public portion was closed.

DAVID KING MOVED, SECONDED BY ROBIN HAYNES, THAT SITE PLAN APPROVAL AND APPROVAL OF SHARED PARKING BE GRANTED; 737 WASHINGTON STREET (MAP 27, LOT 139); RIVERSIDE SPORTS PUB AND MIDCOAST PIZZA AND MORE, AND BATH IRON WORKS, APPLICANTS.

UNANIMOUS APPROVAL

Item 3

Request for Site Plan Approval – Construction of a City Park; Central Avenue (Hyde Park) (Map 28, Lot 216); City of Bath Recreation Department, applicant.

David King told the Board that he represents the landowner, EWT LLC7, but did not believe it would affect his vote. Bob Oxton found no concerns from the Board or the applicant.

DAVID KING MOVED, SECONDED BY GEORGE POLLARD, THAT THE APPLICATION BE FOUND COMPLETE.

UNANIMOUS APPROVAL

Jack Hart, the City's Recreation Director, said the park will be at the corner of Central and Lark streets, and along term lease agreement has been reached with the landowner. He told the Board that the park is a project of the Hyde Park Community Council, the City Recreation Department, the Community Development Office, and the Bath Police Department. He said the City got a grant and the Hyde Park Community Council raised money to contribute to the project.

Bob Oxton, Chair, opened the meeting for public comment. There was none, so the public portion was closed.

Jim Upham told the Board that when he reviewed this a year ago concerns included the surface of the playground area and screening and making proper erosion control during construction of the playground a condition. He pointed out that as a city park, the parking requirement is up to the Planning Board. He also said that the community wants it to be a walk-to-only park. Robin Haynes pointed out that on the plan she has, all these issues are answered.

DAVID KING MOVED, SECONDED BY GEORGE POLLARD, THAT THE BOARD APPROVE THE CONSTRUCTION OF A CITY PARK ON CENTRAL AVENUE IN

HYDE PARK, WITH A WAIVER OF THE LANDSCAPING REQUIREMENT OF ARTICLE 10 AND THAT THE BOARD FINDS IT APPROPRIATE THAT NO ADDITIONAL PARKING BE REQUIRED.

UNANIMOUS APPROVAL

Item 4

Request for Historic District Approval – Construction of a fire escape and the removal of a building addition; rear of 130 Front street (map 26, lot 243); 130 Front street, LLC, applicant.

Will Neilson, applicant, said that he and his wife Tia are the owners and managers of 130 Front Street LLC. He said that they acquired the building from Mr. Stinson April 1 of this year. He told the Board that a new egress is required from the third floor landing for the apartments. He said that Steve Reno prepared the plans for the fire escape.

Robin Haynes asked if the window will be sufficient egress. Mr. Neilson replied that Steve Reno thinks it is sufficient. He said the Deputy Fire Chief has not gotten back to them.

David King reminded the Board that the Board can only approve what is on the plan. Bob Oxtan observed that the plan does not include angle irons and beams. Several members of the Board noted that a test bore will need to be done to see how well the bricks will hold.

Mr. Neilson said the fire escape is intended to attach to the wall with no legs at all.

Jim Harper asked if the fire escape as shown on the Plan is metal painted black. Mr. Neilson said is it.

Jim Upham asked where the little addition that is proposed to be removed is located. Mr. Neilson said it is right under the bottom landing in the picture hidden by the lilac bush.

Robin Haynes said she is sure the shed is not historically significant, and asked what it had been used for. Mr. Neilson said it covers an unused entrance to Front Street Deli and it covers a compressor.

ROBIN HAYNES MOVED, SECONDED BY DAVID KING, TO GRANT REQUEST FOR HISTORIC DISTRICT APPROVAL FOR CONSTRUCTION OF A FIRE ESCAPE AND THE REMOVAL OF A BUILDING ADDITION; REAR OF 130 FRONT STREET (MAP 26, LOT 243); 130 FRONT STREET, LLC, APPLICANT, WITH THE CONDITION THAT THE FIRE ESCAPE BE MADE OF BLACK PAINTED STEEL, WITH NO POLES TO THE GROUND, AND NO MAJOR CHANGES TO THE WINDOW. STAFF MAY APPROVE ANGLE BRACKETS.

UNANIMOUS APPROVAL

Item 5

Review of Community Development Block Grant Application – Planning Board Review of Planning Grant application to video tape sewer lines to determine repair needs.

Jim Upham reported that the City has received notification from the Maine Office of Community Development that the City has been invited into what is referred to as the Phase II Application process. This process requires the Planning Board to review for conformance with the Comprehensive Plan.

He said that there are goals in the plan that talk about efficient delivery of public services and investments without creating a heavy burden on taxpayers. Being able to determine which sewer lines need to be worked on and what improvements need to be made certainly will help achieve this goal.

Bob Oxtan recognized Peter Owen, Public Works Director and Al Smith, Community Development Director. Al Smith spoke about the opportunity to get \$10,000 through a Community Development Grant. He said that the City has a small video camera, but with this grant a company with sophisticated equipment that will give better information will be hired. He said that last November's street bond provided the funds to do the repairs.

DAVID KING MOVED, SECONDED BY PAUL KARASS, TO FIND THE COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION IN COMPLIANCE WITH THE COMPREHENSIVE PLAN.

UNANIMOUS APPROVAL

MARJORIE HAWKES MOVED, SECONDED BY GEORGE POLLARD, TO ADJOURN THE MEETING.

UNANIMOUS APPROVAL

The meeting was adjourned at 7:50 p.m.

Minutes prepared by Mary Jane Sullivan, Recording Secretary