

A regular meeting of the Bath Planning Board was called on 8-6-02 for the purpose of conducting regular business.

MEMBERS PRESENT

Paul Karass
Jim Harper, Vice Chair
George Pollard
David King
Robin Haynes

MEMBERS ABSENT

Bob Oxtan, Chair
Marjorie Hawkes

STAFF PRESENT

Jim Upham, Planning Director
Mary Jane Sullivan, Recording Secretary

Jim Harper, Vice Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, August 6, 2002.

Minutes of July 9, 2002 and July 23, 2002 meetings

PAUL KARASS MOVED, SECONDED BY GEORGE POLLARD TO ACCEPT THE MINUTES OF THE JULY 9 AND JULY 23, 2002 MEETS AS PRESENTED.

UNANIMOUS APPROVAL

Old Business:

Item 1

Request for Site Plan Approval – Addition to building; 1 Washington Street (Map 43, Lot 21); Plant Home, applicant. (Continued from the July 23, 2002, meeting)

Arthur Mayo, President of the Board of Plant Memorial Home, introduced Bill Bisson, architect with SMRT of Portland and George McDonough, project manager with SMRT. Mr. Bisson told the Board that the plans and elevations now are consistent with one another.

Jim Upham asked the applicant if the plan he was displaying was the same as issued for permitting. Mr. Bisson said it was.

Jim Harper, Vice Chair opened the meeting for public comment. Seeing none, this portion was closed.

There was discussion about a modification to the north entrance to allow for vehicle turning from Washington Street.

Jim Upham said the size and radius of the access, as shown on the plan, is adequate for this turn.

DAVID KING MOVED, SECONDED BY ROBIN HAYNES, THAT THE SITE PLAN MEETS THE APPLICABLE SECTIONS OF ARTICLE 10 AND THAT SITE PLAN APPROVAL BE GRANTED, WAIVING SECTION 10.06, B, 8.

UNANIMOUS APPROVAL

Item 2

Request for Site Plan Approval - Mining operations at North Bath Road (Map 6, Lots 1 and 2); H.C. Crooker & Sons, applicant. (Continued from the July 9, 2002 meeting)

Jim Harper reported that the applicant has requested that this item be continued to the September meeting. Jim Upham reported that he has received all the information needed, but he did not get it soon enough to review it all before this meeting.

DAVID KING MOVED, SECONDED BY GEORGE POLLARD, TO CONTINUE THE ITEM TO THE SEPTEMBER 3RD MEETING AS THE APPLICANT REQUESTED.

UNANIMOUS APPROVAL

New Business:

Item 1

Public Hearing. Request for Land Use Code Text Amendment – Expansion of non conforming structures in Shoreland zone, Article 6, Section 6.06, A, 1, (a) and (c); Christopher Mann, applicant.

This item was withdrawn. No action is required.

Item 2

Public Hearing. Request for Land Use Code Text Amendment – Article 2, Section 2.02 – Definitions, definition of “Correctional Facility”

Vice Chair Jim Harper said this item would be moved to the end of the meeting.

Item 3

Request for Site Plan and Historic District Approval; 185 Front Street (Map 26, Lot 264); Sagadahock Real Estate Association, Applicant.

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

UNANIMOUS APPROVAL

Roy Ordway, representing Sagadahock Real Estate, told the Board that Sagadahock Real Estate was proposing to renovate and make a small addition to the building that would become the location of Bracketts Market.

He said the current entrance would be bricked up and the new entrance will move to the middle of the south side of the building. He said the parking lot would be regarded and paved and the parking spaces redone to improve customer convenience. This, he said, would eliminate one row of parking. Light poles would be moved. The existing fixtures would be reused.

He told the Board the market heats and cooks with propane and that a 1,200 gallon tank is proposed to be located in the landscaping on the northwest corner of the site. He said that after considering various locations, they decided that the best location would be in this landscaped area more or less out of sight and protected from cars and snowplows. He said that he had indicated the location of the proposed tank using stakes and yellow, construction ribbon. He also told the Board that the top of the tank would be only 2 feet above the level of the Front Street sidewalk.

He also told the Board that the applicant is requesting waivers of Sections 10.06, B, 14; and 10.06, C, 1 & 2. He said they believe that adding islands and buffer areas would further reduce the number of parking spaces to a point that the parking lot would be inadequate for the store's needs.

He told the Board that they are proposing to keep the two whiskey barrel planters, and they add one more. Flowers, he said would be done in conjunction with the downtown flower program and if that program ended they would continue it for this site.

He said that lights on the south side of the building would be incandescent fixtures, but a design had not been decided upon. He also told the Board the new roof would have shingles like the rest of the existing roof, with a hip roof gable painted Sherwin Williams #1639, "Dainty Apricot," which, he said, is a beige. He also told the Board that they were proposing to repair the damaged panels on the east side of the building and paint the concrete blocks.

Jim Harper invited public comment.

Kristy Nygaard, owner of the Kennebec Tavern, requested that they dress up the east side of the building. She said that now it looks like the back of a building. .

Jim Harper closed the public comment portion.

Paul Karass asked if Sagadahock Real Estate owned the entire parking lot. Mr. Ordway said they owned about two-thirds of it, and Mr. Hichborn controls the rest.

Robin Haynes said she is concerned about the east façade and the north façade. She reminded the Board the City hopes to have a hotel on the lot north of this site. She asked the applicant if there would be a light at the fire exit on the north side and could there be a gable over the exit. She also suggested small planting beds at the southwest and southeast corners of the building.

Kim Brackett of Brackett's Market responded that she wanted to keep an open area for an outdoor market.

David King said he has two problems with the project. The first, he said, is the propane tank on Front Street. He said some type of structure would need to be around it. He said the second problem is that expanded non-residential uses require landscaping for the loading area according to Section 10.29 of the Code. He suggested that an alternative to landscaping needs to be found that would dress up the loading dock and buffer it, something less expensive and easier to maintain, and allowing to keep its functionality. He suggested a period piece of fencing.

Jane Morse, of Sagadahock Real Estate, spoke and told the Board that anything around the propane tank would have to allow the tank to be serviced or removed.

Robin Haynes suggested a wood screen painted brick color that would be removable when the tank comes in and out.

Mr. Ordway said he thought this was possible and would check with Down East Energy to be sure they are complying with gas codes.

Jim Upham asked the Board if there was a color the east side could be painted that would improve it. Robin Haynes said she doesn't have a problem with metal siding, but does want a dumpster gate. And, she said that the loading dock could be improved. She suggested a decorative plastic trellis on concrete blocks in areas not liable to being hit by trucks.

There was discussion about a planting area on the east side of the loading dock, similar to that on the south side of the Bath Savings building.

Board members asked Mr. Upham if he thought the various incomplete items were ones that he could approve. He said that he thought the should come back to the Board for review and approval.

DAVID KING MOVED, SECONDED BY ROBIN HAYNES, THAT THE PLANNING BOARD FINDS THAT THE APPLICATION MEETS THE APPLICABLE APPROVAL CRITERIA OF ARTICLE 10 AND SECTION 8.12, H, AND THAT THE PLANNING BOARD GRANT SITE PLAN AND HISTORIC DISTRICT APPROVAL WAIVING SECTIONS 10.06, B, 14; AND 10.06, C, 1 & 2, WITH THE CONDITIONS THAT THE APPLICANT RETURN TO THE PLANNING BOARD FOR REVIEW AND APPROVAL OF A PLAN FOR FENCING THE PROPANE TANK, DUMPSTER SCREENING, LANDSCAPING OF THE LOADING DOCK, THE DESIGN OF THE NEW FIRE ESCAPE DOOR, AND THE LIGHTS.

UNANIMOUS APPROVAL WITH CONDITIONS.

Item 4

Request for Planning Board Approval of Waterfront Setback Reduction Plan in NRPO Zone; Varney Mill Road (Black Water Cove) (Map 7, Lot 44); Elizabeth and Ronald Moloff, applicants.

Jim Upham, Planning Director, told the Board this is the same parcel of land that was granted a site-specific setback back in 1997. He said it was the first of the Waterfront Setback Reductions granted by the Planning Board in what became the NRPO district. He told the Board that after the approval, the owners never built the house and now new owners and proposing a different size and design of the house.

DAVID KING MOVED, SECONDED BY PAUL KARASS, THAT THE BOARD FIND THE APPLICATION TO BE COMPLETE.

UNANIMOUS APPROVAL

Charlie Wiercinski of SiteLines spoke for the applicant and explained the application package to the Board. He said that a lot of 1997 information was submitted again. He pointed out two differences. He said the new proposal is talking about a smaller footprint and the sketch provided gives an idea of the scale. He said the septic system has been redesigned.

Jim Harper, Vice Chair opened the meeting for public comment. There was none. He closed that portion.

Mr. Harper said that he has only one concern that being the color of the building. He suggested that that could be an item left to staff to review and approve.

DAVID KING MOVED, SECONDED BY ROBIN HAYNES, THAT THE PLANNING BOARD GRANT APPROVAL WITH THE CONDITION THAT THE FINAL COLOR AND TEXTURE OF THE SIDING AND ROOF BE APPROVED BY THE PLANNING DIRECTOR.

UNANIMOUS APPROVAL

Item 5

Request for Historic District Approval Amendment – 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, manager and part owner of LCC, told the Board that in order to get a building permit for the fire escape, he needed an engineer to draw the plans. The engineer has to make some small changes to the design.

Jim Harper opened the meeting for public comment. Seeing none, this portion was closed.

Jim Upham told the Board that the July 29, 2002, letter is a part of the application. He said the letter explained the color of the fire escape.

DAVID KING MOVED, SECONDED BY ROBIN HAYNES, THAT THE PLANNING BOARD FINDS THAT THE APPLICATION MEETS THE APPROVAL CRITERIA IN

LAND USES CODE SECTION 8.12, H, AND THAT THE PLANNING BOARD APPROVES THE HISTORIC DISTRICT APPROVAL AMENDMENT.

UNANIMOUS APPROVAL.

New Business Item 2

Public Hearing. Request for Land Use Code Text Amendment – Article 2, Section 2.02 – Definitions, definition of “Correctional Facility.”

Jim Upham told the Board that there were definitions for types of jails and holding facilities in the State Statutes. He said he thought the length of time persons are held in a facility is the key issue. And that how long people are held and still considered the use accessory needs to be clear.

PAUL KARASS MOVED, SECONDED BY ROBIN HAYNES, THAT THE PLANNING BOARD RECOMMEND THE LAND USE CODE TEXT AMENDMENT – ARTICLE 2, SECTION 2.02 TO THE CITY COUNCIL AS MODIFIED TO READ: “CORRECTIONAL FACILITY – A BUILDING OR GROUP OF BUILDINGS USED TO HOUSE PERSONS WHO ARE AWAITING ACTION BY THE COURTS, OR PERSONS WHO HAVE BEEN CONFINED BY THE COURTS. THIS USE MAY NOT BE CONSIDERED AN ACCESSORY USE. THE TEMPORARY HOLDING OF PRETRIAL DETAINEES PRIOR TO ARRAIGNMENT, RELEASE, OR TRANSFER TO ANOTHER FACILITY IS CONSIDERED ACCESSORY TO A PUBLIC SAFETY FACILITY.”

UNANIMOUS APPROVAL

There being no further business to come before the Board,
DAVID KING MOVED, SECONDED BY GEORGE POLLARD, THAT THE MEETING BE ADJOURNED.

UNANIMOUS APPROVAL

The meeting was adjourned at 7:45 p.m.

Minutes prepared by Mary Jane Sullivan, Recording Secretary