

A regular meeting of the Bath Planning Board was called on 10-1-02 for the purpose of conducting regular business.

MEMBERS PRESENT

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

MEMBERS ABSENT

None

STAFF PRESENT

Jim Upham, Planning Director
Mary Jane Sullivan, Recording Secretary

Bob Oxtan called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, October 1, 2002.

Minutes of September 3, 2002 meeting

Paul Karass asked about Mark Stebbins, who is referred to on page 4. Jim Upham said he is the staff person from DEP who inspected the Crooker mining site. He said the minutes should be amended to indicate this.

JIM HARPER MOVED, SECONDED BY GEORGE POLLARD, TO ACCEPT THE MINUTES OF THE SEPTEMBER 3, 2002, MEETING AS AMENDED ON PAGE FOUR.

UNANIMOUS APPROVAL

Old Business:

Item 1

Request for Site Plan Approval Amendment – Bath Middle School, Old Brunswick Road (Map 22, Lot 17); Bath School Department, applicant. (Continued from September 3, 2002, meeting.)

Jim Upham told the Board that he has found out that the City will be completing phase 1 of the parking lot this year. He also told the Board that the Public Works Director, Peter Owen, has reviewed the costs of phase 2 and phase 3 and he feels the cost for phase 3 is appropriate, but the costs for phase 2 are very high, nearly twice as high as he had expected.

Michael Fortune, Superintendent of Schools, told the Board that the asbestos problem caused to cost over run. He said they completed the project as best they could. He

also told the Board that the City had indicated that bonding the completion of the parking lot, as suggested by the Planning Board, was not feasible. He told the Board that the phasing plan, which had been a four year plan, is now a three year plan.

Jim Upham said all of phase 1 will be done by the City this construction season. Money for phase two will be in the school budget for approval in June 2003. Phase three will be done by this time two years from now.

David King asked when the original site plan for the Middle School was approved.

Jim Upham said it was permitted under the 1983 Code. He said it was probably approved in the spring or early summer of 2000.

David King said the City sets up the zoning codes and all the ordinances, and he said he is consistently bothered that the City fails to complete projects in a timely fashion. He pointed out that the Code gives 18 months to complete a site plan, with the possibility of a six month extension. He said the City cannot expect the Board to treat them differently from any other applicant. He told the Board that he believed the original Site Plan Approval is void.

Marjorie Hawkes said she agrees with David King, that it was not policed properly, and that they should have known about the asbestos.

Jim Upham suggested three possible scenarios: Complete the project in phases as requested by the School Department; it can be left undone and people can park in the dirt; or the City could give up the lease it has for that parcel of State land, not use it, and grass it over. He said he recommends approving the plan to finish the parking lot.

David King said the City Council should have to enter into this agreement with the School Board, not with the City Planning Board. He told the Board that the Planning Board does not have authority to amend a plan after the permit expires. He said the School Department knew about this problem a year and a half ago.

Marjorie Hawkes asked how the Public Works Department can do this job since every department in the City has had their budgets cut. Paul Karass said he thinks the Board needs to cooperate with the School Department, and give them two years to complete the project.

George Pollard said the question is whether it is legal. He told the Board it would be smarter if the Board referred this to City Council.

Bob Oxtan said even if the Board did nothing, the City could do work on the parking lot this construction season.

Jim Harper and David King referred to Article 3, page 5, Section 3.08, which gives the City Council power to remedy this by informal adjustment. Jim Harper said this was an enforcement issue and was beyond the Planning Board's authority.

DAVID KING MOVED, SECONDED BY MARJORIES HAWKES, THAT THE PLANNING BOARD DENY THE REQUEST FOR SITE PLAN APPROVAL AMENDMENT FOR THE BATH MIDDLE SCHOOL, AND RECOMMEND THE APPLICANT APPLY TO THE CITY COUNCIL UNDER ARTICLE 3, SECTION 3.08, FOR AN INFORMAL ADJUSTMENT.

UNANIMOUS APPROVAL OF THE MOTION.

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 September 3, 2002 meeting)

Jim Upham reported that the applicant is in the process of preparing the environmental impact report and that the applicant wishes to continue to the November meeting.

DAVID KING MOVED, SECONDED BY GEORGE POLLARD, TO CONTINUE H.C. CROOKER'S SITE PLAN APPROVAL TO THE NOVEMBER MEETING.

UNANIMOUS APPROVAL

New Business:

Item 1

Request for Site Plan Amendment - to expand Building Construction Program into the existing parking lot; 800 High Street (Map 26, Lot 1); Bath Regional Vocational Center, applicant.

Maurice Bernier, Director of the Bath Regional Vocational Center, 800 High Street, explained that the Vocational School provides skills training in 9 trades. He said that out of town students are bussed in either before or after having their academic classes in their local high schools. He said the building construction class has built houses and other building in the area. For example, he said, they are about to complete the Community Center at Lambert Park. He told the Board they want to add modular house building to the curriculum. He pointed out the importance of locating the work site as close as possible to the school so time is not lost on transportation to the site. He showed the Board the portion of the student parking lot on Maple Street that he would like to devote to the construction of the homes. He said only 10 parking spaces would be lost and that these ten students could park at the City-approved student parking lot on Andrews Road. He told the Board this lot is only three-tenths of a mile from the school.

David King pointed out that the Board needs to determine if the application is complete.

DAVID KING MOVED, SECONDED BY ROBIN HAYNES, TO FIND THE APPLICATION, INCLUDING ITS MOST RECENT SUBMISSION, COMPLETE.

UNANIMOUS APPROVAL

Bob Oxtan opened the meeting to public comment.

Ed Mureau, of 8 Maple St, told the Board that he abuts the parking lot and that he anticipates problems. He said this is a residential area, not an industrial area. He said the students will be carrying things back and forth on a regular basis, that kids will duck behind fences to smoke, and that people who work nights need their rest. He also expressed a concern that contractors would park anywhere they want to, thus blocking Maple Street . He said it would be dirty and there would be power generators running.

Terry Gray, of 28 Webber Avenue, told the Board he has been involved in various parts of the program for several years; not as a professional, but as a supporter. He said he has helped from time to time as a volunteer. He pointed out that it is getting harder to find lots close enough to the school for students to build homes on. He said there used to be two instructors, which allowed one to be able to go back to school if supplies or tools were needed, but now there is only one instructor. He said he represents the Bath Rotary Club, which has helped finance the building projects. He told the Board he hopes they will approve the request.

Donald Friend, of 35 Webber Avenue, said he has been involved in the vocational school for years. He told the Board that building sheds does not teach as much as building houses and that building modular houses near the school is far superior. He said it is a plus for education.

Bruce Brennan, of 47 Lincoln Street, told the Board he abuts the back of the vocational school, so he is not impacted as much as the first person who spoke. He said he would be concerned if he was as close as he. He asked how many modular units would be built per year. He said that presently children play in the school yard and that he was concerned about their safety. He asked if there would be a construction fence. He asked about the hours of operation and whether there was space available. He agreed with the difficulty of working at a remote site, but he said the school was built in a residential area and that it seemed like a lot more intense use of the area than expected.

Wayne Cochrane, of 33 Lincoln Street, said the City cannot continue to give variances. He told the Board that anyone other than the school would not be allowed to build modular homes in the zone.

Tim Harvey, of 39 Lincoln Street, told the Board he was reminded of the request 6-8 years ago to expand the school. He told the Board the school has no land to expand. He said that it takes ten times the effort and creates ten times the noise to build a modular home than a shed. He urged the City to have a long term goal to buy out

neighborhood homes so the school is able to expand. He said he is opposed to the plan and thinks it is a wrong use for the high school.

Tony Trippi, of 231 High Street, told the Board that he teaches the building trades program. He said they now build 4 sheds at a time, that they do all hand construction, there will be a construction fence, that trusses are small enough to be lifted by hand without the need of a crane.

Robert St. Pierre, of 38 Central Avenue, told the Board he is a student in the program. He said when they get to school they have one hour of in-class time and that loading and unloading tools on a bus and travel to a site would take an hour each way.

Peggy Cochrane, of 33 Lincoln Street, told the Board that in the past she had taught at the vocational school and took kids offsite, so she could appreciate that difficulty. She said she also lives in the neighborhood and that with traffic and children it is hard to get through. She recommended that the School find another place close by, but not in their neighborhood.

No other members of the public came forward to speak so Bob Oxtan closed the public session.

David King said the product being built is a building and that according to the Code, there is a need to meet setbacks and the plan violates setbacks and yard area.

Bob Oxtan asked how many units would be built. Mr. Bernier responded saying that one unit per year would be built, but that at times not even one would be completed. He said it would then be closed up and left until the next school year.

In response to the setbacks problem, Mr. Bernier suggested the construction area could be moved on the site. He told the Board that a modular home firm looked at the site and they told him there was room enough to build in the proposed area.

Mr. Bernier told the Board that the construction activity would be 8:30 am to 10:45 am and 11:30 am to 2:00 pm and that contractors will have the same hour as the students.

David King suggested that the north side of the main building would be better with less impact on the neighborhood, and there would not be a problem with setbacks in that location.

Bob Oxtan said it is a very worthwhile project but it needs to comply with Codes. He suggested it be continued to allow a look at an alternate spot to meet setbacks.

DAVID KING MOVED, SECONDED BY JIM HARPER, TO CONTINUE THE REQUEST FOR SITE PLAN AMENDMENT TO THE NOVEMBER MEETING.

UNANIMOUS APPROVAL

Item 2

Request for Historic District Approval – demolition of part of a deck; 42 Elm Street (map 26, lot 236); Martina Morrow, applicant.

Martina Morrow said she simply wanted to remove a 9-foot by 29-foot portion of the existing deck, which had been built in 1999 of pressure treated wood.

Bob Oxtan opened the meeting for public comment. No public spoke and the public session was closed.

David King said there is no historic value to the deck.

Jim Upham said there should be a way that this kind of request would not have to come before the Planning Board.

DAVID KING MOVED, SECONDED BY PAUL KARASS, TO FIND THE REQUEST FOR HISTORIC DISTRICT APPROVAL FOR DEMOLITION OF PART OF A DECK AT 42 ELM STREET IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN CODE SECTION 8.12, H, 3, AND THAT THE HISTORIC DISTRICT APPROVAL BE GRANTED.

UNANIMOUS APPROVAL

Other Business:

1. Meeting date for November: election-day evening???

After discussion, it was decided that the Board would not meet on election night. The decision was that the November meeting will be scheduled for Tuesday, October 29, 2002.

2. Planning project update: Status Report

Route One Study

Jim Upham told the Board that HNTB would most likely be signing a contract with Maine DOT in November. He said the study could last as long as 18 months to two years.

Waterfront Park float system improvements and expansion

Jim Upham reported that in the near future the Board should expect an amendment to the Waterfront Park. He said the City has received about \$200,000 to renovate, repair, and expand the float system.

South End Waterfront Park.

Jim Upham told the Board that the Board should be getting an application from BIW soon.

Signs and Wayfinding

Jim Upham pointed out the 4 signs that have recently been renovated.

South End Urban Design Plan

Jim told the Board that copies of the plan were being printed and that hopefully each Board member would get one by the next meeting.

Washington Street C2 District

Jim told the Board that a workshop on this issue was needed in the future.

Appropriate regulation of expansion of nonconforming structures in all Shoreland districts

Jim told the Board the City Council gave first passage to the zoning ordinance change that would allow a 30% expansion of a nonconforming structure in the R4 and R5 portions of the Shoreland Zone. He said the City Council has asked that the Planning Board look at all the Shoreland Zone to see if changes should be made anywhere else.

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

UNANIMOUS APPROVAL

The Planning Board's next meeting will be Tuesday, October 15, 2002.

The meeting was adjourned at 7:55 p.m.

Minutes prepared by Mary Jane Sullivan, Recording Secretary