

A regular meeting of the Bath Planning Board was called on 3-4-03 for the purpose of conducting regular business.

**MEMBERS PRESENT**

Bob Oxtan, Chair  
Jim Harper, Vice Chair  
Marjorie Hawkes  
Robin Haynes  
Richard Klingaman  
Gordon Reed  
James Hopkinson

**MEMBERS ABSENT****STAFF PRESENT**

Jim Upham, Planning Director  
Marsha Hinton, Recording Secretary

Bob Oxtan, Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, March 4, 2003. Mr. Oxtan welcomed James Hopkinson to his first meeting as a member of the City of Bath's Planning Board.

**Minutes of February 18, 2003, meeting**

**RICHARD KLINGAMAN MOVED, SECONDED BY JIM HARPER, TO ACCEPT THE MINUTES OF THE FEBRUARY 18, 2003, MEETING AS WRITTEN.**

**UNANIMOUS APPROVAL****Old Business:**

No old business.

**New Business:****Item 1**

**Pre-application Workshop** – Construction of a hotel; Commercial Street, Front Street, and Summer Street; (Map 26; lots 260, 201, 262, 270, 283, 289, and 258); Ocean Properties LTD, applicant.

The applicant presented a conceptual drawing of the proposed construction showing pedestrian and vehicular traffic patterns, parking garage and its access, a 90 unit hotel, a river front park and a 40-unit river front housing development. The applicant reminded the Board that this was still very conceptual and may change before they are ready to present it for site plan approval.

The Board held discussion on the elevation of the parking garage, access to the hotel and housing development, visual impact from the library, traffic patterns and landscaping.

Robin Haynes stressed to the applicant that because this is a keystone site in the downtown area this application brings additional responsibility. She pointed out the

location of the proposed site was in the Bath Historic District and the Planning Board would hold them to that standard. She stated that the buildings and landscaping would be required to echo the materials, forms, and rhythms of the downtown area.

Bob Oxton, Chair, thanked the applicant for their presentation.

## **Item 2**

**Public Hearing – Request for Contract Rezoning, Zoning map Amendment in Accordance with an Architect’s Plan (Land Use Code Section 1.07, G), and Site Plan Approval --** Construction of a 48,000 square foot supermarket; Route 1, Redlon Road, Richardson Street, Western Avenue, Lilac Street, Leonard Court (Map 28, Lots 46, 47, 49; Map 31, Lots 69, 71, 72, 73, 74, 75, 76); Hannaford Bros. Co., applicant.

Jim Upham, Planning Director, stated that the first action the Board needed to take was to either find the application complete or incomplete as it relates to Section 12.08 before they hear the presentation of the applicant. Mr. Upham informed the Board that he felt the application was complete at this time.

The Board held discussion on the site plan, the storm water report, input from City staff and completeness of the application.

**JIM HARPER MADE A MOTION, SECONDED BY RICHARD KLINGAMAN, TO FIND THE APPLICATION FOR SITE PLAN APPROVAL FOR CONSTRUCTION OF A 48,000 SQUARE FOOT SUPERMARKET, ROUTE 1, REDLON ROAD, RICHARDSON STREET, WESTERN AVENUE, LILAC STREET, LEONARD COURT (MAP 28, LOTS 46, 47, 49; MAP 31, LOTS 69, 71, 72, 73, 74, 75, 76) HANNAFORD BROS. CO., APPLICANT TO BE COMPLETE WITH THE INCLUSION OF THE FEBRUARY 21, 2003, LETTER FROM HANNAFORD BROS. AS PART OF THE APPLICATION.**

## **UNANIMOUS APPROVAL**

James Canon, representing the applicant, stated that he was proud of the application and proud to present it to the Board for site plan approval. He also stated that they were requesting a recommendation from the Board to the City Council for the creation of a Contract Zone and a zoning-map change from R1 to C4. He discussed changes to streets in the area ranging from elimination of certain streets to dead ending others.

Civil Engineer Joel Laverriere, from DeLuca-Hoffman, discussed improvements to drainage and utilities as well as stormwater treatment on site.

J. M. Lord discussed talks with Sagadahoc Preservation, Inc. and how their suggestions had been incorporated into the proposed project.

John Gutwin, with Pepperchrome, presented a computer generated graphic showing the site now and a conceptual future view of the site with the proposed landscaping in place. He highlighted how existing trees were to be utilized in the future landscape plan and new plantings were shown to actual size.

Diane Morabito, traffic engineer with Casey & Godfrey, presented a computer generated animation showing the results of a study of traffic flow now and traffic flow after restructuring of streets around the site and installation of traffic signals on High Street. She discussed queuing of vehicles, peak traffic flow times, and the elimination of cut-through traffic in the neighborhood.

James Canon then discussed comments by City staff and the applicant's responses to those comments.

There being no comments from the Board, Bob Oxton, Chair, open the floor for public comment.

Dot McKenna, 5 Redlon Road, stated that she has been a resident of Bath for 70 years and that her brother and sister lived at 88 and 90 Richardson Street. She says that she is very concerned with the traffic problems that this proposal would generate. She pointed out that people always would find other ways to get to and from the site. She said that the current traffic problem would be resolved within the next five years with the proposed bypass but Hannaford Brothers would be in the neighborhood forever.

Joe Byrnes, 829 High Street, representing Thomas T. Walsh, Inc., Holiday Inn of Bath. He stated that Thomas T. Walsh Inc. had operated the hotel on that site for thirty years. He said they are concerned that traffic patterns created for this proposal would make it so difficult for potential customers get to and from the hotel that they would lose business.

Judy Barrington, President, Sagadahoc Preservation, Inc., applauded the applicant for adopting so many of the suggestions made by SPI for this project. However, she stated that she was not in support of this proposal because they were going to destroy seven houses, some constructed prior to the Civil War. She suggested that since there is a housing shortage in Bath, if this application is approved by the Planning Board, instead of tearing down these houses that moving them to another location be explored.

Bob Warren, 38 Western Avenue, President, Bath Neighborhood Preservation, thanked the Board for its efforts and willingness to hear the comments of the public. He stated there is no knowledge like local knowledge. He pointed out that the traffic study did not have the benefit of local knowledge and he outlined several problems with the proposed traffic flow. He added that the Comprehensive Plan and the Land Use Code states that Route One would be narrowly developed. He pointed out that this proposal will increase the C4 zone by 2.6 acres. He stressed that the established business in the area, as well as the existing resident's rights need to be preserved. He concluded that this is a quality of life issue and urged the Planning Board to examine carefully what the City of Bath in general, and the local neighbors in particular, are being asked to give up for a grocery store.

Lori Harper, 27 Farrin Street, asked that instead of removing residential areas and destroying houses that the plan be scaled down to fit within the existing C4 zone. She

stated that she was concerned that no matter how much the plan is “tweaked” that new problems keep coming up. She pointed out safety issues with neighborhood children in the area both with automobile traffic and the numerous strangers that would be around the neighborhood.

Dick Hill, 71 South Street, recommend continuing Congress to connect onto Route 209.

Betty Bowman, 22 Farrin Street, asked how she was going to get out of her driveway given the re-routing of the streets. She also pointed out that when her family had experienced a house fire eleven years ago, it was a West Bath fireman who rescued her infant daughter from the burning house. She wanted to know how emergency vehicles would get to her home.

Wayne Cappen, 1040 Middle Street, stated that he had two ideas with regard to traffic flow on Richardson. The first idea is to have no left turns onto Richardson. Secondly he suggested that there might be an additional lane, as some communities are already successfully utilizing, to be used only during peak traffic times. He added that Bath must find a way to generate more revenue to support the infrastructure and attract the type of business that will bring people into Bath. While generally in full support of this project, he did point out that some things needed to be addressed such as a better way to screen propane tanks, a more lasting type of fencing than stockade fences, change the granite curbing to vertical instead of canted, making the back of the building consistent in appearance with the rest of the building, more landscaping to make it less visible from the road and increasing the length of the acceleration lane. He also recommend that since the Board was looking at establishing traffic lights to give thought to one on Congress Street and State Road, as well.

Carolyn Aberg, 37 Western Avenue, stated that she was willing to pay more taxes to live in Bath. She expressed concerns that her neighborhood was being eaten away. She asked the Board what was the current status of the DOT process and what the next steps are for the application process.

Angel Nichols, 32 Western Avenue, stated that while she agrees that the City of Bath could use some more money coming in that it should not be at the expense of the citizens of Bath. She had thought that as a resident she would be protected. She asked how damage to neighborhood homes caused by construction and blasting would be handled. She stated that she had been studying blasting and had discovered that it released carbon monoxide that settled in lower pocket areas such as in basements and also objected to the disruption that would be caused to her family’s daily routines by the blasting.

Mimi Sorg, 4 Redlon Road, told the Board that she was one of the closest residents to Hyde School and during the construction at the school no one came to video tape her home or check for damage to her home. She agreed that the view coming into Bath from Brunswick was not an attractive view like the view from Wiscasset into Bath. However, she did not feel that someone was going to see a Hannaford’s and say, “look a Hannaford’s, lets shop in Bath.”

Bill Quimby, 28 Farrin Street, stated that this project promised jobs, tax revenue and more business. He pointed out that jobs gained would not make up for the jobs lost, the tax gain is not that large, and there are already two grocery stores in Bath. He pointed out that this project was in violation of the guidance of the Comprehensive Plan and in particular he read Sections 13.01.11 and 13.01.5. He asked the Board to not recommend the zoning change for this site plan.

Ron Lavender, 32 Corliss Street, stated that because he has local knowledge of traffic patterns he can avoid the high traffic times and areas. He added that at times when the traffic is more normal driving down High Street is a very pleasant experience. He felt that traffic lights would take away from the pleasing appearance of High Street and would damage the quality of life for the City in general.

Elaine Varney, 809 Washington Street, suggested that a better site for this project might be the Wing Farm development.

Malcolm Miller, 71 Western Avenue, used a map to point out how the project is encroaching on his property and requested that the line be moved back so that he could retain the use of his property on the south side.

Carol Parker, 46 Western Avenue, stated that when she purchased her home she knew that it was near a commercial zone, but did not realize that the commercial zone might expand further into the residential zone. She said she is concerned when she looks at Court Street that the same thing might happen to her street.

Terry Nordmann, 69 Western Avenue, informed the Board that Western Avenue was built in 1750 during, he believes, the reign of King George II. He pointed out the long history of this neighborhood and how the neighbors have come together to protest this project to protect their neighborhood. He added that he is proud of his neighbors and the Board should be proud of this group of neighbors and the work they have done.

With no further comments being seen, Bob Oxtan closed the public portion of the meeting. He thanked the public for being very organized and keeping their comments to the point.

Jim Upham stated that he would verify this, but he understood that video taping of the interior and exterior of the homes in the area would be performed prior to blasting. Damages would be reported by the homeowners either to the City or Hannaford Bros. He explained that the DOT would be working with the applicant to create a plan for traffic and that an independent expert could be hired by the Board to make recommendations and review the assumptions presented on the applicant's traffic pattern proposal.

The Board held discussion on the process for damage repairs to local homes, previous blasting project, the amount of blasting needed for this project, emergency vehicle access and access by tractor trailer trucks in and out of the site.

Jim Harper stated that the request for zone change is in direct opposition to the guidance given by the Comprehensive Plan with regard to reduction of the amount of residential areas for a commercial use. Mr. Harper stated that while listening to the applicant's presentation and comments from the public he had made a list of issues with the application that was now two pages long. He stated that he felt very strongly that the Board should vote not to recommend to the City Council that this R1 Zone be changed to C4. He added that it was better for the residents, the Board, and the applicant to stop the process before more time and money were expended.

Jim Upham, stated that the possibility existed that even if the Board were to vote not to recommend the zoning change that the City Council might vote to change the zone to commercial. Mr. Upham pointed out that it would be more expedient for the Board to go forward with the site plan approval process. He added that the Board could still vote to not recommend the zoning change after the site plan approval process was complete.

The Board held discussion on the need for an independent traffic study, the zone change process, the amount of land requested to be re-zoned, the effort already expended on the application, on whether to recommend to the City Council that the R1 zone not be changed to C4, continuation of the site plan review process and various options with regard to this application.

**ROBIN HAYNES MADE A MOTION, SECONDED BY MARJORIE HAWKES, TO HIRE AN INDEPENDENT CONSULTANT TO REVIEW THE APPLICANT'S TRAFFIC REPORT AND TAO MAKE SUGGESTIONS RELATIVE TO TRAFFIC FLOW, AND TO CONTINUE THE REVIEW OF THE APPLICATION FOR SITE PLAN APPROVAL FOR CONSTRUCTION FOR A 48,000 SQUARE FOOT SUPERMARKET, ROUTE 1, REDLON ROAD, RICHARDSON STREET, WESTERN AVENUE, LILAC STREET, LEONARD COURT (MAP 28, LOTS 46, 47, 49; MAP 31, LOTS 69, 71, 72, 73, 74, 75, 76) HANNAFORD BROS. CO., APPLICANT, TO THE APRIL 1<sup>ST</sup> PLANNING BOARD MEETING.**

**6 IN FAVOR (BOB OXTON, MARJORIE HAWKES, ROBIN HAYNES, RICHARD KLINGAMAN, GORDON REED, AND JAMES HOPKINSON)**

**1 OPPOSED (JIM HARPER)**

There being no further business to come before the Board, on a motion made and seconded, the board voted that the meeting be adjourned.

The meeting was adjourned at 10:15 p.m.

Minutes prepared by Marsha Hinton, Recording Secretary