

A regular meeting of the Bath Planning Board was called on 6-3-03 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxton, 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 Oxton, Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, June 3, 2003.

Minutes of May 20, 2003, meeting

GORDON REED MOVED, SECONDED BY RICHARD KLINGAMAN TO APPROVE THE MINUTES OF THE MAY 20, 2003, MEETING AS WRITTEN.

UNANIMOUS APPROVAL**Old Business:****Item 1**

Request for Site Plan and Historic District Approval – Amendment to plan to add Automated Teller Machine, 765 Washington Street (Map 27, Lot 84); Five County Credit Union, applicant. (Continued from the May 20, 2003, meeting.)

Jim Schwartz from Royal Design presented the revised automated teller machine plans which had been amended to meet the Historic District Approval criteria. Mr. Schwartz stated that the automated teller kiosk would have white aluminum siding and a hip roof with brown asphalt shingles to match the roof over the drive-up window. Mr. Schwartz also reminded the Planning Board how these proposed changes to the site plan would improve traffic flow around the site and congestion on Centre and Water streets.

Bob Oxton, Chair, opened the floor to members of the public who wished to speak. Seeing none, Mr. Oxton, closed the public portion of the meeting.

The Planning Board held discussion on the color of the siding on the automated teller kiosk, the lighting at the automated teller, and height clearance needed for large vehicles using the automated teller.

JIM HARPER MADE A MOTION, SECONDED BY JAMES HOPKINSON THAT THE APPLICATION MEETS THE APPLICABLE STANDARDS OF SECTION 8.12 AND ARTICLE 10 AND TO APPROVE THE REQUEST FOR SITE PLAN AMENDMENT AND HISTORIC DISTRICT APPROVAL TO ADD AUTOMATED TELLER MACHINE, 765 WASHINGTON STREET (MAP 27, LOT 84) WITH THE FOLLOWING CONDITIONS:

THAT THE ALUMINUM CLADDING MATERIAL BE WHITE;

THAT THE LIGHTING BE RECESSED WITHIN THE ROOF OF THE AUTOMATED TELLER KIOSK; AND

THAT THE ILLUMINATION OF THE KIOSK NOT SPILL OUTSIDE THE IMMEDIATE AREA OF THE KIOSK.

UNANIMOUS APPROVAL

New Business:

Item 1

Request for Site Plan Approval – Expansion of parking lot; 10 State Road (Map 31, Lot 66); Paul Trudell, applicant.

Kevin Clark, SiteLines, representing the applicant, introduced Skip Stenson, attorney for the applicant. Mr. Clark stated that this is an application for work which has already been begun. He explained how the storage shed will be moved back to meet the Setback, how a stockade fence would be used to screen the dumpsters, that erosion control measures that would be in place within a few weeks and construction to begin at a later date. Mr. Clark also explained that the applicant understood that merging the two parcels into one lot would mean that it could not be divided again along the current lot lines and would required site plan approval to divide the merged lot in the future.

Marjorie Hawkes stated that she would recuse herself from acting on this project because of her connection to it; Hawkes Florist being a tenant of the applicant.

Bob Oxtan, Chair, opened the floor to members of the public for comment. None being seen, Bob Oxtan, Chair, closed the public portion of the meeting.

Richard Klingaman asked what the applicant intended to do with the trailers being used for storage on the site.

Kevin Clark stated that there were aerial photographs which had been provided by the City of Bath that showed the location of those trailers.

Skip Stenson stated that one of the trailers had been removed already and that the other would be screened. He said that if it is not permitted it would be removed.

The Planning Board held discussion on landscaping, size of plantings, type of fencing, erosion control measures, time limits for completion, oil skimmers in catch basins, swales to control water runoff, curbing, hours of operation, the original site plan, striping for parking areas, and lighting.

JIM HARPER MADE A MOTION, SECONDED BY ROBIN HAYNES, TO APPROVE THE REQUEST FOR SITE PLAN AMENDMENT, EXPANSION OF PARKING LOT; 10 STATE ROAD (MAP 31, LOT 66) WITH THE FOLLOWING WAIVERS AND CONDITIONS:

THAT LAND USED CODE SECTION 10.29 – THE REQUIREMENT THAT THE LANDSCAPE PLAN BE PREPARED BY A LANDSCAPE ARCHITECT – BE WAIVED;

THAT A REVISED SITE PLAN BE SUBMITTED TO AND APPROVED BY THE PLANNING DIRECTOR;

THAT THE EROSION CONTROL MEASURES BE IMPLEMENTED ACCORDING TO SECTION 10.14 WITHIN TWO WEEKS OF APPROVAL;

THAT RADIUS CURBING BE ADDED TO THE WESTERN END OF THE OPENING TO STATE ROAD;

THAT THE LOCATION OF THE FOUR RELOCATED PARKING SPACES AT THE EASTERN END OF THE EASTERN BUILDING BE INDICATED ON THE NEW PLAN;

THAT THE SCREENING FENCE FOR THE DUMPSTER BE SIX-FOOT STOCKADE FENCING;

THAT THE HEIGHT OF THE ABORVITAE OR YEWS INDICATED ON THE PLAN BE A MINIMUM OF FOUR FEET;

THAT THE SHED ON THE EASTERN SIDE OF THE EASTERN BUILDING BE MOVED TO BE BROUGHT INTO COMPLIANCE WITH THE SETBACK LINES; AND

THAT THE PROPERTY LINES WEST OF THE WESTERN BUILDING, THROUGH THE NEW AUTO DISPLAY AREA, BE REMOVED FROM THE PLAN.

UNANIMOUS APPROVAL.

Item 2

Historic District Approval – Removal of a garage and shutters, window replacement, addition of a carport, and other improvements; 9 Turner court (Map 21, Lot 167); Vincent E and Elizabeth A. Messler, applicants.

Robin Haynes stated that she has had some conversations with the applicants prior to submission of this request and because of that has recused herself from consideration of this application.

Vincent Messler introduced Elizabeth Messler and then gave a brief history of this house. Mr. Messler stated that because it has set empty for five years there has been a great deal of damage, some beyond repair, to much of the house because of animals taking up residence during this time. He also stated because of disuse the plumbing and heating are beyond repair at this point as well. Mr. Messler discussed the changes to the windows, doors, supports, roofing, replacing the garage with a car port, and various historic features of the house. Mr. Messler asked for the Planning Board's approval so that they could restore this beautiful old home.

Bob Oxtan, Chair, opened the floor to members of the public who wished to speak.

Ann Clifford, 10 Turner Court, stated that she thinks it is a wonderful addition to the neighborhood and hopes that the Planning Board approves this application.

Nathan Lipfert, 8 Turner Court, stated that he has lived across from this home since 1973. Mr. Lipfert stated that he believes he has an understanding of the historic architecture of the City of Bath and he is in favor of the changes the Mr. and Mrs. Messler are proposing.

Susan Perkins, 1068 Washington Street, stated that the existing garage is attached to her house. She added that her children call this the haunted house because it has set empty for so long. She said that she is very happy that this house will be saved.

There being no further comments from the public seen, Bob Oxtan, Chair, closed the public portion of the meeting.

The Planning Board held discussion on window treatment, the history of this property, and continuing the finish on the gabled side of the building to the front of the house.

JAMES HOPKINSON MADE A MOTION, SECONDED BY RICHARD KLINGAMAN THAT THE APPLICATION MEETS THE APPLICABLE APPROVAL CRITERIA OF SECTION 8.12 AND TO GRANT HISTORIC DISTRICT APPROVAL FOR REMOVAL OF A GARAGE AND SHUTTERS, WINDOW REPLACEMENT, ADDITION OF A CARPORT, AND OTHER IMPROVEMENTS AT 9 TURNER COURT (MAP 21, LOT

167) AS INCLUDED IN THE APPLICATION PRESENTED JUNE 3, 2003 BY VINCENT E. AND ELIZABETH A. MESSLER, APPLICANTS.

UNANIMOUS APPROVAL.

Jim Upham stated that this type of project is the kind of thing that the City of Bath wants to encourage and it is a wonderful addition to the fabric of the community.

Item 3

Planning Board Discussion – Various “house-keeping” amendments to the Land Use Code.

Jim Upham, City Planner, reviewed the changes to the proposed “house-keeping” amendments with the Planning Board.

The Planning Board made the following **recommendations**:

SECTION 3.06 ENFORCEMENT

It is the duty and responsibility of the CEO to enforce the provisions of this Code together with any conditions of approval issued in conjunction with an approval issued under the Code. If the CEO finds that any provision or condition is not being met, then the CEO must notify in writing the person responsible for the violation, and, if the person responsible is not the owner, then the CEO must **also** notify in writing the owner of the property upon which the violation has occurred. The notice must specify the nature of the violation and provision of the Code or condition which has resulted in noncompliance, the nature of the action necessary to correct, abate, or mitigate the violation, and a time frame during which the corrective or mitigated action must be completed. If after such notice and expiration of the time frame in the notice, the violation has not been corrected, abated, or mitigated, the CEO must commence appropriate legal action to terminate the violation and recover all appropriate penalties. The written notice, however, does not preclude, nor is it considered a condition precedent, to the City instituting enforcement action for any violation of the provisions or conditions relating to this Code.

The applicant must submit 15 copies of ~~building and site plans~~ (drawn to a scale of not less than 1 inch = 50 feet) and supporting information. ~~The building plans must show, at a minimum, the first floor plan and all elevations, and indicate the proposed construction materials.~~ Building elevations and other **exterior** building details may be required by the Planning Board for applications such as those for Historic District Approval, Setback Reduction in the NRPO district, and Contract Rezoning. The site plan and supporting submissions must include the following information:

A. the proposed use according to the Land Use Table

B. evidence of right, title, or interest in the site of the proposed project

C. a location map of the site with reference to surrounding areas and existing street locations

D. the name and address of the owner and site-plan applicant, together with the names of the owners of all contiguous properties, and property directly across the street, ~~and within 100 feet of the applicant's property,~~ as shown by the most recent tax records of all municipalities in which such properties lie

E. lot lines, including existing boundary monuments, courses and distances.

The Planning Board held discussion on parking, amount of materials removable from a site, when it was appropriate to require monuments for property lines and location of garages.

Jim Upham, Planning Director, told the Planning Board that if they approve, the next step was for these amendments to go to public hearing. He explained that it would require advertisement in the paper two weeks and then seven days before the public hearing.

The Planning Board agreed that these amendments could go to a public hearing.

The Planning Board held discussion on the summer Planning Board meeting schedule.

Jim Upham, Planning Director, stated for members of the public present that there would be a public workshop on the Route One project on Wednesday June 25, 2003, at the Maritime Museum. He stated that the website address for the Route One project was www.bathroute1study.org and is linked to the City of Bath website.

There being no further business to come before the Planning Board, **GORDON REED MOVED, SECONDED BY RICHARD KLINGAMAN, THAT THE MEETING BE ADJOURNED.**

UNANIMOUS APPROVAL

APPROVAL

The meeting was adjourned at 7:40 p.m.

Minutes prepared by Marsha Hinton, Recording Secretary