

A regular meeting of the Bath Planning Board was called on 12-16-03 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, December 16, 2003.

**Minutes of December 2, 2003, meeting**

**GORDON REED MOVED, SECONDED BY JIM HOPKINSON TO ACCEPT THE MINUTES OF THE DECEMBER 2, 2003, MEETING AS SUBMITTED.**

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

**Request for Site Plan Approval** -- Construction of gasoline station, retail store, and car wash; 150 Leeman Highway (Map 28, Lot 49); C.N. Brown Company, applicant. (Continued from the December 2, 2003, meeting.)

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

**Public Hearing – Request for Contract Rezoning** – Map 28, Lot 49; C.N. Brown Company, applicant.

Jim Upham suggested that Old Business and New Business Item 1 be combined and be reviewed by the Planning Board at the same time since they deal with the same project.

The Planning Board was polled and it was decided to review these items together.

Jim Upham pointed out changes to the design, landscaping, and noise treatment as well as the proposed language for the Contract Zone.

Scott Decker, SYTDesign Consultants, representing the applicant, discussed details of landscaping changes in accordance with the recommendations of the City Arborist, changes to the gas pump canopy, design changes to the buildings, changes made to

the carwash building's orientation to reduce noise, improvements to the existing building, details on noise reduction equipment, and signage. Mr. Decker pointed out that they will not be able to make an exact match of the color of the red brick on the materials used for the car wash, and therefore, were proposing gray/beige split faced blocks.

Bob Oxtan opened the Public Hearing to members of the public who wished to comment.

None being seen, Bob Oxtan closed the Public Hearing.

The Planning Board held discussion on landscaping, trees, the design and color of the gasoline pump canopy, pilasters, lighting, color schemes for building materials, orientation of the car wash, signage, various design submissions, conditions for approval, procedure if the brand of gasoline should change requiring a change of color scheme, and Department of Transportation Traffic Movement Permit approval.

**JIM HARPER MADE A MOTION, SECONDED BY JIM HOPKINSON, TO APPROVE THE REQUEST FOR SITE PLAN APPROVAL FOR THE CONSTRUCTION OF GASOLINE STATION, RETAIL STORE, AND CARWASH AT 150 LEEMAN HIGHWAY (MAP 28, LOT 49); C.N. BROWN COMPANY APPLICANT WITH THE FOLLOWING WAIVER AND CONDITIONS:**

- 1. THAT THE APPROVAL BE CONTINGENT UPON A DEPARTMENT OF TRANSPORTATION TRAFFIC MOVEMENT PERMIT BEING ISSUED FOR THE PROJECT;**
- 2. THAT THE APPROVAL BE CONTINGENT UPON THE CONTRACT REZONING BE ADOPTED BY THE CITY COUNCIL;**
- 3. THAT THE PRINCIPAL BUILDINGS NOT BE SOLD SEPARATELY;**
- 4. THAT THE PROPERTY NOT BE DIVIDED INTO SEPARATE LOTS;**
- 5. THAT THE APPROVED APPLICATION BE THE APPLICATION PACKET DATED SEPTEMBER 2003, DATE-STAMPED BY THE CODES AND PLANNING OFFICE ON SEPTEMBER 16, 2003, INCLUDING THE CANOPY FRAMING AND ELEVATION PLAN (E 1 OF 1, DATED 11/06/03), MODIFIED BY THE FOLLOWING UPDATED PLANS:**
  - THE SITE LAYOUT AND UTILITIES PLAN (C-101 REVISION I);**
  - CONCEPTUAL BUILDING ELEVATIONS (A-100 REVISION D);**
  - LANDSCAPE AND LIGHTING PLAN (C-103 REVISION G);**
  - PHOTOMETRIC PLAN (C-302 REVISION C);**
  - GRADING, DRAINAGE, AND EROSION CONTROL PLAN (C-102 REVISION G);**
  - UNDERGROUND STORMWATER DETENTION SYSTEM – PLAN, SECTIONS, AND DETAILS (C-303 REVISION A); AND**

- **CIVIL SECTIONS AND DETAILS (C-301 REVISION B).**
- 6. **THAT THE PRINCIPAL BUILDING BE RED BRICK AS APPROVED BY THE PLANNING DIRECTOR AND NOT BE BRICK VENEER AS NOTED ON THE PLAN;**
- 7. **THAT THE CARWASH BUILDING BE CONSTRUCTED OF SPLIT FACE BLOCK AND BE RED BRICK TONE SIMILAR TO THE BRICK ON THE PRINCIPAL BUILDING;**
- 8. **THAT THE ACOUSTIC TREATMENT FOR THE VACUUM UNITS BE IN ACCORDANCE WITH THE DECEMBER 5, 2003, LETTER FROM MR. THOMAS MACLENNAN TO MR. SCOTT DECKER WITH DH QUIET KITS INSTALLED AND SOUND BARRIER ENCLOSURES;**
- 9. **THAT THE ACOUSTIC TREATMENT FOR THE CARWASH BE IN ACCORDANCE WITH THE SEPTEMBER 2, 2003, LETTER FROM MR. THOMAS MACLENNAN TO MR. SCOTT DECKER;**
- 10. **THAT THE NORTH AND SOUTH ELEVATIONS OF THE CARWASH BE RELABELED ON SHEET A-100 REVISION D;**
- 11. **THAT THE LIGHTING BE RECESSED INTO THE UNDERSIDE OF THE GASOLINE PUMP CANOPY;**
- 12. **THAT THE GASOLINE PUMP CANOPY BE CONSTRUCTED WITH A CENTRALLY FACING GABLE, SAME WHITE MATERIAL THE FASCIA ON THE FULL WIDTH OF THE CANOPY, AS SHOWN IN THE CANOPY FRAMING AND ELEVATION PLAN (E 1 OF 1, DATED 11/06/03);**
- 13. **THAT PILASTERS BE ADDED TO THE NORTH AND SOUTH FACE OF THE PRINCIPAL BUILDING; AND**
- 14. **THAT LAND USE CODE SECTION 10.27, B, REGARDING LIGHT GREATER THAN 0.2 FOOTCANDLES BEYOND THE PROPERTY LINE IN THE AREA ALONG WESTERN AVENUE, BE WAIVED.**

**UNANIMOUS APPROVAL.**

**JIM HARPER MADE A MOTION, SECONDED BY JIM HOPKINSON, TO RECOMMEND TO THE CITY COUNCIL THE CONTRACT REZONING AS DETAILED IN THE LAND USE CODE AMENDMENT DRAFT, DATED NOVEMBER 26, 2003.**

**UNANIMOUS APPROVAL**

## **Item 2**

**Request for Site Plan Approval and Approval of Landscape Plan in C2 Zone –** Parking lot improvements; 606 Washington Street (Map 32, Lot 94-3); William Moore, Primer Properties, Inc., applicant.

**GORDON REED MADE A MOTION, SECONDED BY RICHARD KLINGAMAN TO FIND THE APPLICATION FOR SITE PLAN APPROVAL AND APPROVAL OF LANDSCAPE PLAN IN C2 ZONE FOR PARKING LOT IMPROVEMENTS AT 606 WASHINGTON STREET (MAP 32, LOT 94-3); WILLIAM MOORE, PRIMER PROPERTIES INC., APPLICANT, TO BE COMPLETE.**

### **UNANIMOUS APPROVAL.**

Michelle Barron, of Terrance J. DeWan Associates, representing William Moore, Primer Properties Inc., stated that they were before the Planning Board requesting Site Plan Approval and approval of the landscape plan so that they may install vehicle access to this property. She informed the Planning Board that when Bath Iron Works sold this property it left it with a parking lot, with no access drive. Ms. Barron showed on a sketch the proposed access, drainage plans, lighting, snow storage, and landscape improvements. Ms. Barron explained that the location of the driveway provided the safest point of access/exit to the site.

Bob Oxtan opened the floor to members of the public who wished to comment.

None seen, Bob Oxtan closed the public portion of the meeting.

The Planning Board held discussion on the type of vegetation on the site, traffic patterns and safety, comments by City Staff members, preservation of existing trees, existing parking in the area, signage, nonconformity of the site, and responsibility for upkeep of fences on the site.

Jim Upham reminded the Board that Land Use Code Section 10.02, E, requires that unless otherwise approved by the Planning Board, when a parcel of land has frontage on more than one street, the access drive must be on the street that has the least potential for traffic congestion and for hazards to traffic and pedestrians. He told the Board that the Parking Ordinance allows 30-minute parking on Washington Street within 60 feet of Bath Street. And that given the required setbacks from driveways and street corners one space might be allowed between the access drive and Bath Street. He told the Board that the Police Chief felt that Bath Street was the safer street for the access drive because it has less traffic and because the fact that a vehicle might be able to be parked between the access drive if it were on Washington Street and the Bath Street corner. He also told the Board that when he was on the site he observed that vehicles in the parking lot about to exit the parking lot onto Washington Street would be elevated by about a foot above Washington Street and there is good sight distance both to the right and left. He said that if the access drive is on Bath Street, all of the traffic exiting the site would have to turn left and drive into the Middle Street residential neighborhood. He also pointed out that the driver of a vehicle exiting onto Bath Street can not see

vehicles turning from Washington Street to Bath Street because the sight distance is restricted by the store on the corner and delivery vehicles parked in front of the store.

Bob Oxtan reminded the Board that Bath Street is heavily traveled at 3:30 PM with BIW employees.

Robin Haynes said she felt that Bath Street did not have the capacity for additional traffic and the access drive onto Bath Street would not meet the requirements of Section 10.02, G.

**JIM HOPKINSON MADE A MOTION, SECONDED BY ROBIN HAYNES, TO APPROVE THE APPLICATION FOR SITE PLAN APPROVAL AND TO APPROVE THE LANDSCAPE PLAN THAT ALLOWS THE REDUCED SETBACK AND YARD AREAS IN C2 ZONE AT 606 WASHINGTON STREET (MAP 32, LOT 94-3); WILLIAM MOORE, PRIMER PROPERTIES INC., APPLICANT, AS SUBMITTED.**

**UNANIMOUS APPROVAL.**

**JIM HOPKINSON MADE A MOTION, SECONDED BY RICHARD KLINGAMAN, TO RECOMMEND TO THE CITY COUNCIL THAT IT CONSIDER CHANGING THE PARKING REQUIREMENT ON WASHINGTON STREET SO THAT THERE IS NO PARKING BETWEEN THE APPROVED ACCESS DRIVE AND BATH STREET.**

**UNANIMOUS APPROVAL.**

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

**UNANIMOUS APPROVAL**

**APPROVAL**

The meeting was adjourned at 7:43 p.m.

Minutes prepared by Marsha Hinton, Recording Secretary