

A regular meeting of the Bath Planning Board was called on 01-20-04 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxtan, Chair
Jim Harper, Vice Chair
Robin Haynes
Gordon Reed
James Hopkinson

MEMBERS ABSENT

Marjorie Hawkes
Richard Klingaman

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, January 20, 2004.

Minutes of January 6, 2004, meeting

GORDON REED MOVED, SECONDED BY JIM HOPKINSON TO ACCEPT THE MINUTES OF THE JANUARY 6, 2004, MEETING AS PRESENTED.

UNANIMOUS APPROVAL**Old Business:**

No old business.

New Business:**Item 1**

Request for Subdivision Amendment – Change of property line between lots 1 and 2; WingFarm Subdivision (Map 29, Lot 11 and Map 24, Lot 5); Coastal Economic Development, applicant.

Jim Upham, Planning Director, stated that this amendment request was to change the lot lines between lots 1 and 2.

Chris Belanger, SiteLines, representing the applicant, stated that Coastal Economic Development is the owner of lots 1 and 2 and will be selling lot 2 to Jan Martin Sr., and Jan Martin Jr. Mr. Belanger showed the proposed adjustment to the lot lines and added that in order to have all the development, primarily the parking lot, now owned by Coastal Economic Development on one lot, it is necessary to adjust the lots lines. Mr. Belanger requested that the Planning Board approve this request.

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

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

JIM HOPKINSON MADE A MOTION, SECONDED BY ROBIN HAYNES TO APPROVE THE REQUEST FOR CHANGE IN PROPERTY LINE BETWEEN LOTS 1 AND 2; WINGFARM SUBDIVISION, COASTAL ECONOMIC DEVELOPMENT, APPLICANT.

UNANIMOUS APPROVAL

Chris Belanger then stated that they were before the Planning Board to request approval for a condominium plan for a dance studio and storage buildings.

Jim Upham stated that this was not for a residential condominium but was a condominium in that it was one lot owned in common with two separate "units" that were each owed by different owners.

Jim Hopkinson asked the applicant if they would be filing a declaration and if units 2A, 2B, and 2C could be sold as separate units.

Chris Belanger stated that they would be filing a declaration and that the units 2A, 2B and 2C would not be able to be sold as separate units.

Discussion was held by the Planning Board on insuring that Unit 2 would not be sold as separate units and whether such a note needs to be on the subdivision plan.

There being no further discussion from the Planning Board, Bob Oxton opened the floor to members of the public present who wished to comment.

None being seen, Bob Oxton closed the public portion of the meeting.

JIM HOPKINSON MADE A MOTION, SECONDED BY GORDON REED TO APPROVE THE REQUEST FOR SUBDIVISION CONDOMINIUM PLAN APPROVAL WITH THE FOLLOWING CONDITION:

THAT THE SUBDIVISION PLAN HAVE A NOTATION WITH REGARD TO A RESTRICTION THAT UNIT TWO SECTIONS "A," "B," AND "C" NOT BE SOLD AS SEPARATE UNITS.

UNANIMOUS APPROVAL.

Item 2

Request for Site Plan Approval and Approval of Landscape Plan in C3 Zone – Construction of buildings; WingFarm Parkway (Map 24, Lots 5); Jan Martin Sr. and Jan Martin Jr., applicants.

JIM HARPER MADE A MOTION, SECONDED BY ROBIN HAYNES TO FIND THE SITE PLAN AND THE LANDSCAPE PLAN COMPLETE.

UNANIMOUS APPROVAL.

Chris Belanger, Sitelines, representing the applicants, highlighted changes to traffic circulation around the storage buildings, stormwater management, erosion control, and on-site grading.

There being no comments from the Planning Board, Bob Oxtan opened the floor to members of the public present who wished to comment.

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

The Planning Board commended the applicant for the new traffic circulation pattern, and the interesting and imaginative landscaping plan. The Planning Board held discussion on the color of the split-face block, lighting, stormwater management, landscaping, the parking capacity, and shared parking.

Thomas Hoerth, City Arborist, stated that the reason he made the suggestion on the landscape plan to eliminate some of the trees was to allow for the other tree's full growth potential. Mr. Hoerth also commended the applicant for the planning materials used in the landscape plan.

JIM HARPER MADE A MOTION, SECONDED BY GORDON REED, TO APPROVE THE REQUEST FOR SITE PLAN APPROVAL AS PRESENTED, AND;

TO APPROVE THE SHARED PARKING CONDITIONED ON RECEIPT BY THE CITY PLANNING DIRECTOR OF A WRITTEN SHARED PARKING AGREEMENT AND THAT IT BE APPROVED BY THE PLANNING DIRECTOR AND CITY SOLICITOR, AND;

THAT THE LANDSCAPE PLAN BE APPROVED WITH THE CONDITION THAT THE JANUARY 9, 2004, LETTER FROM THOMAS HOERTH, CITY ARBORIST TO JIM UPHAM, CITY PLANNER, BE INCORPORATED AS PART OF THE LANDSCAPING PLAN AND THAT A MAINTENANCE PLAN FOR LANDSCAPING BE PRESENTED TO THE CITY AND BE APPROVED BY THE CITY ARBORIST AND THE PLANNING DIRECTOR.

UNANIMOUS APPROVAL.

Item 3

Subdivision Preliminary Plan Review – 9-lot Subdivision, 1524 Washington Street, (Map 13, Lot 44-1); ICS Realty, LLC-Robert Leblanc, applicant.

Jim Upham reminded the Planning Board that a subdivision plan had three steps. Mr. Upham stated that the Planning Board had reviewed the sketch plan and has walked

the site and the applicant was before the Planning Board for step two, the Preliminary Plan review.

The Planning Board held discussion on the Preliminary Plan review process and need for waivers.

ROBIN HAYNES MADE A MOTION, SECONDED BY JIM HARPER TO FIND THE PRELIMINARY PLAN AS MEETING THE SUBMISSION REQUIREMENTS OF SECTION 13.21, A; 13.23, A; AND 13.22 waiving the FOLLOWING;

THE Requirement that the Planning Board hold a public hearing at the Preliminary Plan review stage (the present PUBLIC MEETING was not advertised as a “Public Hearing”); AND

THE REQUIREMENT FOR the EROSION AND SEDIMENTATION PLAN BE endorsed by the Sagadahoc County Soil and Water conservation district.

UNANIMOUS APPROVAL

Jim Upham stated that there was an erosion and sedimentation plan in the submission, however, it had not been endorsed by the Sagadahoc County Soil and Water conservation district, but that it had been reviewed by City Staff.

Chris Belanger, SiteLines, representing the applicant, discussed roadway size, swales, grade, utilities, stormwater management, and erosion and sedimentation. He mentioned that that had been changes made to the plan as a result of a meeting with the Planning Director and the Public Works Director.

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

Cynthia Kennison, 1502 Washington Street, pointed out that the ravine in the middle of the subdivision emptied onto her property. Ms. Kennison asked what type of impact this construction would have on her property and what type of materials would be in the runoff.

There being no further comment from members of the public present, Bob Oxtan closed the public portion of the meeting.

The Planning Board held discussion on density, soil sedimentation, impact to neighboring properties, protective covenants, restrictions, lot size, aesthetic and cultural issues, financial ability, infrastructure, the definition of the waterway running through the property, drainage, potential historic significance, impact to wildlife, damage caused by blasting to property belonging to neighbors, sewage capacity, traffic, erosion easement, tree protection plan, and confirmatory letters from city staff and other appropriate agencies.

JIM HARPER MADE A MOTION, SECONDED BY ROBIN HAYNES, TO GRANT PRELIMINARY PLAN REVIEW APPROVAL FOR THE NINE LOT SUBDIVISION, 1524 WASHINGTON STREET (MAP 13, LOT 44-1) ICS REALTY, APPLICANT, WITH CONDITIONS IN ACCORDANCE WITH STATE SUBDIVISION REVIEW CRITERIA AND SOME LOCAL REQUIREMENTS INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

THAT THE BATH WATER DISTRICT APPROVE THE SUBDIVISION AND INDICATE THAT THE PROPOSED SUBDIVISION HAS SUFFICIENT WATER AVAILABLE FOR THE REASONABLY FORESEEABLE NEEDS OF THE SUBDIVISION AND THAT THE PROPOSED SUBDIVISION WILL NOT CAUSE AN UNREASONABLE BURDEN ON EXISTING WATER SUPPLY;

THAT THE PUBLIC WORKS DIRECTOR APPROVE THE EROSION AND SEDIMENTATION CONTROL PLAN SO THAT THE PROPOSED SUBDIVISION WILL NOT CAUSE UNREASONABLE SOIL EROSION OR A REDUCTION IN THE LAND'S CAPACITY TO HOLD WATER SO THAT A DANGEROUS OR UNHEALTHY CONDITION RESULTS;

THAT THE PUBLIC WORKS DIRECTOR APPROVE ANY TRAFFIC REPORT OR STUDY THAT WOULD INDICATE THAT THE PROPOSED SUBDIVISION WILL NOT CAUSE UNREASONABLE HIGHWAY OR PUBLIC ROAD CONGESTION OR UNSAFE CONDITIONS WITH RESPECT TO THE USE OF THE HIGHWAYS OR PUBLIC ROADS EXISTING OR PROPOSED;

THAT THE PUBLIC WORKS DIRECTOR DETERMINE THAT THE SEWER MAINS IN THE PROPOSED STREET AND WASHINGTON ARE ADEQUATE SO THAT THE PROPOSED SUBDIVISION WILL PROVIDE FOR ADEQUATE SEWAGE WASTE DISPOSAL AND WILL NOT CAUSE AN UNREASONABLE BURDEN ON MUNICIPAL SERVICES IF THEY ARE UTILIZED;

THAT THE PUBLIC WORKS DIRECTOR DETERMINE THAT THE BATH LANDFILL IS ADEQUATE TO TAKE THE SOLID WASTES FROM THE SUBDIVISION SO THAT THE PROPOSED SUBDIVISION WILL NOT CAUSE AN UNREASONABLE BURDEN ON THE MUNICIPALITY'S ABILITY TO DISPOSE OF SOLID WASTE, IF MUNICIPAL SERVICES ARE TO BE UTILIZED;

THAT THE APPLICANT SUBMIT LETTERS FROM DEPARTMENT OF INLAND FISHERIES AND WILDLIFE (IF&W), AND THE MAINE HISTORIC PRESERVATION COMMISSION STATING THAT THE PROPOSED SUBDIVISION WILL NOT HAVE AN UNDUE ADVERSE EFFECT ON SIGNIFICANT WILDLIFE HABITAT OR HISTORIC SITES, THAT A TREE PROTECTION PLAN BE SUBMITTED FOR APPROVAL TO THE CITY ARBORIST AND THAT A COPY OF PROTECTIVE COVENANTS BE SUBMITTED SO AS TO DEMONSTRATE THAT THE SUBDIVISION WILL NOT HAVE AN UNDUE ADVERSE EFFECT ON THE SCENIC OR NATURAL BEAUTY OF THE AREA, AESTHETICS, HISTORIC SITES, SIGNIFICANT WILDLIFE HABITAT IDENTIFIED BY IF&W OR THE MUNICIPALITY

OR RARE AND IRREPLACEABLE NATURAL AREAS OR ANY PUBLIC RIGHTS FOR PHYSICAL OR VISUAL ACCESS TO THE SHORELINE.

THAT THE APPLICANT SHOWS EVIDENCE OF ADEQUATE FINANCIAL AND TECHNICAL CAPACITY TO PROCEED WITH THE PROPOSED SUBDIVISION;

THAT THE APPLICANT SHOW EVIDENCE THAT THE PROPOSED SUBDIVISION WILL NOT ADVERSELY AFFECT THE QUALITY OF THE KENNEBEC RIVER OR UNREASONABLY AFFECT THE SHORELINE OF THE KENNEBEC RIVER;

THAT THE APPLICANT SHOW EVIDENCE THAT THE PROPOSED SUBDIVISION WILL NOT, ALONE OR IN CONJUNCTION WITH EXISTING ACTIVITIES, ADVERSELY AFFECT THE QUALITY OR QUANTITY OF GROUND WATER;

THAT ANY RIVER, STREAM OR BROOK WITHIN OR ABUTTING THE PROPOSED SUBDIVISION HAS BEEN IDENTIFIED ON THE FINAL PLAN AND THAT THE APPLICANT SHOW EVIDENCE OF THE BASIS FOR THE APPLICANT'S DEFINITION OF WHAT THE APPLICANT REFERS TO AS "RAVINE";

THAT THE STORMWATER MANAGEMENT PLAN BE SUBMITTED TO PUBLIC WORKS DIRECTOR FOR HIS APPROVAL AS EVIDENCE THAT THE PROPOSED SUBDIVISION WILL PROVIDE FOR ADEQUATE STORMWATER MANAGEMENT;

THAT A BLASTING MONITORING PROGRAM BE PROPOSED AND CONTAINED WITHIN THE APPLICATION AND BE PROVIDED TO THE ABUTTERS IN THE BLASTING IMPACT RADIUS;

UNANIMOUS APPROVAL

Jim Upham stated that this approval did not constitute approval of a Final Plan and is only a guide to the preparation of a final plan.

Item 4

Pre-application Workshop – Construction of a mixed use – multi-family residential, marina, and inn – development; Front Street (Map 21, lots 225, 229, 230, 231 232, and 235); The Old Shipyard Land, LLC, applicant.

Jim Upham stated that this proposal has come before the Planning Board in the form of a pre-application workshop. Mr. Upham stated that the applicant was before the Planning Board tonight to gain input for putting residential uses on piers.

Catherine Davis, applicant, stated she was before the Planning Board seeking an endorsement for the sketch plan presented in tonight's pre-application workshop. Ms. Davis presented a video presentation showing historic photographs, site location and existing developments similar to the one she is proposing. Ms. Davis also pointed out her proposed pier housing development using a model of the site.

The Planning Board held discussion on the location of the hotel, density, impact on properties to the south of the site, view shed, noise, building size, pier housing complex, Department of Environmental Protection requirements, Army Corp of Engineer input, Bureau of Public Land's input, parking, access to pier housing, scale of the model, currents in the Kennebec, traffic, setbacks, direction from the Comprehensive Plan and the Planning Board's authority to "endorse" anything other than a formal submission, noise, light spillage to include impact on housing across the river, signage, historic overlay district requirements, and food service and the issues that would go along with that such as, truck routes, waste disposal, and waste storage.

Jim Hopkinson informed the applicant that the Planning Board could not legally give an endorsement for this sketch plan and recommended meetings with residents.

Jim Upham read comments made by Mr. Hopkinson as recorded in the Planning Board Meeting Minutes of September 16, 2003 as follows: "James Hopkinson stated that the conceptual idea was good. Mr. Hopkinson recommended that the applicant work with experts to develop a traffic/parking plan, work closely with City Staff as they go forward with an application, and have meetings with members of the neighborhood to work with them in developing a plan." Mr. Upham stated that he believed these comments were still valid.

There being no further comment from the Planning Board, Bob Oxtan opened the floor to members of the public present who wished to comment on the pier housing.

Mary Sreden, 406 Front Street, expressed concerns with regard to the height of the buildings and parking for the Inn. Ms. Sreden also questioned whether there would be a conservation easement for tax reduction. Ms. Sreden asked the Planning Board to keep in mind that scope of this development is pretty big.

Rebecca Belanger, 390 Front Street, asked whether the police chief and fire chief had been consulted with regard to this development stating that she would make sure it was safe before proceeding any further. Ms. Belanger pointed out that Front Street is a very narrow street.

Bob Oxtan stated that input from City Staff is part of the requirements for formal Site Plan review.

Joe Jones, 4 Maxwell Street, stated that he had lived in a mixed use community for 15 years and that it did have its ups and downs especially the commercial versus residential aspect. However, Mr. Jones stated he applauded this proposal.

Charlotte Iserbyt, 1062 Washington, stated that she would love to see this development happen but that it did seem unrealistic with regard to the number of houses being proposed. Ms. Iserbyt asked what percentage would be built on the piers.

Ms. Davis stated that about 25% would be built on the pier.

Brad Belanger, pointed out that the traffic on Front Street is a problem now especially with the stop sign on Washington Street. Mr. Belanger stated that he did not think Front Street could support this increase in traffic.

Judy Barrington, stated that she felt this was a very bold and exciting proposal. Ms. Barrington asked if the applicant would be replicating the original pier footprint.

Ms. Davis stated that they would just be utilizing a portion of the pier foot print but that the design addresses the historic foot print.

Nick Sewall, 411 Front Street, stated that he likes the idea of building on piers and that this was a wonderful use of the river. Mr. Sewall explained that this site historically has been used successfully as a pier site and he saw no difference between its use as a site for storage buildings and its use as a site for residential housing.

Bruce Goodwin, 71 Russell Street, agreed that this was an exciting and very bold concept moving residential housing into the river and that he felt if done correctly could be a real gem for the City of Bath. Mr. Goodwin wished the applicant good luck.

Betsy Davis, 406 Front Street, asked what would be done if this proposal didn't go into to this site. She added that she felt this was an artistic and interesting opportunity to do something original with a historical site.

There being no further comment from members of the public present, Bob Oxtan closed the public portion of the meeting.

Jim Hopkinson stated that he still felt that the applicant would go a long way toward development of a final design if she would have a neighborhood meeting or two.

Jim Upham explained to the applicant that the Planning Board did not have the authority to "endorse" a preliminary proposal. Before the Planning Board could act it would require that a site plan be submitted. Mr. Upham stated that it did not appear that there were any strong objections to the sketch plan presented this evening, but there could be no endorsement from the Planning Board.

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

UNANIMOUS APPROVAL

The meeting was adjourned at 8:45 p.m.

Minutes prepared by Marsha Hinton, Recording Secretary