

A regular meeting of the Bath Planning Board was called on 6-1-04 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
Brandon Shaw (non-voting student member)
Jonathan Dolloff(non-voting student member)

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, June 1, 2004.

Minutes of May 18, 2004, meeting

Richard Klingaman pointed out that on the second page of the minutes of May 18, 2004, the motion for Item 1 Request for Historic District Approval no second was noted.

Bob Oxtan, Chair, asked that the record be researched and that correction made.

GORDON REED MOVED, SECONDED BY JIM HARPER, TO ACCEPT THE MINUTES OF THE MAY 18, 2004, MEETING AS CORRECTED BY ADDING RICHARD KLINGAMAN AS THE SECOND ON THE MOTION OF ROBIN HAYNES FOR REQUEST FOR HISTORIC DISTRICT APPROVAL FOR DEMONOLITION OF THE BUILDINGS AT 221 AND 235 FRONT STREET (MAP 26, LOTS 261 AND 260); SAGADAHOC REAL ESTATE ASSOCIATION AND JOHN G. MORSE AND SONS, INC., APPLICANTS.

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

Subdivision Final Plan Review – 9-lot Subdivision, 1524 Washington Street (Map 13, Lot 44-1); ICS Realty, LLC – Robert Leblanc, applicant (Continued from May 18, 2004, meeting.)

Jim Upham informed the Planning Board that on the afternoon of Friday May 28, 2004, additional information had been received from Sitelines relative to the comments made

by Tom Saucier with regard to the stormwater management plan and that has not been reviewed by Mr. Saucier or the Public Works Director, Peter Owen. Mr. Upham suggested that this be continued until June 15, 2004, to allow for peer and staff review.

Jim Harper asked the applicant if he was agreeable to a continuation.

Chris Belanger, Sitelines said the applicant was agreeable.

JIM HARPER MADE A MOTION, SECONDED BY JIM HOPKINSON, TO CONTINUE THE SUBDIVISION FINAL PLAN REVIEW FOR A 9-LOT SUBDIVISION, 1524 WASHINGTON STREET (MAP 13, LOT 44-1); ICS REALTY, LLC – ROBERT LEBLANC, APPLICANT, TO JUNE 15, 2004.

UNANIMOUS APPROVAL.

New Business:

Jim Harper recommended that New Business Item 3 be reviewed by the Planning Board before consideration of New Business Items 1 and 2.

The Planning Board was polled and it was agreed to consider New Business Item 3 first.

Item 3

Request for Historic District Approval – Window modifications; 990 Washington Street (Map 26, Lot 189); Elizabeth and Jeffery Stuart, applicants.

Bob Oxtan asked for the applicant's permission for the non-voting student members to participate in the discussion of this agenda item.

Jeffery Stuart, applicant, said that the non-voting student members could participate in the discussion. Mr. Stuart stated that he is in the process of remodeling the kitchen and was asking for Historic District approval to resize the windows to match up with the kitchen counter so that the back of the counter would not be visible from the outside of the house. Mr. Stuart stated that it was his desire to historically restore the house and mentioned replacing the vinyl siding with wood clapboard. Mr. Stuart directed the Planning Board's attention to the photographs. In response to comments from Sagadahoc Preservation Inc. Mr. Stuart said that he felt painting the window black was ridiculous and would be unattractive, but that he was willing to mark the windows and store them in case a future homeowner wished to reinstall them.

The Planning Board held discussion on painting the windows black, the history of the house, and the excellent job by the applicant on the presentation and application package.

There being no further discussion from the Planning Board, 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.

JIM HARPER MOVED, SECONDED BY MARJORIE HAWKES, TO APPROVE THE REQUEST FOR HISTORIC DISTRICT APPROVAL FOR WINDOW MODIFICATIONS AT 990 WASHINGTON STREET (MAP 26, LOT 189); ELIZABETH AND JEFFERY STUART, APPLICANTS, WITH THE FOLLOWING CONDITIONS:

THAT PICTURES BE TAKEN OF THE EXISTING WINDOWS AND LABELED AND RETAINED;

THAT THE WINDOWS THAT ARE PRESENTLY THERE BE STORED; AND

THAT THE REPLACEMENT BE WOODEN REPLACEMENT WINDOWS WITH TRUE DIVIDED PANES.

SIX AGREE

ONE ABSTAIN (ROBIN HAYNES)

Item 1

Request for Site Plan Re-approval and Re-approval of Landscape Plan in C3 Zone

– Construction of buildings; Wing Farm Parkway (Map 24, Lots 5); Jan Martin Sr. and Jan Martin Jr. applicants.

Jim Upham stated that this had been approved subject to additional information (the shared parking agreement). He pointed out that this type of an approval is only valid for 35 days if the additional information has not been provided to the Planning Office. He said the information had not been provided in time. Mr. Upham explained that he has now received the shared parking agreement and that the City Solicitor has approved it. He said he sees no reason not to approve the landscape plan, shared parking and site plan. Mr. Upham added that there was no change to the original approved site plan.

Jessica Harnar, Executive Director of Coastal Economic Development, stated that the delay was not due to any fault on the part of the applicants, but because of the process which involved various banks, state agencies and federal agencies.

There being no further discussion from the Planning Board, **GORDON REED MADE A MOTION SECONDED BY RICHARD KLINGAMAN TO APPROVE THE REQUEST FOR SITE PLAN RE-APPROVAL AND RE-APPROVAL OF LANDSCAPE PLAN IN C3 ZONE FOR CONSTRUCTION OF BUILDINGS AND APPROVAL OF SHARED PARKING AGREEMENT; WING FARM PARKWAY (MAP 24, LOTS 5); JAN MARTIN SR. AND JAN MARTIN JR. APPLICANTS.**

UNANIMOUS APPROVAL

Item 2

Request for Site Plan Approval – Construction of road; Washington Heights Subdivision; 1524 Washington Street, (Map 13, Lot 44-1); ICS Realty, LLC – Robert Leblanc, applicant.

Jim Upham reminded the Planning Board that the first action needed is to find the site plan complete.

Discussion was held by the Planning Board on approval conditions, staff comments and the parameters of this request.

RICHARD KLINGAMAN MOVED, SECONDED BY GORDON REED, TO FIND THE APPLICATION COMPLETE.

UNANIMOUS APPROVAL.

Bob Oxtan asked for the applicant's permission for the non-voting student members to participate in the discussion of this agenda item.

Chris Belanger, representing the applicant, agreed to the participation of the student members. Mr. Belanger told the Board that this request was for earth moving associated with the removal of material and construction of the road for the Washington Heights subdivision. He described the projected amount of materials to be removed from the site, the projected time line for removal, trip frequency, and hours of operation.

The Planning Board held discussion on the route the trucks would take, erosion control measures, a stabilized entrance, the materials to be removed from the site, impact on the residents, traffic, hours of operation, road width, parking, impact on businesses and residents along the route, amount of materials to be removed and school bus hours.

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

Arnold Clay, 3 Mast Landing Road, expressed concerns with dust produced by the truck traffic and cleaning up debris that leaves the site. Mr. Clay requested hours be reduced during the school year especially during school bus trip times. Mr. Clay asked how damage to the roadway or private properties would be addressed and what the frequency of truck trips would be. Mr. Clay also pointed out the difficulties with line-of-site for traffic from the intersection of Harwood to the site entrance.

Katherine Hansen, stated that her house was very close to the street and that damage caused by the trucks would not be covered by her insurance company. Ms. Hansen also expressed concern with regard to children who ride the school bus and the impact the proposed hours of operation would have on their safety and timely return home from school.

Joe Seigh, 1505 Washington Street, pointed out issues the frequency of truck trips on a narrow roadway would cause. Mr. Seigh added that he often had to park his car on the road to unload items from his car. Mr. Seigh requested that they have a flagman at the intersection of Harwood to facilitate smooth traffic flow and to consider a speed reduction.

Hector Yeager, 1519 Washington Street, described the way that street maintenance had been handled in the past, the problems with repaving due to the narrowness of the street (he said the two lanes of the street had to be paved separately because the right-of-way was too narrow to allow vehicles to pas by the paving equipment) and erosion that has occurred over the past 15 years.

Chris Mann, 1569 Washington Street, recommended wetting the roads to keep dust down.

Mark St. Louis, 1488 Washington Street, stated that his home was located where the street is the narrowest and he expressed concerns about damage to his property.

There being no further discussion from members of the public Bob Oxtan closed the public portion of the meeting.

The Planning Board held discussion on number of flagmen that would be needed, hours of operation, video taping of the road, whether or not flagmen should be required to have two way radios, conditions of approval, time required for completion, the frequency of truck trips, size of trucks, speed, dust- and debris-reduction measures, and damage to private property.

Bob Oxtan opened the meeting to the public for comment on what hours of operation they preferred.

There being no consensus, Bob Oxtan closed the floor to public comment.

JIM HARPER MOVED, SECONDED BY JIM HOPKINSON TO APPROVE THE REQUEST FOR SITE PLAN APPROVAL FOR CONSTRUCTION OF ROAD; WASHINGTON HEIGHTS SUBDIVISION; 1524 WASHINGTON STREET, (MAP 13, LOT 44-1); ICS REALTY, LLC – ROBERT LEBLANC, APPLICANT, WITH THE FOLLOWING CONDITIONS:

THAT PARKING OF VEHICLES RELATED TO THIS ACTIVITY NOT IMPEDE PASSAGE OF THROUGH TRAFFIC AND NOT PARK ON ADJACENT PROPERTY LAWNS;

THAT THE ROUTE BE FROM WASHINGTON STREET TO NORTH STREET TO CONGRESS AVENUE AND THE RETURN ROUTE FOLLOW THE SAME ROUTE ;

THAT THE ROADS BE VIDEO TAPED PRIOR TO THE START OF ANY HAULING ACTIVITY PERFORMED BY THE APPLICANT, A COPY PROVIDED TO THE

PUBLIC WORKS DIRECTOR AND AT A MINIMUM BE FROM INTERSECTION OF HARWOOD STREET TO THE CONSTRUCTION SITE WITH ANY FURTHER VIDEO TAPING TO BE DETERMINED BY THE PUBLIC WORKS DIRECTOR. THE REPAIRS OF ANY VISIBLE DAMAGE BE MADE AT THE EXPENSE OF THE APPLICANT IN ACCORDANCE WITH A BOND TO BE APPROVED BY THE PUBLIC WORKS DIRECTOR AND THE CITY SOLICITOR;

THAT ANY MATERIALS SPILLING FROM TRUCKS BE REMOVED BY THE APPLICANT IN ACCORDANCE WITH THE PUBLIC WORKS DIRECTOR'S REQUEST;

THAT THE STABILIZED CONSTRUCTION ENTRANCE BE INSTALLED AND THE DETAILS THEREOF BE PROVIDED THE CITY PLANNING DIRECTOR PRIOR TO THE START OF OPERATIONS;

THAT THE MAXIMUM SPEED OF THE TRUCKS BE LIMITED TO 15 MILES PER HOUR;

THAT A MINIMUM OF TWO FLAGMEN BE UTILIZED UNLESS SPECIFIED BY A DETERMINATION OF THE PUBLIC WORKS DIRECTOR AND/OR POLICE CHIEF;

THAT TWELVE- CUBIC YARD TRUCKS BE THE MAXIMUM SIZE UTILIZED;

THAT THE HOURS OF OPERATION BE 7:30 A.M. TO 5:00 P.M. DURING THE SUMMER, NO HAULING ON WEEKENDS, NO HAULING ON HOLIDAYS, AND NO MORE THAN 20 OUTGOING LOADS PER DAY TRAVERSE THE ROUTE;

THAT HAULING CEASE DURING PERIODS OF SCHOOL BUS OPERATION;

THAT A WEEKLY REPORT BE SUBMITTED TO THE CODES ENFORCEMENT OFFICER SPECIFYING THE AMOUNT HAULED, THE HOURS OF OPERATION, AND THE NUMBER OF TRIPS;

THAT A BOND, LETTER OF CREDIT, OR INSURANCE COVERAGE ALL IN FORM AND SUFFICIENCY ACCEPTABLE TO THE CITY SOLICITOR BE POSTED BY THE APPLICANT THE VALUE TO BE DETERMINED BY THE PUBLIC WORKS DIRECTOR FOR THE PURPOSE OF ADDRESSING ANY IMPACT OR DAMAGE FROM THE OPERATION;

THAT THE CONTRACTOR PRODUCE PROOF OF CONTRACTOR'S LIABILITY WHICH WILL INCLUDE THEIR PUBLIC LIABILITY AND PROPERTY DAMAGE INSURANCE; AND

THAT THIS APPROVAL IS CONTINGENT UPON THE APPROVAL OF THE SUBDIVISION REQUEST.

UNANIMOUS APPROVAL.

Item 4

Request for Sketch Plan Review Preliminary Subdivision Plan Approval, and Site Plan Approval – 12-unit residential development; Front and Bowery streets (Map 21, Lot 227); SSC Ventures, Inc., applicant.

Richard Klingaman stated that because he is a principal in SSC Ventures, Inc that he was recusing himself.

Richard Klingaman introduced Michael Kreindler, George Parker, and Frank Cushing. Mr. Klingaman requested a waiver for those items in the preliminary subdivision plan which are incomplete or still awaiting staff review.

The Planning Board held discussion on a waiver of completeness.

ROBIN HAYNES MOVED, SECONDED BY GORDON REED TO FIND COMPLETE THE SKETCH PLAN AND PRELIMINARY SITE PLAN REVIEW WITH A WAIVER OF LOT LINES, VEGETATIVE AREAS, SOIL CONDITIONS, CURB RADII, IMPROVEMENTS WITH CROSS SECTION DETAIL AND DIMENSIONS, STORM WATER MANAGEMENT AND COMPLETE LEGEND.

UNANIMOUS APPROVAL.

Mr. Klingaman presented an overview of the project showing the location, proposed structures, existing structures and historic photographs. Mr. Klingaman discussed slope, flood plain, use of historic footprints, height restrictions, contract zoning, traffic impact, historic survey results, and the reduction from 16 units to 12 units.

Michael Kreindler discussed the various configurations of proposed units and their locations, circulation, and how the historic photographs were used to develop the design.

George Parker discussed the proposed marina, incorporation of historic elements in the design, access to the marina and various code requirements for construction of this subdivision.

Frank Cushing discussed the tree canopy, landscaping, the fresh water wet land and salt water wet land, plant species found on the site, drainage, circulation, use of materials found on site and the benefits to the City of Bath.

Discussion was held by the Planning Board on the subdivision review process, requirements for approval of the sketch plan, the private road, sidewalks, size of units, contract zoning, emergency vehicle access, the professionalism of the application, site walk, soil survey, price range of units, elevations, right-of-ways, use of historic structures on the site, screening, landscaping, conditions of approval, preservation of existing trees, use of on site materials and view from the river.

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

Herb Kresser, 1127 Washington Street, complimented the applicant on the ingenious use of the property and encouraged the Planning Board to move forward with this application.

Halycon Blake, 12 School Street, stated that she applauded how the applicant is proposing to use the land, the good use of space and the nice addition to the neighborhood this subdivision will make.

David Calhoun, 414 Front Street, stated that this will only impact his property a little bit, but that he is impressed with how the applicant has explored the history and traditions of this site and incorporated that history into this subdivision. Mr. Calhoun added that this proposed project is better than okay.

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

ROBIN HAYNES MOVED, SECONDED BY JIM HOPKINSON, TO APPROVE THE REQUEST FOR SKETCH PLAN REVIEW FOR A 12-UNIT RESIDENTIAL DEVELOPMENT; FRONT AND BOWERY STREETS (MAP 21, LOT 227); SSC VENTURES, INC., APPLICANT CONDITIONED UPON THE FOLLOWING:

THAT BEFORE REVIEW OF THE PRELIMINARY SUBDIVISION PLAN THE PLANNING BOARD WILL CONVIENE A SITE WALK;

THAT ONE-FOOT CONTOURS BE PROVIDED ON THE PRELIMINARY AND FINAL PLANS; AND

THAT THE PLANNING BOARD FINDS THIS TO BE A MAJOR SUBDIVISION.

UNANIMOUS APPROVAL

The Planning Board held discussion on approval of the preliminary site plan review, public hearing, traffic, site walk, site plan approval, historic district approval, and contract zoning.

ROBIN HAYNES MOVED, SECONDED BY JIM HARPER TO CONTINUE THE REQUEST FOR PRELIMINARY SUBDIVISION PLAN APPROVAL TO A DATE TO BE DETERMINED AT THE SITE WALK TO BE HELD ON JUNE 8, 2004, AT 6:00 P.M.

UNANIMOUS APPROVAL

JIM HARPER MOVED, SECONDED BY JIM HOPKINSON TO CONTINUE THE MEETING TO COMPLETE THE FINAL AGENDA ITEM.

UNANIMOUS APPROVAL

Item 5

Discussion of the Front Setback standard for other than single- and two-family residential uses in the R1 Zone.

The Planning Board held discussion on making the minimum setbacks for other than single- and two-family residential uses the same as that for single and two family residential uses if a reduction plan is approved by the Planning Board and removing the words "in the front" to address any side of the building.

The Planning Board was polled and it was agreed that the Planning Director will schedule this agenda item for public hearing for the first meeting in July 2004.

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

UNANIMOUS APPROVAL

The meeting was adjourned at 9:44 p.m.

Minutes prepared by Marsha Hinton, Recording Secretary