

A regular meeting of the Bath Planning Board was called on 9-7-04 for the purpose of conducting regular business.

**MEMBERS PRESENT**

Bob Oxtan, Chair  
Jim Harper, Vice Chair  
Robin Haynes  
Richard Klingaman  
Gordon Reed  
Jim Hopkinson  
Bill Vahey  
Brandon Shaw(non-voting student member)

**MEMBERS ABSENT**

Jonathan Dolloff(non-voting student member)

**STAFF PRESENT**

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, September 7, 2004.

**Minutes of August 3, 2004, meeting**

Robin Haynes pointed out that on page four of the August 3, 2004, minutes the third paragraph from the bottom should be amended to read "The Planning Board's votes on the waivers (see letter from Mr. Klingaman dated July 22, 2004) requested by the applicant were as follows:". Also on page 7 of the August 3, 2004 minutes the finding on Section 13.49 should be amended to read "Section 13.49 Easement for Natural Drainage Ways The board finds that this section has been complied with."

**JIM HARPER MOVED, SECONDED BY JIM HOPKINSON, TO ACCEPT THE MINUTES OF THE AUGUST 3, 2004, MEETING AS AMENDED.**

**UNANIMOUS APPROVAL**

Bob Oxtan, informed the Planning Board that long time Planning Board member Marjorie Hawkes has resigned her position with the Planning Board. Mr. Oxtan added that Ms. Hawkes brought to the Planning Board an expertise in landscaping, plants and trees. Robin Haynes stated that Ms. Hawkes' expertise and feisty nature will be missed.

Bob Oxtan introduced and welcomed new Planning Board member, Bill Vahey.

## **Old Business:**

### **Item 1**

**Request Historic District Approval** – 12-unit residential development; Front and Bowery Streets (Map 21, Lot 227); SSC Ventures, Inc., applicant (continued from the August 3, 2004, meeting).

Richard Klingaman recused himself from consideration of this agenda item because he is a principle in SSC Ventures, Inc.

Jim Harper stated that this project has been before the Planning Board and has received approval in all but the Request for Historic District Approval.

Richard Klingaman discussed the Landscaping Plan, the Tree Protection Plan, the Landscape Maintenance Plan, sidewalks, approval from the City Council on the Contract Rezoning, exterior material finishes, revised Site Plan, Stormwater Control Maintenance Plan, manholes and pumping station, lighting fixtures, lighting levels, State and Federal requirements, and emergency access easement. Mr. Klingaman asked the Planning Board for clarification on what level of change needed to come back before the Planning Board or would be appropriate for review by staff.

The Planning Board held discussion on the Tree Protection Plan, garden house exterior finish, storage maintenance building, elevations, walkways, access and egress, building C details, unit E details, photometrics, guidelines for changes which need to come back for Historic District Committee review, staff review or Planning Board review.

**ROBIN HAYNES MOVED, SECONDED BY JIM HARPER, TO GRANT THE REQUEST FOR HISTORIC DISTRICT APPROVAL FOR A 12-UNIT RESIDENTIAL DEVELOPMENT ON FRONT AND BOWERY STREET (SSC VENTURES, INC. APPLICANT CONDITIONED UPON APPROVAL BY STAFF OF A MORE COMPLETE ELEVATION PLANS AND REVISED LANDSCAPING PLAN WHICH REFLECTS THE CHANGES IN THE ELEVATIONS PROVIDED.**

## **UNANIMOUS APPROVAL**

### **Item 2**

**Request for Site Plan Amendment Approval** -- Set up a modular classroom building; 616 High Street (Map 31, Lot 22); Hyde School, applicant (continued from the August 3, 2004, meeting).

Ben Jorgensen, Facilities Manager for Hyde School, screening, landscaping, discussed trees, propane tanks and parking.

The Planning Board held discussion on skirting, surface of paths to doors, tree canopy, screening details, permanence of approval, abutters, exterior color of the classroom, and authority of the Planning Board under the Land Use Code.

**ROBIN HAYNES MOVED, SECONDED BY GORDON REED, TO APPROVE THE REQUEST FOR SITE PLAN AMENDMENT APPROVAL TO SET UP A MODULAR CLASSROOM BUILDING AT 616 HIGH STREET HYDE SCHOOL, APPLICANT CONDITIONED UPON THE FOLLOWING:**

**THAT A DETAILED LANDSCAPING PLAN SHOWING SCREENING FOR THE NORTHEAST CORNER, THE SOUTHWEST CORNER AND THE PROPANE TANKS ON THE SOUTHEAST CORNER BE SUBMITTED TO THE PLANNING DIRECTOR AND CITY ARBORIST FOR APPROVAL; AND**

**THAT CRUSHED STONE BE SPECIFIED ON THE DETAILED PLAN FOR THE PATHS TO THE FRONT AND BACK DOORS.**

**UNANIMOUS APPROVAL.**

### **Item 3**

**Request for Land Use Code Text Amendment** – Request to amend Article 8, Section 8.01, C – High-density Residential District, and to amend Article 10 by adding Section 10.34 – R1 Setback Reduction Plan (continued from the August 3, 2004, meeting).

Discussion was held by the Planning Board on City Council approval, staff input and language.

Brian Verville stated that by delaying this request the Planning Board was imposing a hardship in that it would delay renovations for his property as well as for other residents who would benefit from this amendment.

Gordon Reed explained that the Planning Board certainly appreciated the difficulties expressed by Mr. Verville, but there was no text available for the Planning Board to act on at this time.

**GORDON REED MOVED, SECONDED BY JIM HARPER, TO CONTINUE THE REQUEST FOR LAND USE CODE TEXT AMENDMENT TO AMEND ARTICLE 8, SECTION 8.01, C – HIGH-DENSITY RESIDENTIAL DISTRICT, AND TO AMEND ARTICLE 10 BY ADDING SECTION 10.34 – R1 SETBACK REDUCTION PLAN UNTIL THE NEXT REGULARLY SCHEDULED MEETING.**

**UNANIMOUS APPROVAL.**

**New Business:**

**Item 1**

**Request Historic District Approval** – modify front steps; 9-11 Elm Street (Map 26, Lot 246); Sagadahock Real Estate Association, applicant.

Roy Ordway, Sagadahock Real Estate, described the step and explained the difficulties this step caused. Mr. Ordway then described the proposed changes to the step.

The Planning Board held discussion on the location of the steps, materials under the carpet, and historic significance.

**ROBIN HAYNES MOVED, SECONDED BY RICHARD KLINGAMAN, TO APPROVE THE REQUEST FOR HISTORIC DISTRICT APPROVAL TO MODIFY FRONT STEPS AT 9-11 ELM STREET (MAP 26, LOT 246) SAGADAHOCK REAL ESTATE ASSOCIATION, APPLICANT.**

**UNANIMOUS APPROVAL.**

**Item 2**

**Request for Site Plan Approval** – filling on the lot at the corner of Lemont and High streets (Map 24, Lot 9A); Jeffrey Bengtsson, applicant.

**JIM HARPER MOVED, SECONDED BY GORDON REED, TO FIND THE SITE PLAN COMPLETE SUBJECT TO CONDITIONS OF APPROVAL.**

**UNANIMOUS APPROVAL.**

Jeffrey Bengtsson, owner, explained that he has been filling the site for approximately 15 years, and was before the Planning Board to renew his permit to continuing filling on this site. Mr. Bengtsson stated that it is his intention to build a single family home on the site once it is brought up to the level of the roads. Mr. Bengtsson described the property, filling plans, and a site walk by the Codes Enforcement Officer and Department of Environmental Protection representative.

The Planning Board held discussion on the Site Plan Review process, wetlands, and deficiencies in the physical plan submitted by the applicant.

The Planning Board recommended that the hay bales be anchored, erosion and sedimentation control measures be approved by the Public Works Director, the letter from the Codes Enforcement Officer be included in the submittal package, a letter delineating the route to be traveled (which should include frequency, size, and hours of operation) to be reviewed by Police Chief and Public Works Director, survey details specifically with regard to the location of the filling in relation to the boundaries, estimate of costs, proof of technical and financial capability, topography, Setbacks and lot lines, and existing soils and soils to be added. The Planning Board suggested that in those areas where the applicant does not have expertise that a consultant be hired to provide written reports.

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

Ted Wolfe, 59 Lemont Street, stated that he was not trying to block any attempt to put a house on this site. However, because of the fill an invasive plant has been brought into the area. Mr. Wolfe asked that some measures be taken to control this plant as well as the blowing dust.

Tom Hoerth, City Arborist, described the grass species, impact to the Kennebec River from this grass species, and control measures. Mr. Hoerth discussed his concerns to the impact to the trees on the site from this fill activity and requested a canopy study of the site and abutting properties.

**JIM HARPER MOVED, SECONDED BY ROBIN HAYNES, TO CONTINUE THE REQUEST FOR SITE PLAN APPROVAL FOR FILING ON THE LOT AT THE CORNER OF LEMONT AND HIGH STREETS, JEFFREY BENGTTSSON, APPLICANT, UNTIL THE NEXT REGULARLY SCHEDULED MEETING.**

**UNANIMOUS APPROVAL.**

### **Item 3**

**Request for Site Plan Approval Amendment – Leeman Highway and Court Street (Map 28, Lots 76, 77 and 78); M.W. Sewall & Co., applicant.**

Scott Bubar, M.W. Sewall & Co., referred the Planning Board to a letter written by Ned Sewall. Mr. Bubar described the requested changes to the property, removal of fences, and a shed for the compressor.

The Planning Board held discussion on the Setback, input from City staff, the location and screening of the dumpsters, access to adjoining properties, the chain barrier, comments from City staff, buffering, safety measures, hours of operation, comments from tenants, noise control, lighting, timers for vacuum islands, compressor shed, movement of property lines, ease-of-use, Planning Board authority under the Land Use Code, and fencing.

**JIM HARPER MOVED, SECONDED BY JIM HOPKINSON, TO CONTINUE THE REQUEST FOR SITE PLAN APPROVAL AMENDMENT AT LEEMAN HIGHWAY AND COURT STREET M.W. SEWALL & CO., APPLICANT UNTIL THE NEXT REGULARLY SCHEDULED MEETING.**

**UNANIMOUS APPROVAL.**

**Other Business:**

**Election of Officers**

Marsha Hinton, recording secretary, opened the floor for nominations.

**ROBIN HAYNES MOVED, SECONDED BY RICHARD KLINGAMAN, TO RE-ELECT BOB OXTON AS CHAIR AND JIM HARPER AS VICE CHAIR OF THE CITY OF BATH PLANNING BOARD.**

**UNANIMOUS APPROVAL.**

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

**UNANIMOUS APPROVAL**

The meeting was adjourned at 8:15 p.m.

Minutes prepared by Marsha Hinton, Recording Secretary