

A regular meeting of the Bath Planning Board was called on 3-15-05 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxton, Chair
Jim Harper, Vice Chair
Robin Haynes
Richard Klingaman
Bill Vahey
Andy Omo
Jonathan Dolloff – non-voting Morse High
Student
Brandon Shaw – non-voting Morse High
Student

MEMBERS ABSENT

Jim Hopkinson

STAFF PRESENT

Jim Upham, Planning Director

Bob Oxton, Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, March 15, 2005.

Minutes of February 15, 2005, meeting

ON A MOTION BY JIM HARPER, SECONDED BY ROBIN HAYNES, THE MINUTES OF THE FEBRUARY 15, 2005, MEETING WERE APPROVED AS WRITTEN.

UNANIMOUS APPROVAL

Bob Oxton told the Board that **Old Business Item 1** would be heard after **Other Business Item 1**.

Old Business:**Item 2**

Request for Site Plan Approval– Construction of a 9-unit multi-family development; Federal and Tarbox streets (map 34, lot 15-1); Bath Housing Development Corporation, applicant. (continued from the February 15, 2005, agenda.)

Jim Upham told the Board that he was an advocate for this project but at some point during the development of any project he has to stop being an advocate and become staff to the Planning Board and thoroughly review the project to make sure that it meets all of the standards of the Land Use Code. He said even though this is for affordable housing it still must meet all of the Approval Criteria.

Joanne Troy, Executive Director of the Bath Housing Authority, spoke to the Planning Board about the requirement to pave the parking lot. She said that she felt this was a subjective decision and that a gravel surface would be better. She told the Board that paving would drive up the development cost and would impact her ability to build the project.

Stephen Theodore, of Theodore & Theodore Architects, explained to the Board the changes that had been made to the plan since the February 15th meeting.

The applicant told the Board that the Maine Historic Preservation Commission needed additional pictures of the site before they could render an opinion relative to the impact on any historic or archeological sites. They also told the Board that they were still waiting for a letter from the Maine Department of Inland Fisheries and Wildlife.

Robin Haynes commented that she felt that the tree protection zone on the north side of the parking lot, between the parking lot and the Central Maine Power Company property, needed to be increased in size to provide buffer between the parking lot and the abutting property.

Andy Omo said he felt the buffer was adequate considering the fact that the abutting property was the Central Maine Power Company utility corridor.

The Board discussed the letter to Jim Upham from Trevor Hunt, Superintendent of the Bath Water District, dated March 15, 2005. Board members asked if the Fire Chief had read and approved the letter relative to paragraph #3.

Jim Upham said that he received the letter after 5:00 p.m. that afternoon and had not been able to contact the Water District or the Fire Chief.

Al Smith, Community Development Director, said that the Fire Chief had approved this but that there was nothing in writing.

Dick Klingaman asked how the applicant was going to fund the extension of the water line from High Street considering the fact that the Community Development Block Grant applied for by the City had not been approved.

Joanne Troy said that she would identify the funds in the future.

Al Smith said that there are two possible sources of funding. One could be the Brownfield Revolving Loan Fund if this were approved by EPA. The other source of funding could be the City's Housing Improvement Program, provided the Maine State Housing Authority granted approval.

Jim Harper asked if this was a Brownfield.

Joanne Troy said that it was adjacent to a Brownfield site.

Jim Harper asked whether the sight distance improvements recommended in the Traffic Report could be accomplished by vegetation cutting in the City's right-of-way or whether it was on private property.

Tom Hoerth, City Arborist, said that there were numerous intersections that needed to have sight distances approved by the cutting of vegetation and that he would put this intersection high on the priority list.

Jim Harper commented that in order for the Board to grant approval all the documentation needed to be complete. He asked the applicant if there was a time line dilemma.

Joanne Troy said that she would not expend money on drawings by the architect, which are needed for the bid process, until she was assured that the Planning Board would approve the layout and the site development of the project.

The Board held additional discussion concerning the paving of the parking lot. Bob Oxtan read the Standard (Section 10.06, B, 3, which requires that a parking lot be paved with at least 2 inches of bituminous concrete.)

Jim Harper commented that the Board had never waived this requirement.

Dick Klingaman said that he could consider a waiver if this was for a seasonal use and not being used in the winter. He said that he felt this was a safety issue because snow continues to build up on a gravel lot and never bares off until spring.

Bill Vahey said he agreed.

Andy Omo said he felt that this was not an environmental issue and that considering the location he favored a waiver.

Joanne Troy told the Board that this was both a cost and an aesthetic issue. She said the gravel parking lot made the project look more rural. She said that she did not understand why the Planning Board would not waive this considering the fact that the City would never have to maintain this parking lot.

Stephen Theodore told the Board that the intent was not to simply avoid paving but to seek a rural quality. He said that the varying services provided variety and acted as a traffic calming measure.

Bob Oxtan opened the meeting up to the public. There being no public wishing to comment, Bob Oxtan closed the public portion.

The Board discussed how to deal with not waiving or approving with condition the item relative to paving the parking lot, and how to handle the Site Plan Approval and the Subdivision Approval.

Jim Upham said he felt the Board could grant Site Plan Approval with various conditions but that because the Board needed to find that all of the submissions had been complete for the Subdivision Approval perhaps the subdivision portion should be continued.

ROBIN HAYNES MOVED, SECONDED BY DICK KLINGAMAN, TO APPROVE THE REQUEST FOR SITE PLAN APPROVAL; CONSTRUCTION OF A 9-UNIT MULTI-FAMILY DEVELOPMENT; FEDERAL AND TARBOX STREETS (MAP 34, LOT 15-1); BATH HOUSING DEVELOPMENT CORPORATION, APPLICANT, WAIVING LAND USE CODE SECTION 10.03,E AND SECTION 10.06, B, 9, AND WITH THE CONDITION THAT THE VEGETATION ON THE SLOPE OF HIGH STREET, IMMEDIATELY SOUTH OF TARBOX STREET, BE REMOVED AS RECOMMENDED IN THE TRAFFIC IMPACT STUDY BY WILLIAM BRAY, P.E.; THAT THE APPROVAL IS CONTINGENT UPON THE WATER DISTRICT APPROVING THE WATER SUPPLY SYSTEM IN WRITING; AND THAT THE FIRE DEPARTMENT ALSO APPROVE THE WATER SUPPLY SYSTEM IN WRITING, AND THAT A REVISED PLAN SHOWING A HARD, PAVED SERVICE FOR THE PARKING LOT AND AN ENLARGED TREE PROTECTION ZONE ON THE NORTH SIDE OF THE PARKING LOT, BE SUBMITTED TO THE PLANNING OFFICE.

UNANIMOUS APPROVAL.

New Business:

Item 1

Request for Final Subdivision Approval – construction of a 9-unit multi-family development; Federal and Tarbox streets (Map 34, Lot 15-1); Bath Housing Development Corporation, applicant.

ROBIN HAYNES MOVED, SECONDED BY BILL VAHEY, TO CONTINUE UNTIL ALL SUBMISSIONS ARE IN AND REVIEWED BY CITY STAFF.

UNANIMOUS APPROVAL.

Item 2

Request for Approval of a Setback Reduction Plan in C2 Zone – 20 Oak Grove Avenue (Map 25, Lot 110); 53-57 Allen Ave. LLC, applicant.

Michelle Grover and Amy Segal, of Terrance J. DeWan & Associates, represented the applicant. Michelle Grover told the Board that this was a request for Setback Reduction in the C2 Zone and for Shared Parking. She told the Board that the lots in question had recently been purchased and had merged and that there was now a proposal to create a new lot line, which would require the Setback Reduction and the Shared Parking Approval. She explained the new lot line, the parking spaces, the fence, which would

act as a buffer between the two parcels, and the landscaping. She also told the Board that the submission items included an easement deed allowing for the Shared Parking.

Jim Harper said that this was one of the most complete application packets and best presentations that had been made before the Planning Board.

Robin Haynes explained some of the history of the brick apartment building at 20 Oak Grove Avenue. She said this had once been the City's poor house.

Bob Oxton opened the meeting up to the public for any comment.

Robert Plummer, who owns property next to 20 Oak Grove Avenue, said that he was concerned with drainage, which he felt came off his property, down the edge of Oak Grove Avenue and onto his property.

There being no other members of the public wishing to speak, Bob Oxton closed the public portion.

Jim Upham said that he felt there were no changes to the site that would exacerbate this drainage problem but that he would ask Peter Owen, Public Works Director, to look into the situation.

Jim Upham told the board that there was a tree on the property that had been planted by the City. He suggested that a new plan noting this tree be submitted.

JIM HARPER MOVED, SECONDED BY DICK KLINGAMAN, TO GRANT THE REQUEST FOR THE APPROVAL OF A SETBACK REDUCTION IN THE C2 ZONE AND FOR SHARED PARKING – 20 OAK GROVE AVENUE, (MAP 25, LOT 110); 53-57 ALLEN AVE. LLC, APPLICANT, WITH THE CONDITION THAT THE AGREEMENTS FOR SHARED PARKING BE REVIEWED AND FOUND SUFFICIENT BY THE CITY SOLICITOR AND A NEW PLAN BE SUBMITTED TO THE PLANNING OFFICE THAT SHOWS THE EVERGREEN, WHICH HAS BEEN PLANTED ON THE SITE BY THE CITY.

UNANIMOUS APPROVAL.

Other Business

Discussion of Land Use Code Amendment – Section 11.36; Manufacturing, etc. in the C1 Zone.

Jim Upham explained that manufacturing, which includes manufacturing, processing, and assembling and is a Category 4.1 use, is only allowed in the C1 zone if there is a retail component of that use. He said that the purpose of this requirement is to ensure that buildings in the downtown did not become solely used for manufacturing purposes. He said that the City's goal in the downtown is to encourage shoppers to walk from one

store to another and that if buildings were occupied by manufacturing uses this would not be the case.

He said that the owner of the building at the corner of Centre and Middle streets had an opportunity to put a restaurant use and a manufacturing use in the building. He said that the draft of the Land Use Code amendment that had been in the Planning Board packet would allow this to happen and would still maintain the goal of not having buildings used solely for manufacturing.

Craig Burgess, owner of the building at the corner of Middle and Centre streets, told the Board of his future development plans. He said that he felt the draft Land Use Code amendment would work well for his needs and not allow manufacturing uses to be the sole occupant of buildings in the downtown.

The Board discussed the draft amendment and suggested that the manufacturing portion of the mixed use be limited to the non-store-front portion of the building and that late hours of operation that might create odor and additional noise be controlled.

Jim Upham said that he would work on another draft and that he would advertise this Land Use Code amendment for public hearing on April 5th.

Old Business

Item 1

Land Use Code Amendment – amend Article 13, Subdivision Ordinance by repealing it with a new Article 13. (Continued from the February 15, 2005, agenda.)

The Board discussed the changes that had been made to the recent draft of the subdivision ordinance. Much of the Planning Board's discussion was regarding the connectivity section.

Robin Haynes suggested that additional language be inserted that would say the Planning Board may require water supply systems to be looped. She felt that after reading some of the materials in the packet this seemed to be an important standard.

Jim Upham told the Board that the City Council would be holding a workshop on the subdivision ordinance on Monday, March 21, at 6:00 p.m. and the Board was invited to attend. He suggested that it would be important to have the three subcommittee members present.

Other Business:

Item 2
Update of Comprehensive Planning process

Robin Haynes, Chair of the Comprehensive Plan Advisory Committee, told the Board that much of the work to date had been in reviewing existing documents. She told the Board that she and Jim Upham had attended two Morse High School classes on Monday and had discussed the students' likes and dislikes about Bath and their vision of Bath in the future. She mentioned that the Comprehensive Plan Advisory Committee meets on the second and fourth Tuesdays of each month at 6:00 p.m. in City Hall Auditorium and the public was welcome to attend.

There being no further business to come before the Board, **ON A MOTION MADE AND SECONDED, THE MEETING WAS ADJOURNED.**

The meeting was adjourned at 8:18 p.m.

Minutes prepared by Jim Upham, Planning Director.