

A regular meeting of the Bath Planning Board was called on 04-05-05 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxton, Chair
Jim Harper, Vice Chair
Robin Haynes
Dick Klingaman
Jim Hopkinson
Bill Vahey
Andy Omo
Jonathan Dolloff (non-voting student member)

MEMBERS ABSENT

Brandon Shaw (non-voting student member)

STAFF PRESENT

Jim Upham, Planning Director
Marsha Hinton, Recording Secretary

Bob Oxton, Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, April 5, 2005.

Minutes of March 15, 2005, meeting

JIM HARPER MOVED, SECONDED BY ANDY OMO, TO ACCEPT THE MINUTES OF THE MARCH 15, 2005, MEETING AS WRITTEN.

UNANIMOUS APPROVAL

Bob Oxton polled the Planning Board and it was agreed to move Old Business agenda Item 1 to the end of the meeting.

Old Business**Item 2**

Request for Site Plan and Preliminary Subdivision 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 March 15, 2005 agenda.)

Jim Upham, Planning Director, announced that this agenda item had been continued from the last meeting and was not ready to be heard by the Planning Board at this time. Mr. Upham recommended that it be considered withdrawn from this agenda.

New Business

Item 1

Public Hearing - Land Use Code Amendment - Amend Article 2 - Definitions; amend the definition of "street", add the definition of "Street Bottle-neck"; "Street, Continuing"; "Street System, Dead-end"; and "Street, Loop" and delete the definitions of "Subdivision, Major", and "Subdivision, Minor".

Jim Upham stated that because of proposed changes in the Subdivision Ordinance these definitions would also need to be amended.

Bob Oxtan opened the floor to members of the public who wished to comment on this agenda item.

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

JIM HARPER MOVED, SECONDED BY JIM HOPKINSON, TO RECOMMEND THAT THE CITY COUNCIL ADOPT THE AMENDMENTS TO ARTICLE 2 DEFINITIONS SECTION 2.02 AS SUBMITTED TONIGHT.

UNANIMOUS APPROVAL

Item 2

Public Hearing - Land Use Code Amendment - amend Article 11 Section 11.36 - Manufacturing, processing, etc. in the C1 Zone.

Jim Upham stated that it had come to his attention that it would be beneficial to amend Article 11, Section 11.36, of the Land Use Code to allow manufacturing and unassociated retail in the downtown commercial district. Mr. Upham explained that currently manufacturing is allowed as long as a retail portion, which sells the manufactured goods is part of the building. Mr. Upham described the proposed changes.

The Planning Board discussed wording on Section 11.36, B, the definition of a storefront, percentages for retail and manufacturing, and access.

Bob Oxtan opened the floor to members of the public who wished to comment on this agenda item.

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

Bob Oxtan polled the Planning Board and it was agreed to continue discussion of this item after hearing the remaining agenda items to give the Board more time to consider appropriate wording of the amendment.

Item 3

Public Hearing - Request for Zoning Map Amendment and Contract Rezoning amendment - Midcoast Center for Higher Education parking lot, Park Street (Map 20, part of Lots 295, 296, and 114); City of Bath applicant.

Art Mayo, Chair of the Board of Trustees introduced Tom McDonald, Steve DeWick, and Jeff Sneddon. Mr. Mayo described the growth in enrollment at the facility and the need to expand the parking areas to accommodate that growth.

Tom McDonald described the facility, the constraints on the parking, access to the building, the various uses of the facility and the potential for further growth.

Steve DeWick outlined the increase in parking spaces, snow removal, and the need for the zoning map change.

Bob Oxtan opened the floor to members of the public who wished to comment on this agenda item.

Jim Kenyon, 2 Park Street, expressed concerns with regard to the need for more parking. Mr. Kenyon stated that he did not feel that the parking area was being fully utilized at this time and therefore did not see the need to add more spaces.

Bruce Kukich, 1284 Washington Street, stated that he was in full support of this request.

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

The Planning Board discussed the zoning change, access, alternatives to creating another parking area, and the need for Planning Board approval of the parking lot.

ROBIN HAYNES MOVED, SECONDED BY BILL VAHEY, TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE REQUEST FOR ZONING MAP AMENDMENT AND CONTRACT REZONING AMENDMENT FOR THE MIDCOAST CENTER FOR HIGHER EDUCATION PARKING LOT AT PARK STREET (MAP 20, PART OF LOTS 295, 296, AND 114); CITY OF BATH, APPLICANT.

UNANIMOUS APPROVAL

Item 4

Request for Site Plan Approval - development of the site including construction of a 9,940 square foot building; Oak Grove Avenue (Map 19, Lot 2-1); Bath United Methodist Church, applicant.

Tom Saucier stated that the United Methodist Church proposal was a two phase project. Mr. Saucier described the proposal using a sketch of the site. Mr. Saucier

discussed DEP permits, circulation, utilities, subsurface waste water systems, stormwater, pedestrian traffic, lighting, landscaping, and waivers for the location of the parking and median islands in the parking lot.

Lita Semrau, of Port City Architecture, described the building design, building materials, and color schemes.

ROBIN HAYNES MOVED, SECONDED BY JIM HOPKINSON TO FIND THE REQUEST FOR SITE PLAN APPROVAL FOR DEVELOPMENT OF THE SITE INCLUDING CONSTRUCTION OF A 9,940 SQUARE FOOT BUILDING; OAK GROVE AVENUE (MAP 19, LOT 2-1); BATH UNITED METHODIST CHURCH, APPLICANT TO BE COMPLETE.

UNANIMOUS APPROVAL

Jim Harper complimented the applicant on the completeness of their submittal.

The Planning Board discussed stormwater, comments from City staff, sewage, landscaping, buffering, lighting, pedestrian traffic, side walks, traffic circulation, certificate of occupancy, permits, Maine Historic Preservation, approval with regard to the two phases, elevations, and timeline for construction.

Bob Oxtan opened the floor to members of the public who wished to comment on this agenda item.

Bruce Lemieux, abutter, stated that he was concerned with light from the parking lot spilling onto his property.

Jackie Barrett, abutter, explained that the trees would be destroyed when the heavy equipment moved across the root systems and that would cause the buffering to decrease. Ms. Barrett described the nearness of her property to the parking lot and expressed concern with light spillage.

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

The Planning Board discussed screening, maintenance of the buffering, and input from city staff.

JIM HARPER MOVED, SECONDED BY DICK KLINGAMAN, TO GRANT THE REQUEST FOR SITE PLAN APPROVAL FOR DEVELOPMENT OF THE SITE INCLUDING CONSTRUCTION OF A 9,940 SQUARE FOOT BUILDING; OAK GROVE AVENUE (MAP 19, LOT 2-1); BATH UNITED METHODIST CHURCH, APPLICANT WITH THE FOLLOWING CONDITIONS AND WAIVERS:

THAT A TREE PROTECTION PLAN BE SUBMITTED WITH A POSITIVE ENDORSEMENT FROM THE CITY PLANNING DIRECTOR;

THAT THE DESIGN AND INSTALLATION OF ALL NEW WATER LINES ACCESSING THE SITE BE IN ACCORDANCE WITH BATH WATER DISTRICT SPECIFICATIONS;

THAT A PEDESTRIAN WALKWAY BE INSTALLED ADJACENT TO THE ACCESS DRIVE;

THAT ADDITIONAL BUFFERING IS ADDED TO THE NORTHEAST CORNER OF THE PARKING LOT TO SCREEN HEADLIGHTS FROM ABUTTERS TO THE APPROVAL OF THE CITY PLANNING DIRECTOR;

THAT A NATURAL RESOURCES PROTECTION ACT PERMIT AND STORMWATER PERMIT FROM DEP BE RECEIVED;

THAT IF PHASE II CONSTRUCTION IS NOT COMMENCED WITHIN 24 MONTHS THAT PHASE II BE THE SUBJECT OF A REQUEST FOR AMENDMENT TO THIS SITE PLAN;

THAT A WAIVER BE GRANTED TO LAND USE CODE SECTION 10.06, B, 8, PARKING LOT CLOSER TO STREET THAN THE FRONT OF THE BUILDING; AND

THAT A WAIVER BE GRANTED TO LAND USE CODE SECTION 10.06, B, 14, AND C, 1, WITH REGARD TO THE MEDIAN STRIPS.

UNANIMOUS APPROVAL.

Item 5

Request for Site Plan Approval - redevelopment of the site including construction of a 6,500 square foot building; 400 Centre Street (Map 28, Lot 190); Elmhurst, Inc., applicant.

Darlene McKinnon, Executive Director of Elmhurst, described the current facility and the difficulty in handicapped access. Ms. McKinnon informed the Planning Board of the Zoning Board of Appeals approval of their request for expansion of a non-conforming use.

JIM HARPER MOVED, SECONDED BY ANDY OMO, TO FIND THE REQUEST FOR SITE PLAN APPROVAL FOR REDEVELOPMENT OF THE SITE INCLUDING CONSTRUCTION OF A 6, 5000 SQUARE FOOT BUILDING; 400 CENTRE STREET (MAP 28, LOT 190); ELMHURST, INC., APPLICANT, TO BE COMPLETE.

UNANIMOUS APPROVAL

Charlie Wiercinski, Site Lines, explained how the location of the sewer and catch basins dictated the location of the new building. Mr. Wiercinski discussed impervious areas, solid waste disposal, access, landscaping, stormwater, pedestrian traffic, erosion

control, traffic circulation, hazardous waste, demolition of the current structure, water quality, water supply, and lighting. Mr. Wiercinski asked that he be allowed to have a conversation with the Public Works Director to answer questions regarding Mr. Owen's review of the Stormwater Management Plan.

The Planning Board discussed constraints on city staff, timeline for construction, pedestrian traffic, sidewalks, utilities, waivers, curb cuts, stormwater management, dumpster, screening, lighting, and recycling of building materials from the demolished building.

Bob Oxton opened the floor to members of the public who wished to comment on this agenda item.

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

ROBIN HAYNES MOVED, SECONDED BY BILL VAHEY, TO APPROVE THE REQUEST FOR SITE PLAN APPROVAL FOR REDEVELOPMENT OF THE SITE INCLUDING CONSTRUCTION OF A 6,500 SQUARE FOOT BUILDING; 400 CENTRE STREET (MAP 28, LOT 190); ELMHURST, INC., APPLICANT WITH THE FOLLOWING CONDITIONS:

THAT THE STORM WATER MANAGEMENT PLAN BE APPROVED BY THE PUBLIC WORKS DIRECTOR;

THAT THE WALKWAY BE BUILT TO CONNECT WITH A FUTURE CENTER STREET SIDE WALK OR TO A CROSS WALK;

THAT AN EASEMENT BE GRANTED TO THE CITY OF BATH FOR AN EXISTING SEWER LINE;

THAT A WAIVER BE GRANTED OF SECTION 10.02, E, ACCESS ON LOTS WITH FRONTAGE ON MORE THAN ONE STREET;

THAT A WAIVER BE GRANTED OF SECTION 10.06, B, 8, PARKING SPACES CLOSER TO THE STREET THAN THE BUILDING;

THAT A WAIVER BE GRANTED OF SECTION 10.06, B, 9, CURB-TO-CURB WIDTH STANDARDS; AND

THAT A WAIVER BE GRANTED OF SECTION 10.06, B,14, MEDIAN STRIPS.

UNANIMOUS APPROVAL

Item 6

Request for Historic District Approval Amendment - installation of two skylights on the north-facing roof; 9 Turner Court (Map 21, Lot 167); Vincent E. and Elizabeth A. Messler, applicants.

Jim Upham discussed the comments from Sagadahoc Preservation Inc., with regard to the addition of two skylights.

Andy Omo recused himself from consideration of this agenda item because his brother would be working on the installation.

The Planning Board discussed the input from Sagadahoc Preservation Inc.

Bob Oxtan opened the floor to members of the public who wished to comment on this agenda item.

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

JIM HARPER MOVED, SECONDED BY JIM HOPKINSON, TO GRANT APPROVAL FOR THE REQUEST FOR HISTORIC DISTRICT APPROVAL AMENDMENT FOR INSTALLATION OF TWO SKYLIGHTS ON THE NORTH-FACING ROOF; 9 TURNER COURT (MAP 21, LOT 167); VINCENT E. AND ELIZABETH A. MESSLER, APPLICANTS.

UNANIMOUS APPROVAL

Continuation of New Business Item 2

Public Hearing - Land Use Code Amendment - amend Article 11 Section 11.36 - Manufacturing, processing, etc. in the C1 Zone.

The Planning Board discussed the need for clarity in the wording of the amendment and the applicants need for timeliness in their decision.

RICHARD KLINGAMAN MOVED, SECONDED BY JIM HOPKINSON, TO RECOMMEND THE AMENDMENTS TO ARTICLE 11 SECTION 11.36 MANUFACTURING, PROCESSING, ETC. IN THE C1 ZONE WITH THE FOLLOWING CHANGE:

THAT SECTION 11.36, B, READ AS FOLLOWS:

"NOTWITHSTANDING A, ABOVE, A CATEGORY 4.1 USE MAY BE LOCATED ON THE GROUND FLOOR OF A MIXED USE BUILDING, WHICH MUST INCLUDE A CATEGORY 2 USE, A CATEGORY 3 USE, OR A CATEGORY 10.1 USE, PROVIDED THE CATEGORY 4.1 USE OCCUPIES NO MORE THAN 50 PERCENT OF THE GROUND FLOOR AND DOES NOT OCCUPY MORE OF THE STORE FRONT THAN

IS NECESSARY FOR SAFE PERSONAL EGRESS. A STORE FRONT MEANS THAT PORTION OF A BUILDING THAT ABUTS THE STREET, CITY OWNED PARKING LOT, OR KENNEBEC RIVER AND IS 15 FEET IN DEPTH FROM THE STREET, CITY OWNED PARKING LOT, OR KENNEBEC RIVER."

UNANIMOUS APPROVAL

Old Business:

Item 1

Land Use Code Amendment - amend Article 13, Subdivision Ordinance by repealing the existing Article 13 and replacing it with a new Article 13. (Continued from the March 15, 2005, agenda.)

Jim Upham pointed out the following minor changes:

The first sentence in Section 13.05, B, should read "An application for approval of a developmental subdivision may..."

The ninth sentence in Section 13.07, E, should read "notice must be given as required by 1 M.R.S.A 13 Section 406,"

The first sentence in Section 13.09, A, 2, should read "Must notify in writing all owners of property within 200 feet of the applicant's property..."

The last sentence in Section 13.10 should read "applicant and owners of property within 200 feet of the applicant."

The first two sentences in Section 13.11, C, should read "Three copies of the subdivision plan drawn to a scale of not more than 100 feet to the inch. Fourteen copies ..."

The last sentence in Section 13.11, E, 35, should read "by Section 13.18 or the design and construction standards of Section 13.14"

The nineteenth sentence of Section 13.13, H, 4, (a), should read "4, (b), below, the payment..."

The second sentence of Section 13.17, C, 1, should read "subdivision that is not shown on the approved Subdivision Plan as a buildable lot."

The second sentence of Section 13.18, A, should read "performance standard or any design or construction requirements by an equivalent ..."

The first sentence of Section 13.19 should read "An aggrieved party may appeal any decision of the Board under this ordinance ..."

Jim Harper commended the work of Jim Upham, Jim Hopkinson, Dick Klingaman and Bill Vahey to update the City of Bath Subdivision ordinance.

JIM HARPER MOVED, SECONDED BY JIM HOPKINSON, TO RECOMMEND TO THE CITY COUNCIL THAT THEY APPROVE ARTICLE 13 SUBDIVISIONS AS MODIFIED AT THE MEETING ON APRIL 5, 2005.

UNANIMOUS APPROVAL

Other Business:

No other business.

There being no further business to come before the Board, **ROBIN HAYNES MOVED, SECONDED BY ANDY OMO, THAT THE MEETING BE ADJOURNED.**

UNANIMOUS APPROVAL

The meeting was adjourned at 9:30 p.m.

Minutes prepared by Marsha Hinton, Recording Secretary