

A regular meeting of the Bath Planning Board was called on 5-3-05 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxton, Chair
Jim Harper, Vice Chair
Robin Haynes
Dick Klingaman
Jim Hopkinson
Bill Vahey

MEMBERS ABSENT

Andy Omo
Brandon Shaw (non-voting student member)
Jonathan Dolloff (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, May 3, 2005.

Minutes of April 19, 2005, meeting

JIM HARPER MOVED, SECONDED BY DICK KLINGAMAN, TO ACCEPT THE MINUTES OF THE APRIL 19, 2005, MEETING AS WRITTEN.

UNANIMOUS APPROVAL**Old Business:**

No old business.

New Business:**Item 1**

Public Hearing - Request for Zoning Map Amendment and Contract Rezoning - 1172 Washington Street (Map 20, Lot 188); Deborah and Roland Simard, applicants.

Roland and Deborah Simard, applicants, explained their plans to convert the existing structure into an art gallery, which would display the works of several artists who work with a variety of mediums, limited work space for artists, and the offering of art classes. Mr. Simard discussed parking restrictions, lighting, potential floor space expansion, the parsonage, and the Zoning Map Amendment and Contract Rezoning.

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

Jerzy Karcz, 17 Beacon Street, asked about the hours of operation and parking.

Ken Young, member of the United Methodist Church, stated that he was in support of this proposal in that it would be a good addition to the community.

Jim Upham explained the process for Contract Rezoning stating that the recommendation to the City Council would not allow the applicants to go forward with this project without coming back to the Planning Board with a request for Site Plan Approval.

The Planning Board discussed the potential expansion, outdoor sculpture garden, hours of operation, parking, historic preservation, removal of the east side stained glass window, timeline for the project, the underlying zone, the proposed schools, accessory uses, conditions listed in the proposed Section 16.12 and guidance from the Comprehensive Plan.

JIM HARPER MOVED, SECONDED BY DICK KLINGAMAN, TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE REQUEST FOR ZONING MAP AMENDMENT AND CONTRACT REZONING FOR 1172 WASHINGTON STREET (MAP 20, LOT 188) CONDITIONED UPON THE FOLLOWING, EXCEPTING THE EAST FACING STAINED GLASS WINDOW:

SECTION 16.12, D, TO READ AS FOLLOWS:

"THIS CONTRACT ZONE IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE ONLY USES ALLOWED ARE THE USES PRESENTLY ALLOWED BY THE LAND USE CODE IN THE UNDERLYING DISTRICT, PLUS THE FOLLOWING C1 USE CATEGORIES:**
 - A. USE 2.1.1.1.1 - SALE OR RENTAL OF GOODS, MERCHANDISE, OR EQUIPMENT, NO STORAGE OUTSIDE BUILDING, IN A BUILDING WITH LESS THAN 5,000 SQUARE FEET OF GROSS FLOOR AREA.**
 - B. USE 2.1.1.1.2 -- SALE OR RENTAL OF GOODS, MERCHANDISE, OR EQUIPMENT, NO STORAGE OUTSIDE BUILDING, IN A BUILDING WITH 5,000 SQUARE FEET OR MORE OF GROSS FLOOR AREA.**
 - C. USE 2.1.3, INCLUDING 2.1.3.1 AND 2.1.3.2 - SALE OR RENTAL OF GOODS, MERCHANDISE, OR EQUIPMENT, NO STORAGE OUTSIDE BUILDING, LOW VOLUME TRAFFIC GENERATION.**
 - D. USE 3.1.1 - OFFICE, CLERICAL, RESEARCH, OR SERVICE OPERATIONS DESIGNED TO ATTRACT AND SERVE NUMEROUS CLIENTS ON THE PREMISES.**
 - E. USE 3.1.2 - OFFICE, CLERICAL, RESEARCH, OR SERVICE OPERATIONS DESIGNED TO ATTRACT LITTER OR NO CLIENT TRAFFIC.**
 - F. USE 4.1 - MANUFACTURING, PROCESSING, CREATING, REPAIRING, RENOVATING, AND ASSEMBLING OF GOODS, MERCHANDISE, OR**

EQUIPMENT INSIDE A BUILDING LIMITED TO ACCESSORY USES SUCH AS JEWELRY, POTTERY, FRAME MAKING, FURNITURE REPAIR, STAINED GLASS MAKING, FIBER WORK, SCULPTURE AND PROVIDED THAT NO SUCH ACTIVITY WILL RESULT IN NOISE OR FUMES THAT CAN BE DETECTED FROM THE OUTSIDE OF THE BUILDING.

G. USE 6.1.3 - SPECIAL-PURPOSE SCHOOLS.

- 2. THE HOURS OF OPERATION ARE LIMITED TO 9:00 AM TO 9:00 PM.**
- 3. ANY CHANGE OF USE WHICH WOULD REQUIRE SITE PLAN APPROVAL IS SUBJECT TO SITE PLAN APPROVAL FROM THE PLANNING BOARD IN ACCORDANCE WITH LAND USE CODE ARTICLE 12.**
- 4. THE CONSTRUCTION OF ANY NEW BUILDINGS; THE ADDITIONS TO BUILDINGS; THE ADDITION, CHANGE, REMOVAL, OR COVERING (OTHER THAN WITH PAINT OR STAIN) OF ANY EXTERIOR ARCHITECTURAL DETAIL OR DECORATIVE ELEMENT OF AN EXISTING BUILDING; OR THE DEMOLITION OF ANY STRUCTURE OR ANY PORTION THEREOF, EXCEPT REMOVAL OF THE EAST-FACING STAINED-GLASS WINDOW, REQUIRES SITE PLAN APPROVAL FROM THE PLANNING BOARD AND MUST MEET THE FOLLOWING ADDITIONAL APPROVAL CRITERIA. IT IS THE APPLICANT'S BURDEN TO PROVE THAT THESE CRITERIA ARE MET.**
 - A. THE CONSTRUCTION OF ANY BUILDINGS OR THE ADDITION TO ANY BUILDING MUST BE GENERALLY OF SUCH DESIGN, FORM, PROPORTION, MASS, CONFIGURATION, BUILDING MATERIAL, TEXTURE, COLOR, AND LOCATION ON THE LOT SO AS TO BE COMPATIBLE OTHER BUILDINGS AND WITH STREETS AND OPEN SPACES TO WHICH IT IS VISUALLY RELATED.**
 - B. BEFORE A STRUCTURE MAY BE REMOVED OR DEMOLISHED OR ANY EXTERIOR ARCHITECTURAL DETAIL OR DECORATIVE ELEMENT OF AN EXISTING BUILDING MAY BE REMOVED OR COVERED THE APPLICANT MUST DEMONSTRATE THAT THE STRUCTURE OR EXTERIOR ARCHITECTURAL DETAIL OR DECORATIVE ELEMENT IS NOT HISTORICALLY SIGNIFICANT OR THAT THERE IS NO ALTERNATIVE METHOD OF PRESERVING THE STRUCTURE OR THE EXTERIOR ARCHITECTURAL DETAIL OR DECORATIVE ELEMENT.**

UNANIMOUS APPROVAL

Item 2

Request for Site Plan Amendment Approval - Construction of a 21-foot by 48-foot greenhouse behind the Bath Middle School; 6 Old Brunswick Road (Map 22 Lot 17); Bath Middle School, applicant.

Karen Curley, Bath Middle School, stated that they were requesting permission to construct a greenhouse to be used primarily as part of the science department. Ms. Curley explained that plans were also to establish a school garden club in conjunction with the Maine Cooperative Extension and assist the City Arborist with tree farm activities.

The Planning Board discussed the time line for completion.

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 ROBIN HAYNES, TO GRANT APPROVAL FOR THE REQUEST FOR SITE PLAN AMENDMENT FOR CONSTRUCTION OF A 21-FOOT BY 48-FOOT GREENHOUSE BEHIND THE BATH MIDDLE SCHOOL AT 6 OLD BRUNSWICK ROAD (MAP 22 LOT 17), BATH MIDDLE SCHOOL APPLICANT.

UNANIMOUS APPROVAL

Item 3

Request for Historic District Approval - Construction of a screened in porch; 912 Middle Street (Map 26 Lot 105); Deborah and Michael Ambler, applicants.

Michael Ambler described the house and the alcove they proposed to screen. Mr. Ambler informed the Planning Board of comments received from Sagadahoc Preservation, Inc. with regard to this project.

Robin Haynes presented a history of the house and the many changes the house has gone through over the years.

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.

ROBIN HAYNES MOVED, SECONDED BY BILL VAHEY, TO APPROVE THE REQUEST FOR HISTORIC DISTRICT APPROVAL FOR CONSTRUCTION OF A

SCREENED IN PORCH AT 912 MIDDLE STREET (MAP 26 LOT 105) DEBORAH AND MICHAEL AMBLER APPLICANTS.

UNANIMOUS APPROVAL

Item 4

Request for Site Plan Approval - filling on a parcel of land on Bernard Street (Map 22 Lot 51); M.W. Sewall, applicant.

Jim Upham presented additional documentation with regard to this agenda item which had not arrived until after the initial materials had been provided to the Planning Board members.

Ned Sewall explained that this request was just for a filling permit. Mr. Sewall discussed the Department of Environmental Protection's Tier 1 permit, the recent survey of the property, the fact that the parcel is designated as wet meadow, setbacks, sources for fill, truck routes, and the phase one plan.

The Planning Board discussed hours of operation, volume of fill, truck routes, speed, spillage on public ways, Department of Environmental Protection requirements, the Site Plan to be approved, and repair of damage to roadways.

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

Rick Knowlton, 10 Bernard Street, expressed his concerns with regard to the loss of wetlands, wildlife habitat, past Department of Environmental permitting with regard to this area, current issues with water damage to homes in the area and the concern for increased water levels caused by this proposal. Mr. Knowlton asked if another wildlife protection organization could make an assessment of the site.

Fred Hersom, 3 Matthews Avenue, stated that he was concerned about the amount of wetland that the City of Bath would allow to be taken.

Steve Crosman, 2 Bernard Street, stated he was in support of the previous comments and added his concerns from an engineering standpoint with regard to the increase in water levels this project would cause.

Harold Loveitt, 16 Newton Road, asked if the Planning Board allows the applicant to receive a permit for filling and how the sediment would be controlled. Mr. Loveitt described the negative impact the railroad construction has had on the water levels in the area.

Russ Ferris, 5 Matthew, asked about the material that would be used to fill the site, what would cover the area after the fill is in, and what the area will look like after the fill. Mr. Ferris also expressed his concern with regard to the water table levels.

Ken Walker, 10 Newton, stated he took exception to this not being identified as a wetland. Mr. Walker described how the water would not have any where to go should this permit be granted.

No further comment from the public being seen, Bob Oxtan closed the public portion of the meeting.

The Planning Board discussed the process with regard to obtaining the permit and the need for additional Planning Board review required for other activity with regard to this site, an accurate site plan, Beginning with Habitat mapping, Inland Fisheries & Wildlife input, comments from City Staff, elevations, contours, stormwater, stabilized entrance, vegetative cover, city sewers, and fill materials.

The Planning Board recommended that the lot lines on the Site Plan that show three house lots be removed, that the road elevations and clarity with regard to vegetative cover be included on the Site Plan, the stabilized entrance be defined, input from Inland Fisheries & Wildlife, and comments from City Staff with regard to the water levels.

ROBIN HAYNES MOVED, SECONDED BY JIM HOPKINSON, TO CONTINUE THE REQUEST FOR SITE PLAN APPROVAL FOR FILING ON A PARCEL OF LAND ON BERNARD STREET (MAP 22 LOT 51); M.W. SEWALL, APPLICANT UNTIL THE NEXT REGULARLY SCHEDULED MEETING.

UNANIMOUS APPROVAL

Other Business

Bob Oxtan polled the Planning Board with regard to a reduced summer meeting schedule and it was agreed to have one meeting on the first Tuesday during the months of June, July and August of 2005.

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

UNANIMOUS APPROVAL

The meeting was adjourned at 8:30 p.m.

Minutes prepared by Marsha Hinton, Recording Secretary