

A regular meeting of the Bath Planning Board was called on 5-17-05 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxtan, Chair
Jim Harper, Vice Chair
Robin Haynes
Jim Hopkinson
Bill Vahey
Andy Omo

MEMBERS ABSENT

Richard Klingaman
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, May 17, 2005.

Minutes of May 3, 2005, site walk.

JIM HARPER MOVED, SECONDED BY BILL VAHEY TO ACCEPT THE MINUTES OF THE MAY 3, 2005, MEETING AS WRITTEN.

UNANIMOUS APPROVAL**Minutes of May 3, 2005, regular meeting**

ROBIN HAYNES MOVED, SECONDED BY JIM HOPKINSON TO ACCEPT THE MINUTES OF THE MAY 3, 2005, REGULAR MEETING AS WRITTEN.

UNANIMOUS APPROVAL**Old 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. (Continued from March 15, 2005, meeting.)

Joanne Troy, Executive Director of the Bath Housing Development Corp., stated that she has supplied materials that should satisfy the five outstanding conditions with regard to this project and would be glad to answer any questions with regard to the project.

Jim Upham, Planning Director, stated that the applicant has agreed to change the parking lot materials to bituminous concrete, to modify the northern area to provide

additional screening of the parking area from abutting properties including a tree protection plan.

The Planning Board discussed the tree protection area, the subdivision plan to be signed, and information to be included on the plan. The Planning Board reviewed the draft Findings of Fact and Conclusions of Law provided by the Planning Office.

There being no further comment from the Planning Board, 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.

The Planning Board discussed conditions of approval.

ROBIN HAYNES MOVED, SECONDED BY JIM HOPKINSON TO APPROVE THE REQUEST FOR FINAL SUBDIVISION APPROVAL FOR CONSTRUCTION OF A 9-UNIT MULTI-FAMILY DEVELOPMENT; FEDERAL AND TARBOX STREETS (MAP 34, LOT 15-1) BATH HOUSING DEVELOPMENT CORPORATION, APPLICANT WITH THE FOLLOWING CONDITIONS:

1. THAT ALL CONDITIONS CONTAINED IN THE CONCLUSIONS OF THE NOTICE OF DECISION FOR THE TREE TOP SUBDIVISION, DATED MAY 17, 2005, ARE INCORPORATED HEREIN AND MUST BE COMPLIED WITH.
2. THAT NO OWNERSHIP IN THE PROPERTY BE TRANSFERRED AND NO CERTIFICATES OF OCCUPANCY BE ISSUED UNTIL THE CONSTRUCTION OF THE PROJECT IS COMPLETE.
3. THAT A NEW WATER MAIN BE INSTALLED MEETING THE REQUIREMENTS OF THE BATH WATER DISTRICT WITH THE WORK BEING PERFORMED BY THE CITY OF BATH AND PAID FOR BY THE APPLICANT.
4. THAT VEGETATION BE CUT OR REMOVED FROM THE WEST SIDE OF THE HIGH STREET RIGHT-OF-WAY, SOUTH OF THE TARBOX STREET INTERSECTION, AS RECOMMENDED BY MR. BRAY IN HIS TRAFFIC IMPACT STUDY, DATED MARCH 2005.
5. IN THE EVENT THE APPLICANT FINDS THAT BLASTING WILL BE REQUIRED THE APPLICANT MUST COMPLY WITH THE FOLLOWING CONDITIONS IN ADDITION TO THE STANDARD ORDINANCE REQUIREMENTS OF THE CITY:
 - A. THAT THE EXISTING ROADS AND EXISTING FOUNDATIONS BE VIDEO TAPED AND DUPLICATES OF THE VIDEO TAPE AND THE REPORT ON THE WELL BE PROVIDED TO THE CITY PLANNING OFFICE.
 - B. THAT NO BLASTING ACTIVITY, INCLUDING DRILLING AND ALARMS, BE ALLOWED BEFORE 9:00 A.M. OR AFTER 5:00 P.M. AND NO BLASTING ACTIVITY INCLUDING DRILLING AND ALARMS BE ALLOWED ON WEEKENDS OR HOLIDAYS.
 - C. THAT TWO POINTS OF RECORDING BLASTING TEST RESULTS BE REQUIRED.

- D. THAT THE APPLICANT PROVIDE TO RESIDENTS WITHIN A 500 FOOT RADIUS OF THE PROPERTY AN INFORMATIONAL SHEET LISTING HOURS OF OPERATION, WHERE THE TAPE IS LOCATED, AND POINT OF CONTACT FOR PROBLEMS.**
- 6. THAT PAVING OF THE PARKING LOT BE IN ACCORDANCE WITH THE STANDARDS IN LAND USE CODE SECTION 10.06, B.**
- 7. THAT A REVISED PLAN IN RECORDABLE FORM BE SUBMITTED, WHICH INCLUDES SPECIFICALLY DESIGNATED LOCATIONS FOR THE TREE PROTECTION AREA, WITH COURSE AND DISTANCE INFORMATION, AND REFERENCE TO COMPLIANCE WITH THE GENERAL NOTES CONTAINED ON SHEET L-1, DATED MARCH 1, 2005, RECEIVED BY THE BATH CODES AND PLANNING OFFICE MARCH 2, 2005.**

UNANIMOUS APPROVAL

Item 2

Request for Site Plan Approval – Construction of a 9,797 square foot addition to an existing building (the gymnasium); 616 High Street (Map 31, Lot 22 & 23); Hyde School, applicant. (Continued from the April 19, 2005, agenda).

Ben Jorgensen, of Hyde School, stated that they have met all the outstanding issues except for comments from the Public Works Director with regard to the sanitary sewer. Mr. Jorgensen added that there might even be a reduction in the amount of sanitary sewage to the City's system after the project. He told the Board that they had discovered a storm drain connected to the sanitary system that would be separated during this project. Mr. Jorgensen also informed the Board of his contact with the Maine Historic Preservation Commission, the time line for construction, and the status of the question of ownership.

The Planning Board held discussion on Land Use Code Article 10 §10.28, documentation from the Maine Historic Preservation Commission, the bio-retention cells, and comments from the Public Works with regard to sewage.

Robin Haynes stated that while she agrees that Hyde School does need a new gymnasium she felt that this design would detract from the historic nature of the building and gardens that were designed by John Calvin Stevens and therefore she could not vote in favor of this proposal.

There being no further comment from the Planning Board, 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 ANDY OMO, TO APPROVE THE REQUEST FOR SITE PLAN APPROVAL FOR CONSTRUCTION OF A 9,797 SQUARE FOOT

ADDITION TO AN EXISTING BUILDING (THE GYMNASIUM) 616 HIGH STREET (MAP 31, LOT 22 & 23); HYDE SCHOOL APPLICANT WITH THE FOLLOWING CONDITIONS;

THAT THE IMPACT OF THE SANITARY SEWER CAPACITY BE REVIEWED AND APPROVED BY THE PUBLIC WORKS DIRECTOR; AND

THAT DOCUMENTATION BE RECEIVED FROM THE MAINE HISTORIC PRESERVATION COMMISSION STATING THAT THE PROJECT WILL HAVE NO NEGATIVE EFFECT ON THE HISTORIC NATURE OF THE BUILDINGS AND GARDENS.

**4 FOR (JIM HOPKINSON, ANDY OMO, BILL VAHEY, JIM HARPER)
1 AGAINST (ROBIN HAYNES)**

MOTION CARRIES.

Item 3

Request for Site Plan Approval – filling on a parcel of land on Bernard Street (Map 22, Lot 51); M.W. Sewall, applicant. (Continued from the May 3, 2005, agenda.)

Jim Upham stated that the applicant has requested that this agenda item be continued until the next regular meeting.

The Planning Board discussed the need for the applicant to provide the materials in a timely manner.

ROBIN HAYNES MOVED, SECONDED BY ANDY OMO TO CONTINUE THE REQUEST FOR SITE PLAN APPROVAL FOR FILLING ON A PARCEL OF LAND ON BERNARD STREET (MAP 22, LOT 51); M.W. SEWALL APPLICANT UNTIL THE JUNE 7, 2005, REGULAR PLANNING BOARD MEETING.

UNANIMOUS APPROVAL

New Business

Item 1

Planning Board Review of CDBG Grant; Community Enterprise Grant for a Façade Improvement Loan Program. Review to determine compatibility with Comprehensive Plan.

Jim Upham stated that the Board needed to review this agenda item to determine whether or not it is in compliance with the 1997 Comprehensive Plan.

Al Smith, Community Development Director, described the Façade Improvement Loan Program, the process for obtaining the loan, and the various organizations that would be involved with the application process.

The Planning Board held discussion on compliance with the Comprehensive Plan and reduction in the Historic District Review application fee.

Jim Upham stated that he was currently proposing a reduction in fees for Historic District Reviews.

JIM HARPER MOVED, SECONDED BY ROBIN HAYNES, TO FIND THAT THE CDBG GRANT FOR A FAÇADE IMPROVEMENT LOAN PROGRAM IS IN ACCORDANCE WITH THE COMPREHENSIVE PLAN.

UNANIMOUS APPROVAL

Other Business Review Changes to Article 13, if necessary.

Jim Upham informed the Planning Board that the City Attorney has requested the Planning Board meet with him prior to the City Council's final vote on Article 13. Mr. Upham added that in light of this request that he recommend that the Planning Board not take action on this agenda item until after that meeting.

The Planning Board discussed whether to meet with the City Attorney as a full Planning Board or a Subcommittee.

Jim Upham informed the Planning Board that Gail Spath, the Planning and Codes Administrative Assistant, had resigned and would be leaving her position with the City of Bath on June 16, 2005.

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

UNANIMOUS APPROVAL

The meeting was adjourned at 7:25 p.m.

Minutes prepared by Marsha Hinton, Recording Secretary