

A regular meeting of the Bath Planning Board was called on 6-7-05 for the purpose of conducting regular business.

MEMBERS PRESENT

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

MEMBERS ABSENT

Bill Vahey
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, June 7, 2005.

Minutes of May 17, 2005, meeting

Mr. HARPER MOVED, SECONDED BY Dr. HAYNES, TO ACCEPT THE MINUTES OF THE MAY 17, 2005, MEETING AS WRITTEN.

UNANIMOUS APPROVAL**Old Business:**

Mr. Oxton polled the Planning Board members and it was agreed to hear Old Business Agenda Item 2 before Old Business Agenda Item 1.

Item 2

Request for Site Plan Approval – filing on a parcel of land on Bernard Street (Map 22, Lot 51); M.W. Sewall, applicant. (Continued from the May 17, 2005, meeting.)

Mr. Oxton stated this agenda item should be continued until the next regular meeting of the Planning Board to allow time for completion of the application.

DR. HAYNES MOVED, SECONDED BY MR. HOPKINSON, TO CONTINUE THIS AGENDA ITEM UNTIL THE JULY 5, 2005, MEETING OF THE BATH PLANNING BOARD.

UNANIMOUS APPROVAL

Item 1

Sign Subdivision Plan and approve the final Notice of Decision – Construction of a 9-unit multi-family development; Federal and Tarbox streets (Map 34, Lot 15-1); Bath Housing Development Corporation, applicant.

Mr. Upham, Planning Director, pointed out some typographical errors in the conditions on the Mylar plan submitted by the applicant. Mr. Upham recommended that the Planning Board not sign the plan until a corrected plan is submitted. Mr. Upham suggested that the Planning Board might consider the Notice of Decision.

MR. KLINGAMAN MOVED, SECONDED BY MR. HOPKINSON, THAT THE PLANNING DIRECTOR BE AUTHORIZED TO ISSUE THE NOTICE OF DECISION AND THAT THE PLANNING BOARD SIGN THE CORRECTED MYLAR PLAN WHEN SUBMITTED BY THE APPLICANT.

UNANIMOUS APPROVAL

New Business:

Item 1

Request for Historic District Approval Amendment – 44 Summer Street (Map 26, Lot 221); Shadi Towfighi, applicant.

Mr. Upham pointed out the comments from the Sagadahoc Preservation Inc. with regard to the design changes to the structure.

Christopher Price, representing the applicant, described the various changes to the original design.

The Planning Board discussed the sliding windows, landscaping, the stairwell, and the April 20, 2004, Planning Board decision.

DR. HAYNES MOVED, SECONDED BY MR. OMO, TO APPROVE THE REQUEST FOR HISTORIC DISTRICT APPROVAL AMENDMENT FOR 44 SUMMER STREET (MAP 26, LOT 221) SHADI TOWFIGHI APPLICANT FOR SET BACK REDUCTION WITH REFERENCE TO THE ORIGINAL LANDSCAPING PLAN OF APRIL 20, 2004 AND CONDITIONED THAT THE TWO SLIDING WINDOWS ON THE WEST SIDE BE REPLACED BY PAIRED, DOUBLED-HUNG SASH WINDOWS.

UNANIMOUS APPROVAL

Item 2

Request for Site Plan Approval – Setback reduction in the R1 Zone; 28-30 Dummer Street (Map 21, Lot 120); Pierre Properties, LLC (Brian Verville), applicant.

Brian Verville, owner, explained that the request for setback reduction was to move the parking off the street and in front of the building and put it in the back of the building.

Dr. Haynes explained that she received a call from an interested party with regard to an e-mail the caller had sent to the Planning Director. Dr. Haynes stated that she had not discussed the request with the caller and asked Mr. Upham if he had received the e-mail.

Mr. Oxton read the e-mail Mr. Upham had received from Mr. Graves.

The Planning Board discussed blasting, the history of the site, buffering, the chain link fence, the nearness of abutters, light pollution, comments from the City Arborist, topography, snow removal, the difficulties with the site, and the parking area.

MR. HARPER MOVED, SECONDED BY MR. KLINGAMAN, TO FIND THE APPLICATION FOR A REQUEST FOR SITE PLAN APPROVAL FOR SETBACK REDUCTION IN THE R1 ZONE AT 20-30 DUMMER STREET (MAP 21, LOT 120); PIERRE PROPERTIES, LLC (BRIAN VERVILLE) APPLICANT TO BE COMPLETE.

UNANIMOUS APPROVAL

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

Nyree Thomas, 7 Dummer Street Court, stated that while she felt this is an improvement to the neighborhood, she was concerned about having a parking lot adjacent to her property. Ms. Thomas asked for assurances that should she bring a complaint to the applicant that it would be addressed.

Wende Chapman, 40 Dummer Street, stated that this was a great improvement and he has every confidence that Mr. Verville would resolve any concern that any neighbor might have.

Robert Graves, 27 Dummer Street, also stated that Mr. Verville is a good neighbor and would be the first to address any issues that might come up.

James McLean, 17 Dummer Street, urged the Planning Board to approve this request.

There being no further comments from the public present, Bob Oxton closed the floor to comment from the public.

The Planning Board reviewed the standards of 10.34, D.

MR. HARPER MOVED, SECONDED BY MR. KLINGAMAN, TO GRANT APPROVAL FOR THE REQUEST FOR SITE PLAN APPROVAL FOR SETBACK REDUCTION IN THE R1 ZONE; 28-30 DUMMER STREET (MAP 21, LOT 120); PIERRE PROPERTIES, LLC (BRIAN VERVILLE), APPLICANT, WITH THE FOLLOWING WAIVERS AND CONDITIONS:

THAT §10.34, D, 3, WITH REGARD TO THE SOUTHERLY BOUNDARY AND §10.34, D, 4, WITH REGARD TO THE WESTERLY BOUNDARY BE WAIVED;

THAT THE FABRIC PROPOSED TO BE USED IN THE CHAIN LINK FENCE ON THE WEST SIDE BE INSTALLED;

THAT CONFIRMATION BE PROVIDED BY THE APPLICANT TO THE TO THE CITY PLANNING DIRECTOR THAT THE APPLICANT HAS COMPLIED WITH THE REQUIREMENTS OF §10.34, D, 9; AND

THAT THE APPLICANT COMPLY WITH THE PARKING LOT CONSTRUCTION STANDARDS OF ARTICLE 10, SECTION 10.06, B, 3.

UNANIMOUS APPROVAL

Item 3

Request for Subdivision Sketch Plan Review – 129 unit subdivision; off High Street (Map 40, Lots 9, 12, 13, 14 and Map 42 Lot 35); Seguin Brothers, LLC, applicant.

Mr. Upham stated that he and his wife were abutters to this proposal and Mr. Hopkinson stated that in the course of his business as an attorney he has worked with the applicant.

The Planning Board was polled and it was agreed to allow Mr. Upham and Mr. Hopkinson review this agenda item.

Curtis Fish, applicant, stated that he had no problem with allowing Mr. Upham and Mr. Hopkinson to participate in the review of the proposal.

Mr. Fish described the overall plan, the need for such a development, compliance with the Land Use Code and Comprehensive Plan, Smart Growth policies, utilities, density, walkability, connectivity, wildlife studies, wetland protection, soils, slopes, topography, financial feasibility, discussions with City staff, various potential problems with the site, and time line for completion.

Tom Greer, of Pinkham and Greer, also discussed Smart Growth, the topography, land set aside as open space, wetlands, interconnectivity, stormwater, Department of Environment Protection requirements, Army Corps of Engineer permits, Maine Department of Transportation traffic permit, blasting, grading, pedestrian circulation, and woodland trails.

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

Ted Davis, 4 Schooner Ridge Rd Apt 10, expressed concern with regard to the impact on traffic and asked if the road would be widened.

Gerry Mitchell, 16 Clifton St., asked what type of foundation would be used, how many people will be in the development, and the location of the entrance.

Bruce Spence, 156 High St, also expressed concerned with traffic, asked if they would be installing a traffic signal and pointed out the need for housing in Bath.

Maria Holt, 40 Robinson St., asked how this development would affect the 209 by-pass plans, asked if the sewage would be public, and explained that she has a well and is concerned about the water levels.

Stanley Panetski, 115 High St., stated that he moved from Buffalo because of the forested areas of Maine and expressed concern that this would have a negative impact on the woodlands in that area.

Richard Krejsa, owner of the parcel to the north of the applicants and owner of 210 High Street, informed the Planning Board that he was an abutter but had not been notified. Mr. Krejsa expressed concern over trespassing on his land by people using the woodland trail, development of this natural area, marsh protection, pollution, and impact on utilities. Mr. Krejsa urged the Planning Board to consider the long range implications of development.

The Planning Board recommended that the applicant provide detailed information on open space protection, pedestrian traffic, limiting access to property of abutters, blasting plans, construction activity, frequency of truck traffic, removal of materials, hours of operation during construction, truck routes during construction, connectivity of the road system, creativity with regard to site access, utilities, covenants and restrictions, construction of the streets, traffic study, street lighting, impact on the Kennebec River, tree protection plan, and input from various local, state, and federal agencies. It was also suggested that if appropriate, if the house is to be removed, to investigate donating it to such agencies as Habitat for Humanity.

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

UNANIMOUS APPROVAL

APPROVAL

The meeting was adjourned at 8:50 p.m.

Minutes prepared by Marsha Hinton, Recording Secretary