

A regular meeting of the Bath Planning Board was called on 8-2-05 for the purpose of conducting regular business.

MEMBERS PRESENT

Jim Harper, Vice Chair
Robin Haynes
Dick Klingaman
Jim Hopkinson
Bill Vahey
Andy Omo
John Underwood (non-voting student member)

MEMBERS ABSENT

Bob Oxtan, Chair
Jonathan Dolloff (non-voting student member)

STAFF PRESENT

Jim Upham, Planning Director
Marsha Hinton, Recording Secretary

Mr. Harper, Vice Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, August 2, 2005.

Minutes of July 5, 2005, meetings

DR. HAYNES MOVED, SECONDED BY MR. VAHEY TO APPROVE THE MINUTES OF THE JULY 5, 2005, MEETINGS AS WRITTEN.

UNANIMOUS APPROVAL**Old Business:**

No old business.

New Business:**Item 1**

Public Hearing – Request for Contract Rezoning and Site Plan Approval – 15 Congress Avenue (Map 29 Lot 2); Douglas Rink (Bath Animal Hospital), applicant.

Dr. Haynes informed the Planning Board that her pets were patients of Dr. Rink.

The Planning Board was polled and it was decided that there was no conflict of interest and that Dr. Haynes could continue to participate in this agenda item.

MR. HOPKINSON MOVED, SECONDED BY MR. KLINGAMAN TO FIND THAT THE REQUEST FOR SITE PLAN APPROVAL FOR 15 CONGRESS AVENUE (MAP 29 LOT 2) BY DOUGLAS RINK (BATH ANIMAL HOSPITAL), APPLICANT TO BE COMPLETE.

UNANIMOUS APPROVAL

Dr. Rink described the changes made to the property and apologized that he had not been aware of the permitting requirements.

The Planning Board discussed screening for the dumpster, the unique features of the property, landscaping, and contract rezoning.

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

None being seen, Mr. Harper closed the public portion of the meeting.

The Planning Board discussed the possibility of moving the dumpster on the lot so that it would meet the front Yard Area requirement.

Dr. Rink said that he had investigated this option and because of the topography of his land this would not work well. He asked about moving the dumpster back to where it had been, on the south side of the driveway.

DR. HAYNES MOVED, SECONDED BY MR. KLINGAMAN, TO APPROVE THE SITE PLAN FOR 15 CONGRESS AVENUE (MAP 29 LOT 2) BY DOUGLAS RINK (BATH ANIMAL HOSPITAL) WITH THE FOLLOWING CONDITIONS:

THAT A LANDSCAPE MANAGEMENT PLAN BE SUBMITTED TO AND APPROVED BY THE PLANNING DIRECTOR;

THAT 4 ARBORVITAE OF NO LESS THAN 5 FEET BE PLACED TO SCREEN THE DUMPSTER;

THAT NO LESS THAN 6 LILIES IN 5 GROUPS BE PLANTED BETWEEN THE BOULDERS, AND

THAT THE APPROVAL BE CONDITIONED UPON APPROVAL OF THE CONTRACT REZONING BY THE CITY COUNCIL.

UNANIMOUS APPROVAL

DR. HAYNES THEN MOVED, SECONDED BY MR. HOPKINSON, TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE REQUEST FOR CONTRACT REZONING FOR 15 CONGRESS AVENUE (MAP 29 LOT 2) BY DOUGLAS RINK (BATH ANIMAL HOSPITAL) WITH THE FOLLOWING AMENDMENT TO SECTION B - FINDINGS:

“1. THE PROJECT CONSISTS OF EXPANDING THE PAVED AREA ON THE FRONT PORTION OF THE PARKING LOT AND RELOCATION THE DUMPSTER TO THIS EXPANDED PAVED AREA.”

UNANIMOUS APPROVAL

Item 2

Public Hearing – Request for Zoning Map Amendment – R1 to C2; 82 Floral Street (Map 28 Lot 153); Little Brothers LLC, (Mark Sewall), applicant.

Matthew Maddox, representing the applicant, explained the applicant's plan for utilizing this property to upgrade the overall Citgo/Duncan Doughnut's site to a more modern facility. Mr. Maddox described the site, the traffic flow issues, and how the property is surrounded by the C2 zone on all but one side at the present time.

The Planning Board discussed C2 zoning, the direction given by the Comprehensive Plan, the previous sketch plan for this site, the connection between agenda items 2 and 3 and the zoning boundaries on Court Street.

There being no further comment from the Planning Board, Mr. Harper opened the floor to members of the public who wished to comment.

Elliot Mead, abutter, described the issues with the structure currently on this property, traffic problems, issues with crime, the nuisance created by the drive up speakers, and his desire to see a more specific plan for the overall site. Mr. Mead stated that he is not in favor of this proposal, that it is an erosion of residential properties, and that this proposal would cause his property value to decrease.

There being no further comment from the public present, Mr. Harper closed the public portion of the meeting.

MR. HOPKINSON MOVED, SECONDED BY DR. HAYNES, TO RECOMMEND THAT THE CITY COUNCIL NOT ADOPT ZONING MAP AMENDMENT FOR ZONING CHANGE FROM R1 TO C2 ON 82 FLORAL STREET (MAP 28 LOT 153) LITTLE BROTHERS, LLC (MARK SEWALL), APPLICANT.

THE VOTE WAS 4 IN FAVOR (MR. OMO, MR. VAHEY, MR. HOPKINSON AND DR. HAYNES) AND 1 OPPOSED (MR. KLINGAMAN).

Item 3

Public Hearing – Request for Zoning Map Amendment—C2 to C4; 86 Floral Street (Map 28, Lot 154); Little Brothers LLC, (Mark Sewall), applicant.

Matthew Maddox, representing the applicant, explained the applicant's desire for more flexibility in utilizing this property by having it rezoned as C4, relieving traffic congestion to the Route One corridor and providing a desirable service to the citizens of Bath.

The Planning Board discussed the authority of the Planning Board to provide for flexibility on this type of proposal and the previous sketch plan presented to the Planning Board.

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

Elliot Mead discussed the history of the site, recommended an alternate overflow parking site, and suggested that the buildings be rehabilitated for use as residences.

Kenneth Parlin, High Street, asked how many car washes the City of Bath needs adding that he knew of three.

There being no further comment from the public present, Mr. Harper closed the public portion of the meeting.

Mr. Hopkinson suggested that it would be productive for any abutters to have conversations with the Planning Director if they had any questions, not just anyone at City Hall.

MR. HOPKINSON MOVED, SECONDED BY MR. KLINGAMAN, TO RECOMMEND THAT THE CITY COUNCIL NOT ADOPT THE ZONING MAP AMENDMENT FROM C2 TO C4 ON 86 FLORAL STREET (MAP 28, LOT 154); LITTLE BROTHERS LLC, (MARK SEWALL), APPLICANT.

UNANIMOUS APPROVAL

Item 4

Request for Historic District Approval – modifications to the existing building; 2 Front Street (amp 27 Lot 104); Susie Wren, applicant.

Susie Wren, applicant, described the proposal and addressed comments from the Sagadahoc Preservation Society (sic).

Dr. Haynes read comments from “The Preservations of Historic Architecture” and suggested that because this structure was built in 1954 that it did not need to look like an antique colonial.

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

Harry Story asked how a structure from 1954 could be considered historic. He was told that this process was required because the building is in the Historic Overlay District.

There being no further comment from the public present, Mr. Harper closed the public portion of the meeting.

DR. HAYNES MOVED, SECONDED BY MR. VAHEY TO APPROVE THE REQUEST FOR HISTORIC DISTRICT APPROVAL FOR MODIFICATIONS TO THE EXISTING BUILDING; 2 FRONT STREET (AMP 27 LOT 104); SUSIE WREN, APPLICANT, WITH THE FOLLOWING CONDITIONS:

THAT THE PROPANE TANK BE MOVED OUT OF SITE OF PUBLIC VIEW;

THAT GRAY-BLACK ARCHITECTURAL SINGLES BE USED ON THE ROOF;

THAT THE BUILDING BE SIDED WITH GRAY CLAPBOARD SIDING; AND

THAT THE AIR CONDITIONING UNIT BE HIDDEN IN THE BACK.

UNANIMOUS APPROVAL

Item 5

Request for Waterfront Setback Reduction in NRPO Zone – 25 Sandpiper Lane (Map 4 Lot 12); Ariane Salamy, applicant.

DR. HAYNES MOVED, SECONDED BY MR. HOPKINSON, TO FIND THAT THE REQUEST FOR WATERFRONT SETBACK REDUCTION IN THE NRPO ZONE FOR 25 SANDPIPER LANE (MAP 4 LOT 12), ARIANE SALAMY, APPLICANT, MEETS THE MINIMUM REQUIREMENTS FOR A COMPLETE APPLICATION.

Robert Kahn, Douglas Richmond Architects, representing the applicant, discussed the proposal, the setbacks, erosion control, and the zoning ordinances.

The Planning Board discussed best management practices for stormwater management, the replacement plan dated July 26, 2005, buffering, number of bedrooms, the building envelope, and setbacks.

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

Mark Colby, representing his father-in-law who owns the property to the north, expressed concerns with regard to buffering, septic, erosion control, and the potential for the building becoming a year-round rental dwelling.

There being no further comment from the public present, Mr. Harper closed the public portion of the meeting.

MR. KLINGAMAN MOVED, SECONDED BY MR. HOPKINSON, TO APPROVE THE REQUEST FOR WATERFRONT SETBACK REDUCTION IN THE NRPO ZONE FOR

25 SANDPIPER LANE (MAP 4 LOT 12) BY ARIANE SALAMY WITH THE FOLLOWING CONDITIONS:

THAT THE PROPOSED DEVELOPMENT BE UNDERTAKEN ACCORDING TO THE STORMWATER MANAGEMENT STANDARDS IN “STORMWATER MANAGEMENT FOR MAINE: BEST MANAGEMENT PRACTICES,” NOVEMBER 1995, AS AMENDED AND;

THAT THE PLAN APPROVED BE THE PLAN DATED JULY 26, 2005, WHICH SHOWS THE RE-VEGETATED AREA OF THE DRIVEWAY.

Unanimous Approval

Item 6

Request for Final Subdivision Approval – Stonehouse Woods Subdivision; Oak Grove Avenue (Map 15 Lot 46), Sewall Family Associates, LLC, applicant.

DR. HAYNES MOVED, SECONDED BY MR. HOPKINSON, TO FIND THE REQUEST FOR FINAL SUBDIVISION APPROVAL FOR STONEHOUSE WOODS SUBDIVISION; OAK GROVE AVENUE (MAP 15 LOT 46), SEWALL FAMILY ASSOCIATES, LLC, APPLICANT, TO BE A COMPLETE APPLICATION.

UNANIMOUS APPROVAL

DR. HAYNES MOVED, SECONDED BY MR. OMO, TO NOT HOLD A PUBLIC HEARING BECAUSE THE ADVERTISED PUBLIC MEETING HELD ON AUGUST 2, 2005 MEETS THE INTENT OF A PUBLIC HEARING.

UNANIMOUS APPROVAL

Kevin Clark, Site Lines, representing the applicant, described the proposal stating that there would only be two curb cuts for the four properties proposed, that the expectation is that the vegetation will not be removed from the entire building site, the buffer area, wetlands, conservation easement, soils study, and correspondence with Inland Fisheries and Wildlife and the Maine Historic Preservation Commission. Mr. Clark discussed the requested waivers and proposed street names.

The Planning Board discussed the number of waivers, the building envelope, tree protection plan, extending public water to the site, the need for residential sprinklers systems without public water, test pits, the City sewer lines, ground water studies, and input from state agencies. The Planning Board reviewed various requirements under Land Use Code Section 13.13.

Mr. Harper opened the floor to members of the public who wished to comment on this agenda item. There being no one from the public who wished to comment, Mr. Harper closed the public comment portion of the meeting.

The Planning Board recommended that more information be provided on the cost of utilizing the public water versus drilling wells and installing sprinkler systems in each home. They asked for a more specific tree protection plan, for the replies from state agencies, and that a ground water impact study be provided.

MR. HOPKINSON MOVED, SECONDED BY DR. HAYNES, TO CONTINUE THE REVIEW OF THE REQUEST FOR FINAL SUBDIVISION APPROVAL FOR STONEHOUSE WOODS SUBDIVISION; OAK GROVE AVENUE (MAP 15 LOT 46), SEWALL FAMILY ASSOCIATES, LLC, APPLICANT, UNTIL THE NEXT PLANNING BOARD MEETING ON SEPTEMBER 6, 2005.

UNANIMOUS APPROVAL

Item 7

Request for Site Plan Approval and Final Subdivision Approval – Evergreen Woods; Congress Avenue (Map 24 Lot 1); Tedford Shelter, applicant.

The request for site plan approval and final subdivision approval for Evergreen Woods; Congress Avenue (Map 24 Lot 1); Tedford Shelter, applicant, has been temporarily withdrawn by the applicant.

Item 8

Request for Subdivision Sketch Plan Review – Cottage Street (Map 28 Lots 11 and 13); Teal, LLC, applicant.

Mr. Omo stated that he is listed as an abutter to this site, but as of July 15, 2005, no longer owns that abutting property.

Neil Adams, applicant, described his proposal and discussed density, setback, landscaping, the topography of the site and requested input from the Planning Board as to feasibility for this project.

The Planning Board discussed the topography, lot size, number of units, traffic, dead-ending Cottage Street, and curb cuts onto Route One.

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

Kenneth & Rachel Parlin, High Street, expressed concerns with regard buffering and privacy.

Brian Mulligan, 616 High Street, stated that he agrees that Bath needs more affordable housing and believes the City of Bath should embrace this proposal.

Bruce Garbin, 8 Cottage Street, expressed concerns that this proposal would result in more Section-8 housing. Mr. Garbin informed the Planning Board that this lot was used as a dump site during the construction of Route One.

Pam Gryspeerd, 10 Cottage, stated that the road was too small to support more use and that she would have no objection to dead-ending Cottage Street and would like to explore that option.

Carolyn Aberg, 37 Western Avenue, suggested decreasing the density for the proposal.

Ms. Plant, 49 Western Avenue, described the issues with multifamily housing in the area currently, pointed out the horrendous condition of the road and how this was a very large project to put on such a small lot.

There being no further discussion from members of the public present, Mr. Harper closed the public portion of the meeting.

The Planning Board recommended more information on buffering for abutters, a traffic study including exploration of dead-ending Cottage Street, a stormwater management plan be provided for review by public works in a timely manner, information on sidewalks, setback requirements, buffering along the street, exploration of a reduction in density if financially feasible, a formal boundary survey, and lighting.

Due to the fact that the time was after 9:00 pm, **DR. HAYNES MOVED, SECONDED BY MR. VAHEY TO CONTINUE THE MEETING PAST 9:00 P.M.**

UNANIMOUS APPROVAL

Item 9

Request for Site Plan Pre-application Workshop and Subdivision Sketch Plan Review – 99 Commercial Street (Map 26 Lot 272); New Bath Port, LLC, applicant.

John Hall and Ed Rogers, applicants, introduced their preliminary development team. Mr. Hall and Mr. Rogers explained that they have been exploring a way to expand housing opportunities for the City of Bath in a manner that would be financially feasible as developers. Mr. Hall and Mr. Rogers described the current site, negotiations with abutting businesses for parking, engineering studies performed to date, parking, landscaping, reduction in impervious surface, a river walk, historic district review, density, the proposed structure, current and proposed views from the waterfront park, and relocation of the existing building.

The Planning Board discussed the net reduction in impervious surface, the need for Contract Rezoning and the proposed boardwalk, cooperation with abutters, input from the Harbor Master, visual considerations due to the importance of the location, and parking.

Dr. Haynes explained how breaking up the roof line of the building would provide a more pleasing appearance. She provided the applicant with a sketch she had drawn.

The Board talked about allowing part of the building to be taller if other parts could be shorter to break up the roof line. It was the consensus of the members that this would be preferable to the design shown.

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

Judy Barrington, stated that she was in support of breaking up the roof line to create the illusion of transparency. Ms. Barrington added that she would have no objection to increasing the height in order to add visual interest.

There being no further comment from members of the public, Mr. Harper closed the public portion of the meeting.

Mr. Hopkinson encouraged the applicant to continue with this proposal and to work with the Planning Director with regard to the Department of Environmental Protections approving the Contract Rezoning.

Other Business:

Mr. Upham stated that because the property has been sold at 14 Oak Grove Avenue, the new owner, Tom Yale, was asking for an extension of time to August 31 in which to fulfill the conditions of the approval granted for Map 53 Lot 57.

MR. KLINGAMAN MOVED, SECONDED BY MR. VAHEY, TO APPROVE AN EXTENSION OF TIME TO FULFILL THE CONDITIONS OF APPROVAL FOR MAP 53 LOT 57 UNTIL SEPTEMBER 30, 2005.

UNANIMOUS APPROVAL

There being no further business to come before the Board, **DR. HAYNES MOVED, SECONDED BY MR. KLINGAMAN, THAT THE MEETING BE ADJOURNED.**

UNANIMOUS APPROVAL

The meeting was adjourned at 9:50 p.m.

Minutes prepared by Marsha Hinton, Recording Secretary