

A regular meeting of the Bath Planning Board was called on 9-6-04 for the purpose of conducting regular business.

**MEMBERS PRESENT**

Bob Oxton, Chair  
Jim Harper, Vice Chair  
Robin Haynes  
Dick Klingaman  
Jim Hopkinson  
Andy Omo

**MEMBERS ABSENT**

Bill Vahey  
Jonathan Dolloff (non-voting student member)  
John Underwood (non-voting student member)

**STAFF PRESENT**

Jim Upham, Planning Director  
Marsha Hinton, Recording Secretary

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

**Minutes of August 2, 2005, meeting**

**DR. HAYNES MOVED, SECONDED BY MR. KLINGAMAN, TO ACCEPT THE MINUTES OF THE AUGUST 2, 2005, MEETING AS SUBMITTED.**

**UNANIMOUS APPROVAL****Old Business:****Item 1**

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

Mr. Oxton informed the Planning Board that the applicant, Sewall Family Associates, has requested that this item be continued once again.

**MR. HARPER MOVED, SECONDED BY MR. OMO, TO CONTINUE THE REQUEST FOR FINAL SUBDIVISION APPROVAL FOR STONEHOUSE WOODS SUBDIVISION AT OAK GROVE AVENUE (MAP 15 LOT 46) THE SEWALL FAMILY ASSOCIATES, LLC, APPLICANT UNTIL THE NEXT REGULARLY SCHEDULED MEETING.**

**UNANIMOUS APPROVAL**

**New Business:**

**Item 1**

**Public Hearing** – Amendment to the Land Use Code, Article 2 – definitions; amend the definition of Kennel.

The Planning Board discussed the impact of a house-pet grooming business, local police response to barking dog complaints, noise regulations, housing pets being kept overnight and being kept out of doors, benefit to the City of Bath, and modifying the language in the proposed amendment as follows:

“Except that any building where non-medical care such as washing, grooming, and similar services are provided to household pets is considered a service use (Use Category 3.1.1), provided that the animals are not kept overnight and are kept within the building.”

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

None seen, Mr. Oxtan closed the public portion of the meeting.

**MR. KLINGAMAN MOVED, SECONDED BY MR. HOPKINSON, TO FORWARD THE ORDINANCE AS AMENDED TO THE CITY COUNCIL FOR APPROVAL.**

**UNANIMOUS APPROVAL**

**Item 2**

**Public Hearing – Request for Historic District Approval;** 950 Middle Street (Map26 Lot 112); David Enright and Barbara Cornell, applicants.

David Enright described the project, the difficulties with the lot, aesthetic concessions for reduction in the setback, and the need for these additions.

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

None seen, Mr. Oxtan, Chair, closed the public portion of the meeting.

The Planning Board discussed the historic background of this site, the two proposed additions, colors, window treatments, aesthetic concessions, Setbacks, the need for a survey to determine the location of the north lot line, the impact of Contract Rezoning, and separating out the request that needs Contract Rezoning from the one that does not.

**MR. HARPER MOVED, SECONDED BY MR. KLINGAMAN, TO APPROVE THE REQUEST FOR HISTORIC DISTRICT APPROVAL FOR 950 MIDDLE STREET (MAP**

**26 LOT 112); DAVID ENRIGHT AND BARBARA CORNELL, APPLICANTS; FOR THE LEFT ELEVATION PHASE ONE PLAN DATED AUGUST 15, 2002, WITH THE EXCEPTION OF THE BALUSTRADE ON THE ROOF AND WITH THE CONDITION THAT THE COLORS OF THE ADDITION MATCH THE EXISTING BUILDING.**

**UNANIMOUS APPROVAL**

**MR. HARPER THEN MOVED, SECONDED BY DR. HAYNES, TO CONTINUE THE REQUEST FOR HISTORIC DISTRICT APPROVAL AND CONTRACT REZONING FOR 950 MIDDLE STREET (MAP 26 LOT 112); DAVID ENRIGHT AND BARBARA CORNELL, APPLICANTS; FOR THE REAR ELEVATION PHASE TWO PLAN UNTIL THE SEPTEMBER 20, 2005, MEETING.**

**UNANIMOUS APPROVAL**

Because there was no representative present for Agenda Item 3, Mr. Oxton, Chair, polled the Planning Board and it was decided unanimously to move this agenda item to the end of the meeting.

**Item 4**

**Request for Historic District Approval amendment** – modification of the roof of existing buildings; 862 and 906 Washington Street (Map 26 Lots 170 and 178); Beth Israel Congregation, applicant.

Marilyn Weinberg, representing the applicant, stated that because of ice dams causing damage to the structure the Beth Israel Congregation is requesting this modification of the roof surface. Ms. Weinberg described the roofing materials and pointed out other structures in the area with a similar roof.

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

None seen, Mr. Oxton closed the public portion of the meeting.

The Planning Board discussed the need for this modification, the historical background of the structure, and the color of the roofing materials.

**DR. HAYNES MOVED, SECONDED BY MR. KLINGAMAN, TO APPROVE THE REQUEST FOR HISTORIC DISTRICT APPROVAL AMENDMENT FOR MODIFICATION OF THE ROOF OF EXISTING BUILDINGS AT 862 AND 906 WASHINGTON STREET (MAP 26 LOTS 170 AND 178) BETH ISRAEL CONGREGATION, APPLICANT WITH THE CONDITION THAT THE METAL ROOF BE CHARCOAL GREY IN COLOR AND MATT FINISH.**

**UNANIMOUS APPROVAL**

Mr. Klingaman thanked the applicant for their very clear and concise presentation.

**Item 5**

**Request for Historic District Approval** – modifications to the existing building; 10 Garden Street (Map 26 Lot 139); Edward Benedikt, applicant.

Edward Benedikt described the proposal, the need for this change, the desire to duplicate the architectural details on the existing structure, and safety concerns.

The Planning Board discussed the historical background of this structure, safety, and railing appropriate for the historic period.

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

None seen, Mr. Oxtan closed the public portion of the meeting.

**MR. HARPER MOVED, SECONDED BY MR. HOPKINSON, TO APPROVE THE REQUEST FOR HISTORIC DISTRICT APPROVAL FOR MODIFICATIONS TO THE EXISTING BUILDING AT 10 GARDEN STREET (MAP 26 LOT 139) EDWARD BENEDIKT, APPLICANT WITH THE FOLLOWING CONDITIONS:**

- **THAT THE WINDOW BE FOUR PANE;**
- **THAT THE WINDOW TRIM BE CONSISTENT WITH THE ADJACENT WINDOWS;**
- **THAT THE WOODEN RAILING AND THE ADDITIONAL VERTICAL BALUSTERS BE WHITE IN COLOR; AND**
- **THAT AN ADDITIONAL LOWER WOODEN RAILING IS ADDED TO THE BALISTRAD.**

**UNANIMOUS APPROVAL**

Due to the late hour, Mr. Oxtan the Planning Board and it was unanimously agreed to hear agenda item 8 before agenda items 6 and 7.

**Item 8**

**Request for Site Plan Approval extension** – Wyoming Project at the Maine Maritime Museum, 243 Washington Street (Map 38 Lots 9 and 10); Maine Maritime Museum, applicant.

Mr. Klingaman stated he was on the Board of Directors for the Maine Maritime Museum and recused himself from consideration of this agenda item.

Tom Wilcox, Executive Director of the Maine Maritime Museum, described the proposal for a phased construction plan for the *Wyoming* sculpture, Department of Environmental Protection permitting, lighting, phase two archeological survey, landscaping, fencing, and the Museum's fund raising efforts. He told the Board that Phase One of the project will consist of the construction of the bow and stern portions of the sculpture and sufficient foundations to erect forward-most and aft-most masts. He said that the complete landscape plan would not be implemented in Phase One.

The Planning Board discussed the conditions that were attached to the February 3, 2003, approval, the landscaping, parking lot, phase one construction, and timeline for completion.

**MR. HARPER MOVED, SECONDED BY DR. HAYNES TO GRANT APPROVAL FOR THE REQUEST FOR SITE PLAN APPROVAL EXTENSION FOR THE WYOMING PROJECT AT THE MAIN MARITIME MUSEUM AT 243 WASHINGTON STREET (MAP 38 LOTS 9 AND 10) MAINE MARITIME MUSEUM, APPLICANT WITH THE FOLLOWING CONDITIONS:**

- **THAT THE APPROVAL CONDITIONS OF FEBRUARY 3, 2003 APPLY TO THE PHASE ONE APPROVAL;**
- **THAT PHASE ONE BE CONSTRUCTED AS DISCUSSED BY THE APPLICANT AT THE SEPTEMBER 6, 2005 BATH PLANNING BOARD MEETING;**
- **THAT THE LANDSCAPE REQUIREMENTS AS PROPOSED FOR THE PARKING AREA BE COMPLETED AS A PART OF PHASE ONE.**

**FIVE IN FAVOR (MR. OXTON, MR. HARPER, DR. HAYNES, MR. HOPKINSON, MR. OMO)**

**ONE RECUSED (MR. KLINGAMAN)**

#### **Item 6**

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

Mr. Upham discussed the issues with sanitary sewer capacity and mitigation to relieve the pumping station CSOs.

**DR. HAYNES MOVED, SECONDED BY MR. KLINGAMAN TO FIND THE REQUEST FOR SITE PLAN APPROVAL AND FINAL SUBDIVISION APPROVAL FOR EVERGREEN WOODS AT CONGRESS AVENUE (MAP 24 LOT 1) BY TEDFORD SHELTER, APPLICANT TO BE COMPLETE.**

#### **UNANIMOUS APPROVAL**

Steve Normand, representing the applicant, explained the changes to the site plan, the soil survey, the arborist report, landscape design, buffering, and tree surveys.

The Planning Board discussed the information on Sheet L1.1 plan, Edgett Street, the access through the exiting parking area, pedestrian and vehicular circulation, the traffic study, pedestrian and vehicular, safety, tree protection, blasting, Congress Street access, the difficulties with separating consideration of agenda item 6 and 7, and comments from City staff.

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

Mike Goodine, 11 Edgett Street, outlined several ways in which he felt these two requests (Items 6 and 7) were in conflict with the City of Bath Comprehensive Plan and Land Use Code, expressed concern with pedestrian and vehicular safety, blasting, buffering, economic impact, emergency vehicle access and school bus drop off. Mr. Goodine also expressed concern with public safety and having unsupervised mentally handicapped people in the area.

William Edgett, 2 Edgett Street, passed out photographs of the site and expressed his concerns with the problems with parking, emergency vehicle access, impact of construction activities on the abutters, the discrepancies in the number of parking spaces, the blind access to Congress Street, having people with substance abuse issues living in his neighborhood, and if the tree to be removed were actually dead or damaged.

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

Mr. Normand asked for a clear list of outstanding items from the Planning Board.

The Planning Board suggested the following items for consideration by the applicant:

- That the impacted area of both sites be subject to a tree preservation plan, which must be reviewed and approved by the City Arborist;
- That the easement granted to the Tedford Shelter over the church's access driveway be a permanent easement in form and sufficiency suitable to city staff;
- Traffic study update to include traffic changes with whatever configuration is being proposed, plus an analysis of safety of the access drive having parked vehicles backing out into it.
- Parking layout for the church and an indication as to how the church will prevent non-parking areas from being parked on.
- That the drive lanes are clear on this access as opposed to the parking stalls;
- Driving lanes must be clearly delineated from the parking.

- The existing exit from the building onto the access drive should be addressed for safety;
- That pedestrian side walks be delineated on the site plan;
- Exterior lighting. Shown on the 6-unit site. Any changes on the church site?
- "Parking Education" developed by the church for the parking lot users.
- More detail on the waterline construction in Edgett Street, including a blasting plan.
- Adequate and appropriate locations for storage of plowed snow.
- An indication of where the dumpster for the church will be relocated to and how it will be screened.
- If there are new parking spaces on the south side of the driveway they should be screened.
- That comments/approval from the Public Works Director, Fire Chief, and Police Chief be received in writing;
- That if access to Edgett is being closed it must be part of the Site Plan Approval;

#### **Item 7**

**Request for Site Plan Amendment** – Congress Avenue (Map 24 Lot 1); United Church of Christ, applicant.

Mr. Hopkinson stated that most of the items listed for Agenda Item 6 will apply to Agenda Item 7 as well.

**MR. KLINGAMAN MOVED, SECONDED BY DR. HAYNES TO CONTINUE THE HEARING ON THE REQUEST FOR SITE PLAN APPROVAL AND FINAL SUBDIVISION APPROVAL FOR EVERGREEN WOODS; CONGRESS AVENUE (MAP 24 LOT 1); TEDFORD SHELTER, APPLICANT AND THE REQUEST FOR SITE PLAN AMENDMENT FOR CONGRESS AVENUE (MAP 24 LOT 1); UNITED CHURCH OF CHRIST, APPLICANT BE UNTIL THE OCTOBER 4, 2005, MEETING OF THE BATH PLANNING BOARD SO THAT THE APPLICANTS HAVE TIME TO DEMONSTRATE THAT THE APPROVAL CRITERIA ARE MET AND TO DIRECT THE PLANNING DIRECTOR TO PROVIDE A LIST OF ITEMS REQUIRED BY THE PLANNING BOARD AS DISCUSSED AT THE SEPTEMBER 6, 2005, PLANNING BOARD MEETING.**

**UNANIMOUS APPROVAL**

**Item 3**

**Request for Historic District Approval Amendment** – Addition of a window to the existing building; 259 Front Street (Map 26 Lot 259); M.W. Sewall, Applicant.

**MR. KLINGAMAN MOVED, SECONDED BY MR. HARPER, THAT THE REQUEST FOR HISTORIC DISTRICT APPROVAL AMENDMENT FOR ADDITION OF A WINDOW TO THE EXISTING BUILDING AT 259 FRONT STREET (MAP 26 LOT 259); M.W. SEWALL, APPLICANT; BE SUBMITTED TO THE HISTORIC DISTRICT COMMITTEE FOR REVIEW.**

**UNANIMOUS APPROVAL**

Other Business:

Mr. Upham stated that the City Council would be making appointments for Planning Board members this week and that the Planning Board election of officers would be held at the September 20, 2005, meeting.

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

**UNANIMOUS APPROVAL**

The meeting was adjourned at 9:20 p.m.

Minutes prepared by Marsha Hinton, Recording Secretary