

A regular meeting of the Bath Planning Board was called on 06-06-06 for the purpose of conducting regular business.

**MEMBERS PRESENT**

Jim Harper, Chair  
Jim Hopkinson, Vice Chair  
Bob Oxtan  
Robin Haynes  
Andy Omo  
Jennifer DeChant  
David King  
Jonathan Dolloff (non-voting student member)

**MEMBERS ABSENT**

John Underwood (non-voting student member)

**STAFF PRESENT**

Jim Upham, Planning Director

Mr. Harper, Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, June 6, 2006.

**Minutes of May 16, 2006, meeting**

**MR. HOPKINSON MOVED, SECONDED BY MR. OMO TO ACCEPT THE MINUTES OF THE MAY 16, 2006, MEETING AS PRESENTED.**

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

**Site Plan Amendment** – Hyde School Library, 616 High Street (Map 31, Lot 22); Hyde School, applicant. (Continued from May 16, 2006, meeting)

Mark Bergeron, of Pinkham & Greer, representing the applicant, told the Board that the plan had been changed by removing the parking lot near High Street. He also told the Board that he had provided the city with a letter from Peter Owen stating that the sewer system has capacity and that the Maine Historic Preservation Commission had sent a letter.

Mr. Bergeron pointed out that the new academic wing would be the first part of the construction and that parking lots would be constructed in the future. He said that blasting would be required for construction of the academic wing and that this would have to be done very delicately because of the proximity to the Hyde Mansion.

Mr. Harper then opened the floor to members of the public who wished to comment.

There being no members of the public wishing to comment, Mr. Harper closed the public comment portion.

**MR. HOPKINSON MOVED, SECONDED BY MR. OXTON, TO APPROVE THE SITE PLAN AMENDMENT, FOR HYDE SCHOOL, 616 HIGH STREET, MAP 31, LOT 22, WITH THE FOLLOWING CONDITIONS:**

**THAT WRITTEN APPROVAL OF THE STORMWATER MANAGEMENT PLAN BE RECEIVED FROM THE PUBLIC WORKS DIRECTOR.**

**THE APPROVAL IS CONTINGENT UPON ANY REQUIRED DEP PERMITTING.**

**THAT PROPER PERMITTING FOR THE BLASTING BE OBTAINED.**

**UNANIMOUS APPROVAL.**

**New Business:**

**Item 1**

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

Giff Jamison, representing Tedford Shelter, told the Board that they had met with Maine State Housing Authority and that the plans have been okayed by them. He said that the structural plans would now be submitted to the State Fire Marshal's Office and the Bath Codes Enforcement Officer. He said that he did not know how long these reviews would take.

**MR. OMO MOVED, SECONDED BY MS. DECHANT, TO APPROVE THE REQUEST BY THE TEDFORD SHELTER FOR EXTENSION OF SITE PLAN APPROVAL FOR EVERGREEN WOODS, CONGRESS AVENUE, MAP 24 LOT 1.**

**UNANIMOUS APPROVAL.**

**Item 2**

**Request for Extension of Site Plan Approval** – 150 Congress Avenue, (Map 24 Lot 1); United Church of Christ, applicant.

Giff Jamison, representing the applicant, told the Board that this project was tied into the Tedford Shelter project and could not proceed until the structural drawings had been approved for the Tedford Shelter apartment complex.

**DR. HAYNES MOVED, SECONDED BY MR. OMO, TO APPROVE THE REQUEST FOR EXTENSION OF SITE PLAN APPROVAL, 150 CONGRESS AVENUE, MAP 24, LOT 1, UNITED CHURCH OF CHRIST, APPLICANT.**

**UNANIMOUS APPROVAL.**

**Item 3**

**Historic District Approval** – 199 Water Street (Map 27, Lot 99); Walter Briggs, applicant.

Mr. Briggs told the Planning Board that he was requesting Historic District Approval for changes to the south façade of the building at 199 Water Street.

Steven Theodore, architect for Mr. Briggs, explained the proposed façade treatment, the materials, the proposed changes to the west façade, and colors. He commented that cities are vibrant when there is variety.

Mr. Harper then open the floor to members of the public who wished to comment on this item.

There being no public wishing to comment, Mr. Harper then closed the public portion.

**DR. HAYNES MOVED, SECOND BY MR. HOPKINSON, TO GRANT HISTORIC DISTRICT APPROVAL FOR FAÇADE CHANGES TO THE BUILDING AT 199 WATER STREET, MAP 27, LOT 99, WALTER BRIGGS, APPLICANT, WITH THE FOLLOWING CONDITIONS:**

**THAT THE TRIM ON THE WINDOWS BE PAINTED WHITE ENAMEL.**

**THAT A NEW DRAWING OF THE WEST SIDE FAÇADE BE SUBMITTED TO THE PLANNING OFFICE SHOWING THE IMPROVEMENTS DISCUSSED AT THIS MEETING.**

**UNANIMOUS APPROVAL.**

**Item 4**

**Historic District Approval** – 19 Fremont Street (Map 26, Lot 204); Cyrus Benson, applicant.

David Mills of Ridgeline Construction, representing the applicant, told the Board that he was requesting permission to remove a small addition from the back side of the home that was built in the 1950s. He said that once the addition was removed they would replace the siding to match siding on the rest of the house and install a 9 over 6 window on the upper floor to match the original windows. He said there would no window on the first floor.

Mr. Harper then open the floor to members of the public who wished to comment on this item.

There being no public wishing to comment, Mr. Harper then closed the public comment portion.

Dr. Haynes told the Board and the applicant's representative of the history of the building and said that the addition to the building seems to date from about 1919.

**DR. HAYNES MOVED, SECONDED BY MR. KING, TO APPROVE THE REQUEST FOR HISTORIC DISTRICT APPROVAL, 19 FREMONT STREET, MAP 27, LOT 99, CYRUS BENSON, APPLICANT, WITH THE FOLLOWING CONDITIONS:**

**THAT CORNER BOARDS BE INSTALLED.**

**THAT THE FRIEZE BOARD BE CONTINUED TO THE PORTION OF THE BUILDING WHERE THE ADDITION IS TO BE REMOVED.**

**THAT THE NEW WINDOW BE A 9 OVER 6 WINDOW.**

**UNANIMOUS APPROVAL.**

**Item 5**

**Site Plan Amendment** – 200 Congress Avenue (Map 25, Lot 102); American Legion Smith-Toby Post 21, applicant.

Mr. Omo recused himself from acting on this item because the applicant was being represented by his brother.

Jamie Omo, representing the applicant, explained to the Board that the American Legion was proposing to construct a pavilion for outdoor events, at the rear of the existing American Legion building.

Mr. Upham explained that it had been pointed out by Scott Davis, Codes Enforcement Officer, that the pavilion needs to be at least 20 feet from the main building, as per building code requirements.

Mr. Harper then read a letter from Mr. Jamie Omo explaining that the pavilion would be moved an additional 6 feet away from the primary building so that the 20-foot setback would be achieved.

Mr. Omo explained that the existing drainage and landscaping would not be affected by the construction of the pavilion.

Dr. Haynes pointed out that there was a dumpster on the property and that it was not screened.

The applicant indicated that the dumpster had been there for more than 19 years.

Mr. Harper then open the floor to members of the public who wished to comment on this item.

There being no public wishing to comment, Mr. Harper then closed the public comment portion.

**MR. HOPKINSON MOVED, SECONDED BY MR. OXTON TO APPROVE THE SITE PLAN AMENDMENT, 200 CONGRESS AVENUE, MAP 25, LOT 102, AMERICAN LEGION SMITH-TOBY POST 21, APPLICANT, WITH THE FOLLOWING CONDITION:**

**THAT A REVISED DRAWING SHOWING THE PAVILION WITH A 20-FOOT SETBACK FROM THE MAIN BUILDING BE SUBMITTED TO THE PLANNING DIRECTOR.**

**SIX IN FAVOR (DR. HAYNES, MR. OXTON, MS. DECHANT, MR. HOPKINSON, MR. KING, MR. HARPER)**

**ONE RECUSED (MR. OMO).**

#### **Item 6**

**Historic District Approval – 19 Oak Street (Map 26, Lots 208 & 209); Bath Housing Authority, applicant.**

Joanne Troy, Executive Director of the Bath Housing Authority, told the Board that they were proposing to take an existing five-unit apartment house and convert it to a five-unit cooperative. She discussed the façade changes on all sides of the building. She said that presently there are four different types of windows and because all of them will be replaced she proposed to unify the look with all 6 over 6 windows. She told the Board that she would like to construct a small roof-like cover over the north exit on the building.

Mr. Upham told the Board that the Codes Enforcement Officer felt this was possibly being built into the Fremont Street right-of-way.

Mr. Harper then open the floor to members of the public who wished to comment on this item.

There being no public wishing to comment, Mr. Harper then closed the public comment portion.

Dr. Haynes told the Board and the applicant of the history of the building.

**DR. HAYNES MOVED, SECONDED BY MS. DECHANT, TO APPROVE THE REQUEST FOR HISTORIC DISTRICT APPROVAL, 19 OAK STREET, MAP 26, LOTS 208 & 209, BATH HOUSING AUTHORITY, APPLICANT WITH THE FOLLOWING CONDITIONS:**

**THAT THE FENCE BE THE CURVED FENCE DESIGN.**

**THAT THE WINDOWS BE 6 OVER 6.**

**THAT THE PATIO DOORS HAVE GRILLS IN PLACE TO MATCH THE APPEARANCE OF THE OTHER WINDOWS.**

**THAT THE FIXED WINDOW ON THE WEST ELEVATION BE COMPATIBLE IN DESIGN WITH THE OTHER WINDOWS.**

**THAT THE SMALL ROOF OVER THE FREMONT STREET EXIT-ENTRANCE BE APPROVED ONLY IF THE APPLICANT DEMONSTRATES TO THE CODES ENFORCEMENT OFFICER THAT IT IS NOT A SETBACK VIOLATION AND DOES NOT EXTEND INTO THE FREMONT STREET RIGHT-OF-WAY.**

**UNANIMOUS APPROVAL.**

**Item 7**

**Site Plan Amendment, including amendment of the setback reduction in the C3 Zone – 50 Wing Farm Parkway (Map 24, Lot 5); Jan Martin Jr., applicant**

Chris Martin, representing the applicant, explained the project to the Planning Board.

There was discussion concerning the discrepancies between the plan for this project drawn by H.K. Baker and the plans drawn for the abutting project, which show this building . Mr. Martin said that if there is any discrepancy than the plans drawn by Baker should be the controlling ones. He also told the Board that the shared parking agreement with CED was still in effect.

Mr. Harper then open the floor to members of the public who wished to comment on this item.

There being no public wishing to comment, Mr. Harper then closed the public comment portion.

**MR. HOPKINSON MOVED, SECONDED BY MR. OXTON, TO APPROVE THE REQUEST FOR SITE PLAN AMENDMENT, INCLUDING AMENDMENT OF THE SETBACK REDUCTION IN THE C3 ZONE, WAIVING THE PARKING REQUIREMENT OF ARTICLE 10, 50 WING FARM PARKWAY, MAP 24, LOT 5, JAN MARTIN JR., APPLICANT.**

**UNANIMOUS APPROVAL.**

**Item 8**

**Site Plan Amendment – Wing Farm Parkway (Map 24, Lot 5); Jan Martin Sr., applicant**

Kevin Clark, of SiteLines, represented the applicant, explained that the applicant was proposing to not build the approved three self-storage buildings but to build a building in two phases that would house a bakery for the Robinhood Free Meeting House Restaurant. He said that there would be no change in impervious area from the approved self-storage buildings. He told the Board that they were proposing five parking spaces on site for the five employees of the bakery and that the shared parking agreement with CED was still in affect. He said that a dumpster was added to the east side of the second phase portion of the building and that it would be located on the north side of the first phase portion until the second phase is constructed. He told the Board that the dumpster would be screened.

There were questions from the Board regarding noise levels from the bakery equipment. Mr. Clark told the Board that the freezers located on the east side of the building may produce noise in the range of 50 to 60 decibels measured at the property lines. He said that if buffering were needed to meet the permitted decibel levels of Article 10 than that this would be done.

The Board asked about the time frame for construction of the phase 2 portion of the facility. Mr. Clark said that phase 2 might not be constructed for 2 to 3 years.

Mr. Harper then open the floor to members of the public who wished to comment on this item.

There being no public wishing to comment, Mr. Harper then closed the public comment portion.

Mr. Upham told the Board that he had not yet received approval of the stormwater plan from the Public Works Director.

The Planning Board discussed buffering of equipment so as to meet the required noise level standard, the location of the dumpster for phase 1, and the surface of the ground where the phase 2 building might be built.

Mr. King pointed out that the planting plan on this drawing was different from the planting plan shown for the dance studio project. The applicant pointed out that the drawing would be revised so that they were consistent.

**MR. HOPKINSON MOVED, SECONDED BY DR. HAYNES, TO GRANT SITE PLAN AMENDMENT INCLUDING AMENDMENT TO SETBACK REDUCTION IN THE C3 ZONE, FOR THE PROJECT AT WING FARM PARKWAY, MAP 24, LOT 5, JAN MARTIN SR., APPLICANT, WITH THE FOLLOWING CONDITIONS:**

**THAT, WHEN OPERATING, SOUND LEVEL MEASUREMENTS BE TAKEN AND SUBMITTED TO THE PLANNING DIRECTOR AND IF BUFFERING NEEDS TO TAKE PLACE THEN IT IS REQUIRED.**

**THAT THE APPROVAL IS CONTINGENT ON THE PLANNING DIRECTOR RECEIVING AN APPROVAL OF THE STORMWATER MANAGEMENT PLAN FROM PUBLIC WORKS DIRECTOR.**

**A NEW PLAN MUST BE SUBMITTED, WHICH INCLUDE A NOTE PROHIBITING THE LOT FROM BEING DIVIDED UNLESS THE SPACE AND BULK REGULATIONS ARE MET BY THIS BUILDING AND THE DANCE STUDIO BUILDING.**

**THE REVISED PLAN MUST SHOW THAT THIS APPROVAL DOES NOT APPROVE PHASE TWO.**

**THE REVISED PLAN MUST INDICATE THE LOCATION OF THE PROPOSED DUMPSTER AND ITS SCREENING.**

**THE REVISED PLAN MUST INDICATE LANDSCAPING AND GRADING CONSISTENT WITH THE PLAN OF THE DANCE STUDIO.**

**THE REQUIRED NUMBER OF PARKING SPACES AS PER SECTION 10.06, A, IS WAIVED FOR THIS MANUFACTURING USE.**

**THE LOCATION OF PARKING AS PER SECTION 10.06, B, 10, IS WAIVED.**

**A REVISED SUBDIVISION PLAN SUITABLE FOR RECORDING AT THE REGISTRY OF DEEDS MUST BE SUBMITTED TO THE PLANNING OFFICE.**

**UNANIMOUS APPROVAL.**

#### **Item 9**

**Setback Reduction** – 225 North Street (Map 25, Lot 113); Joe Creamer, applicant

Mr. Creamer told the Planning Board that he was requesting Setback Reduction in the C2 zone so that the lot could be divided. He said that the buildings are presently 20 feet apart and that the new lot line would be established between the buildings giving the buildings at least a 10-foot setback.

Mr. Upham told the Board that Scott Davis, Codes Enforcement Office, had discovered that there is a discrepancy between some of the drawings presented as part of this application. One drawing shows the buildings 17 feet apart and the other shows them 20 feet apart.

There was a discussion by Board members regarding this discrepancy.



There was also a discussion by the Board regarding new parking being shown on the plan. It was pointed out to Mr. Creamer that this parking would have to be screened from the abutting street.

Mr. Creamer said that there was enough parking without this and that this notation would be removed from the plan and this would not be a parking area.

Mr. Harper then open the floor to members of the public who wished to comment on this item.

There being no public wishing to comment, Mr. Harper then closed the public comment portion.

**MR. HOPKINSON THEN MOVED, SECOND BY MR. OMO, TO APPROVE THE REQUEST FOR SETBACK REDUCTION IN THE C2 ZONE, 225 NORTH STREET, MAP 25, LOT 113, JOE CREAMER, APPLICANT WITH THE FOLLOWING CONDITIONS:**

**THAT THE APPLICANT SUBMIT TO THE PLANNING DIRECTOR A STANDARD BOUNDARY SURVEY SHOWING THE NEW LOT LINE AND INDICATING THAT THE BUILDINGS WILL BE SET BACK AT LEAST 10 FEET FROM THIS NEW LOT LINE. THIS MUST BE DONE BEFORE SALE OF THE LOT.**

**THE NOTATION "NEW PARKING" BE REMOVED FROM THE SKETCH PLAN AND THIS AREA NOT BE USED FOR PARKING. THIS SKETCH PLAN MUST SHOW THE RESULTS OF THE BOUNDARY SURVEY.**

Mr. King stated that he would vote against the motion because the drawings that were submitted showed a Code violation would occur when the lot is divided.

**SIX IN FAVOR (MR. HARPER, MS. DECHANT, MR. OXTON, DR. HAYNES, MR. OMO, AND MR. HOPKINSON)**

**ONE OPPOSED (MR. KING)**

#### **Item 10**

**Pre-Application Workshop** – 190 Lincoln Street (Map 25, Lot 97); Steve Adams, applicant.

Kevin Clark, SiteLines, represented the applicant.

Mr. Harper told the board that the applicant was his direct supervisor, that he could act on this pre-application but would recuse himself from voting on any future Site Plan Approval request.

Mr. Clark told the Board of existing trips generated by the florist shop and proposed trips that would be generated by the proposed use.

The applicant discussed the buffering. There was a discussion with the Board of shrubbery versus a fence.

Dr. Haynes suggested that the applicant also look at pedestrian traffic.

Mr. Hopkinson stated that the Board would most likely not need a complete traffic study but that the findings discussed should be put in writing for the Site Plan application.

Mr. Upham told that the Board that Scott Davis, Codes Enforcement Officer, had indicated that there was a setback violation even with setback reduction at the rear/west corner of the building.

Mr. Clark indicated that he would look into this setback issue.

Mr. Harper thanked the applicant and said they would await a Site Plan Approval application.

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

**UNANIMOUS APPROVAL.**

The meeting was adjourned at 8:24 P.M.

Minutes prepared by Jim Upham, Planning Director.