

A regular meeting of the Bath Planning Board was called on 10-2-07 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxton, Chair
James Hopkinson, Vice Chair
Robin Haynes
Andy Omo
Jennifer DeChant
Amy Fitzpatrick
Paul Fraser
Chelsea Hall (non-voting student member)

MEMBERS ABSENT

Erik Dudley (non-voting student member)

STAFF PRESENT

Jim Upham, Planning Director
Morgan Decker, Recording Secretary
Peter Owen, Public Works Director
Tom Hoerth, City Arborist
Mike Field, Chief of Police

Mr. Oxton, Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, October 2, 2007.

Minutes of the September 18, 2007 Meeting

MR. HOPKINSON MOVED, SECONDED BY DR. HAYNES TO ACCEPT THE MINUTES OF THE OCTOBER 2, 2007 MEETING AS PRESENTED

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

Subdivision and Site Plan Amendments – Evergreen Woods, Edgett Street (Map 25, Lot 295); Tedford Shelter, applicant (continued from September 4, 2007 meeting)

Mr. Upham asked the Board to review a memo from Diane Morabito regarding traffic on Edgett Street. Mr. Upham also mentioned that the Bath Housing Authority Board of Directors voted against conveying an easement across their property.

John Cunningham, an attorney with Eaton, Peabody (representing the applicant) gave a brief overview of the proposal. At the time of subdivision and site plan approval, a sidewalk was deemed appropriate. Since that time, Bath Housing Authority has decided that an easement across their property would not be a good idea as any possible site for termination of the sidewalk would cause a danger to motorists or pedestrians. Other routes for the sidewalk were considered, but posed the same if not more of a hazard to motorists or pedestrians. The applicant has submitted a traffic study that shows the amount of pedestrian traffic on Edgett Street would not necessitate a sidewalk.

Mr. Hopkinson asked if removing the existing sidewalk would be part of the amendment. Mr. Cunningham replied that it is not, but could be removed if the Board requested. Don Knisley,

Director of Tedford Housing, added that he would like to see roughly 60 feet of the sidewalk removed.

Mr. Oxton, Chair, opened the public session of the meeting for members of the public wishing to comment.

William Edgett, 2 Edgett Street, said there are significant runoff issues with any alternate sidewalk plans toward Edgett Street. He said if a sidewalk were to be constructed on the west side of the street, those neighbors would experience more runoff and flooding. If on the east, those neighbors would be affected. Mr. Edgett said he spoke for all the residents of Edgett Street in saying that they would not want a sidewalk anywhere on the street.

Hearing no further public comment, Mr. Oxton closed the public session of the meeting.

Mr. Upham suggested that the Chief of Police and Public Works Director be able to comment on the applicant's proposal.

Chief Mike Field, Bath Police Department, said there is low vehicle traffic on Edgett Street and it is a dead-end. He said he has no concern if there were to continue to be no sidewalk.

Peter Owen, Public Works Director, addressed a number of recent traffic studies that state sidewalks enable drivers to go faster. When sidewalks are eliminated or at street level, motorists tend to be more cautious. Mr. Owen pointed out that most dead-end streets in Bath have no sidewalk, and said it preserves the neighborhood feel of a street. For these reasons, Mr. Owen is against installing a sidewalk on Edgett Street.

Mr. Hopkinson asked Mr. Owen if the drainage issues Mr. Edgett mentioned were caused by the existing sidewalk and if its removal would impact drainage.

Mr. Owen replied that the current walk is not affecting drainage on the street, and its removal will not affect drainage so long as the culvert for the existing pipe leading from the United Church of Christ church is left in place.

MR. HOPKINSON MOVED, SECONDED BY MS. FITZPATRICK, TO APPROVE THE REQUEST FOR SUBDIVISION AND SITE PLAN AMENDMENTS TO REMOVE THE REQUIRED SIDEWALK WITH THE FOLLOWING CONDITIONS:

- **THAT THE EXISTING SIDEWALK BE REMOVED UP TO THE POINT AT THE SNOW PLOW TURNAROUND;**
- **THAT THE CONDITION OF THAT SURFACE WHERE SIDEWALK REMOVED BE REASONABLY RESTORED SO AS NOT TO NEGATIVELY IMPACT DRAINAGE;**
- **THAT A NEW SUBDIVISION PLAN BE SUBMITTED TO THE PLANNING BOARD FOR SIGNATURE**

- **THAT A NEW SITE PLAN BE SUMMITTED TO THE PLANNING OFFICE.**

UNANIMOUS APPROVAL

New Business

Item 1

Public Hearing – Land Use Code Amendments; Amend Section 11.16 – Performance Standards, Specific Activities and Land Uses

Mr. Upham briefed the Board that this concern was brought to his attention by a resident who hopes to open a dog kennel but can't meet the 200 foot setback. Mr. Upham feels that even with a 200-foot setback, any noise would not be mitigated, and that any kennel would have to meet noise ordinance requirements in any case.

Mr. Oxton opened the public hearing for members of the public wishing to comment.

David Hudson, 9 Hounds Way, said he is hoping to open a kennel and supports this amendment.

James Wing, 82 Varney Mill Road, said he is Mr. Hudson's closest neighbor and has no problem with noise from David's current three dogs and does not foresee any problem with more in the future. He said he would recommend that this amendment be approved.

Hearing no further public comment, Mr. Oxton closed the public session of the meeting.

MR. HOPKINSON MOVED, SECONDED BY MR. FRASER TO RECOMMEND TO THE CITY COUNCIL TO APPROVE THE AMENDMENT TO SECTION 11.16 AS PRESENTED

UNANIMOUS APPROVAL

Item 2

Site Plan Amendment – 340 Oak Grove Avenue (Map 19, Lot 2-1); Bath United Methodist Church, applicant

Ralph Lewis of the Church Building Committee said there are wetlands in front of the property with a small stream leading into a rip-raped area. He said this is mostly drainage for the cemetery. Mr. Lewis said that any planting in this area would interfere with the wetland, and that oaks, the tree required to be planted along the entrance, would obstruct the view of the church. Mr. Lewis added that there is not enough topsoil in the planting areas within the parking lot to support any growth. He also commented that the Cumberland flowering pear trees have been listed as an invasive species and could have more problems later with splitting at maturity. Mr. Lewis mentioned that Marjorie Hawkes of Hawkes Greenhouse recommended some other shrubs that may be more suitable.

Dr. Haynes asked for Mr. Hoerth's comments.

Tom Hoerth, City Arborist, addressed the applicant's statements. He said the red oaks will grow in wet areas and will help erosion control rather than harming. Mr. Hoerth agreed that the Cumberland flowering pear trees should be eliminated as they have invasive qualities and are prone to splitting.

Mr. Oxtan opened the public session of the meeting for members of the public wishing to comment. Hearing no public comments, Mr. Oxtan closed the public session of the meeting.

Mr. Upham spoke, saying that it is a shame that no one was thinking about these landscape issues when the landscape plan was devised.

Mr. Oxtan said he could not comfortably vote to eliminate trees on the parking lot islands as it would make the church look like more of a commercial development.

Dr. Haynes asked if the church could come to some sort of compromise by meeting with the City Arborist to discuss more suitable plantings.

Mr. Hopkinson stated that he is not prepared to vote in favor of the amendment and would like to see a plan that has the approval of the City Arborist and Public Works Director.

MR. HOPKINSON MOVED, SECONDED BY DR. HAYNES TO CONTINUE THIS APPLICATION TO THE NEXT SCHEDULED MEETING – OCTOBER 16, 2007

UNANIMOUS

Item 3

Site Plan Approval – 10 Spruce Street (Map 34, Lot 2-1); Tracy Pinkham, applicant

Mr. Upham told the Board that if this were a day care in her home, the application could have been approved by the Staff Review Committee.

Tracy Pinkham, applicant, addressed the Board. She said that she has written approval from the State Fire Marshal as well as the State Licensing Board contingent upon City approval. Mrs. Pinkham added that there is no fence or parking required by the state. She said they defer to individual municipalities to make those determinations.

Mr. Oxtan opened the public session of the meeting for members of the public wishing to comment. Hearing none, Mr. Oxtan closed the public session of the meeting.

MR. HOPKINSON MOVED, SECONDED BY DR. HAYNES, TO APPROVE THE APPLICATION FOR SITE PLAN SUBJECT TO OR INCLUDING WAIVERS REQUIRED PURSUANT TO CHECKLIST #1 WITH THE CONDITION THAT THE PROPERTY IDENTIFIED AS 2-1 NOT BE SOLD SEPARATELY FROM 2 UNLESS AN APPLICATION IS SUBMITTED AND APPROVED TO PROVIDE ADEQUATE PARKING FOR STAFF

UNANIMOUS APPROVAL

Other Business

Mr. Oxtan appointed Dr. Haynes to the Historic District Review Committee. All Board members agree with this decision.

MR. HOPKINSON MOVED, SECONDED BY MS. FITZPATRICK TO ADJOURN THE MEETING

UNANIMOUS APPROVAL

Meeting adjourned 7:07 p.m.

Minutes prepared by Morgan Decker, Recording Secretary