

A regular meeting of the Bath Planning Board was called on 11-6-07 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxtan, 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
Tom Hoerth, City Arborist
Peter Owen, Public Works Director

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

Minutes of the October 16 & 23, 2007 Meetings

MR. HOPKINSON MOVED, SECONDED BY MR. FRASER, TO ACCEPT THE MINUTES OF THE OCTOBER 16, 2007, MEETING AS PRESENTED.

UNANIMOUS APPROVAL

MR. HOPKINSON MOVED, SECONDED BY MS. FITZPATRICK, TO ACCEPT THE MINUTES OF THE OCTOBER 23, 2007, MEETING AS PRESENTED.

UNANIMOUS APPROVAL**Old Business**

None

New Business**Item 1**

Site Plan and Final Subdivision Approval – 2 Oak Grove Avenue, (Map 25, Lot 110); 53-57 Allen Avenue, LLC, applicant.

Amy Segal, landscape architect with Terrence DeWan & Associates, represented the applicant. She explained the changes to the Site Plan, which had been required by the Planning Board at the October 16, 2007, meeting. She clarified the issue of the number of curb cuts on Oak Grove Avenue. She said that none of the accesses would be closed but that the access to the east of the Domino's Pizza parking lot would be narrowed to about 32 feet.

She explained traffic circulation, shared parking, drainage on the site, and she discussed water flowing off the site onto an abutting lot. She suggested that riprap or some other technique might reduce the velocity of any water flowing onto the abutting lot. Ms. Segal also explained where an existing dumpster would be moved and she said that the screening detail was part of the submittal.

Dr. Haynes asked about snow storage by the tree lilacs at the front of Lot A.

Ms. Segal explained that this was not a really a snow storage area and that perhaps the notation should be removed from the plan.

Mr. Oxtan then opened the meeting up for any public comment.

There being no public wishing to comment on this item, Mr. Oxtan then closed the public comment portion of this item.

The Board asked Peter Owen, Public Works Director, what technique could be used to prevent or slow down any water flowing off the site onto the Schoenfeldt property, which is the abutting property.

Mr. Owen said that riprap or vegetation along that property line could be used to reduce the velocity of any water flowing onto the Schoenfeldt property.

Mr. Oxtan suggested that shielding the light which is presently on the pole at the southwest corner of Lot A, would be the best technique to make sure that light did not spill over onto the abutting property.

Mr. Hopkinson discussed the Declaration of Covenants covering restrictions, easements, and the maintenance agreement. He asked that the Declaration of Covenants state that all lots were subject to requirements of Site Plan Approval, the minutes of the meeting, and all conditions. He also asked that Section 2.3 of the Covenants state that any change of use would require approval of the Planning Board. Mr. Hopkinson also said that Section 2.6 state that each lot owner is required to replace any dead or dying plant materials.

There being no further discussion **MR. HOPKINSON MOVED, SECONDED BY DR. HAYNES, TO GRANT SITE PLAN APPROVAL FOR 2 OAK GROVE AVENUE; 53-57 ALLEN AVENUE, LLC, APPLICANT; WITH THE FOLLOWING CONDITIONS:**

- **THAT THE APPLICANT INSTALL AN APPROPRIATELY SIZED SHIELD ON THE LIGHT FIXTURE IN THE PARKING AREA. (SOUTHWEST CORNER OF LOT A.)**
- **THAT THE "SNOW STORAGE" NOTE EAST OF THE 10 OAK GROVE BUILDING BE REMOVED.**
- **THAT THE ASH TREE NORTH OF THE 10 OAK GROVE BUILDING BE MOVED CLOSER TO THE BUILDING.**

- **THAT SOME ADDITIONAL STABILIZATION ALONG THE SCHOENFELDT BOUNDARY BE ESTABLISHED TO THE SATISFACTION OF THE PUBLIC WORKS DIRECTOR.**
- **THAT THE REQUESTED WAIVER OF ANY ADDITIONAL TOPOGRAPHIC SURVEY MATERIALS BE APPROVED.**

UNANIMOUS APPROVAL

Item 2

Site Plan Approval – 133 Commercial Street (Map 26, Lot 258); David F. Mahoney Trust, applicant

John Carroll, representing Central Maine Power Company, told the Planning Board that the site had been used in the late 19th century and early 20th century for a manufactured gas plant. He said that CMP's role was limited to cleaning up the site. He said that CMP and their consultant had been involved with cleaning up various manufactured gas plant sites like this in other towns and cities in Maine.

Tom Plante, URS Corporation, told the Planning Board that the manufactured gas plant had been on the northern portion of this lot. He said that the residue that would be removed from the site is mostly coal tar, which is a by-product of the gas manufacturing process. He said that he estimated they would be digging up approximately 2,500 cubic yards of material to be hauled away. Mr. Plante told the Board about the soil dewatering process that would be necessary because some of the soil to be removed is below ground water level. He said that the water from the process would be put into the City's sewerage system and treated at the sewage treatment plant.

Mr. Plante said that the work would be done in December and January and that the cold weather helps to keep the odor of the coal tar to a minimum. He did say that air monitoring would be conducted throughout the course of the soil mitigation project. Mr. Plante told the Board that 15 to 16 trucks per day would be used to remove the contaminated soil. He said that the activity would be during daylight hours and that they would work in Saturday only if necessary and that they would come to the City for approval before any Saturday work.

Mr. Plante went on to say that the Maine Department of Environmental Protection, is requiring a final report that will analysis the extent of coal tar traveling into any bedrock. He said that the city could have a copy this report.

Steve Dyer, Ransom Engineering, on behalf of the City, told the Board that the monitoring wells on site had indicated a number of heavy metals of which arsenic is a concern at the sewage treatment plant. He said that he and Peter Owen, Public Works Director, wanted the water removed from the dewatering process to be tested for arsenic once every 20,000 gallons are pumped into the City's sewer system. He said that if the level of arsenic reached an

amount that cannot be sent to the sewage treatment plant some other water treatment process should be used.

Chairman Oxtun then open the meeting up to any public who wished to comment on this agenda item.

Jayne Palmer, 300 Front Street, asked if there would be an entrance/exit from the site onto Front Street and how long the activity would take.

Mr. Plante said that there would be no entrance or exit from the site onto Front Street and he said that the project would take 10 to 12 weeks.

There being no other members of the public wishing to comment on this agenda item, Chairman Oxtun closed the public comment portion for this agenda item.

There being no further discussion on this item; **MS. DECHANT MOVED, SECONDED BY MR. HOPKINSON, TO GRANT SITE PLAN APPROVAL; 133 COMMERCIAL STREET; DAVID F. MAHONEY TRUST, APPLICANT; WITH THE FOLLOWING CONDITIONS:**

- **THAT CITY STAFF WORK WITH THE APPLICANT TO ADAPT THE TRUCKING ROUTE AS NEEDED DURING THE COURSE OF THE REMEDIATION.**
- **THAT A BEDROCK ASSESSMENT REPORT DONE FOR DEP BE SUBMITTED TO THE PLANNING OFFICE.**
- **THAT THE TRUCKING ROUTE BE VIDEO TAPED AND SAID TAPE PROVIDED TO THE CITY.**
- **THAT ANY REQUIRED REPAIRS TO THE PUBLIC STREETS BE REPAIRED AT THE EXPENSE OF THE APPLICANT.**
- **THAT THE LIMITATIONS OF DISCHARGE AT THE SEWAGE TREATMENT PLANT AND WATER TESTING BE AS ESTABLISHED BY THE PUBLIC WORKS DIRECTOR.**
- **THAT A 24-HOUR CONTACT LIST BE PROVIDED TO THE CITY.**

UNANIMOUS APPROVAL

Item 3

Site Plan Amendment – 119 Commercial Street (Map 26, Lot 271); Long Reach Properties, LLC, applicant.

Before any discussion on the item Mr. Omo told the Board that his wife works for the applicant but that he felt he could act on this item in an unbiased fashion.

The Planning Board agreed that Mr. Omo could continue to discuss and vote on this agenda item.

Steve Dyer, Ransom Engineering, representing the applicant, told the Planning Board that during the work done on this site this past summer gasoline contaminated soils were discovered to the north and west of the restaurant. He said that from sampling the soil it was felt there was approximately 1,600 cubic yards of material that needed to be removed. He told the Planning Board that the gasoline was most likely left over from a fuel tank that had been removed a number of years ago.

Mr. Dyer went on to explain to the Planning Board that there would be no truck queuing up on Commercial Street, that the project would take approximately two weeks, that there would be about ten truck trips per day, and that they would only work during daylight hours (7:00 AM to 5:00 PM).

Chairman Oxtan then open the meeting up to any members of the public who wished to comment on this agenda item.

Seeing no members of the public wishing to comment on this item, Mr. Oxtan then closed the public comment portion.

There being no further discussion n this item, **DR. HAYNES MOVED, SECONDED BY MR. HOPKINSON, TO GRANT SITE PLAN AMENDMENT APPROVAL; 119 COMMERCIAL STREET; LONG REACH PROPERTIES, LLC, APPLICANT; WITH THE FOLLOWING CONDITIONS:**

- **THAT CITY STAFF WORK WITH THE APPLICANT TO ADAPT THE TRUCKING ROUTE AS NEEDED DURING THE COURSE OF THE REMEDIATION.**
- **THAT THE PUBLIC STREETS USED FOR TRUCKING BE CLEANED BY THE APPLICANT TO THE SATISFACTION OF THE PUBLIC WORKS DIRECTOR.**
- **THAT A 24-HOUR CONTACT LIST BE PROVIDED TO THE CITY.**
- **THAT THE TRUCKING ROUTE BE VIDEO TAPED AND SAID TAPE PROVIDED TO THE CITY.**
- **THAT ANY REQUIRED REPAIRS TO THE PUBLIC STREETS BE REPAIRED AT THE EXPENSE OF THE APPLICANT.**

UNANIMOUS APPROVAL

ON A MOTION MOVED, AND SECONDED THE BOARD VOTED TO ADJOURN THE MEETING AT 8:00 PM.

Planning Board Minutes
November 6, 2007, meeting

Minutes prepared by Jim Upham, Planning Director