

A regular meeting of the Bath Planning Board was called on 8-5-08 for the purpose of conducting regular business.

MEMBERS PRESENT

James Hopkinson, Vice Chair
Robin Haynes
Andy Omo
Amy Fitzpatrick
Paul Fraser

MEMBERS ABSENT

Bob Oxtan, Chair

STAFF PRESENT

Jim Upham, Planning Director
Morgan Decker, Recording Secretary

Mr. Hopkinson, Vice Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, August 5, 2008.

Minutes of the July 1, 2008 meeting

MR. OMO MOVED, SECONDED BY DR. HAYNES, TO APPROVE THE MINUTES OF THE JULY 1, 2008, MEETING AS PRESENTED**UNANIMOUS APPROVAL****Old Business****Item 1**

Request for Site Plan Approval – 32 High Street (Map 45, Lot 19); John R. Williams, applicant. (Continued from the July 1, 2008 meeting.)

Rob Prue of Pine Tree Engineering represented the applicant. Mr. Prue said the plan now includes a copy of the survey of the property by Dirigo Land Surveying, the existing drive, the shift of the drive 3 to 4 feet to the north, the existing granite monument, and the new proposed cross-section of the roadway.

Dr. Haynes asked if a pin could be set to mark the southeast boundary corner. Mr. Prue said that he could not put the pin there, that only the surveyor could do that.

Mr. Fraser asked if the new drive would be paved. The applicant said he would agree to pave the roadway.

Mr. Hopkinson opened the public session of the meeting for members of the public wishing to comment.

Steve Fava, 30 High Street, said this project will disturb his lawn, and is also concerned that drainage from the proposed site will flow into his yard. Mr. Fava agreed that paving the new roadway will help with drainage. Mr. Fava also expressed concern that paving would cover the water shutoff valves.

Hearing no further public comment, Mr. Hopkinson closed the public comment portion of this item.

Mr. Prue informed the Board that the area proposed to be paved will increase current lawn area in front of Mr. Fava's house and the pavement is not proposed to be over the water shutoff.

DR. HAYNES MOVED, SECONDED BY MR. OMO, TO APPROVE THE SITE PLAN SUBJECT TO THE FOLLOWING CONDITIONS AND WAIVERS:

- **THAT THE PUBLIC WORKS DIRECTOR APPROVE THE CULVERT COUPLING;**
- **THAT THE PORTION OF THE PRIVATE WAY THAT IS CONSTRUCTED BE PAVED;**
- **THAT THE FRONTAGE FOR A NEW STREET MAY BE UNPAVED;**
- **THAT A WAIVER BE GRANTED FOR THE INSTALLATION OF THE SIDEWALK;**
- **THAT A WAIVER BE GRANTED FOR A MAXIMUM 3% GRADE WITHIN 50 FEET OF AN INTERSECTION;**
- **THAT A WAIVER BE GRANTED FOR A TYPICAL ROADWAY CROSS-SECTION; AND**
- **THAT A WAIVER BE GRANTED FOR A BOUNDARY PIN IN THE SOUTHEAST CORNER;**

UNANIMOUS APPROVAL

New Business

Item 1

Request for Setback Reduction in the NRPO – 120 Whiskeag Road (Map 15, Lot 3); Dennis & Suzan Ring, applicants

Ms. Ring told the Board the home was built before the NRPO district was in place. She said she is proposing to extend the peak of the existing roof to the peak of the shed roof to prevent leaks.

Mr. Upham said there are no concerns with regard to this proposed project.

MR. OMO MOVED, SECONDED BY MS. FITZPATRICK, TO FIND THE APPLICATION COMPLETE

UNANIMOUS APPROVAL

Mr. Hopkinson opened the meeting to members of the public wishing to comment. There being no members of the public wishing to comment, he closed the public comment portion of this item.

DR. HAYNES MOVED, SECONDED BY MR. FRASER TO APPROVE THE REQUEST FOR SETBACK REDUCTION.

UNANIMOUS APPROVAL

Item 2

Request for Subdivision Sketch Plan Review – Western Avenue (Map 31, Lot 69); ECO Partners (Mike White), applicant.

Mr. Upham told the Board that there is a two-page traffic report from Bill Eaton on their desks.

Doug Johnson, representing the applicant, said the current lot is 35,642 square feet, with a proposed total building area of 28,945 square feet. He said the remaining 6,697 square feet would be conveyed to abutters to settle any boundary disputes. Mr. Johnson added that an easement would be conveyed by the Brutons for a sewer force main, which would be owned by a homeowners' association. Mr. Johnson asked for a waiver of the high intensity soil survey.

Mr. Johnson and the Board discussed some driveway issues, including moving the proposed drive of lot #2 to increase safety of traffic flow, and adjusting lot lines to give lot #2 adequate lot width.

Mr. Upham raised a concern that had been expressed by Peter Owen, Public Works Director, as to who will maintain the force main. Mr. Upham reminded the applicant that a maintenance plan will need to be recorded with the Registry of Deeds and suggested a fund be set up with the homeowners' association for maintenance. Mr. Upham also said that the exact location of the storm drain across the property is unknown.

Mr. Hopkinson asked what the plans are with respect to existing trees on the lot. Mr. Johnson said all large trees would be located and preserved as is practicable. Mr. Johnson reminded the Board that the homes are proposed to have solar components, which may necessitate removal of some large shading trees.

Mr. Hopkinson opened the meeting to members of the public wishing to comment. There being none, he closed the public comment portion of this item.

Mr. Hopkinson asked if easements are presently secured. Mr. Johnson replied that the applicant is hoping to formalize these agreements soon. Mr. Hopkinson suggested that the plan address the tree location with greater specificity and that pins on property corners be shown.

Mr. Upham asked the Board if they would like to do a site walk. The Board members indicated that this would not be needed.

Item 3

Request for Site Plan Approval – 831 Middle Street (Map 26, Lot 161); Midcoast Federal Credit Union, applicant, represented by Belanger Engineering.

DR. HAYNES MOVED, SECONDED BY MR. FRASER, TO FIND THE APPLICATION COMPLETE

UNANIMOUS APPROVAL

Chris Belanger, of Belanger Engineering, explained that three original parcels have been combined into one, and the applicant is proposing to remove the existing home in the center of the property and replace it with a 1,400 square-foot building to be used as a loan center. Mr. Belanger said the applicant proposes to retain the existing water and sewer lines to run to the proposed structure.

Mr. Hopkinson opened the meeting to members of the public wishing to comment. There being none, he closed the public comment portion of this item.

Mr. Upham asked about the shed shown on the plans. Mr. Belanger said it straddles the property line, but said it belongs to the railroad.

Mr. Upham explained that the Codes Enforcement Officer interpreted the situation that the new loan center would be an accessory building, accessory to the main bank building. Mr. Upham said that he felt that the use of the site was a bank with drive-up window and that the parking requirement needed to be calculated that way. He also said that the applicant has made a case, and he agreed, that there is adequate parking shown on the plan.

Mr. Hopkinson asked if a waiver would be needed for less parking spaces proposed than required. Mr. Upham replied that a waiver would be needed.

Mr. Upham expressed concern that the dumpster may not be adequately screened with the proposed fence. Mr. Belanger assured Mr. Upham and the Board that the dumpster is only 5 feet high and that fence will be tall enough to effectively screen it.

Mr. Upham addressed the removal of pavement from the abutter to the South. Mr. Upham said an easement would need to be conveyed if this open area is to be used in the stormwater calculations. Mr. Upham also mentioned that a condition, if the application is approved would need to be made with regard to the storm and sanitary sewer, and the spillage of light illumination on the RR property and Middle Street.

Dr. Haynes asked why existing birch trees on the property would be removed, and asked if the lilac trees on the northeast corner will remain. Mr. Belanger said any existing vegetation to be removed is only to facilitate traffic flow and construction, but the lilac trees will remain.

Dr. Haynes gave a brief history of the existing house, and informed the applicant that she would like SPI to tour the existing structure prior to demolition and that the applicant make a commitment to recycle as many materials as possible.

DR. HAYNES MOVED, SECONDED BY MS. FITZPATRICK, TO APPROVE THE REQUEST FOR SITE PLAN APPROVAL SUBJECT TO THE FOLLOWING WAIVERS AND CONDITIONS:

- **THAT A WAIVER BE GRANTED TO SECTION 10.27, B (ILLUMINATION GREATER THAN 0.2 FOOT-CANDLES CROSSING THE PROPERTY LINES);**
- **THAT A WAIVER BE GRANTED WITH RESPECT TO SECTION 10.6, A, 4 (REQUIRED NUMBER OF PARKING SPACES);**
- **THAT A NEGATIVE EASEMENT OR OTHER SATISFACTORY ARRANGEMENT FOR THE 6-FOOT WIDE STRIP OF PAVEMENT TO BE REMOVED AS PART OF THE STORMWATER MANAGEMENT PLAN, BE MADE AND RECORDED;**
- **THAT THE STORM AND SANITARY SEWER PLANS BE SUBMITTED FOR APPROVAL TO THE PUBLIC WORKS DIRECTOR;**
- **THAT ADDITIONAL LANDSCAPING, TO BE APPROVED BY THE CITY ARBORIST AND PLANNING DIRECTOR, BE ADDED ALONG THE EAST AND SOUTH PROPERTY LINES;**
- **THAT SPECIFICS PERTAINING TO THE NUMBER AND TYPE OF PERENNIALS IN THE PARKING ISLAND BE NOTED ON THE SITE PLAN;**
- **THAT LATTICE SCREENING OF THE PROPANE TANKS BE SHOWN ON THE SITE PLAN AND SUBMITTED TO THE PLANNING DIRECTOR FOR HIS APPROVAL;**
- **THAT A NOTE BE ON THE FINAL SITE PLAN INDICATING THAT THE DUMPSTER WILL BE SCREENED BY A 5-FOOT FENCE**

UNANIMOUS APPROVAL

Item 4

Request for Historic District Approval – 967 Middle Street (Map 26, Lot 127); Laura Hiestand, applicant.

Mark Akeley, representing the applicant, explained that Ms. Hiestand is proposing to remove the existing barn, which is dilapidated, and replace it with as close a replica as possible.

Dr. Haynes asked Mr. Akeley if the applicant had any response to Judy Barrington's committee's suggestions. Mr. Akeley replied that Ms. Hiestand will be moving pipes to the south end of the eastern slope of the roof so they are not as visible and will be putting the barn on the same footprint with the same architectural details.

Mr. Hopkinson opened the meeting to members of the public wishing to comment. There being none, he closed the public comment portion of this item.

Hearing no further discussion, **DR. HAYNES MOVED, SECONDED BY MS. FITZPATRICK, TO APPROVE THE REQUEST WITH THE FOLLOWING CONDITION;**

- **THAT THE APPLICANT DUPLICATE THE EXISTING DIMENSIONS AND REPLICATE THE NORTH FAÇADE WINDOW ARRANGEMENT.**

UNANIMOUS APPROVAL

Item 5

Request for Setback Reduction in the C2 Zone – 81 Floral Street (Map 28, Lot 127); Elliot Meade, applicant.

Mr. Upham informed the Board that Scott Davis, Codes Enforcement Officer, had completed his review of the plans to determine that it is a permitted use and that it meets space and bulk requirements of the C2 Zone if Setback reduction is granted.

DR. HAYNES MOVED, SECONDED BY MR. OMO, TO FIND THE APPLICATION COMPLETE

UNANIMOUS APPROVAL

Rob Prue, representing the applicant, detailed the project, a 4,760 square foot vacant lot to hold a mixed-use building including office space, a restaurant, and apartments. Mr. Prue said the applicant proposes to retain the existing landscaping and add crabapple trees and Rosa rugosa. He explained that there is existing sewer service to the lot, as well as an easement that gives the lot owner permission to connect sewer pipes to the pipes on the shopping center property. Mr. Prue added that the traffic generation would be about 29 vehicles per hour, which would not necessitate a traffic study.

Dr. Haynes asked if all of Mr. Hoerth's concerns were addressed with regard to landscaping. Dr. Haynes also mentioned that additional landscaping would be needed at the southeast and southwest corners of the property to adequately screen the abutter's yard.

Mr. Hopkinson opened the meeting to members of the public wishing to comment. There being none, he closed the public comment portion of this item.

Mr. Hopkinson inquired as to why a traffic study is not necessary. Mr. Prue said in his opinion the amount of traffic would not trigger the need for a traffic study. Mr. Upham added that the police chief is concerned about traffic on this street.

Mr. Upham spoke about concerns by the Public Works Director that a grease trap be installed in the restaurant kitchen so as not to overwhelm the Hyde Park pump station, as well as a need for a stormsewer easement. Mr. Upham also suggested that the applicant consider the location of the dumpster making one parking space unusable, and the lot size prohibiting a play area for families living in the second floor apartments.

Mr. Hopkinson suggested the applicant review the following concerns: a traffic study, dumpster location and screening, a grease trap in the kitchen of the proposed restaurant, landscaping and a storm sewer easement.

DR. HAYNES MOVED, SECONDED BY MS. FITZPATRICK, TO CONTINUE REVIEW OF THE APPLICATION TO THE NEXT REGULARLY SCHEDULED MEETING (9-2-08) SO THAT THE APPLICANT COULD PROVIDE INFORMATION DEMONSTRATING THAT THE APPROVAL CRITERIA OF ARTICLE 10 WOULD BE MET.

UNANIMOUS APPROVAL

Item 6

Request for Site Plan Amendment – 826 High Street (Map 26, Lot 1); Morse High School, applicant.

Mr. Upham told the Board that the applicant has been unable to find PVC fencing of the required style in the required color of green or brown. He said the applicant is now requesting the proposed fencing be installed in white PVC.

Mr. Hopkinson opened the meeting to members of the public wishing to comment.

Wayne Cochrane, 33 Lincoln Street, said he is in favor of the PVC fencing, but asked if there will still be trash collecting between his fence and Morse High School's fence.

William Shuttleworth, Superintendent, said the high school will be responsible for cleaning and keeping this area clean.

There being no other members of the public wishing to comment, Mr. Hopkinson closed the public comment portion of this item.

MR. OMO MOVED, SECONDED BY DR. HAYNES, TO APPROVE THE REQUEST.

UNANIMOUS APPROVAL

There being no further business before the Board, **DR. HAYNES MOVED, SECONDED BY MR. OMO, TO ADJOURN THE MEETING.**

UNANIMOUS APPROVAL

Meeting adjourned 8:36 p.m.

Minutes prepared by Morgan Decker, Recording Secretary.