

A regular meeting of the Bath Planning Board was called on 2-16-10 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxtan, Chair
James Hopkinson, Vice Chair
Amy Fitzpatrick
Paul Fraser
Donald Rogers
Robin Haynes
Drew Molbowski (non-voting student member)

MEMBERS ABSENT

Andy Omo
Kean McDermott (non-voting student member)

STAFF PRESENT

Jim Upham, Planning Director
Marsha Hinton, Recording Secretary

Mr. Oxtan, Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, February 16, 2010.

Minutes of the February 2, 2010 meeting

Dr. Haynes recommended amending the minutes to provide more clarity as follows:

"THAT ALL TRIM—MEANING *WINDOW AND DOOR SURROUNDS, CORNER PILASTERS, AND FRIEZE BOARDS*—BE RESTORED TO MATCH THE EXISTING ORIGINAL TRIM ON THE STRUCTURE; AND"

MR. HOPKINSON MOVED, SECONDED BY MS. FITZPATRICK, TO ACCEPT THE PLANNING BOARD MINUTES OF FEBRUARY 2, 2010, AS AMENDED.

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

Request for Final Subdivision Approval - Wing Farm Business Park, West Bath phase (Map 29, Lot 11); Town of West Bath, applicant. (Continued from the December 15, 2009, meeting).

Mr. Jeff Aceto, Sitalines, representing the applicant, stated he was before the Board to answer questions posed by the Planning Board with regard to utilities and traffic. Mr. Aceto explained the construction of the new road to avoid the 100-year flood level and provide for utilities. Mr. Aceto discussed the status of the Department of Transportation permitting process, the potential improvements to the Congress and Centre intersection of either a signal or roundabout and the fifty percent build-out trigger for beginning design of the intersection improvements. Mr. Aceto also discussed impact fees for improvements to the Chandler-Congress Avenue intersection, the southbound Route 1 off-ramp, and the southbound Route 1 on-ramp. Mr. Aceto explained that any increase in the size of the intersection at Congress and

Centre would need to move away from the Johansen property to the east because of topographic restrictions.

The Planning Board held discussion on constraints to development of a roundabout or development of a signal at Centre and Congress.

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

Ms. Wendy Johansen, 520 Centre Street, stated that she has been a resident at this location for more than 40 years and has been present for Wing Farm Phases One and Two and wanted to let the Planning Board know her observations and concerns with regard to this development. Ms. Johansen pointed out the amount of pedestrian traffic to the various businesses already located at Wing Farm and that many mothers pushing strollers are forced to use the road because the sidewalks are so poorly maintained in the winter. Ms. Johansen also described the visual barriers to traffic's line-of-sight, the difficulty with large tractor trailer trucks turning at that intersection, the high speeds of traffic on Congress Avenue, the number of elderly pedestrians, and issues with emergency vehicle access with the closure of Anchor Road. Ms. Johansen distributed photographs of the intersection of Congress Avenue and Centre Streets and the results of her traffic study conducted on December 10, 2009, and December 14, 2009. Ms. Johansen described the taking of land, the demolition of her existing driveway and steep incline to her current driveway created by the City of Bath in construction of the roadway. Ms. Johansen informed the Planning Board that due to a 200-year old surveying error that was found by the City of Bath, the City of Bath was able to take her property for the development of Wing Farm. Ms. Johansen stated that they had received assurances from the City of Bath that have not been honored and that an attorney has been consulted to protect their rights during Phase Three.

Mr. Charles Johansen, 500 Centre Street, stated that the plow trucks push snow into his driveway and he doesn't have anywhere to put it. Mr. Johansen also stated that because of the steep incline in the driveway it now ices up when it had not done so for more than 40 years. Mr. Johansen reported on the number of traffic accidents in a two week period at that intersection because of snow piles in the roadway as well as the speed of drivers on Congress Avenue including police cars that are not running their lights. Mr. Johansen expressed his concern that the City would be taking more of his property for this development. Mr. Johansen said that it would be appreciated if the City did not plow in his driveway and saw their way clear to throw some salt and sand on it since they created the current problems with ice.

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

The Planning Board discussed the concerns of Wendy and Charles Johansen, traffic speed, pedestrian traffic, tractor trailer turning radius, roundabout, stoplights, visual barriers, responsibility for snow plowing, road width, the need to have a design for the intersection at Congress and Centre to estimate cost, calculations used to assess impact fees, fairness in assessing impact fees, the time line for hearing back from the Department of Transportation,

and the need to have clear conditions in writing on the Mylar with regard to calculation of impact fees.

MR. HOPKINSON MOVED SECONDED BY DR. HAYNES, TO CONTINUE CONSIDERATION OF THE REQUEST FOR FINAL SUBDIVISION APPROVAL AT WING FARM BUSINESS PARK, WEST BATH PHASE (MAP 29, LOT 11); TOWN OF WEST BATH, APPLICANT UNTIL THE MARCH 2, 2010, MEETING OF THE BATH PLANNING BOARD.

UNANIMOUS APPROVAL

Board member, Mr. Rogers, formally requested that the Public Works office keep the Wing Farm sidewalk cleared for pedestrian use.

Item 2

Public Hearing - Land Use Code Text Amendment – Amendment to Article 11, Section 11.09 – Day-care Homes and Day-care Facilities. (Continued from the February 2, 2010, meeting).

Mr. Upham stated that he had added language daycare fencing. Mr. Upham reported that his research on the required 75 square-foot per child was not a standard but a "rule of thumb" for licensing at the Department of Human Services Division of Childcare Licensing.

The Planning Board held discussion on what to use as a standard for determining size of play area needed for a home daycare in a residential neighborhood.

Mr. Hopkinson asked if the size of play area needed had deterred anyone from opening a daycare home.

Mr. Upham said to his knowledge it had not, and that he could ask the Code Enforcement Officer if he knew of any.

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

None being seen, Mr. Oxtan closed the public hearing.

DR. HAYNES MOVED, SECONDED BY MR. ROGERS, TO CONTINUE RECOMMENDATION ON THE LAND USE CODE TEXT AMENDMENT FOR AMENDMENT TO ARTICLE 11, SECTION 11.09 – DAY-CARE HOMES AND DAY-CARE FACILITIES TO THE MARCH 2, 2010 MEETING.

UNANIMOUS APPROVAL

New Business

None

Other Business

None

Adjournment

MR. HOPKINSON MOVED, SECONDED BY MS. FITZPATRICK, TO ADJOURN THE MEETING AT 7:39 PM.

UNANIMOUS APPROVAL

Minutes prepared by Marsha Hinton, Recording Secretary.