

A regular meeting of the Bath Planning Board was called on 8-20-13 for the purpose of conducting regular business.

MEMBERS PRESENT

James Hopkinson, Vice Chair
John Swenson
Cal Stilphen
Albert Branca
John Sunderland
Andy Omo
Amy Franklin (non-voting student member)

MEMBERS ABSENT

Bob Oxtan, Chair
Megan Hixon (non-voting student member)

STAFF PRESENT

Andrew Deci, Planning Director

Mr. Hopkinson, Vice Chair, called the meeting to order in the third floor Council Chambers at 6 p.m. on Tuesday, August 20, 2013.

Minutes August 6, 2013 meeting

MR. BRANCA MOVED, SECONDED BY MR. SUNDERLAND TO APPROVE THE MINUTES OF THE AUGUST 6, 2013 MEETING AS SUBMITTED.

UNANIMOUS APPROVAL**Old Business**

Item 1: Plant Home Expansion Project (Continued from July 16, 2013, meeting)

A—Site Plan/Developmental Subdivision Review

B—Contract Rezoning

Mr. Deci explained that the request for site plan and subdivision review are before the Planning Board for a decision. Mr. Deci stated that the contract rezoning request required a recommendation from the Board to the City Council. Mr. Deci discussed new documentation provided to the Board highlighting comments from city staff. Mr. Deci reviewed the process after this evening's deliberations by the Board.

Tom Saucier, Site Design Associates, introduced Rachel Senally, landscape architect, and Don Capoldo. Mr. Saucier discussed public access, lighting, various agreements, public benefits, ordinances, pre-construction meetings, construction timeline and MDOT requirements regarding site distances.

The Planning Board discussed proposed lighting on the proposed buildings and existing leased parcel, easement, trails, lease agreement, site distances, drainage, culverts, inspection of pipe connections, comments from city staff, East Lane, location of construction entrance, construction staging area, blasting and length of construction time.

Mr. Hopkinson, Vice Chair, opens the floor to members of the public who wished to comment on the discussions at this evening's meeting.

Matt Carroll, 4 East Lane, discussed improper trimming of trees on East Lane, construction staging area, lighting fixture repair timeline, public access, neighborhood access and drainage.

Fred Denson, 8 East Lane, expressed his concerns about construction traffic, road damage due to heavy trucks and having a point of contact for issues with construction activities.

Phyllis Bailey, 16 Riverview Road, asked whether the construction was going to be phased.

No further comments from the public being seen, Mr. Hopkinson closed the public portion of the meeting.

The Planning Board discussed how damage to roads during construction will be addressed, conditions for approval, contract rezoning, tree protection plan, ordinance requirements for delivery of site work materials, and noise.

Tom Hoerth, City Arborist, pointed out the need for consistency throughout the plan for tree protection.

There being no further comments from the Planning Board,

MR. OMO MOVED, SECONDED BY MR. STILPHEN TO APPROVE THE PLANT HOME SITE PLAN WITH THE FOLLOWING CONDITIONS:

- 1. THE PROJECT SHALL BE DEVELOPED IN SUBSTANTIAL CONFORMANCE WITH THE PLANS, ELEVATIONS, RENDERINGS, AND APPLICATION MATERIALS SUBMITTED WITH THE APPLICATION, AS LAST REVISED.**
- 2. A TREE PROTECTION PLAN SHALL BE SUBMITTED TO AND APPROVED BY THE CITY ARBORIST PRIOR TO THE ISSUANCE OF ANY PERMITS BY THE CODE ENFORCEMENT OFFICER. COPIES SHALL BE PROVIDED TO THE CODE ENFORCEMENT OFFICER AND THE DIRECTOR OF PLANNING & DEVELOPMENT.**
- 3. A COST ESTIMATE FOR THE COMPLETION OF ALL EXTERIOR ARCHITECTURAL AND SITE WORK (EXCAVATION, GRADING, PAVING), INCLUDING MATERIALS AND LABOR, NECESSARY TO ACCOMPLISH AND PRESENT A FINISHED APPEARANCE SHALL BE SUBMITTED TO AND APPROVED BY THE DIRECTOR OF PLANNING & DEVELOPMENT PRIOR TO THE ISSUANCE OF ANY PERMITS BY THE CODE ENFORCEMENT OFFICER. THE COST ESTIMATE SHALL INCLUDE THE VALUE OF THE PROFFERED PUBLIC BENEFITS.**
- 4. A SELF-RENEWING/'EVERGREEN' BOND, LETTER OF CREDIT, OR ALTERNATIVE FINANCIAL SECURITY SHALL BE SUBMITTED TO THE DIRECTOR OF PLANNING & DEVELOPMENT IN THE AMOUNT PROVIDED FOR BY THE COST ESTIMATE. THE SECURITY SHALL BE HELD BY THE CITY OF BATH UNTIL SUBSTANTIAL COMPLETION IS REACHED ON THE PROJECT.**
- 5. EVIDENCE OF THE RECORDATION OF NECESSARY EASEMENTS FOR THE PROVISION OF THE PROJECT, INCLUDING WATER, SEWER AND ACCESS, SHALL BE SUBMITTED TO THE DIRECTOR OF PLANNING & DEVELOPMENT**

- PRIOR TO THE ISSUANCE OF ANY PERMITS BY THE CODE ENFORCEMENT OFFICER.**
- 6. COPIES OF ANY REQUIRED APPROVALS BY THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION SHALL BE PROVIDED TO THE DIRECTOR OF PLANNING & DEVELOPMENT PRIOR TO THE ISSUANCE OF ANY PERMITS BY THE CODE ENFORCEMENT OFFICER.**
 - 7. THAT CITY STAFF INSPECT ALL SEWER CONNECTIONS.**
 - 8. THAT ANY NECESSARY CROWN RAISING AND PRUNING ON EAST LANE BE COMPLETED PRIOR TO CONSTRUCTION.**
 - 9. THAT THE LIGHTING ON EXISTING PLANT HOME PROPERTY BE BROUGHT UP TO CODE AS STATED IN THE LEASE AGREEMENT.**
 - 10. THE EASEMENT FOR ACCESS BE APPROVED BY THE CITY SOLICITOR PRIOR TO RECORDATION.**
 - 11. THAT THE AMENDMENT TO THE LEASE BE APPROVED BY THE CITY SOLICITOR.**
 - 12. THAT ALL MAJOR CONSTRUCTION STAGING BE KEPT TO THE SOUTHERN END OF THE PROPERTY TO THE GREATEST EXTENT POSSIBLE.**
 - 13. THAT THE ABUTTERS BE NOTIFIED OF THE PRE-CONSTRUCTION MEETING AND THAT THE APPLICANT PROVIDE A LIST OF NECESSARY CONTACT NAMES AND PHONE NUMBERS TO THE ABUTTERS.**
 - 14. THAT USE OF EAST LANE FOR CONSTRUCTION PURPOSES COMMENCE NO EARLIER THAN 7 A.M. AND END NO LATER THAN 6 P.M. MONDAY THROUGH FRIDAY AND NO EARLIER THAN 10 A.M. AND NO LATER THAN 3 P.M. ON SATURDAY AND SUNDAY. THAT THIS APPROVAL BE CONDITIONS UPON APPROVAL OF THE CONTRACT REZONING BY THE CITY COUNCIL.**

UNANIMOUS APPROVAL

MR. OMO MOVED, SECONDED BY MR. SWENSON TO APPROVE THE DEVELOPMENTAL SUBDIVISION PLAN FOR THE PLANT HOME CONDITIONED UPON:

- 1. THE PROJECT SHALL BE DEVELOPED IN SUBSTANTIAL CONFORMANCE WITH THE PLANS, ELEVATIONS, RENDERINGS, AND APPLICATION MATERIALS SUBMITTED WITH THE APPLICATION, AS LAST REVISED.**
- 2. A TREE PROTECTION PLAN SHALL BE SUBMITTED TO AND APPROVED BY THE CITY ARBORIST PRIOR TO THE ISSUANCE OF ANY PERMITS BY THE CODE ENFORCEMENT OFFICER. COPIES SHALL BE PROVIDED TO THE CODE ENFORCEMENT OFFICER AND THE DIRECTOR OF PLANNING & DEVELOPMENT.**
- 3. A COST ESTIMATE FOR THE COMPLETION OF ALL EXTERIOR ARCHITECTURAL AND SITE WORK (EXCAVATION, GRADING, PAVING), INCLUDING MATERIALS AND LABOR, NECESSARY TO ACCOMPLISH AND PRESENT A FINISHED APPEARANCE SHALL BE SUBMITTED TO AND APPROVED BY THE DIRECTOR OF PLANNING & DEVELOPMENT PRIOR TO THE ISSUANCE OF ANY PERMITS BY THE CODE ENFORCEMENT OFFICER. THE COST ESTIMATE SHALL INCLUDE THE VALUE OF THE PROFFERED PUBLIC BENEFITS.**

4. A SELF-RENEWING/'EVERGREEN' BOND, LETTER OF CREDIT, OR ALTERNATIVE FINANCIAL SECURITY SHALL BE SUBMITTED TO THE DIRECTOR OF PLANNING & DEVELOPMENT IN THE AMOUNT PROVIDED FOR BY THE COST ESTIMATE. THE SECURITY SHALL BE HELD BY THE CITY OF BATH UNTIL SUBSTANTIAL COMPLETION IS REACHED ON THE PROJECT.
5. EVIDENCE OF THE RECORDATION OF NECESSARY EASEMENTS FOR THE PROVISION OF THE PROJECT, INCLUDING WATER, SEWER AND ACCESS, SHALL BE SUBMITTED TO THE DIRECTOR OF PLANNING & DEVELOPMENT PRIOR TO THE ISSUANCE OF ANY PERMITS BY THE CODE ENFORCEMENT OFFICER.
6. COPIES OF ANY REQUIRED APPROVALS BY THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION SHALL BE PROVIDED TO THE DIRECTOR OF PLANNING & DEVELOPMENT PRIOR TO THE ISSUANCE OF ANY PERMITS BY THE CODE ENFORCEMENT OFFICER.
7. THAT CITY STAFF INSPECT ALL SEWER CONNECTIONS.
8. THAT ANY NECESSARY CROWN RAISING AND PRUNING ON EAST LANE BE COMPLETED PRIOR TO CONSTRUCTION.
9. THAT THE LIGHTING ON EXISTING PLANT HOME PROPERTY BE BROUGHT UP TO CODE AS STATED IN THE LEASE AGREEMENT.
10. THE EASEMENT FOR ACCESS BE APPROVED BY THE CITY SOLICITOR PRIOR TO RECORDATION.
11. THAT THE AMENDMENT TO THE LEASE BE APPROVED BY THE CITY SOLICITOR.
12. THAT ALL MAJOR CONSTRUCTION STAGING BE KEPT TO THE SOUTHERN END OF THE PROPERTY TO THE GREATEST EXTENT POSSIBLE.
13. THAT THE ABUTTERS BE NOTIFIED OF THE PRE-CONSTRUCTION MEETING AND THAT THE APPLICANT PROVIDE A LIST OF NECESSARY CONTACT NAMES AND PHONE NUMBERS TO THE ABUTTERS.
14. THAT USE OF EAST LANE FOR CONSTRUCTION PURPOSES COMMENCE NO EARLIER THAN 7 A.M. AND END NO LATER THAN 6 P.M. MONDAY THROUGH FRIDAY AND NO EARLIER THAN 10 A.M. AND NO LATER THAN 3 P.M. ON SATURDAY AND SUNDAY. THAT THIS APPROVAL BE CONDITIONS UPON APPROVAL OF THE CONTRACT REZONING BY THE CITY COUNCIL.

UNANIMOUS APPROVAL

MR. OMO MOVED, SECONDED BY MR. BRANCA TO RECOMMEND THE CITY COUNCIL APPROVE THE CONTRACT REZONING REQUESTED BY THE PLANT HOME AS OUTLINED IN SITE DESIGN ASSOCIATE'S MEMO OF AUGUST 12, 2013, THE CONTRACT REMEDIES BEING BUILDING HEIGHT, SETBACK, YARD WIDTHS, SETBACK FROM WATER BODY, ACCESS DRIVES SETBACK AND PARKING BETWEEN THE BUILDING AND STREET.

UNANIMOUS APPROVAL

Mr. Deci explained the process of consideration and approval by the City Council.

New Business

None

Other Business

Mr. Deci informed the Board available training opportunities to the Planning Board with regard to historic preservation.

Mr. Deci updated the Planning Board on public accessibility improvements to the downtown area, as well as a public meeting by Maine Natural Gas about the upcoming construction project.

Adjournment

There being no further business before the Board, **MR. SUNDERLAND MOVED, SECONDED BY MR. BRANCA, TO ADJOURN THE MEETING AT 7:11 P.M.**

UNANIMOUS APPROVAL

Minutes prepared by Marsha Hinton, recording secretary from audio/video recording.