

A regular meeting of the Bath Planning Board was called on 4-1-14 for the purpose of conducting regular business.

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

John Grasser (non-voting student member)

**STAFF PRESENT**

Andrew Deci, 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, April 1, 2014.

**Minutes** March 18, 2014, meeting

**MR. SWENSON MOVED, SECONDED BY MR. BRANCA TO APPROVE THE MINUTES OF MARCH 18, 2014.**

**UNANIMOUS APPROVAL****New Business****Item 1**

**Public Hearing – Request for Land Use Code Map Amendment -- 9 Park St. (Map 14, Lot 96); Bob Smith of Kennebec Landing, LLC, applicant.**

Mr. Oxtan stated that the Board would hear the request for Land Use Code map amendment at 9 Park Street (Map 14, Lot 96) for Bob Smith of Kennebec Landing, LLC, applicant, first. Mr. Oxtan, informed the Planning Board that the applicant had requested that the Board table this agenda item to allow more time to respond to comments from City Staff.

Kevin Clark, Sitalines, representative for the applicant, stated a memo from City Staff was received at 4:30 p.m. today, April 1, 2014, and they were requesting more time to review and respond to that memo.

**MR. OMO MOVED, SECONDED BY MR. BRANCA TO TABLE THE PUBLIC HEARING FOR A REQUEST FOR LAND USE CODE MAP AMENDMENT AT 9 PARK STREET (MAP 14, LOT 96) FOR BOB SMITH OF KENNEBEC LANDING, LLC, APPLICANT UNTIL THE MAY 6, 2014 MEETING.**

**UNANIMOUS APPROVAL**

**Old Business**

**Item 1**

**Public Hearing – Land Use Code Text Amendment** -- An amendment to Article 8, Section 8.21, and Subsection B, to exempt structures within the Plant Home zone from the maximum height stipulated within the Shoreland Zone District. This amendment allows contract zoning actions within the Plant Home zone to modify structure heights. (Continue from March 18, 2014, meeting)

Mr. Deci stated the amendment before the Planning Board would correct a deficiency in the Land Use Code that restricted the ability of the City to adjust building heights in the Shoreland Zone. Mr. Deci stated that the amendment has been reviewed by the City Solicitor and Code Enforcement Officer.

The Planning Board held discussion on the need for the amendment, the risks involved with the proposed amendment, proposed language for an approval and receiving input from the applicant.

**MR. HOPKINSON MOVED, SECONDED BY MR. SWENSON TO RECOMMEND APPROVAL OF AN ALTERNATIVE AMENDMENT TO THE LAND USE CODE; LAND USE CODE 16.19 SHALL BE AMENDED TO ADD A REFERENCE TO LUC SECTION 8.21B TO 16.19B5 AND A REFERENCE TO LUC SECTION 8.21B TO 16.19C1.**

**UNANIMOUS APPROVAL**

**New Business**

**Item 2**

**Request for Site Plan Review** – 108 Centre Street (Map 27, Lots 68 and 68-1); JHR Development of Maine, LLC, applicant.

**MR. HOPKINSON MOVED, SECONDED BY MR. SWENSON TO FIND THE APPLICATION FOR THE REQUEST FOR SITE PLAN REVIEW AT 108 CENTRE STREET (MAP 27, LOTS 68 AND 68-1) FOR JHR DEVELOPMENT OF MAINE, LLC TO BE COMPLETE.**

**UNANIMOUS APPROVAL**

Curt Neufeld, JHR Development of Maine, LLC, described the plans to renovate this site for use as a medical facility. Mr. Neufeld discussed the square footage, the number of parking spaces, the entrance canopy, egresses, entrances, utilities, landscaping, retaining wall, fencing, lighting, roof, elevations, the two level parking area, and showed an artist's rendition of the renovated site.

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

Halcyon Blake, 12 School Street, asked if they would be correcting the valley in the parking area. Ms. Blake also asked what the arrangements were for truck access to the dumpster area for the abutting restaurant.

Mr. Neufeld stated that the parking area would remain substantially as it is now. Mr. Neufeld added that the restaurant's dumpster was not something he was going to address.

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

The Planning Board discussed the existing parking lot, truck access to the restaurant, lighting, fencing, retaining walls, drainage, traffic and pedestrian safety, snow storage, signage, comments from City Staff, traffic analysis, biohazards, landscaping and revisions to the site plan and documentation to include all necessary information.

**MR. HOPKINSON MOVED SECONDED BY MR. SWENSON TO APPROVE THE SITE PLAN AT 108 CENTRE STREET (MAP 27, LOTS 68 AND 68-1) FOR JHR DEVELOPMENT OF MAINE, LLC, WITH THE FOLLOWING WAIVERS:**

- **10.03 E – ACCESS DRIVE CONSTRUCTION/MAXIMUM SLOPE**
- **10.06 B9 – PARKING LOT CONSTRUCTION AND LAYOUT/SPACE AND AISLE DIMENSIONS**
- **10.06 B14 – PARKING LOT CONSTRUCTION AND LAYOUT/LANDSCAPED MEDIAN STRIPS AND ISLANDS**
- **10.27 B – EXTERIOR LIGHTING/FOOT-CANDLE MAXIMUM**
- **10.29 F – LANDSCAPING AND SCREENING/SURFACE PARKING AREA**

**THE ABOVE APPROVAL IS CONDITIONED UPON THE FOLLOWING:**

- 1. THE APPLICANT SHALL SUBMIT A REVISED STORMWATER MANAGEMENT PLAN AND/OR DOCUMENTATION TO THE SATISFACTION OF THE PUBLIC WORKS DIRECTOR, PROVIDING EVIDENCE OF CAPACITY IN THE SANITARY AND STORM WATER SYSTEM.**
- 2. THE APPLICANT SHALL SUBMIT A REVISED LIGHTING PLAN AND/OR DOCUMENTATION TO THE SATISFACTION OF THE PLANNING & DEVELOPMENT DIRECTOR, PROVIDING EVIDENCE OF CODE-COMPLIANT LIGHTING-LEVELS, IN CONFORMANCE WITH THE APPROVED WAIVER.**
- 3. THE APPLICANT SHALL SUBMIT A REVISED PLAN, INCORPORATING THE SPECIFICATION SHEETS FOR LIGHTING AND FENCING, INCLUDING THE FENCING HEIGHT. SCALLOPED FENCING AND ORNAMENTAL FENCING SHALL BE AS DISCUSSED DURING THE APRIL 1, 2014 PLANNING BOARD MEETING.**
- 4. THE APPLICANT SHALL COORDINATE THEIR SITE DEVELOPMENT AND TREE PROTECTION ACTIVITIES WITH THE CITY ARBORIST BEFORE DEMOLITION/CONSTRUCTION BEGINS.**
- 5. THE APPLICANT SHALL SUBMIT A REVISED PLAN, SHOWING SNOW STORAGE AREAS.**

**UNANIMOUS APPROVAL**

**Other Business**

Mr. Deci reminded the Planning Board of upcoming public hearing on MDOT's plans for the viaduct on April 16 at 6:00 p.m. in the City Hall Auditorium on the first floor.

**Adjournment**

There being no further business before the Board, **MR. HOPKINSON MOVED, SECONDED BY MR. STILPEN, TO ADJOURN THE MEETING AT 7:02 PM.**

**UNANIMOUS APPROVAL**

Minutes prepared by Marsha Hinton, Recording Secretary