

A regular meeting of the Bath Planning Board was called on 7-15-14 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxtan, Chair
John Swenson
Albert Branca
Cal Stilphen
Andy Omo
John Sunderland
Catherine Sener (non-voting student member)

MEMBERS ABSENT

James Hopkinson, Vice Chair

STAFF PRESENT

Andrew Deci, Planning Director

Mr. Oxtan, Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, July 15, 2014.

Minutes

May 20, 2014, meeting

MR. OMO MOVED, SECONDED BY MR. SWENSON TO APPROVE THE MINUTES AS PRESENTED.

UNANIMOUS APPROVAL

Old Business

None

Mr. Oxtan stated that agenda items would be reordered and heard as follows:

Agenda Item 1
Agenda Item 4
Agenda Item 2 & 3

New Business

Item 1

Request for Site Plan Approval – 1494 Washington Street (Map 13, Lot 34); David Nichols and Carolyn Aberg, applicants.

Mr. Deci described the application to place a dwelling unit into an existing garage creating multiple principle dwellings on one lot.

The Planning Board discussed the need for more substantial right, title and interest in the application materials, subdividing a property and compliance with the Land Use Ordinance.

MR. SWENSON MOVED, SECONDED BY MR. BRANCA TO FIND THE APPLICATION REQUEST FOR SITE PLAN APPROVAL AT 1494 WASHINGTON STREET (MAP 13, LOT 34) FOR DAVID NICHOLS AND CAROLYN ABERG, APPLICANTS COMPLETE CONDITIONED UPON THE APPLICANT PROVIDING A DEED TO THE PROPERTY.

UNANIMOUS APPROVAL

The Planning Board discussed parking on the site.

Mr. Oxtan opened the floor for public comment on this agenda item.

None being seen, Mr. Oxtan closed the public portion of the meeting.

MR. OMO MOVED, SECONDED BY MR. SWENSON TO APPROVE REQUEST FOR SITE PLAN APPROVAL AT 1494 WASHINGTON STREET (MAP 13, LOT 34) FOR DAVID NICHOLS AND CAROLYN ABERG, APPLICANTS, CONDITIONED UPON RECEIVING THE DEED AND THAT THE PROPERTY NOT BE DIVIDED AGAIN UNLESS IT COMPLIES WITH THE ZONING SPACE AND BULK STANDARDS.

UNANIMOUS APPROVAL

Item 4

Request for Site Plan Approval – 54 Granite Street (Map 27, Lot 209); Arnold & Cheryl Young, applicants.

Mr. Deci explained that this is a request for site plan approval for the relocation of a non-conforming structure not in the Shoreland Zone. The application involves relocation of the existing garage and attaching it to the house making the site less non-conforming.

MR. SWENSON MOVED SECONDED BY MR. OMO TO FIND THE APPLICATION FOR REQUEST FOR SITE PLAN APPROVAL AT 54 GRANITE STREET (MAP 27, LOT 209) FOR ARNOLD & CHERYL YOUNG, APPLICANTS TO BE COMPLETE.

UNANIMOUS APPROVAL

Joe Nestor, representing the applicant, described the garage's location, safety of the entrance onto the street and difficulties with maintaining the driveway during winter. Mr. Nestor informed the Planning Board of the removal of the existing garage and establishment of a green space.

Cheryl Young described difficulties and safety issues with the current configuration of the driveway.

The Planning Board discussed the elevation of the new garage, destruction of the existing garage and ordinance requirements for non-conforming structures.

Mr. Oxton, chair, opened the floor for public comment on this agenda item.

None being seen, Mr. Oxton closed the public portion of the meeting.

MR. BRANCA MOVED, SECONDED BY MR. SWENSON TO APPROVE THE REQUEST FOR SITE PLAN APPROVAL AT 54 GRANITE STREET (MAP 27, LOT 209) FOR ARNOLD & CHERYL YOUNG, APPLICANTS.

UNANIMOUS APPROVAL

Item 2

Request for Final (Developmental) Subdivision Approval – 9 Park Street (Map 14, Lot 96); Kennebec Landing, LLC, applicant.

Mr. Deci stated that the proposal was to establish 15 dwelling units in the old hospital facility.

Kevin Clark, Sitalines, provided an overview of the application and discussed the traffic study, sewer, runoff, drainage from the roof, number and type of units and footprint. Mr. Clark discussed the ordinance criteria for the request for subdivision approval and site plan approval.

The Planning Board discussed the proposed layout, shared kitchens and bathrooms, asbestos removal, current tenants, roof drains, parking, changes to the exterior of the site, amount of stormwater overflow, number of units, revised sewage calculations, whether they would be long term stay units or short term stay, the need for clarity in the application materials, Planning Board review of use changes, the authority of the Planning Board, and ordinance standards.

Mr. Oxton opened the floor for public comment on this agenda item.

John Baxter, 3 Park Street, stated that he did not receive any notification of this proposal. Mr. Baxter requested that the hearing be postponed on this matter until he has had time to review the request. Mr. Baxter pointed out that the zoning for the old hospital allowed professional, medical and educational uses only and stated his displeasure with finding out that it appears that the zoning has change.

Eric Varney, 1317 Washington Street, expressed his desire that the Planning Board exercise due diligence in making certain that the developer isn't developing this property as cheaply as possible. Mr. Varney stated that this site is set in an established neighborhood. Mr. Varney pointed out the need for complete calculations with regard to sewage usage, impact of storm runoff on the abutters, existing issues with stormwater flooding, issues with ice damming, the proposed temporary and communal living arrangements, the absence of outdoor living space, green space, lack of time to do fact finding before this hearing and whether it meets the direction contained in the Comprehensive Plan. Mr. Varney asked about the number of parking spaces and pedestrian traffic into the development.

Belinda Pillow, 28 Park Street, stated her concern with the repeated expression within the proposal of "exchanging commercial use for a residential use" when it is not an exchange. Ms. Pillow also expressed concerns with the change to the character of the neighborhood, traffic, accurate water and sewage calculations, and no specificity regarding use. Ms. Pillow asked what the definition of "a unit" was and the density of the people occupying the space. Ms. Pillow also asked if there was enough square footage for the commercial and the residential uses anticipated. Ms. Pillow pointed out that the noise levels may increase once the size of the population is doubled. Ms. Pillow provided photographs of the flooding in the area and described the City's unsuccessful efforts to contain that flooding. Ms. Pillow related a story of the disruption caused by renters to the neighborhood. Ms. Pillow wanted to make certain the owner of the building is invested in the community, will be responsible for the property and take into consideration the neighborhood residents.

Eric Wilson, 12 Cherry Street, explained his business is water consulting and he has been looking at the overflow issues in this area. Mr. Wilson stated he took samples during the last storm and the E. coli levels were extremely high. Mr. Wilson pointed out that this occurs on a regular basis during storms. Mr. Wilson warns that there isn't enough data to determine what the usage would be and the impact on sewage. Mr. Wilson asked what standards were used for the applicant's calculations.

Christiane Becker-Varney, 1317 Washington Street, expressed concern that if the units would be maxed out the proposed commercial use would still be allowed, asked that the roof drainage removal be in writing, noise levels, parking for the site, entrances to the building, pedestrian traffic, unit layout and how units are calculated.

George Sprague, 14 Park Street, expressed his concern for the impact of this project on the Park Street community and just what the term "long-term stay" means.

Kurt Spiridakis, 1306 Washington Street, stated that he was also concerned about what the term "long-stay hotel rooms" means and clarification on the basis of the water/sewer study. Mr. Speradocus asked who the owner of the parking across the street was and how that would be controlled.

June Dorian, 22 Park Street, reported on the issues she has had with overflow and sewage over the years. Ms. Dorian expressed concerns with the impact on the neighborhood community environment this proposal would have.

Julie Brillard, 20 Park Street, asked about implementation of the Comprehensive Plan given the applicant has stated that Land Use Code standard 10.1 is not applicable. Ms. Boyd stated that the definition of "long term use" needs clarification and that every one of the code standards is met for this location.

John Brandon, 33 Park Street, stated that he agrees with Ms. Dorian's comments and encourage the Planning Board to work to maintain the character of the neighborhood.

Carol Proctor, 10 Park Street, communicated her alarm with the lack of outdoor space and people smoking near her property and the difficulty in preventing people smoking near abutter's properties.

Marta Laser, 1373 Washington Street, pointed out it would be right for the community to know what these units were actually being used for.

There being no further public comment seen, Mr. Oxton closed the public portion of the meeting.

Mr. Deci explained how the overlay zone is a tool to allow for a wider breath of use on a particular property.

The Planning Board discussed overlay zones and the underlying district, restrictions placed on the overlay zone for the old hospital, calculations for parking spaces on the site, what areas will be considered as parking areas, clarification on dwelling unit's configuration, comments from the Code Enforcement Officer, impact of Planning Board approval for 15 units, removal of stormwater from City sewers, flooding, comments from City staff, stormwater problem areas around the City, market segment for the units, green space, outdoor living code requirements, and the completeness of the application

MR. SUNDERLAND MOVED, WITHOUT SECONDED TO FIND THE APPLICATION NOT COMPLETE UNTIL THERE IS MORE COMPLETE INFORMATION FOR WATER AND SEWER AND THE SPECIFICS FOR THE PARKING DETAILED IN THE APPLICATION AND UPDATED TRAFFIC INFORMATION TO REFLECT COMMERCIAL AND RESIDENTIAL EMPLOYING INDUSTRY STANDARDS.

MOTION WITHDRAWN.

The Planning Board discussed industry standards used to determine impacts, whether to use the highest level of use or not and an accurate reflection between what exists and what is being proposed.

MR. SUNDERLAND MOVED, SECONDED BY MR. SWENSON TO FIND THE APPLICATION FOR FINAL (DEVELOPMENTAL) SUBDIVISION APPROVAL AT 9 PARK STREET (MAP 14, LOT 96) FOR KENNEBEC LANDING, LLC, TO BE INCOMPLETE PENDING RECEIPT OF MORE DETAILED INFORMATION ON THE SEWER USAGE FOR THE PROPOSED APPLICATION, PARKING USAGE IN THE PROPOSED APPLICATION AND TRAFFIC IN THE PROPOSED APPLICATION.

UNANIMOUS APPROVAL

Item 3

Request for Site Plan Approval - 9 Park Street (Map 14, Lot 96); Kennebec Landing, LLC, applicant.

MR. SUNDERLAND MOVED, SECOND BY MR. STILPHEN TO CONTINUE THE REQUEST FOR FINAL (DEVELOPMENTAL) SUBDIVISION APPROVAL AT 9 PARK STREET (MAP 14, LOT 96) FOR KENNEBEC LANDING, LLC, DAPPLICANT, AND REQUEST FOR SITE PLAN APPROVAL AT 9 PARK STREET (MAP 14, LOT 96) FOR KENNEBEC LANDING, LLC, APPLICANT UNTIL TUESDAY, JULY 22, 2014.

UNANIMOUS APPROVAL

Other Business

None

There being no further business before the Board, **MR. SWENSON MOVED, SECONDED BY MR. OMO, TO ADJOURN THE MEETING AT 8:30 PM.**

UNANIMOUS APPROVAL

Minutes prepared by Marsha Hinton, Recording Secretary from video recording.