

A regular meeting of the Bath Planning Board was called on 8-19-14 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxtan, Chair
James Hopkinson, Vice Chair
John Swenson
Albert Branca
Cal Stilphen
Catherine Sener (non-voting student member)

MEMBERS ABSENT

Andy Omo
John Sunderland

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, August 19, 2014.

Minutes

July 15 and July 22, 2014 meetings

MR. STILPHEN MOVED, SECONDED BY MR. BRANCA TO ACCEPT THE MINUTES OF JULY 15, 2014 AS SUBMITTED.

UNANIMOUS APPROVAL

MR. BRANCA MOVED, SECONDED BY MR. SWENSON TO ACCEPT THE MINUTES OF JULY 22, 2014 AS SUBMITTED.

UNANIMOUS APPROVAL**Old Business**

None

New Business**Item 1**

Request for Land Use Code Map Amendment – 127 & 131 Court Street, 82 & 86 Floral Street (Map 28, Lots 81, 82, 153 & 154); TMC New England, LLC, applicant.

Item 2

Request for Contract Rezoning – 127 & 131 Court Street, 82 & 86 Floral Street (Map 28, Lots 81, 82, 153 & 154); TMC New England, LLC, applicant.

Item 3

Request for Site Plan Approval – 127 & 131 Court Street, 82 & 86 Floral Street (Map 28, Lots 81, 82, 153 & 154); TMC New England, LLC, applicant.

Mr. Deci explained the three application requests by TMC New England.

Ms. Sandra Guay described the size of the site, surrounding zones, abutting properties, building design, the need for a zoning amendment and public benefits.

Mr. Dave Fenstermacher pointed out the three entrances to the site, pedestrian access, requested setback waivers, parking, buffering, landscaping, lighting, fences, retaining walls and stormwater management.

Mr. Scott Roebach discussed the building design, compactor enclosure, dumpster enclosure, elevations, and screening of the roof mechanicals.

Mr. Richard Westerbren described the size of locations of signage on the site.

The Planning Board discussed the need for a design that is more compatible with the City of Bath, lighting, drainage, wetlands, stormwater runoff, snow removal, screening, pedestrian access points, sidewalks, signage, and landscaping.

There being no further comments from the Planning Board, Mr. Oxtan, Chair, opened the floor for public comment on these three agenda items.

Mr. Elliot Mead, 52 Floral Street, expressed his concerns regarding the three access points and traffic flow in and out of the site, screening of abutters for light and noise from the site, public benefits and visibility of roof mechanicals.

Mr. Lynn Hanna, 121 Court Street, expressed his concerns with the impact a retaining wall would have on the wetlands, noise levels and time of day the dumpster would be emptied.

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

The Planning Board discussed exterior materials to be used, the facade, zoning, allowed uses in the existing zone, public benefits, screening materials, details to be included in the plan, landscaping, truck routes, lighting and noise.

MR. HOPKINSON MOVED, SECONDED BY MR. SWENSON TO FIND THE APPLICATIONS FOR REQUEST FOR LAND USE CODE MAP AMENDMENT, REQUEST FOR CONTRACT REZONING AND REQUEST FOR SITE PLAN APPROVAL AT 127 & 131 COURT STREET, 82 & 86 FLORAL STREET (MAP 28, LOTS 81, 82, 153 & 154) FOR TMC NEW ENGLAND, LLC, APPLICANT TO BE COMPLETE.

UNANIMOUS APPROVAL

MR. HOPKINSON MOVED, SECONDED BY MR. SWENSON, TO TABLE CONSIDERATION OF THE REQUEST FOR LAND USE CODE MAP AMENDMENT, REQUEST FOR

CONTRACT REZONING AND REQUEST FOR SITE PLAN APPROVAL AT 127 & 131 COURT STREET, 82 & 86 FLORAL STREET (MAP 28, LOTS 81, 82, 153 & 154) FOR TMC NEW ENGLAND, LLC, TO ALLOW THE APPLICANT TIME TO GATHER ADDITIONAL INFORMATION.

UNANIMOUS APPROVAL

Item 4

Request for Site Plan Approval for Filling – 140 Richardson Street (Map 31, Lots 60, 62 & 63); Bathres, LLC, applicant.

Mr. Mike Gotto described the request to fill the area, use of stone to control erosion and plant trees to screen the area. Mr. Gotto added that it was anticipated that the buyer would add more extensive landscaping when the lot was improved.

The Planning Board discussed the aesthetics of the site, screening, stabilization, bonding, zoning, slopes, time constraints and economic constraints on the applicant.

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

Ms. Betsy Varian, 94 Richardson Street expressed her concern regarding stormwater drainage.

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

MR. HOPKINSON MOVED, SECONDED BY MR. BRANCA TO FIND THE REQUEST FOR SITE PLAN APPROVAL FOR FILLING AT 140 RICHARDSON STREET (MAP 31, LOTS 60, 62 & 63) BATHRES, LLC, APPLICANT, TO BE COMPLETE AND TO APPROVE THE REQUEST FOR SITE PLAN APPROVAL FOR FILLING AT 140 RICHARDSON STREET (MAP 31, LOTS 60, 62 & 63) FOR BATHRES, LLC, APPLICANT WITH THE FOLLOWING CONDITIONS:

- **THAT THE APPLICANT SUBMIT TO THE PLANNING DIRECTOR FOR APPROVAL BY PLANNING STAFF A LOAM AND SEED PLAN ALONG THE NORTHERLY BOUNDARY SOUTHERLY TO THE NORTHWEST CORNER OF THE PROPERTY AS INDICATED ON THE PLAN;**
- **THAT THE APPLICANT SUBMIT A PLANTING PROGRAM ALONG THE WESTERLY SIDELINE TOWARD THE SOUTHERLY END OF THE RIPRAP AS INDICATED ON THE PLAN; AND**
- **THAT ANY FUTURE DEVELOPMENT WILL REQUIRE A RE-REVIEW OF THIS LANDSCAPING ALONG WITH ANY OTHER PROPOSED LANDSCAPING CONSISTENT WITH THIS APPLICATION.**

UNANIMOUS APPROVAL

Mr. George Schott asked if he could begin to remove trees in the morning.

Mr. Deci stated that the applicant could begin to cut trees immediately.

Item 5

Request for Pre-Application Workshop: Amendment to Site Plan Approval – 139 Richardson Street (Map 31, Lot 68); Bathres, LLC, applicant.

Mr. Gotto pointed out the changes to the roof, the reduction in height, unit configurations, construction materials and the placement of a ship's wheel on the cupola.

The Planning Board discussed the changes made to the approved design, compatibility with the City of Bath, aesthetics, the roof, signage, timeline for construction, the ship's wheel, contract zoning, softening the appearance from Route One and constraints on the design from the franchisor.

The Planning Board suggested removing the checkers on the side of the building, appropriate use of the cupola, signage near the end of the road on the building, removal of the logo on the cupola, softening the shed roof and use of the ship's wheel design.

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

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

Mr. Stilphen stated that he is uncomfortable that the original application was approved after public comment and that this change to the original approval did not have the same benefit of public input.

Other Business

Mr. Deci informed the Planning Board and public that Bath would be receiving a visit from the American Institute of Architects' Design and Resiliency Team to hold public meetings on November 3rd through 5th on ways that the City can change or modify downtown buildings to be more resilient against climate change, sea level rise and future development along the river.

There being no further business before the Board, **MR. SWENSON MOVED, SECONDED BY MR. HOPKINSON, TO ADJOURN THE MEETING AT 8:56 PM.**

UNANIMOUS APPROVAL

Minutes prepared by Marsha Hinton, Recording Secretary.