

A regular meeting of the Bath Planning Board was called on 10-7-14 for the purpose of conducting regular business.

**MEMBERS PRESENT**

Bob Oxton, Chair  
James Hopkinson, Vice Chair  
John Swenson  
Andy Omo  
John Sunderland  
Cal Stilphen

**MEMBERS ABSENT**

Albert Branca  
Catherine Sener (non-voting student member)

**STAFF PRESENT**

Andrew Deci, Planning Director  
Marsha Hinton, Recording Secretary

Mr. Oxton, Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, October 7, 2014.

**Minutes**

August 19, 2014 meeting

**MR. HOPKINSON MOVED, SECONDED BY MR. SWENSON TO APPROVE THE MINUTES OF AUGUST 19, 2014.**

**UNANIMOUS APPROVAL****Old 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. (Continued from August 19, 2014, meeting)**

**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. (Continued from August 19, 2014, meeting)**

**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. (Continued from August 19, 2014, meeting)**

Mr. Deci stated the Planning Board found these agenda items to be complete at the August 19, 2014 meeting and then tabled the hearing to allow time for the applicant to address certain issues with the site plan. Mr. Deci added that city staff has reviewed the revised submittal

documents. Mr. Deci said that most items seem to be resolved except for stormwater management and traffic.

The Planning Board discussed the approval process for these related agenda items.

Ms. Sandra Guay, representing the applicant, discussed rezoning, compliance with the Bath Comprehensive Plan, traffic flow, enhancement of the Bath Gateway, public benefit and asked that the Planning Board take final action on all three agenda item at this meeting.

Mr. Dave Fenstermacher, project engineer, discussed screening, subsurface stormwater control measures, the three entrances to the site, deceleration lane, grading and the existing utility lines.

Scott Roebach discussed the changes to the site plan to include a change in elevations, cosmetic changes to match the classical look of Bath, an increase of two inches in the parapet and the window graphics.

The Planning Board discussed the purpose and location of the window graphics and the pylon sign.

There being no further comment from members of the Planning Board, Mr. Oxton opened the floor to members of the public who wished to comment on this agenda item.

Mr. Lynn Hanna, 113 Court Street, residing at 1347 Middle Road in Woolwich, expressed his concern with additional cancer causing pollutants entering the water table if this development is constructed. Mr. Hanna emphasized the known issues with sight lines on Floral Street.

Mr. Wayne Cappen, 1040 Middle Street, expressed his displeasure at information received by the Planning Board at this meeting was not available to the public prior to the meeting. Mr. Cappen stated that the large amounts of stormwater runoff and melting toxic snow storage that already exist being increased if this proposal moves forward Mr. Cappen questioned the soundness of a decision by the Planning Board to allow a big box store on this site, contract rezoning and allowing an entrance/exit on Floral Street. Mr. Cappen asked the Planning Board to factor in safety issues such as line-of-site, sidewalks, curbing and screening.

Mr. Elliot Mead, 52 Floral Street, stated that he did not want the screening fence to be on his property. Mr. Mead stated that he just spent money to have four pine trees cut down because of the ice damage they were causing to his house. Mr. Mead offered suggestions for more appropriate screening, expressed concerns about the entrance on Floral Street, and added that he did not feel this project was appropriate as part of the Bath Gateway.

Mr. Mark Sewall, 38 Berrys Mill Road, West Bath, stated that the Floral Street dog spa that is currently at this location sees about 60 to 70 customers a day and holds clinics that draw 100 or more customers. Mr. Sewall said that there have been no traffic problems to date. Mr. Sewall expressed his support for this project.

There being no further comments from members of the public on this agenda item, Mr. Oxton closed the floor to members of the public.

The Planning Board discussed entrances, sight distances, drainage, sand filtration, the abutting wetland, traffic trip generation, MDOT thresholds, screening, zoning change, elevations, obtaining adequate data for stormwater modeling, snow storage, and lighting levels. The Planning Board also discussed guidance provided in the Comprehensive Plan.

Mr. Omo read the applicable section of the Comprehensive Plan and stated that he was uncomfortable with making a zoning change in light of the specific language in the Comprehensive Plan concerning this site. "It is the size and scope of the project. Now we are looking at a big store and changing the zoning. I believe Floral will be impacted by this project," stated Mr. Omo.

There being no further discussion by the Planning Board, Mr. Oxton called for a vote.

**MR. HOPKINSON MOVED, SECONDED BY MR. SWENSON TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE REQUEST FOR LAND USE CODE MAP AMENDMENT AT 127 & 131 COURT STREET AND 82 & 86 FLORAL STREET (MAP 28, LOTS 81, 82, 153 & 154) FOR TMC NEW ENGLAND, LLC, APPLICANT.**

**THREE IN FAVOR (MR. SWENSON, MR. HOPKINSON, MR. SUNDERLAND)  
THREE OPPOSED (MR. OMO, MR. OXTON, MR. STILPHEN)**

**MR. HOPKINSON MOVED, SECONDED BY MR. SUNDERLAND TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE REQUEST FOR CONTRACT REZONING AT 127 & 131 COURT STREET AND 82 & 86 FLORAL STREET (MAP 28, LOTS 81, 82, 153 & 154) FOR TMC NEW ENGLAND, LLC, APPLICANT.**

**FOUR IN FAVOR (MR. SUNDERLAND, MR. OMO, MR. SWENSON, MR. HOPKINSON)  
TWO OPPOSED (MR. OXTON, MR. STILPHEN)**

**MR. HOPKINSON MOVED, SECONDED BY MR. SWENSON TO APPROVE THE REQUEST FOR SITE PLAN APPROVAL AT 127 & 131 COURT STREET AND 82 & 86 FLORAL STREET (MAP 28, LOTS 81, 82, 153 & 154) FOR TMC NEW ENGLAND, LLC, APPLICANT, WITH THE FOLLOWING WAIVERS AND CONDITIONS:**

- **THAT THE WAIVER REQUESTED FOR LIGHTING AT THE WESTERLY ENTRANCE ON COURT STREET AND THE ENTRANCE ON FLORAL STREET BE APPROVED;**
- **THAT THE PROPOSAL RECEIVE APPROVAL FROM THE CITY COUNCIL ON THE LAND USE CODE AMENDMENT AND THE REQUEST FOR CONTRACT REZONING; AND**
- **THAT A STORMWATER MANAGEMENT PLAN BE APPROVED BY THE PUBLIC WORKS DIRECTOR.**

**FOUR IN FAVOR (MR. SWENSON, MR. OMO, MR. SUNDERLAND, MR. HOPKINSON)  
TWO OPPOSED (MR. STILPHEN, MR. OXTON)**

**New Business**

**Item 1**

**Request for Site Plan Amendment** – 139 Richardson Street (Map 31, Lot 68); Bathres, LLC, applicant.

Mr. Deci informed the Planning Board that the applicant was requesting a site plan amendment to make some minor changes to the elevations, foot print, stormwater, lighting and landscaping.

Mr. Mike Gotto described the proposed changes to the driveway, height and pitch of the roof, increase of the square footage by 309 feet, lighting, shielding of condensing units, aesthetic changes to the exterior and negotiations with the City of Bath regarding improvements to drainage and the intersection along State Road and Richardson.

The Planning Board discussed the improvement to the drainage system.

There being no further comment from members of the Planning Board, Mr. Oxtton, Chair, opened the floor to members of the public present who wished to comment on this agenda item.

Mr. Wayne Cappen stated that he was in support of this project. Mr. Cappen pointed out some areas that he believed were questionable with the proposal such as the sidewalk. Mr. Cappen added his displeasure with another project in the area and his disappointment with the lack of control exerted by the Planning Board on the scope and appearance of that other project.

Mr. Rink Varian, 50 Pine Hill Drive, said that he supported both this project and the CVS project.

There being no further comments from members of the public present on this agenda item, Mr. Oxtton closed the floor to members of the public.

The Planning Board discussed the proposed sidewalk.

There being no further discussion from the Planning Board, Mr. Oxtton called for a vote.

**MR. HOPKINSON MOVED, SECONDED BY MR. SUNDERLAND TO FIND THE SITE PLAN COMPLETE AND APPROVE THE REQUEST FOR SITE PLAN AMENDMENT AT 139 RICHARDSON STREET (MAP 31, LOT 68) FOR BATHRES, LLC, APPLICANT WITH THE CONDITION THAT UPON THE APPROVAL OF CITY STAFF, TO INCLUDE THE PUBLIC WORKS DIRECTOR, OF A PLAN TO PROVIDE STORMWATER MANAGEMENT THROUGH THE UPGRADES TO THE INTERSECTION NEAR RICHARDSON STREET**

**THAT THE APPLICANT CAN TIE INTO THAT AND ABANDON THAT PORTION OF THE DESIGN FOR ONSITE STORAGE.**

**FIVE IN FAVOR (MR. SUNDERLAND, MR. OMO, MR. HOPKINSON, MR. SWENSON, MR. STILPHEN)  
ONE OPPOSED (MR. OXTON)**

**Other Business**

**Elections**

**MR. SUNDERLAND MOVED, SECONDED BY MR. HOPKINSON TO NOMINATE BOB OXTON FOR THE POSITION OF CHAIR OF THE PLANNING BOARD.**

There being no further nominations, Mr. Deci closed nominations.

**THE PLANNING BOARD UNANIMOUSLY ELECTED BOB OXTON TO THE POSITION OF CHAIR OF THE PLANNING BOARD**

**MR. STILPHEN MOVED, SECONDED BY MR. SWENSON TO NOMINATE JIM HOPKINSON AS THE PLANNING BOARD VICE CHAIR.**

There being no further nominations, Mr. Oxtton called for a vote.

**THE PLANNING BOARD UNANIMOUSLY ELECTED JIM HOPKINSON AS VICE CHAIR OF THE PLANNING**

**MR. STILPHEN MOVED, SECONDED BY MR. SUNDERLAND TO RETAIN THE CURRENT MEMBERS TO THE HISTORIC DISTRICT COMMITTEE.**

**THE PLANNING BOARD UNANIMOUSLY REAPPOINTED MR. OMO AND MR. OXTON TO THE HISTORIC DISTRICT COMMITTEE.**

There being no further business before the Board, **MR. SWENSON MOVED, SECONDED BY MR. HOPKINSON, TO ADJOURN THE MEETING AT 8:37 PM.**

**UNANIMOUS APPROVAL**

Minutes prepared by Marsha Hinton, Recording Secretary.