

A regular meeting of the Bath Planning Board was called on 6-2-15 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxtan, Chair
James Hopkinson, Vice Chair
John Swenson
Cal Stilphen
Albert Branca
Ricky Warren (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, June 2, 2015.

Minutes May 5, 2015, meeting

MR. BRANCA MOVED, SECONDED BY MR. STILPHEN TO APPROVE THE PLANNING BOARD MINUTES OF MAY 5, 2015 AS PRESENTED.

UNANIMOUS APPROVAL**Old Business**

None

New Business**Item 1**

Request for Site Plan Approval – Waterfront Setback Reduction Plan in the NRPO Zone – 8 Wren Lane (Map 4, Lot 4); Suzanne Snowden, applicant.

Mr. Deci stated that the applicant had withdrawn this request after abutter notification had been sent. Mr. Deci informed the Planning Board that it was still included on the agenda in case any of those interested parties who'd been notified came to the meeting.

Item 2

Request for Site Plan Amendment – 1 Washington Street (Map 43, Lot 21); PMH Real Estate, applicant.

Mr. Deci stated that the applicant, PMH Real Estate, has requested an amendment of the site plan approved in 2013.

Tom Saucier described the proposed relocation of existing duplex units and an aboveground propane tank.

The Planning Board discussed the reduction in parking spaces and the increase in green space.

Mr. Oxton, chair, open the floor to members of the public who wish to comment on this agenda item.

Fred Denson, 8 East Lane, asked about the location of the propane tank.

There being no further comment from members of the public, Mr. Oxton close the public portion of the meeting.

The Planning Board discussed modifications to the site plan reflecting the proposed changes and lighting.

MR. STILPHEN MOVED, SECONDED BY MR. HOPKINSON, TO FIND THE REQUEST FOR SITE PLAN AMENDMENT AT 1 WASHINGTON STREET (MAP 43, LOT 21) FOR PMH REAL ESTATE TO BE COMPLETE.

UNANIMOUS APPROVAL

MR. HOPKINSON MOVED, SECONDED BY MR. STILPHEN, TO APPROVE THE REQUEST FOR SITE PLAN AMENDMENT AT 1 WASHINGTON ST. (MAP 43, LOT 21) FOR PMH REAL ESTATE SUBJECT TO THE PROPANE TANK BEING SHOWN ON THE FINAL SITE PLAN TO THE SATISFACTION OF THE PUBLIC WORKS DIRECTOR.

UNANIMOUS APPROVAL

Item 3

Public Hearing – Land Use Code Amendment – Article 8 – Section 8.08 and 8.20; Huse School Apartments, L.P.

Mr. Deci pointed out that this request would have city-wide implications in that contract zoning would be allowed in all C-2 zones in the City of Bath.

The Planning Board discussed the impact of allowing contract zoning in the C-2 zone.

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

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

MR. HOPKINSON MOVED TO RECOMMEND THAT THE CITY COUNCIL AMEND THE LAND USE CODE TO ALLOW FOR CONTRACT ZONING WITHIN THE C-2 DISTRICT.

UNANIMOUS APPROVAL

Item 4

Public Hearing – Request for Contract Rezoning, Site Plan, Subdivision and Developmental Subdivision Approvals – 39 Andrews Road (Map 25, Lot 46); Huse School Apartments, L.P., applicant.

Mr. Deci described the proposals by the Szanton Company to develop the Huse School into 59 residential apartment units and subdivide the property into three sections.

Mr. Nathan Szanton provided an overview of the proposal.

Mr. Bo Kennedy addressed parking, pedestrian access, traffic flow within the site, the layout of the lot, building access points, ADA accessibility, delivery truck access, hammerhead turnaround, Bath Municipal Band parking spaces, storm water runoff, sanitary sewer system, sprinkler system, electrical systems, fuel tanks, impervious surface, catch basins, and comments from the Maine Department of Environmental Protection.

Mr. Pat Carroll described the landscaping proposal for the site and the reasoning for the placement of specific plantings around the site.

Mr. David White provided historical photographs of the site, elevations, and oversight by the National Park Service and Maine State Housing Authority.

Mr. Larry Bartlett stated the goals of the proposed lighting plan were to provide safety for pedestrians and vehicles and cause minimal impact to neighbors. Mr. Bartlett described the type, foot candles, and warm tones selected for on-site lighting.

Mr. Andy Jackson discuss the traffic studies, waivers, parking, easements, hammerhead turnaround, snow storage, improvements to the Donnie Small Athletic Complex, sidewalks, shared parking proposal with the Bath Municipal Band, and public benefits.

The Planning Board discussed lighting, traffic flow within the site, specificity with regard to playground equipment and design, shared parking with the Bath Municipal Band, easement with the YMCA, recommended conditions, hours of operation during construction, and comments from city staff regarding this proposal.

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

Lynne Kinney, Bath Municipal Band, stated her pleasure at having reached an agreement on shared parking and stated that she would like to have the Szanton Company increase the lighting on the south end of the proposed apartment building to better illuminate the Bath Municipal Band building.

Sabrina Murphy YMCA stated that discussions regarding the easement with the Szanton Company will go before the Board of Directors for the YMCA and expressed her concerns with blasting and the pool at the YMCA.

David Kaler, 11 Andrews Road, expressed his concerns with blasting damage to residential homes in the area.

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

The Planning Board discussed conditions of approval and providing increased lighting for the Bath Municipal Band.

MR. HOPKINSON MOVED, SECONDED BY MR. SWENSON, TO APPROVE THE REQUESTS FOR CONTRACT ZONING, SITE PLAN, SUBDIVISION, AND DEVELOPMENTAL SUBSTITUTION TO INCLUDE APPROVAL OF THE WAIVER REQUESTS A-F (3) AS SUBMITTED BY THE SZANTON COMPANY IN THEIR MAY 25, 2015 LETTER SUBJECT TO STAFF APPROVAL AND SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE PROJECT SHALL BE DEVELOPED IN CONFORMANCE WITH ALL MATERIALS AND SPECIFICATIONS SUBMITTED AS PART OF THE APPLICATION FOR SITE PLAN APPROVAL, AS LAST REVISED;**
- 2. BLASTING SHALL BE PERFORMED IN CONFORMANCE WITH A BLASTING PLAN PREPARED BY A LICENSED BLASTING CONTRACTOR.**
 - a. PRIOR TO THE ISSUANCE OF A BLASTING PERMIT, THE APPLICANT SHALL PROVIDE TO THE CODE ENFORCEMENT OFFICER:**
 - i. A COPY OF THE BLASTING PLAN,**
 - ii. EVIDENCE OF ATTEMPTS TO CONTACT PROPERTY OWNERS WITHIN 500 FEET OF THE SITE (AS DEFINED BY THE PROJECT'S PARCEL BOUNDARY) AND OFFER PRE-BLAST SURVEYS OF THE BUILDING/FOUNDATIONS,**
 - iii. COPIES OF ALL PRE-BLAST SURVEYS CONDUCTED ON PROPERTIES WITHIN 500 FEET OF THE SITE (AS DEFINED BY THE PROJECT'S PARCEL BOUNDARY.)**
 - b. PRIOR TO THE ISSUANCE OF A BLASTING PERMIT, THE APPLICANT SHALL PROVIDE A TRAFFIC CONTROL PLAN AND RECEIVE APPROVAL FROM THE CHIEF OF POLICE AND PUBLIC WORKS DIRECTOR.**
- 3. PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, THE APPLICANT SHALL FURNISH TO THE CODE ENFORCEMENT OFFICER:**
 - a. EVIDENCE OF THE RECORDATION OF ALL NECESSARY ON-SITE AND OFF-SITE EASEMENTS (TEMPORARY AND PERMANENT) INCLUDING THOSE NECESSARY FOR SNOW STORAGE AND VEHICULAR TURNAROUND,**
 - b. EVIDENCE OF NOTIFICATION TO PROPERTY OWNERS WITHIN 500 FEET OF THE SITE (AS DEFINED BY THE PROJECT'S PARCEL BOUNDARY) INFORMING THE OWNERS THAT CONSTRUCTION WILL BE TAKING PLACE AND PROVIDING CONTACT INFORMATION FOR AN INDIVIDUAL**

- CAPABLE OF ADDRESSING COMPLAINTS RELATED TO THE PROPOSED CONSTRUCTION ACTIVITIES,**
- c. EVIDENCE OF THE EXECUTION OF THE SHARED PARKING AGREEMENT BY AND BETWEEN THE APPLICANT, THE BATH MUNICIPAL BAND, AND THE CITY OF BATH,**
- d. EVIDENCE OF THE PROJECT'S APPROVAL BY THE MAINE HISTORIC PRESERVATION COMMISSION.**
- 4. NO CONSTRUCTION ACTIVITY SHALL BE PERMITTED ON THE SITE ON WEEKENDS OR CITY, STATE OR FEDERAL HOLIDAYS. HOURS OF CONSTRUCTION WILL BE FROM 7:00 AM TO 4:30 PM DURING WEEKDAYS AND ON SATURDAY DURING THAT SAME TIME FOR WORK INSIDE THE BUILDING WITH THE ABILITY TO REQUEST EXCEPTIONS TO THE SATURDAY SCHEDULE FROM THE CODE ENFORCEMENT OFFICER AT HIS DISCRETION TO PERMIT WORK OUTSIDE ON SATURDAY.**
- 5. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY, THE APPLICANT SHALL FURNISH TO THE CITY PLANNER:**
 - a. A SEALED AS-BUILT PLAN OF THE STORMWATER INFRASTRUCTURE, SANITARY SEWER INFRASTRUCTURE, AND WATER INFRASTRUCTURE. THE AS-BUILT PLAN SHALL BE FURNISHED IN AN ELECTRONIC FORMAT SATISFACTORY TO THE CITY.**
- 6. A STORMWATER BEST MANAGEMENT PRACTICES AGREEMENT BE SUBMITTED TO THE SATISFACTION OF THE PUBLIC WORKS DIRECTOR PRIOR TO THE ISSUANCE OF AN OCCUPANCY PERMIT WHICH SHOULD AT A MINIMUM ADDRESS ANNUAL INSPECTIONS AND REPORTING TO THE PUBLIC WORKS DIRECTOR.**
- 7. THE APPLICANT BE PERMITTED TO INSTALL ADDITIONAL LIGHTING POLE OR POLES ON THE SOUTH SIDE OF THE PROPERTY TO THE SATISFACTION OF THE PLANNING DIRECTOR.**
- 8. EACH LISTED APPROVAL IS CONTINGENT UPON SATISFACTORY APPROVAL OF THE CONTRACT ZONING REQUEST.**

UNANIMOUS APPROVAL

MR. HOPKINSON MOVED, SECONDED BY MR. SWENSON, TO RECOMMEND THE CITY COUNCIL ADOPT THE REQUEST FOR CONTRACT REZONING SUBJECT TO OR WITH THE CONDITION OF THE PUBLIC IMPROVEMENT AS PROPOSED BY THE APPLICANT UNDER ITS MAY 22, 2015 MEMORANDUM WITH ANY REVISIONS APPROVED BY THE PLANNING DIRECTOR.

UNANIMOUS APPROVAL

Other Business

Mr. Deci informed the Planning Board that there would be a meeting on June 16, 2015.

Bath Planning Board
June 2, 2015

There being no further business before the Board, **MR. STILPHEN MOVED, SECONDED BY MR. BRANCA, TO ADJOURN THE MEETING AT 8:14 PM.**

UNANIMOUS APPROVAL

Minutes prepared by Marsha Hinton, Recording Secretary.