

A regular meeting of the Bath Planning Board was called to order on 8-18-15 for the purpose of conducting regular business.

**MEMBERS PRESENT**

Bob Oxtan, Chair  
Jim Hopkinson, Vice Chair  
John Swenson  
John Sunderland  
Cal Stilphen  
Albert Branca

**MEMBERS ABSENT**

Andy Omo  
Ricky Warren (non-voting student member)

**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, August 18, 2015.

**Minutes**        **None**

**Old Business****Item 1**

**Public Hearing – Request for Site Plan Approval – 57 North Street (Map 26, Lot 122);** Danielle Green, applicant. Continued from August 4, 2015.

Mr. Deci explained that this application was for a daycare center and that it had been tabled by the Planning Board for more information. Mr. Deci pointed out that the applicant had returned with updated materials.

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

David King, Attorney, 108 Park Street, representing Rebecca Millet, David Millet, Kelli Hanes, Mary Sewell, Dean Bailey, Eric and Heather Staeben, Marnie Hackenberg, and Sally Ann Johnstone. Mr. King provided materials to the Planning Board regarding the concerns of his clients. Mr. King stated that there were concerns regarding the impact of a daycare on the residential nature of the neighborhood, code compliance, change of use, and definition of uses. Mr. King addressed his client's concerns and the code sections applicable to this request with regard to parking, buffering, landscaping, lighting, security lighting, play area screening selections, fencing, ages of children, noise, and traffic safety. Mr. King pointed out the applicant still needs state approval, a letter from the Fire Marshall, a revised lighting plan, and a revised landscaping plan for this application to be adequate under the Land Use Code.

Marnie Hackenberg, 8 Willow Street, stated that the boxwood proposed for the landscaping is the slowest growing plant there is. Ms. Hackenberg expressed her concern with a business being introduced into a residential area, the buffering for the parking lot, snow plowing, and

noise. Ms. Hackenberg added that when the site operated as a church that was only for about two hours once a week and the proposed use would be every day.

Sharon Drake, 54 North Street, expressed her concern with the noise, lights at 6:30 a.m., and a one foot boxwood's ability to screen in a timely manner. Ms. Drake pointed out the historic nature of the neighborhood. Ms. Drake asked the Planning Board how they would feel if a daycare went in next to their homes without adequate buffering.

Tom Horton, 16 Willow, expressed his concerns with traffic safety of the area, snow plowing, runoff from the site, sidewalk shoveling, and sewage capacity.

Joe Creamer, 217 North Street, father of the applicants, stated he is in the business of snow plowing, and therefore, clearing snow, salt and sanding will not be a problem. Mr. Creamer added that heavy rains cause the flooding from the sewer and that boxwood was just a suggestion, and lighting is something they are willing to adjust. Mr. Creamer pointed out the apartment building that is next to the site and that the site parking has been used without comment from neighbors. Mr. Creamer stated the parking lot was fine as it is and would not need additional buffering and that blocking off the end of the parking lot would create a problem for snow plowing.

No other public seen, Mr. Oxtan closed the public portion of the meeting.

The Planning Board discussed legal non-conformity of the parking lot, code requirements, screening, lighting, fencing setback from roadways, buffering, landscaping, parking, noise, state of Maine requirements, comments from City staff, outside play area, area of the building to be used as a daycare center, requested waivers, access from the building to play area, setbacks, parking lot entrance width, conditions of approval, drainage, impervious surface area, snow removal, sand and salt, property line, hours of operation, and choice of landscaping plants.

**MR. BRANCA MOVED, SECONDED BY MR. SWENSON TO FIND THE REQUEST FOR SITE PLAN APPROVAL AT 57 NORTH STREET (MAP 26, LOT 122) BY DANIELLE GREEN, APPLICANT, TO BE COMPLETE.**

**UNANIMOUS APPROVAL**

**MR. HOPKINSON MOVED, SECONDED BY MR. SUNDERSLAND TO APPROVE THE APPLICATION OF DANIELLE GREEN FOR 57 NORTH STREET (MAP 26, LOT 122) FOR SITE PLAN APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. THE PROJECT SHALL BE DEVELOPED IN CONFORMANCE WITH ALL MATERIALS SUBMITTED AS PART OF THE APPLICATION FOR SITE PLAN APPROVAL, AS LAST REVISED.**
- 2. NO INCREASES IN IMPERVIOUS SURFACES SHALL BE ALLOWED ON-SITE WITHOUT THE APPROVAL OF THE BATH PUBLIC WORKS DIRECTOR.**

3. THAT THE OPERATIONS OF THE DAYCARE BE LIMITED TO AND ONLY OCCUR ON THE GROUND FLOOR OF THE BUILDING.
4. THAT ALL NON-SCREENED/SHIELDED LIGHTING FIXTURES BE REPLACED WITH SCREENED/SHIELDED LIGHTING FIXTURES.
5. THAT THE APPLICANT SUBMIT TO THE PLANNING DIRECTOR, FOR REVIEW AND APPROVAL BY THE CITY ARBORIST, A REVISED LANDSCAPING PLAN THAT WILL IMPOSE CONTINUOUS, FULL-SCREEN LANDSCAPE SCREENING AROUND THE FENCED-YARD; FROM THE SOUTHEAST CORNER OF THE BUILDING, SOUTHERLY TO THE SOUTHWEST CORNER OF THE FENCED-YARD, EASTERLY TO THE SOUTHEAST CORNER OF THE FENCED-YARD, AND NORTHERLY TO CONNECT TO EXISTING VEGETATION.
  - A. THE TYPE OF SCREENING SHALL SATISFY THE REQUIREMENTS OF THE ORDINANCE, THAT THE SCREENING MATURE WITHIN THREE (3) YEARS AND SATISFY THE DEFINITION OF FULL-SCREEN "CONTINUOUS SCREENING".
  - B. THE EXISTING VEGETATION ON THE EAST SIDE OF THE FENCED-YARD BE MAINTAINED AND REMAIN IN-PLACE.
6. THAT THE APPLICANT SUBMIT TO THE PLANNING DIRECTOR, FOR REVIEW AND APPROVAL BY THE CITY ARBORIST, A REVISED LANDSCAPING PLAN FOR THE NORTHWEST CORNER OF THE PROPERTY THAT DEPICTS TREES OF REASONABLE HEIGHT AND WIDTH, SUCH THAT IT PROVIDES SCREENING, TO THE GREATEST EXTENT PRACTICAL, FROM THE SECOND FLOOR OF BUILDINGS ON THE WESTERLY SIDE OF WILLOW STREET DIRECTLY OPPOSITE THE PROJECT SITE SOUTHERLY TO NORTH STREET.
7. THAT THE APPLICANT SUBMIT TO THE PLANNING DIRECTOR THE FORM OF NOTIFICATION TO PARENTS NOT TO PARK ON NORTH STREET.
8. THAT THE APPLICANT SUBMIT TO THE APPLICANT A COPY OF THE APPROVAL BY THE STATE FOR THE OPERATION OF THE DAYCARE.

**UNANIMOUS APPROVAL**

**New Business      None**

**Other Business**

Mr. Oxtan announced that this would be Mr. Swenson's last meeting and thanked him for his service.

Mr. Deci announced that the Maine Department of Transportation was continuing with its study for replacement of the viaduct and that a meeting is scheduled for 6:00 p.m. Tuesday, August 25 at the Town Hall.

There being no further business before the Board, **MR. HOPKINSON MOVED, SECONDED BY MR. SWENSON, TO ADJOURN THE MEETING AT 7:30 PM.**

**UNANIMOUS APPROVAL**

Bath Planning Board  
August 18, 2015

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