

A regular meeting of the Bath Planning Board was called to order on 8-4-15 for the purpose of conducting regular business.

MEMBERS PRESENT

Cal Stilphen
Andy Omo
John Sunderland
John Swenson

MEMBERS ABSENT

Bob Oxtan, Chair
James Hopkinson, Vice Chair
Albert Branca
Ricky Warren (non-voting student member)

STAFF PRESENT

Andrew Deci, Planning Director

Mr. Deci, Planning Director, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, August 04, 2015. With Mr. Oxtan, Chair, and Mr. Hopkinson, Vice Chair, absent, Mr. Deci accepted nominations for interim chair for the meeting. Mr. Stilphen was elected interim Chair by a vote of 3-0 by the members present.

Minutes: June 16, 2015 Meeting

MR. OMO MOVED, SECONDED BY MR. SUNDERLAND, TO APPROVE THE MINUTES OF THE JUNE 16, 2015 PLANNING BOARD MINUTES AS SUBMITTED.

UNANIMOUS APPROVAL

Old business None

New business**Item 1**

Request for Site Plan Approval – 57 North Street (Map 26, Lot 122); Danielle Green, applicant

Mr. Deci introduced the proposal to develop the former church located at 57 North Street into a daycare center, applicable zoning requirements, performance standards per the Land Use Code, additional requirements – specifically section 11.09, and staff-recommended conditions of approval. These conditions included developing the property as proposed in the application materials and maintaining existing levels of impervious surface area, as the site contributes to an existing localized flooding condition.

Danielle Green, applicant, introduced the project and provided information related to the need for daycare services in Bath and answered questions related to her plans for developing the site and business practices including days and hours of operation.

Mr. Stilphen asked if there were any questions from Board members.

Mr. Omo asked what the proposed walkway was to be made of.

Ms. Green indicated that the original intent to pave the walkway was not allowed.

Mr. Joe Creamer, owner of 217 North Street, spoke about using hot-top on the walkway with crushed stone along the sides to allow for drainage.

Mr. Omo asked where proposed lighting fixtures would be located.

Ms. Green noted that the light fixtures shown on the plan already exist.

Mr Omo asked if there were any proposed changes to the parking lot.

Ms. Green stated that the only proposed change would be painted parking stall lines, as adequate parking for the proposed daycare currently exists.

Mr. Sunderland asked Mr. Deci if this had been verified, Mr. Deci responded in the affirmative.

Mr. Stilphen asked how many children would be served and what age groups.

Ms. Green responded that 12 to 20 children, ranging from 2.5 to 12 years of age would be cared for, with no infants proposed due to lack of a sprinkler system in the building.

There being no further questions from Board members, Mr. Stilphen opened the meeting to public comment.

David King, Esq., representing several neighbors to the project site, read a prepared statement from Mary Small, abutter to the playground area, raising concerns regarding noise, on-street parking, and adequacy of the existing parking lot and compatibility of the project with the surrounding neighborhood.

Mr. King cited a newspaper article that raised the issue of flooding on Willow Street and the need to protect the considerable amount of work the city has done recently to alleviate this problem. He stated that the project constitutes a new commercial use in a non-commercial zone and that land use standards for new commercial uses should be applied. On-street parking concerns were further described with regard to the difficulty of exiting driveways during periods of accumulated snow. He stated that it was inevitable that parents in a hurry to drop their children off would park on North Street, creating traffic problems on an already narrow way – the narrowest area of North Street, according to King.

The issue of noise was further described, as the play area is within 10 feet of the street and adjacent to Ms. Small's property and children playing outside are inherently noisy.

Mr. King raised a concern with the lack of a formal lighting plan, stating that a lighting plan detailing light orientation, intensity and other details is normally a requirement of this type of project, as well as the concern that the lights would be inadvertently left to burn all night.

The viability of the parking area behind the former church was questioned, as Mr. King stated that Sharon Drake, an abutter to the project, seems to remember the discontinuance of the use of the church for periods that exceeded one year on a couple of occasions. Mr. King stated that this would trigger the need for the parking area to meet today's yard setback requirements due to loss of its grandfathered status. Mr. King cited sections 10.06C(2) and 10.29F of the Land Use Code and stated that the application must be modified to include a landscaping plan.

Mr. King questioned whether 7 parking spaces met applicable requirements based on the square footage of the building to be used. He cited section 10.29E as requiring a landscaping plan for the entire property and stated that the project requires full screen landscaping between the proposed daycare and residential uses and see-through screen landscaping between the site and street. He also stated that the proposed chain-link fencing was not adequate screening per the Land Use Code.

Mr. King raised the concern that installing playground equipment in the proposed play area would violate yard area setback requirements due to the location of the play area.

Mr. Stilphen asked what the violation of the yard area would be.

Mr. King stated that no structures are allowed in the yard area and further discussed the definition of yard area as being along the property line 10 feet from the street and 15 feet from the side and rear.

Mr. King concluded his presentation by stating that the application needed to be amended to include a landscaping plan, parking plan meeting current setback requirements and utilizing proper landscaping, a review of the proposed square footage within the building to be used as it pertains to required parking spaces, adequate setbacks for any structures within the proposed play area, consideration of adequate screening for the play area, a lighting plan and a snow removal plan.

Mr. Stilphen requested a copy of Mr. King's notes, which Mr. King offered to deliver the following day so as to keep a copy.

Mr. Sunderland asked if the basis for the bulk of the comments was the fact that nothing from the previous use was grandfathered, which Mr. King confirmed, stating that the prior use was a church and that a daycare facility constituted a new nonresidential use subject to current land use requirements.

Mr. Sunderland asked for the applicable section of the Land Use Code that classified the proposal as a new use that needed to meet all current land use provisions.

Mr. King cited the land use table in Article 9. Some discussion on this point between Mr. King and Mr. Sunderland followed, with Mr. King's assertion being that a church and a day care

facility are two totally separate and distinct uses with different approval criteria under the Land Use Code.

Mr. King clarified that the discussion was not about the existing structure, but a new use, and that use, not the structure, was subject to current requirements.

Mr. Deci confirmed that a change of use requires Site Plan Approval involving review by the appropriate authority of the proposed use's conformity to applicable performance standards, and stated that the Board has granted waivers to projects in the past that would ease the reuse of existing features through reduced performance standards in the case of parking lots and screening requirements.

Mr. King concluded by requesting that, with regard to the landscaping plan if one is required, it is sent before the full Planning Board for approval as opposed to an internal review.

Mr. Stilphen asked if there were additional public comments.

Mr. Creamer spoke further in support of the proposal. Mr. Creamer and Mr. Sunderland discussed the existing lighting and whether it was equipped with automatic shut-off devices, which was not known.

Ms. Green stated from the audience that she would install them.

Mr. Creamer mentioned motion-sensing devices that could be added and spoke about the flood-prone areas of Willow Street and the nearby railroad tracks. He stated that the major cause of flooding in the area is obstructed catch basins, citing as experience his 17 years working on sewers for the City of Bath. He also spoke about the work done by the city to abate flooding in the Willow Street area and noted that the former church has been updated with a new foundation and that the sand employed beneath this new foundation was more capable of facilitating drainage than the clay soils commonly found throughout the city. Mr. Creamer concluded by stating that he felt the existing landscaping features on the site were adequate for the proposed use.

Ms. Mercedes Haines, 61 North Street, stated that there had always been a church at the subject site and that motorists unable to park on the street had parked in her parking area to the inconvenience of her tenants. She stated that the lights from the former church building shine into her living and bedroom windows and expressed concern over the hours that the lights would be on under the new use. She also mentioned the noise and recalled older children playing in the street while waiting for their parents. Ms. Haines concluded by stating that there is little space to park and that motorists in the past have used her parking area.

Laura Creamer, 217 North Street, stated that she operated a daycare center on North Street licensed for 60 children. Ms. Creamer stated that traffic related to parents dropping off and picking up children is largely concentrated around specific times of day and does not increase traffic on an all-day basis, and that she believed, based on the number of children proposed to be cared for, that it was unlikely that all the parents would be at the facility attempting to park

at the same time. Ms. Creamer stated that she never experienced parents having to park in the street at the North Street daycare. There was some back-and-forth conversation between Ms. Creamer and Ms. Haines, prompting Mr. Sunderland to request that comments be directed toward the Board. Ms. Creamer concluded by asserting that a daycare facility is different than a church, is subject to more stringent rules and regulations and requires licensure by the state of Maine.

Mr. Stilphen asked if there were additional public comments.

Ms. Green addressed the concern of on-street parking, stating that there is nowhere to legally park on either North or Willow Streets, only the designated parking lot. She then suggested the possibility of a stockade fence along the front of the property to screen the proposed daycare from neighbors. Ms. Green expressed concern over the landscaping issues raised by Mr. King, stating that those requirements were not brought to her attention and that her proposal was allowable in the R1 zone without those requirements. She spoke in some detail about the hours when children would be playing outside and the requirements mandated by state regulations regarding outdoor play, and expressed willingness to work with neighbors to address any noise or timing issues that may arise. She also commented on the lighting, stating that she has observed in her travels that the former church's lights are not on at night, and stated that she would equip the lights with timers that prevented the lights from coming on before 6:30 a.m. or after 5:00 p.m. during the seasons when it would otherwise be dark at those times. Ms. Green addressed snow removal, stating that Creamer and Sons were to handle snow removal as needed. She spoke to the adequacy of the existing parking lot, stating that there was adequate parking for both staff and parents. Ms. Green concluded by addressing the need to add parking due to additional square footage on the second floor of the former church, asserting that her license prohibited the use of the second story due to lack of a sprinkler system in the building.

Mr. Swenson asked if the chain-link fence was proposed to run along North and Willow Streets.

Ms. Green answered that the fence would not run along Willow and described further where the fence would be located, adding that she felt that the existing trees between the former church property and Ms. Small's property served as an adequate buffer.

Mr. Swenson asked where people would be entering the building.

Ms. Green stated that they would be entering from the North Street side and explained that the proposed walkway was intended to facilitate safe foot travel from North Street to the building, also noting that pavement was not allowed and indicating a willingness to develop the walkway according to any requirements imposed by Public Works. Ms. Green spoke regarding the ways she felt the proposed daycare facility would be a benefit to the city.

Mr. Omo asked if Public Works had made any comment regarding the walkway.

Mr. Deci responded that the aforementioned staff recommendation regarding the disallowance of additional impervious surface area had come from Public Works' Peter Owen.

Mr. Omo, Mr. Sunderland, Ms. Green and Mr. Deci spoke further about the walkway and Public Works' disposition on the issue.

Ms. Green indicated a desire to avoid paving in favor of developing the walkway in a manner that satisfied Public Works, and that her understanding was that the walkway was required to be porous, with which she would comply.

Mr. Deci spoke regarding the possibility of facilitating a "no net change" agreement whereby the applicant could be allowed to add impervious surface area in exchange for removing at least that much existing impervious coverage.

Mr. Omo asked if there was a plan to install playground equipment.

Ms. Green responded that the playground equipment was to be plastic and moveable, such that if issues with the playground arose, it could be relocated on the lot.

There was a question from the audience whether there would be a fence along Willow Street,

Ms. Green responded that there would not be.

Additional discussion regarding the proposed fenced-in area took place between Ms. Green and Mr. Sunderland, further describing the location and orientation of the fence.

Mr. Deci stated that, per the interpretation of Bath's Code Officer, a fence does not constitute a structure.

Mr. Omo stated that the Board would need for the applicant to designate a snow storage area on the Site Plan. He also suggested that the applicant may not have to construct any landscaping, but would have to provide a plan to the Board that detailed existing landscaping features, including the existing screening of the play area from roads and abutters, in compliance with Land Use Code requirements.

Mr. Swenson asked that the applicant provide the Board with a lighting plan that indicates the hours that the lights would be operational.

Mr. Omo added that the plan should also include the location of the existing lights on the building. He also asked for clarification as to the square footage proposed for use with regard to the parking requirements.

Ms. Green reiterated that her license allows for use of only the first floor without the addition of a sprinkler system and added that the additional space could not be occupied by another commercial entity following comments from Mr. Deci.

Mr. Omo asked that a statement to that effect be required as a submittal. Some discussion followed regarding the Planning Board process in general between the applicant, Board members and Mr. Deci.

MR. OMO MOVED, SECONDED BY MR. SUNDERLAND THAT THE REQUEST FOR SITE PLAN APPROVAL AT 57 NORTH STREET (MAP 26, LOT 122) BE TABLED UNTIL THE 18TH OF AUGUST PENDING RECEIPT OF ADDITIONAL INFORMATION FROM THE APPLICANT.

UNANIMOUS APPROVAL

There was residual discussion between the Board, Planning Director and applicant regarding the materials that would be required at the next meeting.

Item 2

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

Mr. Deci introduced the proposal to revise the developmental plans near and around the Plant Home property, explained the application materials contained in the packets provided to the Board members - clarifying that the entirety of the submittals was to be viewed as one set of applications, detailed the plan to eliminate the previously-approved 45 unit building and construct new duplex units on the site, noted that this is the second amendment to the existing site plan since its original approval, explained that the proposal had undergone staff review and indicated that no questions or comments were put forth by either the staff review committee or members of the public.

MR. OMO MOVED, SECONDED BY MR. SWENSON, TO FIND THE APPLICATION FOR SITE PLAN AMENDMENT AND DEVELOPMENTAL SUBDIVISION APPROVAL AT 1 WASHINGTON STREET (MAP 43, LOT 21) FOR APPLICANT PMH REAL ESTATE TO BE COMPLETE.

UNANIMOUS APPROVAL

Tom Saucier, engineer with Site Design Associates of Topsham, ME, described the project. Mr. Saucier confirmed with the Board that the materials were to be presented as one application and provided historical information regarding previous site plan approvals, specifically the last amendment which allowed for development of duplexes in an area previously approved for triplexes. He stated that on June 2nd, the Planning Board unanimously approved the replacement of previously approved triplexes with three duplexes, to be relocated from the southerly end of the site to the northerly end. Mr. Saucier explained that, in the interim, the proposal for a 45 unit, three-story building had been abandoned and that the five duplexes located along Orchard Lane were still being proposed, with an additional three duplexes off the end of East Lane. The difference between the present proposal and the former, Mr. Saucier explained, is that the three duplexes will now be new duplexes with similar footprints and aesthetics, as opposed to relocated existing duplexes per the previously

approved plan. Mr. Saucier stated that the previous approval's consideration of neighboring property owner's sight lines was retained in the new proposal, as would the proposed extension of East Lane.

Mr. Sunderland asked if there was any change in the proposed structures themselves.

Mr. Saucier responded that the 6 foot porches on the front of the buildings were new and that the buildings were moved back to accommodate an additional two feet in building length and width. Otherwise, according to Mr. Saucier, the two proposals are substantially the same. Mr. Saucier explained that considerable revisions to the last plan were made in order to address concerns and comments from neighbors. He described the second portion of the proposed project, explaining that two duplexes with four parking spaces were now being proposed instead of the three that were previously approved, and that the newly proposed duplexes extended further down onto the point than the three previously approved. Mr. Saucier indicated that the newly proposed duplexes would have 56'x34' footprints and that calculations had been done to ensure compliance with the shoreland zoning requirements, which, he stated, limits the allowable vegetation removal to 40% of the existing tree canopy. Mr. Saucier showed plans for a small extension of Orchard Lane, explained that the existing water supply and sewer lines on Orchard Lane would be extended to serve the new duplexes and indicated that pumping up to the existing sewer main may be required.

Mr. Saucier described the style of lighting proposed as residential, "dark sky compliant" and similar in style to existing duplexes nearby.

Mr. Saucier stated that the new proposal was much less impactful with the elimination of parking lots and the three-story building, describing the scale as much more in line with what currently exists in the area. He explained that the application materials detail how the project is compliant with applicable land use requirements.

Mr. Swenson asked to clarify that the current proposal is to add 5 duplexes, Mr. Saucier confirmed – 10 units in 5 buildings, as opposed to the 48 units originally approved, with less impact on traffic and utilities.

Mr. Omo asked if drainage issues at the end of East Lane addressed in the last approved plan would be dealt with similarly in the current proposal, Mr. Saucier confirmed that they would, as nothing on East Lane but the building footprints had changed from the previously approved plan.

Mr. Stilphen addressed lighting concerns that were raised, which Mr. Saucier stated had been corrected.

Mr. Stilphen opened the meeting to members of the public who wished to comment.

Phyllis Bailey, 16 Riverview Road, commented that the current proposal seemed more marketable and viable than the previous proposal, and raised questions about the lighting in the parking lot and whether the orientation of the proposed duplexes could be altered to

eliminate further encroachment toward the shore, noting the location of the base flood hazard boundary on the exhibited plan.

Mr. Omo asked if the 75 foot setback line and tree line indicated on the plan were one and the same, which Mr. Saucier confirmed.

Mr. Saucier addressed the lighting question, stating that the current proposal would be considerably less intensive than the previously-approved plan, with the lighting being of residential scale and dark sky compliant.

Fred Denson, 8 East Lane spoke, voicing a desire for the lighting to remain contained on the subject lot, and asked about a newspaper article that referred to the project as "phase one."

Mr. Saucier explained that, while there is room for further development, there are no further units being planned at this time.

Mr. Omo asked if street lighting was proposed.

Mr. Saucier indicated that it was not.

Mr. Denson questioned the use of the term "subdivision" as it applies to the project.

Mr. Deci gave a brief description of the differences between regular subdivisions and developmental subdivisions.

Mr. Stilphen asked if there were additional comments from the public.

Ms. Bailey asked about the construction timeline.

Mr. Saucier responded that construction would likely begin with the work on East Lane in September or October. Mr. Saucier stated that the three units on the north end would come first, with the two units to the south being constructed in the spring.

There was discussion amongst Mr. Deci, Mr. Denson and Mr. Saucier regarding pre-construction meetings with neighbors, which Mr. Saucier indicated would be welcomed.

Mr. Stilphen asked if there would be blasting involved.

Mr. Saucier indicated that, while none was specifically slated, it may be necessary.

Mr. Stilphen again asked if there was additional public comment. Being none, he asked if there were additional comments from the Board. There were none.

MR. OMO MOVED, SECONDED BY MR. SUNDERLAND, THAT THE REQUEST FOR SITE PLAN AMENDMENT AND DEVELOPMENTAL SUBDIVISION APPROVAL AT 1

WASHINGTON STREET (MAP 43, LOT 21) FOR APPLICANT PMH REAL ESTATE BE APPROVED WITH STAFF-RECOMMENDED CONDITIONS.

UNANIMOUS APPROVAL

Item 3

Request for Site Plan Amendment – South End Park (Map 33, Lot 198); City Of Bath, applicant

Mr. Deci introduced the project, discussing prepared application materials and compliance with applicable provisions of Articles 10 and 11, and described the project as enhancements to South End Park facilitated through the BIW contract zoning process. The public input process headed by Mr. Deci and Public Works Director Steve Balboni was described. Reference was made to the plan as showing the items requiring Site Plan approval from the Board or approval from the Maine Department of Environmental Protection (DEP). The site is within an area that was permitted through the Site Location of Development Act, requiring amendment to that permit. The project also requires DEP approval due to the site being "capped" - it was formerly a storage yard (looked at as a form of landfill), which places constraints on the uses allowed at the site. The items requiring Board approval were described as a port-a-potty enclosure; a new parking lot of twelve spaces, including the reorientation of existing handicapped spaces; a path that extends along Washington Street to allow for a fence between Washington Street and the proposed path; further fencing proposals; a maintenance/access road and a watering station for dogs near the entrance to the existing parking lot. The proposal includes a waiver from landscaping requirements to avoid disturbing the cap any more than is necessary. Mr. Deci described the proposed 'gasketing' component for fence poles that would penetrate the cap.

Mr. Stilphen and Mr. Deci discussed the cap, its function, method of construction and further explained the fence pole proposal submitted and under review by the DEP and City. There was discussion between Mr. Stilphen and Mr. Deci about the DEP's expected approval of the proposed 'gasketing' method.

Mr. Stilphen opened the meeting to comments from the public. There being none, the public comment period was closed and the Board discussion period opened.

Mr. Sunderland confirmed with Mr. Deci that the only condition in addition to standard staff-recommended conditions would be the DEP approval. Mr. Stilphen commented that this was a good project with a great deal of public involvement.

MR. SWENSON MOVED, SECONDED BY MR. OMO, TO FIND THE APPLICATION FOR SITE PLAN AMENDMENT BY APPLICANT CITY OF BATH AT SOUTH END PARK TO BE COMPLETE.

UNANIMOUS APPROVAL

MR. SWENSON MOVED, SECONDED BY MR. SUNDERLAND, TO APPROVE THE REQUEST FOR SITE PLAN AMENDMENT BY APPLICANT CITY OF BATH AT SOUTH END PARK WITH STAFF-RECOMMENDED 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. PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, THE APPLICANT SHALL FURNISH TO THE CODE ENFORCEMENT OFFICER:**
 - A. EVIDENCE OF APPROVAL OF THE PROJECT BY THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

UNANIMOUS APPROVAL

Item 4

Request for Site Plan Approval – Water Street Municipal Parking Lot (Map 27, Lots 94 & 95); City Of Bath, applicant

Mr. Deci introduced the project as the proposed expansion of the municipal parking lot adjacent to the police station on Water Street. Mr. Deci introduced Peter Owen, Public Works Director, to describe the project.

Mr. Owen described the background of the project, public and merchant desire for additional parking, past issues with approval for a similar plan and the partial implementation of elements of the plan with the sidewalk reconstruction that took place on Water Street. Mr. Owen stated that the current parking lot contains fifty-two parking spaces and that the current proposal seeks to extend the parking lot back into an adjacent wooded area, which will add eighteen new spaces.

Mr. Owen further described the proposal to entail cutting of the trees on the back line, extension of the paved area, installation of bioretention elements to reduce runoff, a new catch basin and a four-foot-high (maximum) retaining wall to reduce parking lot grade. Mr. Owen also addressed the lighting provisions of the proposal as involving installation of conduit for future lighting expansion, with no street lighting being proposed.

Mr. Stilphen asked for a definition of a bioretention area. Mr. Owen described it as a swale and pipe system that would facilitate absorption of some storm runoff directly into the soil, removing some burden from the existing stormwater system, into which excess runoff from the bioretention area would be directed. Mr. Omo asked where the swale would be located. Mr. Omo indicated that it would be adjacent to the existing tree line along the bottom of the slope of the parking lot.

Mr. Stilphen opened the meeting to public comment. There being none, Mr. Stilphen opened the meeting to discussion amongst the Board. There was no further discussion.

MR. OMO MOVED TO APPROVE THE APPLICATION FOR SITE PLAN APPROVAL BY APPLICANT CITY OF BATH AT THE WATER STREET MUNICIPAL PARKING LOT (MAP 27, LOTS 94 & 95), SUBJECT TO STAFF-RECOMMENDED 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. ANY 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.**

Mr. Deci asked for confirmation that blasting was not anticipated. Mr. Owen stated that no test pits have been excavated, and that there is exposed ledge in the woods, so blasting remains a possible necessity.

MR. SWENSON SECONDED THE MOTION TO APPROVE AND A VOTE WAS TAKEN.

UNANIMOUS APPROVAL

Item 5

Pre-Application Workshop – 831 Middle Street (Map 26, Lots 160 & 161); Midcoast Federal Credit Union, applicant

Mr. Deci introduced the project as the contemplated redesign of Midcoast Federal Credit Union's (MCFU) facilities on Middle Street and introduced the applicant to present the project.

Mr. Kevin Poirot of P.W. Campbell, described the project, stating that MFCU looked at many options for the approximately .8 AC site and determined that the current use as a branch location was the most compatible. There are currently two buildings on the site. One is an operations-only building, the other a combination of operations and a branch bank office. The older of the two buildings is nearing the end of its life-expectancy for a building, with numerous code-related issues hindering renovation possibilities. The newer of the two buildings would be updated to support the branch-office-only direction, involving a one-story building addition and

addition of a drive-through. The older building would be demolished. Mr. Poirot explained that the current site layout exceeds Bath's lot coverage limits and that this project may offer an opportunity to reduce nonconformity. The existing drive-through was also described as nonconforming to zone C-2 requirements. This would be addressed by moving the drive-through to the back of the building, moving it away from residential lots and closer to the C-1 zoning district. Traffic flow and curbing considerations were described that would separate walk-in customers from traditionally higher-speed drive-through customers.

Mr. Omo asked whether the new footprint would be smaller than the existing footprint.

Mr. Poirot said the new footprint would be slightly smaller than existing and added that there would be new green space added in certain setback areas.

There was some discussion regarding the existing site's stormwater runoff and the possibility of introducing bioretention areas similar to the City's proposal in agenda item number four. Mr. Deci summed up the site as very nonconforming, with the contemplated improvements moving toward increased conformity.

Mr. Poirot, Mr. Deci, and Mr. Omo discussed the drive-through, its current nonconformity and possible avenues that would allow for the contemplated expansion to include a night drop box and night ATM lane, as well as some discussion regarding the possibility of the applicant seeking comprehensive plan amendment to achieve their goals.

Mr. Poirot, Mr. Omo, Mr. Deci and Mr. Sunderland discussed setback issues in the C-1 zoning district and alternatives to comprehensive plan amendments, including amending the Land Use Code to allow for drive-throughs - possibly only for banking uses - in the C-2 zoning district. There was discussion regarding what approvals should be sought and in what format, with the Site Plan Approval process being the suggested path.

Mr. Deci asked if there were more specific concerns from Board members concerning individual performance standards.

Mr. Omo discussed specifics related to the number of parking spaces.

Mr. Sunderland discussed requirements for handicapped parking spots and possible reorientation, as well as width considerations for all spaces.

Mr. Deci and Mr. Poirot discussed existing and proposed drive-aisles.

Mr. Stilphen asked if there was a sense for the increase in traffic associated with a drive-through ATM. Mr. Poirot responded that it varies, with Mr. Stilphen commenting that he would anticipate increased traffic on nights and weekends.

Mr. Omo suggested the removal of one of the contemplated curb-cuts due to the width of Middle Street and historical traffic circulation. Mr. Poirot explained that there were three proposed curb-cuts, with one being for ingress only, one for egress only, and a center cut to

alleviate drive-through traffic cutting through the walk-up parking areas, increasing pedestrian safety.

Mr. Omo encouraged robust screening along the north side (abutting residential areas) and along the railroad tracks, and applauded the removal of the older building, citing improved visibility when exiting the facility.

Mr. Stilphen opened the meeting to public comment. There being none, Mr. Poirot, Board members and Mr. Deci discussed the next steps for the applicant to formally propose the project.

There being no further agenda items, Mr. Stilphen asked if there were any other issues for the Board to address. There being none, **MR. OMO MOVED, SECONDED BY MR. SWENSON TO ADJOURN THE MEETING AT 7:42 PM.**

UNANIMOUS APPROVAL

Minutes prepared by Jason Marshall, Assistant Assessor, from video recording.