

BATH PLANNING BOARD MINUTES

April 6, 1999

A meeting of the Bath Planning Board was called on 4-6-99 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxton, Chair
Jim Harper, Vice Chair
Marjorie Hawkes
Margie Lowe
Paul Karass
George Pollard, Associate Member

MEMBERS ABSENT

Tim Vrabel, Associate Member

STAFF PRESENT

Jim Upham, City Planner
Marsha Hinton, Recording Secretary

Bob Oxton, Chair, called the meeting to order at 6:00 p.m.

MINUTES OF THE MARCH 9, 1999, REGULAR MEETING.

Old Business: No old business.

New Business: Public Hearing Land Use Code Amendment – Amendment to Article 8, Section 8.18, Paragraph B – Description of Property, adding the Special Purpose Commercial Overlay District to the properties eligible for rezoning under conditional and contract rezoning provisions.

Jim Upham, City Planner, stated that simply rezoning the building at 2 Davenport Circle the Special Purpose Commercial Overlay District would potentially allow inappropriate C1 uses in that residential neighborhood. It seemed to him most appropriate that to limit some of the C1 uses the Special Purpose Commercial Overlay District should be a zone which allows contract rezoning. To do this the Land Use Code would need to be amended in Article 8, Section 8.18 by listing the Special Purpose Commercial Overlay District as one of the zones eligible for rezoning under contract and conditional rezoning procedures.

Mary Jane Turcott, 34 Washington Street, asked if this amendment would only apply to this building.

Jim Harper stated that this would only apply to the building at 2 Davenport Circle and not to the rest of the neighborhood.

Robert Barrows, 70 Winship Street, stated that he was supportive of the owner of 2 Davenport Circle in his request to have other office uses there. He said he thought this was an appropriate way to limit the C1 uses that could have a negative impact.

The Board held additional discussion about the rezoning process and how inappropriate land uses from the C1 zoning district would be contracted away.

There being no further discussion from the Board, Bob Oxton, Chair asked for a motion.

PAUL KARASS MADE A MOTION SECONDED BY MARGIE LOWE TO RECOMMEND TO THE CITY COUNCIL THAT THE LAND USE CODE BE AMENDED IN ARTICLE 8, SECTION 8.18, SUBSECTION B-DESCRIPTION OF PROPERTY, BY ADDING THE SPECIAL PURPOSE COMMERCIAL OVERLAY DISTRICT TO PROPERTIES ELIGIBLE FOR REZONING UNDER CONDITIONAL AND CONTRACT REZONING PROVISIONS AS PER THE DRAFT ORDINANCE DATED FEBRUARY 22, 1999.

UNANIMOUS AGREE.

New Business: Request for Land Use Code Map Amendment – Request to add Special Purpose Commercial Overlay District to the parcel of land at 2 Davenport Circle (Map 14, Lot 96-1 and 96-2); David Andrews, applicant.

The Board held discussion on appropriateness of the different uses allowed in § 8.07 of the Land Use Code to this location.

There being no further discussion from the Board, Bob Oxton, Chair, opened the floor to members of the public who wished to ask question or make comments with regard to this application.

Robert Barrows, 70 Winship Street, stated that he has lived across from Winship Green for some time and is concerned about the increase in traffic and noise this could potentially cause, especially if a school were allowed on this site. He added that he did not believe a funeral home would be appropriate.

Mike Pinkham, Midcoast Health, Midcoast Hospital, asked if the contract zoning would go with the owner or the property.

Jim Upham, City Planner, stated that it would go with the land.

Bob Oxton, Chair, stated that he has had discussions with Robert Stairs who relayed to Mr. Oxton that he is in full support of this application.

Jim Upham, City Planner, stated that he has been in contact with the property managers for Mr. Wagner, who is out of state at this time. The property managers were faxed the agenda and the memorandum prepared by Mr.

Upham.

There being no further comment from members of the public present, Bob Oxtan, Chair closed the public portion of the meeting.

The Board held discussion on limitation of use, what is allowed, what is appropriate and what is feasible, definition of arts and crafts studio, protecting the neighbors, encouraging use of the building and conditions to approval.

There being no further discussion from the Board, Bob Oxtan, Chair asked for a motion.

JIM HARPER MADE A MOTION, SECONDED BY MARJORIE HAWKES TO RECOMMEND APPROVAL FOR THE REQUEST THAT THE LAND USE CODE MAY BE AMENDED TO ADD SPECIAL PURPOSE COMMERCIAL OVERLAY DISTRICT TO THE PARCEL OF LAND AT 2 DAVENPORT CIRCLE (MAP 14, LOT 96-1 AND 96-2) WITH THE CONDITION THAT IN ADDITION TO THE USES ALLOWED IN THE UNDERLYING R2 ZONE, THE USES FROM THE C1 ZONE BE LIMITED TO ONLY § 8.07, B, (3) BUSINESS SERVICES; (4) FINANCE, INSURANCE AND REAL ESTATE OFFICES; (6) PROFESSIONAL OFFICES; (8) ART AND CRAFT STUDIOS; (9) ACCESSORY USES; AND (13) BUSINESS OFFICES; AND § 8.07, C, (5) SCHOOLS; AND (7) DAY NURSERY, KINDERGARTEN OR NURSERY SCHOOL.

UNANIMOUS AGREE.

Other Business: Historic District Review to remove bump-out at the rear of the first floor of the building located at 96 Front Street, Sagadahock Real Estate Association, applicant.

Jim Upham, City Planner, stated that this was not on the agenda for tonight, but if it was okay with the Board, he had hoped to address this application at this meeting. He said that it was for removal of a bump out on the building located at 96 Front Street.

Roy Ordway, representing Sagadahock Real Estate Association, stated that to accommodate prospective tenants he was requesting approval to remove a bump out. He passed out pictures of this bump out. He stated that he was proposing to either put a small balcony in its place or simply brick it in, depending upon the tenant's preference.

Paul Karass asked what the applicant proposed to put in place of the bump out until such a time as they either bricked it in or put up the balcony and asked if there was a definite time frame for completion of this project.

Mr. Ordway stated that he was hoping to have it completed with the next couple

of months, at least by June.

The Board held discussion on removal of the bump out, the need to return when a definite treatment was determined by the applicant and the improvement this would afford the area.

There being no further discussion from the Board, Bob Oxton, Chair, asked for a motion.

PAUL KARASS MADE A MOTION, SECONDED BY MARGIE LOWE TO GRANT APPROVAL FOR THE REQUEST TO REMOVE BUMP-OUT AT THE REAR OF THE FIRST FLOOR OF THE BUILDING LOCATED AT 96 FRONT STREET, WITH THE CONDITION THAT THE APPLICANT RETURN TO THE PLANNING BOARD IN MAY FOR PLANNING BOARD REVIEW OF THE FINAL TREATMENT.

UNANIMOUS AGREE.

Other Business: Compliance with the City of Bath Comprehensive Plan for the Wing Farm Development in order to apply for a Community Development Block Grant.

Jim Upham, City Planner, stated that due to the increased costs involved with relocating the Coastal Economic Development (CED) building to stay totally out of the wetland areas, the City of Bath is making application for a Community Development Block Grant Development Fund to obtain further funding. The money would be a loan to CED and re repaid to the State. As part of the application process, the Planning Board must recommend the development as being in compliance with the Comprehensive Plan.

The Board held discussion on the development, the block grant, other sources of funding, and the process for Rural Development Administration funding.

PAUL KARASS MADE A MOTION, SECONDED BY MARGIE LOWE THAT FOR PURPOSES OF APPLICATION FOR A COMMUNITY DEVELOPMENT BLOCK GRANT, THE WING FARM DEVELOPMENT AND THE CED BUILDING ARE IN ACCORDANCE WITH THE CITY OF BATH COMPREHENSIVE PLAN.

UNANIMOUS AGREE.

There being no further discussion, Bob Oxton, Chair, asked for a motion to adjourn.

GEORGE POLLARD MADE A MOTION, SECONDED BY MARGIE LOWE, TO ADJOURN THE MEETING AT 7:40 P.M.

UNANIMOUS AGREE.

Minutes prepared by Marsha Hinton, Recording Secretary