

A regular meeting of the Bath Planning Board was called on 9-18-01 for the purpose of conducting regular business.

**MEMBERS PRESENT**

Bob Oxton, Chair  
Jim Harper, Vice Chair  
Marjorie Hawkes  
Robin Haynes  
David King

**MEMBERS ABSENT**

Paul Karass  
George Pollard

**STAFF PRESENT**

Jim Upham, Planning Director  
Mary Jane Sullivan, Recording Secretary

Bob Oxton, Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m.

**MINUTES OF THE SEPTEMBER 4, 2001 REGULAR MEETING**

Jim Upham, Planning Director, reported that the minutes were not ready and Bob Oxton moved this item to the next meeting. There were no objections.

**Old Business:**

**Request for Site Plan Approval and Contract Rezoning** – for construction of new buildings; Leeman Highway (Map 29, Lots 53 and 54); Mark Sewall, applicant. (Tabled from the September 4, 2001 meeting)

Jim Upham reported that the applicant had requested that this be tabled to the October 2<sup>nd</sup> meeting as the applicant still does not have the drawings of the building ready and that is a critical part of the application.

**DAVID KING MOVED, SECONDED BY JIM HARPER, TO REMOVE THE ITEM FROM THE TABLE.**

**UNANIMOUS APPROVAL.**

**DAVID KING MOVED, SECONDED BY MARJORIE HAWKES, TO TABLE TO THE NEXT MEETING OF THE PLANNING BOARD.**

**UNANIMOUS APPROVAL.**

## **New Business:**

### **Item 1**

**Request for Historic District Approval** – for installation of awnings on the home at 993 Washington Street (Map 26, Lot 191-1); Diane Moyer, applicant.

Bob Oxtan requested the applicant to present her request. Diane Moyer, 993 Washington Street, explained that she lives in the corner unit of a condominium built 20 years ago. She wants to put awnings on the front of her house and possibly the North Street side. The Planning Board has color samples and descriptions. The awnings will only be up five months. They will be taken down in October and put up again in May.

Bob Oxtan, Chair, then opened the public portion of the meeting. There was no public comment. Bob Oxtan then closed the public portion.

Jim Harper asked the applicant why she wanted to put the awnings up. She said to avert the intense west sun, which was ruining her furnishings and producing intense heat. She said that the awnings come off in the winter.

Jim Upham mentioned that this may seem trivial but the Historic zone could be messed up badly by rusty sheet metal awnings over the windows. The purpose is to keep the Historic District looking nice and to maintain property values. He said that the applicant prepared the materials for the Planning Board in a day, and he thinks it was done well. The comments from SPI were very good.

Robin Haynes said that she has no difficulty with these awnings because this is not an historic structure and that the material chosen is cloth, and of an appropriate pattern for an awning in the historic district. Marjorie Hawkes says she likes the colors. Robin Haynes said she had done some research and found that awnings of this nature started to be used in the 1840s and were initially striped to look like tents.

**JIM HARPER MOVED, SECONDED BY ROBIN HAYNES, THAT THE REQUEST FOR HISTORIC DISTRICT APPROVAL MEETS THE CRITERIA CONTAINED IN SECTION 8.12(H) AND THAT THE REQUEST BE APPROVED. UNANIMOUS APPROVAL.**

### **Item 2**

**Planning Board Discussion** – Setback definition.

Jim Upham referred to the discussion at the last Planning Board meeting of whether or not the scale at the Bath landfill was required to meet the Setback standard or simply the Yard Area standard. The Codes Enforcement Officer rules the scale only has to meet the Yard Area requirement. Because it does not have a roof supported by columns or walls, it is defined in our ordinance as a structure, not a building. According to the ordinance, buildings have to meet the Setback requirement and structures have to meet the Yard Area requirement.

He said he believes this was also the case in the 1983 code; buildings had to meet Setback requirements and structures had to meet Yard Area requirements. If the definition of Setback were changed so that it pertained to structures as well as to buildings, then there would be no need to have a Yard Area requirement. Parking lots, parking spaces, driveways, and all of the other things that are not buildings but in or on the ground would have to be setback the same distance as buildings. The discussion also included a difference in philosophy between the Setback standard and the Yard Area standard. Jim Upham said he felt that structures that are large, cellular phone towers for example, would be a type of structure that should be required to meet the Setback distance.

David King reminded everyone that the 1983 code is different from the current code. That code did require structures to meet the Setback.

Jim Harper said the Board's focus was on the impact to abutters and viewshed. Many things without roofs and walls have impact. Impact is caused by the size of the structure. The Board must deal with all impacts, and not just impact from things with roofs. Jim Upham agreed. Jim Harper commented that things that are not a problem in a large yard pose a problem in a small yard.

David King said a change is needed as soon as possible. The Board needs to resolve and make a recommendation to the Council regarding setbacks, structures, and buildings on emergency basis. Jim Harper stated that trying to list item by item what is allowed was tough.

There was discussion about what size of structure should have to meet the Setback.

Robin Haynes suggested using a certain volume as the threshold.

Marjorie Hawkes commented that a swimming pool only 5' back from someone's back yard is more significant than a raised bed garden. David King said fences are required for pools. Robin Haynes asked what do other municipalities have in their codes. Jim Upham responded that the Yard Areas concept is fairly unique to Bath.

Jim Upham suggested using a volume-and-maximum-height standard. He said this item is advertised as a public hearing for the next meeting. And, he said that final decisions on wording could be made then.

## **Other Business**

### **Planning Board Discussion – parking cars in front yards**

Jim Upham spoke about how paving over one's front yard and parking cars negatively impacts the neighborhood's streetscape. David King said he doesn't see this as a big issue where there is no alternative place to park. Robin Haynes commented that some people might not have sufficient room to create an access drive to the back of the

house. Bob Oxton said there are houses that have no parking available, period. David King said the Board could go back to prohibiting parking in the setback area. The problem is that existing houses have more cars per house than they used to. In many cases you can't squeeze a car between the house and the lot line or the house next door.

Robin Haynes thinks it's a matter of enforcing the existing code. Bob Oxton spoke about Bath's on street parking ban all winter being a factor that causes people to park their cars in their front. David King stated again that there should be no parking in the front set back area except in the existing driveway. Consensus that this is a good compromise.

**Informational Update** – Bodwell, Richardson Street, Western Avenue neighborhood.

Jim Upham said that he and City Manager met with representatives of Hannaford Brothers and that they have acquired options to purchase parcels of land in the Richardson Street, Western Avenue, Route One area. They would like to build a 47,000 square foot grocery store and other small shops.

**Planning Board Discussion** – whether we should have different standards in the Historic District for “historic “ buildings than for non-historic buildings.

Robin Haynes asked about requiring more strict historic standards in the Historic District for historic buildings than for non-historic ones.

David King and Jim Harper said they are comfortable only with regulating the historic character of buildings on an area-wide basis, no on an individual basis. The Board should protect historic areas but individual buildings shouldn't be treated more strictly. Bob Oxton agreed with Robin Haynes.

After considerable discussion, Jim Upham said there are historic district ordinances that do have different standards for historic as opposed to non-historic buildings. Jim Upham suggested he get some copies of what other municipalities have done.

**JIM HARPER MOVED, SECONDED BY ROBIN HAYNES, TO ADJOURN.**

**UNANIMOUS APPROVAL.**

Adjourned at approximately 7:30 p.m.

Minutes prepared by Mary Jane Sullivan, Recording Secretary