

A regular meeting of the Bath Planning Board was called on 2-4-03 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxtan, Chair
Jim Harper, Vice Chair
Marjorie Hawkes
Robin Haynes
Richard Klingaman
Gordon Reed

MEMBERS ABSENT**STAFF PRESENT**

Jim Upham, Planning Director
Marsha Hinton, Recording Secretary

Bob Oxtan, Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, February 4, 2003.

Minutes of January 21, 2003, meeting

GORDON REED MOVED, SECONDED BY MARJORIE HAWKES TO ACCEPT THE MINUTES OF THE JANUARY 21, 2003, MEETING AS WRITTEN.

UNANIMOUS APPROVAL

Old Business: None

New Business:**Item 1**

Public Hearing – Request for Contract Rezoning and Site Plan Approval – 243 Washington Street (Map 38, Lots 8, 9, 10, 11, 16 and 17); Maine Maritime Museum, applicant.

ROBIN HAYNES MADE A MOTION, SECONDED BY GORDON REED, TO FIND THE SITE PLAN FOR 243 WASHINGTON STREET (MAP 38, LOTS 8, 9, 10, 11, 16 AND 17); MAINE MARITIME MUSEUM, APPLICANT, TO BE COMPLETE.

UNANIMOUS APPROVAL

Tom Wilcox, Executive Director of the Maine Maritime Museum, suggested that it might be more time effective if the Planning Board members would ask specific questions and he would respond to those.

Bob Oxtan, Chair, stated that would be acceptable.

Robin Haynes said that she has specific questions with regard to the absence of approval letters or comments from the Maine Historic Preservation Commission, the Department of Environmental Protection as well as the Federal Aviation Administration. Ms Haynes also added that she had concerns with regard to lighting details, landscaping, the parking lot and sloping/grading of the site.

Mr. Wilcox stated that there is a letter from the Federal Aviation Administration and he would include it in the packet. He said an inquiry has been made of the Maine Historic Preservation Commission, but they have had no reply as of yet. He told the Board he would pursue that response from the Commission. He added that they are presenting their packet to the Department of Environmental Protection tomorrow and they would copy that application to City staff. He said a lighting plan addressing luminosity, direction, and type of light fixtures had been included with the original application to the Planning Board. Mr. Wilcox stated that he would insure that plan would be provided to city staff. He said Blue Oat grass would be used in the landscaping plan and he emphasized that the goal was to keep the site looking like a ship at sea, and to resemble a Maine ship yard and not an English cottage. He told the Board that in the parking lot they planned not to pave for environmental and flexibility reasons. Use of reclaimed asphalt would allow slower water run off, was cost effective, and would allow the museum to more easily adapt for future designs.

The Planning Board held discussion on the letters from the above mentioned agencies, lighting plans, landscaping, the aesthetic goal of the landscaping, protection of existing trees, use of reclaimed asphalt, grading, and recommendations of city staff.

There being no further discussion from the Planning Board, Bob Oxton opened the floor to members of the public who wished to comment.

None being seen, Bob Oxton closed the meeting to public comment.

Jim Upham, Planning Director, stated that the Maine Maritime Museum was offering to make the following improvements in exchange for the contract rezoning: Remove the double gate and reduce the size of the gravel parking lot; eliminate this area as vehicular access; replace the existing double gate with a four foot high picket fence; erect an explanatory panel and retain the gravel surface. A copy of the Contract memorandum is attached.

Gordon Reed stated that he feels that the suggested improvements were something that would be implemented anyway and were not concessions as such. He added that he was in full support of this project. He felt that this is a "one-of-a-kind" project and there would not be anything else like it in the world. He added he felt that it captured the essence of Bath, Maine.

The Planning Board held discussion on the suggested improvements.

ROBIN HAYNES MADE A MOTION, SECONDED BY GORDON REED, to APPROVE THE SITE PLAN contingent on City Council approval of the Contract Rezoning

and to recommend to the City Council approval of the Contract Rezoning for the property at 243 WASHINGTON STREET (MAP 38, LOTS 8, 9, 10, 11, 16 AND 17); MAINE MARITIME MUSEUM, APPLICANT, WITH THE FOLLOWING CONDITIONS:

- 1. THAT THE PLANNING OFFICE RECEIVE NOTIFICATION OF SATISFACTORY APPROVAL FROM THE MAINE HISTORIC PRESERVATION COMMISSION RELATIVE TO LAND USE CODE SECTION 10.28.**
- 2. THAT THE PLANNING OFFICE RECEIVE A LETTER INDICATING SATISFACTORY APPROVAL OF THE PROJECT FROM THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION.**
- 3. THAT THE PLANNING OFFICE RECEIVE A LETTER FROM THE FEDERAL AVIATION ADMINISTRATION THAT AIRCRAFT WARNING LIGHTS ARE NOT REQUIRED ON THE MASTS.**
- 4. THAT THE APPLICANT SUBMIT, FOR THE PLANNING DIRECTOR'S REVIEW AND APPROVAL, AN AMENDED LANDSCAPING PLAN FOR THE PARKING LOT AT THE BOW OF THE *WYOMING* SCULPTURE.**
- 5. THAT THIS PARKING LOT BE GRADED TO PREVENT EROSION AND THAT RECLAIMED ASPHALT BE USED AS A SURFACE MATERIAL.**
- 6. THAT THE ADDITIONAL EROSION CONTROL MEASURES OUTLINED IN THE MEMORANDUM TO JIM UPHAM FROM PATRICK CARROLL, DATED JANUARY 31, 2003, BE INCORPORATED AS PART OF THE PLAN, AND**
- 7. THAT A PHOTOMETRICS PLAN BE PRESENTED TO THE PLANNING OFFICE THAT INDICATES THAT THE LIGHTING FOR THE MASTS WILL HAVE A LIGHT LEVEL AT THE PROPERTY LINES NO GREATER THAN .2 FOOTCANDLES.**

UNANIMOUS APPROVAL

Item 2

Public Hearing – Request for Zoning Map Amendment; R6 and RP zones to R6 zone; 57 High Street (Map 45; Lot 5); Beverly Emero, applicant.

Tom Emero apologized to the Planning Board for being late. He stated that he was before the Planning Board to request their recommendation to the City Council for a zoning map amendment. He drew the Planning Board's attention to the fact that a deck had been part of the original approval of his mother's house. However, they had not build the deck and when they contacted the Codes Enforcement Officer to see if it could now be build they discovered that in the intervening time the zoning had changed and they were prevented from building the deck. He pointed out that the sliding glass door now opened onto nothing.

Jim Upham, Planning Director, stated that unfortunately this site should not have been zoned as part of the resource protection zone. He said it was obvious to him that this would not be an environmentally sensitive area, which needs to be protected.

The Planning Board held discussion on the environment impact, reasons why this was included as part of the resource protection zone and time limitations on building permits.

There being no further discussion from the Planning Board, Bob Oxton opened the floor to members of the public for comment.

None being seen, Bob Oxton closed the public portion of the meeting.

JIM HARPER MADE A MOTION, SECONDED BY GORDON REED TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE REQUEST FOR ZONE CHANGE FOR 57 HIGH STREET (MAP 45, LOT 5); FROM R6 AND RP ZONE TO R6 ZONE.

UNANIMOUS APPROVAL

There being no further business to come before the Board, **ROBIN HAYNES MADE A MOTION, SECONDED BY GORDON REED THAT THE MEETING BE ADJOURNED.**

UNANIMOUS APPROVAL

APPROVAL

The meeting was adjourned at 7:08 p.m.

Minutes prepared by Marsha Hinton, Recording Secretary