

A regular meeting of the Bath Planning Board was called on 5-6-03 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxton, Chair
Jim Harper, Vice Chair
Richard Klingaman
Gordon Reed
James Hopkinson

MEMBERS ABSENT

Marjorie Hawkes
Robin Haynes

STAFF PRESENT

Jim Upham, Planning Director
Marsha Hinton, Recording Secretary

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

Chairman Oxton stated that during those times when members of the public are invited to speak that they speak at the podium into the microphone, sign the book and state their name and address.

Minutes of April 15, 2003, meeting

Bob Oxton, asked for comments on the Minutes of April 15, 2003. None being seen, Chairman Oxton asked for a motion.

RICHARD KLINGAMAN MOVED, SECONDED BY JIM HARPER, TO ACCEPT THE MINUTES OF THE APRIL 15, 2003, MEETING AS WRITTEN.

UNANIMOUS APPROVAL**Old Business:****Item 1**

Historic District Approval – Replacement of 12 stained-glass windows; 906 Washington Street (Map 26, Lot 178); Beth Israel Congregation, applicant. (Continued from the April 15, 2003, meeting.)

Janice Povich, applicant, stated that she was representing the window committee of the Beth Israel Congregation and would be glad to answer any questions the Planning Board may have with regard to the application. She said the windows on the front and the first window on the north side of the building would be clear glass and the rest would be frosted glass. She added that the upper portion of the windows would initially not be stained-glass, but if someone wanted to make a memorial or make a donation they would put stained-glass in the upper portion of the window.

Jim Upham pointed out to the Planning Board photographs of various views of the building, proposed frosted windows as well as a sketch of the proposed window.

The Planning Board held discussion on the need for approval for stain-glass if the approval was for clear glass and documentation of the current stained glass windows.

There being no further discussion from the Board, Bob Oxtan opened the floor to members of the public who wished to comment. None being seen, Bob Oxtan closed the public portion of the meeting.

The Planning Board was polled on whether the reading of the Historic District criteria could be waived. The Board agreed that the reading of the Historic District criteria could be waived.

JIM HARPER MADE A MOTION, SECONDED BY JAMES HOPKINSON, TO RECOMMEND THE APPLICATION FOR HISTORIC DISTRICT APPROVAL FOR REPLACEMENT OF 12 STAINED-GLASS WINDOWS AT 906 WASHINGTON STREET (MAP 26, LOT 179) WITH CLEAR GLASS IN ACCORDANCE WITH THE APRIL 29, 2003, PROPOSAL WITH THE CONDITION THAT STAINED-GLASS MAY BE ADDED TO THE UPPER PORTION OF THE WINDOW WITHOUT THE NEED TO COME BACK BEFORE THE PLANNING BOARD FOR APPROVAL.

UNANIMOUS APPROVAL

New Business:

Item 1

Request for Site Plan Approval – Expansion of existing building and parking lot improvements; 129 Court Street) Map 28, Lots 81 & 82); Benson and Kevin Gilmore (doing business as Gilmore Seafood), applicant.

JIM HARPER MADE A MOTION, SECONDED BY GORDON REED, TO FIND THAT THE APPLICATION FOR SITE PLAN APPROVAL WAS COMPLETE AS SUBMITTED AND MET THE REQUIREMENTS OF THE LAND USE CODE.

UNANIMOUS APPROVAL.

Steve Hewitt, applicant, introduced himself as well as Ben and Kevin Gilmore. He stated that they have a three phase plan for improvements to the current site which includes improvements to the interior and exterior of the building, parking lot improvements and the addition of a take-out window. Mr. Hewitt explained there would be picnic tables, landscaping improvements designed to enhance safety and aesthetics, trash removal, a paved parking lot with marked off parking spaces, fences to provide a barrier and safety to customers, traffic flow, water runoff and grease trap. He explained how a large planter would be used to not only enhance the site, but provide additional protection to people using the walk-up take-out window.

There being no further discussion from the Board, Bob Oxton opened the floor to members of the public who wished to comment. None being seen, Bob Oxton closed the public portion of the meeting.

The Planning Board held discussion on the fencing, landscaping, further safety precautions, drainage, slopes, trees, lighting, waste water, slit barriers, grease trap and additional cleanup of the site specifically the old cars.

JIM HARPER MADE A MOTION, SECONDED BY JAMES HOPKINSON, TO GRANT APPROVAL OF THE REQUEST FOR SITE PLAN APPROVAL OF EXPANSION OF AN EXISTING BUILDING AND PARKING LOT IMPROVEMENTS, 129 COURT STREET (MAP 28, LOTS 81 & 82) CONDITIONED UPON EROSION CONTROL MEASURES BE IN PLACE FROM THE BEGINNING OF CONSTRUCTION TO THE END OF CONSTRUCTION; AND THAT THE FIRST TIER OF THE PLANTER BE ANCHORED TO THE GROUND.

UNANIMOUS APPROVAL.

Item 2

Planning Board Review and Approval of the Findings of Fact and Conclusions of Law – Hannaford Brothers' Request for Site Plan Approval

Jim Upham stated that on page one of the Notice of Decision in the second paragraph the first sentence which reads, "The applicant is before the Planning Board primarily for site plan review and approval pursuant to Article 10 of the Land Use Code..." should be changed to read, "The applicant is before the Planning Board primarily for site plan review and approval pursuant to Article 10 **and Article 12** of the Land Use Code..."

The Planning Board held discussion on the draft Notice of Decision.

RICHARD KLINGAMAN MADE A MOTION, SECONDED BY JAMES HOPKINSON, TO ACCEPT THE NOTICE OF DECISION DATED MAY 6, 2003, WITH THE INCLUSION IN THE FIRST SENTENCE OF PARAGRAPH TWO ON PAGE ONE OF "AND ARTICLE 12" AFTER THE LANGUAGE "AND APPROVAL PURSUANT TO ARTICLE 10".

UNANIMOUS APPROVAL.

Item 3

Planning Board Review of Community Development Block Grant Application

Jim Upham explained the process for application of a community development block grant and that as part of that process the Planning Board is required to find the project is consistent with the Comprehensive Plan and Land Use Code.

Al Smith, Community Development Director, introduced Joanne Troy, Executive Director of Bath Housing Development Corp. and Julia Coes, who is an AmeriCorp*VISTA assisting the Community Development Office with this project.

Joanne Troy explained that this grant will be used to develop ownership of 35 duplexes by renovating the Orchard Court rental units into owner occupied units. This way families at 50 percent below the median income will be able to purchase a home and 35 rental units will still be available to the Bath community.

The Board held discussion on administration, contribution by the City of Bath, and recaptured funding.

GORDON REED MADE A MOTION, SECONDED BY JAMES HOPKINSON, TO FIND THAT THE COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION IS CONSISTENT WITH THE COMPREHENSIVE PLAN AND THE CITY OF BATH ZONING ORDINANCE.

UNANIMOUS AGREE.

Item 4

Request for Subdivision Amendment – Lot 9 in West Chops Point Subdivision, (Map 1, Lot 5); Peter Kennedy, applicant.

Peter Kennedy, applicant, stated that he is before the Planning Board requesting a relaxation of the setback condition for lot number nine of the West Chops Point Subdivision. Mr. Kennedy explained that the Maine Board of Environmental Protection which required at the time of the original West Chops Point subdivision approval a setback equal to 500 feet minus the lot's shore frontage has since been relaxed to 100 feet. Mr. Kennedy is therefore requesting that the Planning Board amend their approval to reflect the April 11, 2003, decision of the Board of Environmental Protection.

Jim Upham stated that there was no formal mention of any such condition in the original approval, but that city staff felt it was understood by the Planning Board that the Board of Environment Protection's requirements were the ones that would apply to this approval. Mr. Upham added that this lot now fell within the Natural Resource Preservation Overlay Zone which has a 150-foot setback requirement.

The Board held discussion on views from the river, setback requirements, and the layout of parcel number 9.

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

Peter Robohm, 3 Goose Cove Road, commented that while he and other neighbors had no objection to the reduction of the setback for this parcel there were some things that he felt the Planning Board should be aware of with regard to this subdivision. Mr. Robohm pointed out that cutting of large trees to clear views is a common practice by Mr. Kennedy. Mr. Robohm also expressed concerned that if blasting were needed on lot 9 to clear space for a basement that the precipice may be damaged and fall into the access road. He added that many of the requirements of the approved subdivision or promises made by Mr. Kennedy to homeowners have not been fulfilled.

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

The Planning Board held discussion on the Planning Board's authority with regard to comments made in Mr. Robohm's statement, action that can be taken by City staff with regard to any violations, whether the reduction requested was for 100 feet for 150 feet, and Land Use Code section 8.18.

JAMES HOPKINSON MADE A MOTION, SECONDED BY GORDON REED, TO APPROVE THE REQUEST FOR SUBDIVISION AMENDMENT FOR LOT 9 IN WEST CHOPS POINT SUBDIVISION (MAP 1, LOT 5) TO REDUCE THE PREVIOUSLY AGREED UPON SETBACK TO A SETBACK OF 150 FEET AS REQUIRED IN THE NATURAL RESOURCES OVERLAY ZONE AND ANY SEDBACK REDUCTION IN ACCORDANCE WITH SECTION 8.18, D, 2, AND 3.

UNANIMOUS AGREE.

There being no further business to come before the Board, **RICHARD KLINGAMAN MOVED, SECONDED BY GORDON REED, THAT THE MEETING BE ADJOURNED.**

UNANIMOUS APPROVAL

The meeting was adjourned at 7.43 p.m.

Minutes prepared by Marsha Hinton, Recording Secretary