

A regular meeting of the Bath Planning Board was called on 9-2-03 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxton, Chair
Jim Harper, Vice Chair
Marjorie Hawkes
Robin Haynes
Richard Klingaman
Gordon Reed
James Hopkinson

MEMBERS ABSENT**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, September 2, 2003.

Minutes of August 5, 2003, meeting

JIM HARPER MOVED, SECONDED BY ROBIN HAYNES TO ACCEPT THE MINUTES OF THE AUGUST 5, 2003, MEETING AS WRITTEN.

UNANIMOUS APPROVAL**Old Business:**

No old business.

New Business:**Item 1**

Public Hearing – Zoning Map Amendment; parcel of land on Bowery and Front Streets, (Map 21, Lot 227); adding the Historic Overlay District.

Richard Klingaman stated that as a principal of this project he would recuse himself as a Planning Board member from participation in this hearing.

Jim Upham stated that before the City Council could consider the recommendation that this site be included in the historic overlay district a public hearing by the Planning Board was required. Therefore, it has been advertised as a public hearing and it is back before the Planning Board for that purpose.

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 hearing and called for any questions or comments from the Planning Board.

JIM HARPER MADE A MOTION, SECONDED BY ROBIN HAYNES, TO RECOMMEND APPROVAL FOR A ZONING MAP AMENDMENT TO THE PARCEL OF LAND ON BOWERY AND FRONT STREETS, (MAP 21, LOT 227) ADDING THE HISTORIC OVERLAY DISTRICT.

UNANIMOUS APPROVAL.

Item 2

Request for Site Plan Approval – Filling Permit; North Bath Road (Map 6, Lots 1&2); Walter Taggart, Applicant.

Walter Taggart, applicant, described the improvements he has made to this site including drainage and seeding. Mr. Taggart stated he was before the Planning Board requesting approval to fill the abandoned pit and create a more level landscape by utilizing fill from Bath Iron Works dredging projects. Mr. Taggart invited the Planning Board out to the site for another site walk to view the improvements to the property.

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 and called for any questions or comments from the Planning Board.

Marjorie Hawkes recommend that the Planning Board have another site walk to view the improvements to this site.

The Planning Board held discussion on the type of seed to be used, scheduling a site walk, and the type of fill to be used.

Jim Harper asked the applicant if a delay would impact any plans he has for the property.

Walter Taggart stated that a delay would not impact on his plans for this property.

JIM HARPER MADE A MOTION, SECONDED BY MARJORIE HAWKES, TO CONTINUE THE REQUEST FOR SITE PLAN APPROVAL FOR A FILLING PERMIT ON NORTH BATH ROAD (MAP 6, LOTS 1&2) WALTER TAGGART, APPLICANT, UNTIL SEPTEMBER 9, 2003, AT 5:15 P.M. TO CONVIENE AT THE SITE.

UNANIMOUS APPROVAL.

Item 3

Re-request for Planning Board Approval of Waterfront Setback Reduction Plan in NRPO Zone; Varney Mill Road (Black Water Cove) (Map 7, Lot 44); Elizabeth and Ronald Moloff, applicants.

Jim Upham stated that this project had received approval from the Planning Board in the past. Mr. Upham added that because site plan approval is only valid for six months and the applicants had not acted on the previous approval within that time period, it would require another approval from the Planning Board. Mr. Upham pointed out that the only change from the previous approval was that the design and color of the house was now defined.

Marjorie Hawkes questioned the applicant on drainage pipes into the river, the septic system to be used, and the location of the well.

Ronald Moloff, applicant stated that the pipes to the river would only be rain water from the roof, not from any drainage or septic system. Mr. Moloff pointed out the location of the well and the type of leach field to be used. Mr. Moloff also highlighted that the setback of the property from the high-water mark exceeded the requirements for setbacks.

The Planning Board held discussion on the setback, comments by the Codes Enforcement Officer with regard to the septic system, distances from the high-water line, and the July 31st memo from the applicant.

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 and called for any questions or comments from the Planning Board.

There being no further discussion from the Planning Board **JIM HARPER MADE A MOTION, SECONDED BY JIM HOPKINSON, TO APPROVE THE REQUEST FOR WATERFRONT SETBACK REDUCTION PLAN IN NRPO ZONE; VARNEY MILL ROAD (BLACK WATER COVE) (MAP 7, LOT 44) ELIZABETH AND RONALD MOLOFF, APPLICANTS, WITH THE CONDITION THAT THE JULY 31, 2003, LETTER FROM ELIZABETH MOLOFF TO JIM UPHAM BE INCLUDED AS PART OF THE SITE PLAN.**

UNANIMOUS APPROVAL.

Item 4

Request for Minor Subdivision Plan Approval – Three-lot subdivision; Washington Street (Map 13, Lot 44-1); William Haggett, applicant.

Jim Upham described the three lots. Mr. Upham drew the Planning Board's attention to the packet of materials provided to the Planning Board members including the copy of laws governing subdivisions. Mr. Upham said that he felt this request was appropriate.

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 and called for any questions or comments from the Planning Board.

Bruce Martinson, surveyor, informed the Planning Board that he was here to answer any questions they may have with regard to this application. Mr. Martinson said that there would be a connection to utilities from the road and there were no plans for a roadway into the site at this time. Mr. Martinson added that he had found original pins and chiseled marks from the 1850s.

Jim Hopkinson asked the applicant about whether there would be an easement, distances and courses marked on the plan, and order of conveyance of the lots.

Bruce Martinson answered that there would be an easement for the duplex across the driveway.

The Planning Board held discussion on easements, pin locations, and review of the proposal by City Staff.

JIM HOPKINSON MADE A MOTION, SECONDED BY GORDON REED, TO APPROVE THE REQUEST FOR MINOR SUBDIVISION PLAN APPROVAL FOR A THREE-LOT SUBDIVISION AT WASHINGTON STREET (MAP 13, LOT 44-1) WILLIAM HAGGETT, APPLICANT, WITH THE FOLLOWING CONDITIONS:

THAT IT BE NOTED ON THE PLAN THAT THE PARCEL TO BE CONVEYED TO THE ABUTTER BE CONVEYED PRIOR TO ANY OTHER LOTS; AND

THAT THE EASEMENT LOCATION BE SHOWN BY COURSE AND DISTANCE ON THE PLAN.

UNANIMOUS APPROVAL.

Item 5

Request for Historic District Approval – modifications to the home at 997 Washington Street (Map 21, Lot 247); Lynn and John Shipway, applicant.

Fred Hahn, designer, told the Planning Board that the changes that were being proposed were outlined in the August 19, 2003, memo from him to Jim Upham. Mr. Hahn highlighted the window upgrading to energy efficient architecturally accurate windows. He also stated that it was the intent to maintain all trim work or restore what was needed and that it was not his intent to “rip and tear.”

Bob Oxton opened the floor to members of the public who wished to comment.

None being seen, Bob Oxton, Chair, closed the public portion of the meeting and called for any questions or comments from the Planning Board.

Robin Haynes gave a history of the building, expressed her concerns about relocation of windows, and asked if there had been a widow’s walk previously.

Fred Hahn stated that the only window to be moved was the one over the kitchen sink and it would only be moved a little. Mr. Hahn responded to the question about the widow’s walk that there was a trap door which allowed access to the roof.

The Planning Board held discussion on recommendations by Sagadahoc Preservation Inc. in the August 25, 2003 email, widow’s walk, accuracy of the drawing presented and window treatments.

There being no further discussion from the Planning Board **JIM HARPER MADE A MOTION, SECONDED BY JIM HOPKINSON TO APPROVE THE REQUEST FOR HISTORIC DISTRICT APPROVAL FOR MODIFICATIONS TO THE HOME AT 997 WASHINGTON STREET (MAP 21, LOT 247); LYNN AND JOHN SHIPWAY, APPLICANTS WITH THE FOLLOWING CONDITIONS:**

THAT THE WORD “RELOCATE” BE ADDED TO ITEM THREE OF THE AUGUST 19, 2003 MEMO FROM FRED HAHN TO JIM UPHAM;

THAT THE WIDOW’S WALK BE MADE OF WOODEN MATERIALS;

THAT THE DRAWING BE UPADTED TO REFLECT ACCURATELY THE REPRESENTATION OF THE SECOND FLOOR NORTHSIDE WINDOW OVER THE ENTRANCE;

THAT THE CHIMNEYS BE ADDED TO THE DRAWING; AND

THAT A NOTE BE ADDED THAT THE EXISTING ROOF-LINE TRIM IS NOT INTENDED TO BE REVISED;

WAIVING THE READING OF THE HISTORIC DISTRICT APPROVAL CRITERIA.

UNANIMOUS APPROVAL.

Item 6

Pre-application Workshop – Mark Sewall's property Leeman Highway.

Phil DeLeon, Civil Engineer, outlined the three proposals for changes to the site highlighting the changes to the traffic patterns on the site and pointing out difference in each of the plans.

The Planning Board held discussion on the location of the buildings, the State's right-of way, and other possible arrangements for the site.

Jim Upham informed the representative for the applicant that the Planning Board would not and could not approve any plan that utilized property owned by someone else as a part of that plan. Mr. Upham added that the zone this property was in allowed some relaxation of the space and bulk requirements in exchange for other considerations such as landscaping and recommended that the applicant explore those types of options.

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

UNANIMOUS APPROVAL

APPROVAL

The meeting was adjourned at 7:55 p.m.

Minutes prepared by Marsha Hinton, Recording Secretary