

A regular meeting of the Bath Planning Board was called on 10-07-03 for the purpose of conducting regular business.

MEMBERS PRESENT

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

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, October 7, 2003.

Minutes of September 16, 2003, meeting

Robin Haynes asked that the phrase "and the character of the development" be added to the last paragraph on page four of the September 16, 2003 Planning Board meeting minutes that currently reads, "The Planning Board held discussion on traffic impact, scale of the sketch, parking, the flood zone, public access and size of the site."

MARJORIE HAWKES MOVED, SECONDED BY JAMES HOPKINSON TO ACCEPT THE MINUTES OF THE SEPTEMBER 16, 2003, PLANNING BOARD MEETING WITH THE ADDITION OF THE PHRASE "AND THE CHARACTER OF THE DEVELOPMENT" TO THE LAST PARAGRAPH ON PAGE FOUR OF THE SEPTEMBER 16, 2003 PLANNING BOARD MEETING MINUTES.

UNANIMOUS APPROVAL**Old Business:**

None.

New Business:**Item 1**

Public Hearing – Amendment to the Land Use Code to allow Contract Rezoning in the Historic Overlay District.

Jim Upham explained that contract rezoning has been used effectively in other districts within the City of Bath and it has been suggested that contract rezoning may also be beneficial in the Historic Overlay District. Mr. Upham pointed out that this would allow

for reduction in space and bulk requirements in exchange for other considerations. Mr. Upham asked the Planning Board for examples of some types of considerations the Board would accept in the historic overlay district.

The Planning Board held discussion on the flexibility this would allow to homeowners in the Historic Overlay District, the tool this would provide the Planning Board to enhance homes in the Historic Overlay District, and the fact that these re-zonings would all have to go to the City Council.

Jim Hopkinson recommended that capitalizing the word “use” would make it a defined term in the Land Use Code and thus would avoid any confusion over its meaning.

Bob Oxtan opened the meeting to any members of the public who wished to comment.

None seen, Bob Oxtan closed the public portion of the meeting.

JIM HARPER MADE A MOTION, SECONDED BY JIM HOPKINSON TO RECOMMEND FOR APPROVAL BY THE CITY COUNCIL THE AMENDMENT TO THE LAND USE CODE TO ALLOW CONTRACT REZONING IN THE HISTORIC OVERLAY DISTRICT WITH THE MODIFICATION OF THE WORD “USE” IN THE FOLLOWING SENTENCE:

“CONTRACT REZONING IS A PROCESS BY WHICH THE CITY COUNCIL, AFTER CONSIDERING THE RECOMMENDATION OF THE PLANNING BOARD, MAY REZONE PROPERTY, CONSISTENT WITH THE PLANNING BOARD’S FINDINGS, TO PERMIT THE USE OF THAT PROPERTY SUBJECT TO VARIATIONS OR CONDITIONS NOT GENERALLY APPLICABLE IN NON-CONTRACT ZONES.

UNANIMOUS APPROVAL

Item 2

Request for Historic District Approval – Modifications to the house at 950 Middle Street, (Map 26, Lot 112); David Enright and Barbara Cornell, applicants.

Bob Oxtan, Chair, informed the Planning Board that this application had been withdrawn at this time.

Item 3

Request for Pre-application workshop – Construction of gasoline station, retail store and car wash; 150 Leeman Highway (Map 28, Lot 49); C.N. Brown Company, applicant.

Scott Decker, from SYTDesign, introduced Charlie Sheehan, from C.N. Brown, and used a drawing to point out egress and ingress changes, placement of buildings and their uses, landscaping, drainage, lighting, utility access, and changes to paving. Mr.

Decker showed the Planning Board photographs of other C.N. Brown Company buildings.

The Planning Board held discussion on visual techniques to break up large expanses of the exterior sections of buildings, treatment for the canopy over the gas pumps, landscaping, lighting, screening, traffic safety, the Route One changes, acceleration and deceleration lanes, guardrails, noise, existing building, site contamination, existing gas pumps, and headlight-light sweep.

Bob Oxton provided photographs to the applicant of a service station that Mr. Oxton felt "fits" within the surrounding residential community.

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

Keith Hines, 5 Leonard Court, stated that he is in favor of this site being developed, however if something is not done about the drainage problem he will have to oppose this project. Mr. Hines pointed out the area on the drawing which has been flooded since the changes to the culvert about a year ago. Mr. Hines added that he has lost three or more feet of his property to the "pond" that has been created by the inadequate drainage.

Dale Hines, 5 Leonard Court, stated that the noise, lighting, drainage and landscaping as presented by the applicant would negatively impact his residence.

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

The Planning Board held discussion on the drainage at the site, the approval process with regard to drainage and site contamination, and buffering for headlight-light sweeps.

Other Business

Item 1

Request for Conditional Certificate of Occupancy – 15 WingFarm Park Way (Map 29, Lot 31); Custom Composite Technologies, Inc., applicant.

Jim Upham stated the applicant had provided the City of Bath with a check in the amount of \$3,688.00, which covers the estimate by White Pine Landscaping, Inc. for their proposed landscaping plan.

Maureen Hassett, applicant, stated that if she gains the Planning Board's approval she expects the planting to be complete by October 17, 2003.

The Planning Board held discussion on the Conditional Certificate of Occupancy and time frame for completion of landscaping.

RICHARD KLINGAMAN MADE A MOTION, SECONDED BY ROBIN HAYNES, TO APPROVE THE REQUEST FOR CONDITIONAL CERTIFICATE OF OCCUPANCY FOR 15 WINGFARM PARK WAY (MAP 29, LOT 31) CUSTOM COMPOSITE TECHNOLOGIES, INC. CONDITIONED UPON THE PLANNING DIRECTOR RECEIVING CORRESPONDENCE FROM THE CODES ENFORCEMENT OFFICER STATING THE BUILDING IS SAFE BOTH TO THE OCCUPANTS AND TO THE PUBLIC IF IT IS OCCUPIED.

UNANIMOUS APPROVAL.

Jim Harper asked the Planning Board for their recommendation to work with the Coastal Conservation Association (CCA) with regard to proposals that could have an impact on the Kennebec River or Merrymeeting Bay. Mr. Harper explained that this group would be used as a resource similar to the way Sagadahoc Preservation Inc (SPI) is used for historic sites. Mr. Harper stated that discussions are ongoing with CCA to develop this relationship.

The Planning Board agreed that this would be a useful resource and recommend that guidelines be developed similar to those with SPI.

Jim Upham, Planning Director, informed the Planning Board that the last parcel of the WingFarm development is now under contract.

Jim Upham stated that there didn't appear to be any business to present at the regular meeting on October 21, 2003 and asked if the Planning Board would like to cancel that meeting.

The Planning Board agreed that unless a compelling reason to meet on October 21, 2003, arose that they would cancel that regular meeting and meet again on November 4, 2003.

There being no further business to come before the Board, **JIM HARPER MOVED, SECONDED BY JIM HOPKINSON, THAT THE MEETING BE ADJOURNED.**

UNANIMOUS APPROVAL

The meeting was adjourned at 7:45 p.m.

Minutes prepared by Marsha Hinton, Recording Secretary