

A regular meeting of the Bath Planning Board was called on 3-2-04 for the purpose of conducting regular business.

MEMBERS PRESENT

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

MEMBERS ABSENT

Marjorie Hawkes

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, March 2, 2004.

Minutes of February 17, 2004, meeting

ROBIN HAYNES MOVED, SECONDED BY RICHARD KLINGAMAN TO APPROVE THE MINUTES OF THE FEBRUARY 17, 2004, MEETING WITH THE FOLLOWING CHANGES:

“BRUCE MARTINSON, DIRIGO LAND SURVEYORS REPRESENTING THE APPLICANTS, POINTED OUT THAT IN LIGHT OF COMMENTS MADE BY CITY STAFF A NEW LOT HAS BEEN PROPOSED TO ACCOMMODATE ACCESS AND THEREFORE A NEW PLAN SHOWING THIS LOT. MR. MARTINSON EXPLAINED THAT THIS LOT ~~IS NOT~~ HAS NOT YET BEEN DETERMINED TO BE SUITABLE FOR BUILDING A RESIDENCE, BUT HAS USE AND THEREFORE NEEDS TO HAVE ACCESS.”

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

Request for Site Plan Amendment – Change in the Parking Lot lighting at the Bath Shopping Center; Chandler Drive (Map 28, Lots 51 and 52); Eastern Development, LLC, applicant. (Continued from the February 3, 2004, meeting.)

Tim Sullivan, representing the applicant, described the steps that have been taken to reduce the lighting on the eastern side of the parking lot. Mr. Sullivan explained the use of shields, issues with wind force, and the foot candle reduction at the property line for the eastern neighbor.

The Planning Board held discussion on light reduction to the easterly abutter, notification of abutters, reduction of the lighting on one pole from four to three lamps,

the use of wall packs near the northeast corner of the building to light the access drive, and ambient light.

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

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

Jim Upham stated that he had spoken with the eastern abutter. The resident stated that she had been receiving notices for these meetings and had no problems with the lighting.

Tim Sullivan stated that he is willing to reduce the four lamps on the one pole to three and to use a wall pack for the access road on the back of the building.

JIM HARPER MADE A MOTION, SECONDED BY JIM HOPKINSON, TO GRANT APPROVAL FOR THE REQUEST FOR SITE PLAN AMENDMENT FOR A CHANGE IN THE PARKING LOT LIGHTING AT THE BATH SHOPPING CENTER; CHANDLER DRIVE; EASTERN DEVELOPMENT, LLC, APPLICANT, WITH THE CONDITION THAT A WAIVER BE GRANTED FOR THE LIGHTING REQUIREMENTS IN SECTIONS 10.27 AND:

THAT THE LIGHTING ON THE POLE WITH FOUR LAMPS BE REDUCED TO THREE LAMPS;

THAT WALL PACKS BE INSTALLED ON THE NORTHEAST SIDE OF THE BUILDING; AND

THAT A LIGHTING SURVEY BE SUBMITTED TO THE PLANNING DIRECTOR AND THE DATA CONTAINED THEREIN BE DEEMED ACCEPTABLE BY THE PLANNING DIRECTOR.

UNANIMOUS APPROVAL

Item 2

Request for Subdivision Approval – Meadow View Subdivision, 3-lot Subdivision, Ridge Road (Map 16, Lot 18, Map 9, Lot 14 and Map 9, Lot 9) James Taggart and Jeff Harris, applicants. (Continued from the February 17, 2004, meeting.)

Bruce Martinson, representing the applicant, stated that the request is now for a 3-lot subdivision. Mr. Martinson also explained that they were not requesting a zoning change at this time and that Jeff Harris will be the owner of lots one and two and that James Taggart will be the owner of lot three.

The Planning Board held discussion on septic systems, zoning, and division of the property.

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

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

JIM HOPKINSON MADE A MOTION, SECONDED BY RICHARD KLINGAMAN, TO GRANT THE REQUEST FOR SUBDIVISION APPROVAL AS SHOWN ON THE SUBDIVISION PLAN OF DIRIGO LAND SERVICES, INC., DATED SEPTEMBER 22, 2003 AND DATE STAMPED FEBRUARY 19, 2004, BY THE CODES AND PLANNING OFFICE WITH THE FOLLOWING WAIVERS:

THE SOIL REPORT, AND

A TOPOGRAPHIC MAP

UNANIMOUS APPROVAL

New Business:

Item 1

Public Hearing – Request for Zoning Map Amendment – Request to change the zoning on a parcel of land from R1 Zone to C1 Zone, 781 High Street, (Map 27, Lot 14); Bradley Cahill, applicant.

Bradley Cahill, applicant, explained that he was requesting a zoning map amendment to change the zoning on this parcel of land from R1 to C1. Mr. Cahill stated that he wanted to utilize this property as office space for a lawyer or doctor. Mr. Cahill pointed out that there were approximately 10 parking spaces on the site already and that he had no plans to increase parking.

Bob Oxtan stated that this site had been a commercial site for years going back to the 1940s or early 1950s as a doctor's office. However, when the zoning lines were drawn for the 1983 Land Use Code this parcel had been included in the R1 zone even though it had historically been a commercial use.

The Planning Board held discussion on off site parking, inability to expand parking on site, and historic uses for this site.

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

Michelle Dulaney, 785 High Street, stated that she was in support of this application.

Paula Kurtz, 20 Raymond, asked how far back the parking would go, if a dumpster was going to be used and where it would be located, and expressed concerned if this zoning change were allowed that the C1 zone would push further and further into the R1 zone.

Ken Gradowski, 14 Raymond Court, stated that his concern is with a drainage pipe coming out of this property that emptied large amount of water onto his back yard. Mr. Gradowski explained that this drainage caused a complete wash out on his property and that the drainage lately had been rusty/dirty brown.

Deidre Rockport, 781 High Street, asked if there was another solution such as making this a multi-use residential site instead of rezoning this property as commercial use.

Bradley Cahill stated that there would not be a dumpster on the site and that the parking would not go further back than it is currently.

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

Jim Upham stated that the Comprehensive Plan was the guidance for zoning map amendments. Mr. Upham explained that when the property is on the edge of an existing boundary the Comprehensive Plan offers little in the way of guidance. Mr. Upham discussed the zoning of the property surrounding this site. Mr. Upham reminded the Planning Board that they would need to determine whether this parcel belongs in the Central Business District or the High Density Residential Zone before making a recommendation to the City Council.

Jim Hopkinson explained that the drainage issue was not one the Planning Board could address with regard to this particular application. Mr. Hopkinson added that the drainage issue should be addressed through other avenues.

The Planning Board held discussion on the impact to residential neighbors by a zoning change to this property, protections afforded under Article 10 of the Land Use Code to neighbors, parking, types of business allowed in the C1 zone, the 1983 ordinances, historic significance, transitioning from zone to zone, special purpose overlay zoning, and guidance from the Comprehensive Plan.

JIM HARPER MADE A MOTION, SECONDED BY GORDON REED, THAT BASED ON THE PROXIMITY AND CONFIGURATION OF THE CURRENT LOT AND THE STRUCTURE ON IT AND THE FACT THAT NO MODIFICATIONS ARE BEING PROPOSED BY THE APPLICANT THAT THE PLANNING BOARD RECOMMEND TO THE CITY COUNCIL A ZONING MAP AMENDMENT TO CHANGE THE ZONING ON A PARCEL OF LAND AT 781 HIGH STREET, (MAP 27, LOT 14), FROM R1 ZONE TO C1 ZONE, BRADLEY CAHILL, APPLICANT.

UNANIMOUS APPROVAL

Item 2

Public Hearing – Request for Land Use Code Text Amendment – Request to amend Section 8.12, Section 9.02, and Section 2.02.

The Planning Board held discussion on the text of the proposed amendments.

ROBIN HAYNES MADE A MOTION, SECONDED BY JIM HOPKINSON, TO RECOMMEND TO THE CITY COUNCIL THE PROPOSED CHANGES TO SECTIONS 8.12, 9.02 AND 2.02 OF THE LAND USE CODE WITH THE FOLLOWING CHANGE TO SECTION 8.12:

“BEFORE THE HISTORIC DISTRICT COMMITTEE MAY GRANT APPROVAL THE COMMITTEE MUST FIND THAT THE APPLICANT HAS DEMONSTRATED THAT THE STRUCTURE, THE PORTION OF THE STRUCTURE, OR THE EXTERIOR ARCHITECTURAL DETAIL OR DECORATIVE ELEMENT WAS NOT BUILT OR ADDED TO THE EXISTING BUILDING IN THE LAST 25 YEARS, OR AND THAT THE PORTION OF THE STRUCTURE OR THE EXTERIOR ARCHITECTURAL DETAIL OR DECORATIVE ELEMENT WAS NOT ADDED TO RETURN THE STRUCTURE TO ITS HISTORICALLY CORRECT APPEARANCE.”

UNANIMOUS APPROVAL

Other Business

Jim Upham stated that with regard to staffing the Planning Board with non-voting high school students, that a high school student has been identified. Mr. Upham stated that they were still searching for another student as the plans were to have two students (one junior and one senior) filling this position.

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 8:45 p.m.

Minutes prepared by Marsha Hinton, Recording Secretary