

A regular meeting of the Bath Planning Board was called on 8-3-04 for the purpose of conducting regular business.

**MEMBERS PRESENT**

Jim Harper, Vice Chair  
Robin Haynes  
Richard Klingaman  
Gordon Reed  
Jim Hopkinson  
Jonathan Dolloff(non-voting student member)

**MEMBERS ABSENT**

Bob Oxtan, Chair  
Marjorie Hawkes  
Brandon Shaw(non-voting student member)

**STAFF PRESENT**

Jim Upham, Planning Director  
Marsha Hinton, Recording Secretary

Jim Harper, Vice Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, August 3, 2004.

**Minutes of July 6, 2004, meeting**

**GORDON REED MOVED, SECONDED BY JIM HOPKINSON TO ACCEPT THE MINUTES OF THE JULY 6, 2004, MEETING AS SUBMITTED.**

**UNANIMOUS APPROVAL**

**THE PLANNING BOARD WAS POLLED AND IT WAS DECIDED THAT NEW BUSINESS ITEMS 4 AND 5 WOULD BE HEARD BEFORE NEW BUSINESS ITEMS 1, 2 AND 3.**

**New Business:****Item 5**

**Request for Site Plan Amendment Approval** – Set up a modular classroom building; 616 High Street (Map 31, Lot 22); Hyde School, applicant.

Ben Jorgensen, representing Hyde School, stated that due to an increase in student enrollment they were requesting a Site Plan Amendment to move in a temporary classroom until Hyde School could build additional, permanent class-room space. Mr. Jorgensen stated that Hyde School had no interest in having temporary classrooms in place for more than 24 months. Mr. Jorgensen pointed out that the most level area was selected as the location for this temporary structure, that there would be no need for exterior lighting or water, there would be a propane tank for heating and that it would be screened by potted plants.

The Planning Board held discussion on the location, potential removal of trees, the differences in the drawings, impact on abutters, screening, and potential for this temporary structure to become permanent.

Robin Haynes told the Board that she felt the drawing was not adequate to allow the Board to determine whether the approval criteria were met.

**GORDON REED MOVED, SECONDED BY JIM HOPKINSON, TO CONTINUE THE REQUEST FOR SITE PLAN AMENDMENT APPROVAL UNTIL THE NEXT REGULARLY SCHEDULED MEETING TO ALLOW THE APPLICANT TO RETURN WITH A MORE DETAILED DRAWING.**

#### **UNANIMOUS APPROVAL**

#### **Item 4**

**Request for Site Plan Amendment Approval and Approval of Setback Reduction Plan in the C2 Zone** – Addition to Jessie Albert Dental Clinic, 175 Congress Avenue, (Map 24, Lot 8-1); Catholic Charities Maine, applicant.

Ben Walter, representing Catholic Charities Maine, stated that they were before the Planning Board requesting an Amendment to the Site Plan and Setback Reduction to install an elevator so that the clinic could comply with handicap accessibility requirements. Mr. Walter explained that they had recently begun to use the second floor due to the volume of patients being seen at the clinic. Mr. Walter described the location of the elevator, landscaping, and the need for Setback Reduction.

The Planning Board held discussion on location and type of landscaping.

There being no further discussion from the Planning Board, Jim Harper opened the meeting for comment from members of the public present.

None being seen, Jim Harper closed the public portion of the meeting.

**ROBIN HAYNES MOVED, SECONDED BY RICHARD KLINGAMAN, TO APPROVE THE REQUEST FOR SITE PLAN AMENDMENT APPROVAL AND APPROVAL OF SETBACK REDUCTION PLAN IN THE C2 ZONE FOR AN ADDITION TO THE JESSIE ALBERT DENTAL CLINIC AT 175 CONGRESS AVENUE (MAP 24, LOT 8-1); CATHOLIC CHARITIES MAINE, APPLICANT, SUBJECT TO THE APPLICANT PROVIDING THE PLANNING OFFICE WITH A DRAWING INDICATING THE SIZE OF ALL THE PLANT MATERIALS.**

#### **UNANIMOUS APPROVAL**

**Old Business:**

**Item 1**

**Request for Preliminary Subdivision Plan Approval** – 12-unit residential development; Front and Bowery streets (Map 21 Lot 227); SSC Ventures, Inc., applicant. (Continued from the June 1, 2004, meeting.)

Richard Klingaman recused himself from consideration of this agenda item because he is a principle in SSC Ventures, Inc.

Mr. Klingaman, SSC Ventures, Inc. discussed the Preliminary Review and site walk.

The Planning Board held discussion on the guardrails, contours, and approval of the Preliminary Plan.

There being no further discussion from the Planning Board, Jim Harper opened the meeting for comment from members of the public present.

None being seen, Jim Harper closed the public portion of the meeting.

**GORDON REED MOVED, SECONDED BY JIM HOPKINSON, TO APPROVE THE REQUEST FOR PRELIMINARY SUBDIVISION PLAN APPROVAL.**

**UNANIMOUS APPROVAL**

**New Business**

**Item 1**

**Public Hearing – Request for Contract Rezoning, Final Subdivision Plan Approval, Site Plan Approval, and Historic District Approval** – 12 unit residential development; Front and Bowery Streets (Map 21, Lot 227); SSC Ventures, Inc., applicant.

Richard Klingaman had recused himself from consideration of this application because he is a principle in SSC Ventures, Inc.

The Planning Board was polled and it was agreed that the requirements for public hearing have been satisfied in that meetings have been appropriately advertised and public comment has been allowed at all meetings on this project.

**JIM HOPKINSON MOVED, SECONDED BY GORDON REED, TO FIND THE SITE PLAN FOR A 12-UNIT RESIDENTIAL DEVELOPMENT AT FRONT AND BOWERY STREET (MAP 21, LOT 227); SSC VENTURES, INC., COMPLETE.**

**UNANIMOUS APPROVAL**

**JIM HOPKINSON MOVED, SECONDED BY GORDON REED, TO FIND THE FINAL SUBDIVISION PLAN FOR A 12-UNIT RESIDENTIAL DEVELOPMENT AT FRONT AND BOWERY STREET (MAP 21, LOT 227); SSC VENTURES, INC., COMPLETE.**

## **UNANIMOUS APPROVAL**

Mr. Klingaman, SSC Ventures, Inc., introduced George Parker, Michael Kreindler, and Frank Cushing. Mr. Klingaman then presented slides on the project and various members of his team discussed approvals needed from various state and federal agencies, the site plan, Article 13, input from City staff and Sagadahoc Preservation Inc., elevations, color schemes, historic district approval, size and bulk regulations, MRSA Title 30 section 4404, contract rezoning, the marina, the garden shed, exterior treatments, historic photographs, sidewalks, access, landscaping, the differences in the residential structures, the road, the pump station, utilities, emergency vehicle access, screening from the river, improved views of the river for abutters, changes to the Preliminary Site Plan, bonds, and waivers requested.

The Planning Board held discussion on landscaping, extending the Front Street sidewalk south to Holly Street, lighting, the marina's floats, state and federal requirements, tree maintenance plans, exterior treatment, comments from City staff, the Contract Rezoning process, compliance with the Land Use Code, emergency vehicle access, utilities, changes from Preliminary Site Plan to the proposed site plan, whether the propane tanks would be above or below ground, historic district approval, and the configuration of the different units.

There being no further comment from the Planning Board, Jim Harper opened the floor to members of the public who wished to comment.

None being seen, Jim Harper closed the public portion of the meeting.

**JIM HOPKINSON MOVED, SECONDED BY GORDON REED, TO APPROVE THE REQUEST FOR SITE PLAN APPROVAL FOR A 12-UNIT RESIDENTIAL DEVELOPMENT AT FRONT AND BOWERY STREETS (MAP 21, LOT 227); SSC VENTURES, INC., CONDITIONED UPON THE CITY COUNCIL GRANTING APPROVAL OF THE CONTRACT REZONING AS SUBMITTED BY THE PLANNING BOARD AND SUBJECT TO ANY CONDITIONS PLACED UPON THE SUBDIVISION PLAN AS APPROVED BY THE PLANNING BOARD ON AUGUST 3, 2004.**

## **UNANIMOUS APPROVAL**

The Planning Board's votes on the waivers (see letter from Mr. Klingaman dated ???) requested by the applicant were as follows:

**LAND USE CODE SECTION 10.29 - LANDSCAPING AND SCREENING.  
THREE FOR (GORDON REED, JIM HOPKINSON AND JIM HARPER)  
ONE OPPOSED (ROBIN HAYNES)**

**LAND USE CODE SECTION 10.32 EXCEPTION TO SPACE AND BULK REGULATIONS.  
APPROVAL CONDITIONED UPON THE CONTRACT REZONING BEING APPROVED BY THE CITY COUNCIL.**

**LAND USE CODE SECTION 11.11 FENCES AND WALLS  
UNANIMOUS APPROVAL**

**LAND USE CODE SECTION 13.26 STATE APPROVAL REQUIRED UNDER  
CERTAIN CIRCUMSTANCES  
UNANIMOUS APPROVAL CONDITIONED UPON ALL APPLICABLE STATE  
APPROVALS BE GRANTED.**

**LAND USE CODE SECTION 13.30 BOND OR CERTIFIED CHECK REQUIRED  
UNANIMOUS APPROVAL**

**LAND USE CODE SECTION 13.31 INSPECTION OF SITE; FEE  
UNANIMOUS APPROVAL**

**LAND USE CODE SECTION 13.32 SUBMISSION OF PLAN; CONTENTS  
UNANIMOUS APPROVAL**

**LAND USE CODE SECTION 13.33 ADDITIONAL DOCUMENTS TO BE SUBMITTED  
WITH PLAN; BOND REQUIRED  
UNANIMOUS APPROVAL**

**LAND USE CODE SECTION 13.42 PUBLIC RECREATION AREAS AND  
PARKLANDS REQUIRED  
UNANIMOUS APPROVAL CONDITIONED UPON THE PAYMENT BY THE  
APPLICANT OF \$50.00 PER UNIT TO THE CITY OF BATH.**

**LAND USE CODE SECTION 13.52 USE OF GREEN STRIP FOR NOISE CONTROL  
UNANIMOUS APPROVAL**

**LAND USE CODE SECTION 13.56 PLANTING STRIP AREAS  
UNANIMOUS APPROVAL**

**LAND USE CODE SECTION 13.60 WATER MAIN  
UNANIMOUS APPROVAL**

**LAND USE CODE SECTION 13.65 PREVENTION OF SOIL EROSION  
UNANIMOUS APPROVAL CONDITION UPON THE EROSION CONTROL PLAN  
BEING APPROVED BY THE PUBLIC WORKS DIRECTOR.**

**LAND USE CODE SECTION 13.75 STREETS; DESIGN AND CONSTRUCTION  
STANDARDS  
UNANIMOUS APPROVAL**

**LAND USE CODE SECTION 13.78 DEAD END STREETS  
UNANIMOUS APPROVAL CONDITIONED UPON A FINDING BY THE CITY  
SOLICITOR ON WHETHER OR NOT AN EASEMENT IS REQUIRED.**

The Board reviewed the approval criteria in Article 13 and made the following findings:

**SECTION 13.24 SUBMISSION OF PLAN; TIME LIMIT  
THE BOARD FINDS THAT THIS HAS BEEN COMPLIED WITH.**

**SECTION 13.25 APPLICATION FEE  
THE BOARD FINDS THAT THIS SECTION HAS BEEN COMPLIED WITH.**

**SECTION 13.26 STATE APPROVAL REQUIRED UNDER CERTAIN  
CIRCUMSTANCES  
THE BOARD FINDS THAT REQUIRING STATE AND FEDERAL PERMITS BEFORE  
THE PLAN IS SUBMITTED TO THE BOARD IS NOT APPROPRIATE AND WAIVES  
THIS SECTION.**

**SECTION 13.27 WATER SUPPLY SYSTEMS; APPROVAL  
THE BOARD FINDS THAT THIS SECTION HAS BEEN COMPLIED WITH.**

**SECTION 13.28 SEWAGE DISPOSAL SYSTEM; APPROVAL  
THE BOARD FINDS THAT WITH THE CONDITION THAT THE PUBLIC WORKS  
DIRECTOR APPROVE THE SYSTEM SECTION WILL BE COMPLIED WITH.**

**SECTION 13.29 HEARING  
THE BOARD HAS DECIDED NOT TO HOLD A PUBLIC HEARING BECAUSE THE  
PUBLIC MEETINGS, ALLOWING THE PUBLIC TO TESTIFY AND ASK QUESTIONS,  
MEETS THE INTENT OF THE PUBLIC HEARING.**

**SECTION 13.30 BOND OR CERTIFIED CHECK REQUIRED  
THE BOARD WAIVED THIS SECTION.**

**SECTION 13.31 INSPECTION OF SITE; FEE; NOTIFICATION OF CITY PRIOR TO  
START OF WORK  
THE BOARD WAIVED THIS SECTION.**

**SECTION 13.32 SUBMISSION OF PLAN; CONTENTS  
THE BOARD FINDS THAT SECTION THIS HAS BEEN COMPLIED WITH.**

**SECTION 13.33 ADDITIONAL DOCUMENTS TO BE SUBMITTED WITH PLAN;  
BOND REQUIRED.  
THE BOARD WAIVED THIS SECTION.**

**SECTION 13.35 MAINTENANCE OF IMPROVEMENTS BEFORE ACCEPTANCE BY  
CITY  
THE BOARD FINDS THAT SECTION IS NOT APPLICABLE.**

**SECTION 13.36 PUBLIC ACCEPTANCE OF STREETS AND RECREATION AREAS.  
THE BOARD FINDS THAT SECTION IS NOT APPLICABLE.**

**SECTION 13.39 COMPLIANCE WITH THIS ARTICLE REQUIRED.  
THE BOARD FINDS THAT SECTION THIS HAS BEEN COMPLIED WITH.**

**SECTION 13.40 CONFORMITY WITH COMPREHENSIVE PLAN REQUIRED  
THE BOARD FINDS THAT SECTION THIS HAS BEEN COMPLIED WITH.**

**SECTION 13.41 RELATIONSHIP OF SUBDIVISION TO COMMUNITY SERVICES  
THE BOARD WAIVED THIS SECTION.**

**SECTION 13.42 PUBLIC RECREATION AREAS AND PARKLANDS REQUIRED  
THE BOARD FINDS THAT, WITH THE CONDITION THAT THE APPLICANT PAY  
THE CITY \$50 PER UNIT FOR RECREATION CAPITAL IMPROVEMENTS, THIS  
SECTION HAS BEEN COMPLIED WITH.**

**SECTION 13.43 PRESERVATION OF NATURAL AND HISTORIC FEATURES  
THE BOARD FINDS THAT THIS SECTION HAS BEEN COMPLIED WITH.**

**SECTION 13.44 LAND NOT SUITABLE FOR DEVELOPMENT  
THE BOARD FINDS THAT, WITH THE CONDITION THAT THE APPLICANT  
RECEIVES ALL NECESSARY MAINE DEPARTMENT OF ENVIRONMENTAL  
PROTECTION AND ARMY CORP OF ENGINEERING PERMITS, THIS SECTION  
WILL BE COMPLIED WITH.**

**SECTION 13.45 BLOCKS  
THE BOARD FINDS THAT THIS SECTION IS NOT APPLICABLE.**

**SECTION 13.46 LAYOUT OF LOTS  
THE BOARD FINDS THAT THIS SECTION IS NOT APPLICABLE.**

**SECTION 13.47 LOT FRONTAGE  
THE BOARD FINDS THAT THIS SECTION IS NOT APPLICABLE.**

**SECTION 13.48 SIDE-LOT LINES  
THE BOARD FINDS THAT THIS SECTION IS NOT APPLICABLE.**

**SECTION 13.49 EASEMENT FOR NATURAL DRAINAGE WAYS  
THE BOARD FINDS THAT THIS SECTION HAS BEEN COMPLIED WITH. (IS THIS  
SO?)**

**SECTION 13.50 UTILITIES  
THE BOARD FINDS THAT THIS SECTION HAS BEEN COMPLIED WITH.**

**SECTION 13.51 STREET TREES AND OPEN GREEN SPACES  
THE BOARD FINDS THAT THIS SECTION IS NOT APPLICABLE.**

**SECTION 13.52 USE OF GREEN STRIP FOR NOISE CONTROL  
THE BOARD WAIVED THIS SECTION.**

**SECTION 13.53 MONUMENTS**

**THE BOARD FINDS THAT THIS SECTION IS NOT APPLICABLE.**

**SECTION 13.54 STREETS SIGNS AND NAMES**

**THE BOARD FINDS THAT THIS SECTION IS NOT APPLICABLE.**

**SECTION 13.55 SIDEWALKS**

**THE BOARD FINDS THAT THIS SECTION HAS BEEN COMPLIED WITH.**

**SECTION 13.56 PLANTING STRIP AREAS**

**THE BOARD WAIVED THIS SECTION.**

**SECTION 13.57 WATER SUPPLY REQUIRED**

**THE BOARD FINDS THAT THIS SECTION HAS BEEN COMPLIED WITH.**

**SECTION 13.58 MINIMUM WATER SUPPLY REQUIRED; STORAGE**

**THE BOARD FINDS THAT THIS SECTION HAS BEEN COMPLIED WITH.**

**SECTION 13.59 UNDUE BURDEN ON TREATMENT OR DISTRIBUTION FACILITIES**

**THE BOARD FINDS THAT THIS SECTION HAS BEEN COMPLIED WITH.**

**SECTION 13.60 WATER MAIN**

**THE BOARD WAIVED THIS SECTION, PROVIDED THAT THE INDIVIDUAL CONNECTIONS TO THE BATH WATER DISTRICT SYSTEM ARE APPROVED BY THE BATH WATER DISTRICT.**

**SECTION 13.61 COMPLIANCE WITH STATE REQUIREMENTS**

**THE BOARD FINDS THAT THIS SECTION IS NOT APPLICABLE.**

**SECTION 13.62 SEWAGE DISPOSAL SYSTEM**

**THE BOARD FINDS THAT THIS SECTION HAS BEEN COMPLIED WITH.**

**SECTION 13.63 SURFACE DRAINAGE**

**THE BOARD FINDS THAT, WITH THE CONDITION THAT THE STORMWATER MANAGEMENT SYSTEM IS APPROVED BY THE PUBLIC WORKS DIRECTOR, THIS SECTION WILL BE COMPLIED WITH.**

**SECTION 13.64 REMOVAL OF TOPSOIL**

**THE BOARD FINDS THAT THIS SECTION IS NOT APPLICABLE.**

**SECTION 13.65 PREVENTION OF SOIL EROSION**

**THE BOARD FINDS THAT, WITH THE CONDITION THAT THE EROSION AND SEDIMENTATION CONTROL PLAN IS APPROVED BY THE PUBLIC WORKS DIRECTOR, THIS SECTION WILL BE COMPLIED WITH.**



**SECTION 13.66 COMPLIANCE WITH SPECIFICATIONS**

**THE BOARD FINDS THAT THIS SECTION HAS BEEN COMPLIED WITH.**

**SECTION 13.68 STREET ARRANGEMENT AND LAYOUT**

**THE BOARD FINDS THAT THIS SECTION IS NOT APPLICABLE.**

**SECTION 13.69 COMMERCIAL AREAS; STREET WIDTH; OFF-STREET LOADING SPACES**

**THE BOARD FINDS THAT THIS SECTION IS NOT APPLICABLE.**

**SECTION 13.70 RAILROAD RIGHT-OF-WAY IN SUBDIVISION; PARALLEL STREETS**

**THE BOARD FINDS THAT THIS SECTION IS NOT APPLICABLE.**

**SECTION 13.71 SUBDIVISIONS ABUTTING NARROW STREET OR ARTERIAL STREET**

**THE BOARD FINDS THAT THIS SECTION IS NOT APPLICABLE.**

**SECTION 13.72 MINIMUM NUMBER OF ENTRANCES TO SUBDIVISION**

**THE BOARD FINDS THAT THIS SECTION IS NOT APPLICABLE.**

**SECTION 13.73 ENTRANCES TO SUBDIVISION RESTRICTED**

**THE BOARD FINDS THAT THIS SECTION HAS BEEN COMPLIED WITH.**

**SECTION 13.74 LAYOUT OF MINOR STREETS**

**THE BOARD FINDS THAT THIS SECTION IS NOT APPLICABLE.**

**SECTION 13.75 STREETS; DESIGN AND CONSTRUCTION STANDARDS**

**THE BOARD FINDS THAT THIS SECTION HAS BEEN COMPLIED WITH IF THE ROADWAY WIDTH REQUIREMENT IS WAIVED AND THE BOARD WAIVED THE WIDTH REQUIREMENT.**

**SECTION 13.76 STREET GRADES**

**THE BOARD FINDS THAT THIS SECTION HAS BEEN COMPLIED WITH.**

**SECTION 13.77 INTERSECTIONS**

**THE BOARD FINDS THAT THIS SECTION HAS BEEN COMPLIED WITH.**

**SECTION 13.78 DEAD END STREETS**

**THE BOARD FINDS THAT WITH THE CONDITION THAT THE CITY SOLICITOR APPROVES THE EASEMENT FOR EMERGENCY ACCESS SECTION WILL BE COMPLIED WITH.**

**SECTION 13.79 DRAINAGE FACILITIES; SIDE SLOPES**

**THE BOARD FINDS THAT THIS SECTION HAS BEEN COMPLIED WITH.**

**SECTION 13.80 CURBS AND GUTTERS**  
**THE BOARD FINDS THAT THIS SECTION HAS BEEN COMPLIED WITH.**

The Planning Board's vote on Maine Revised Statutes Annotated Title 30-A Section 4404 review criteria were as follows:

- 1. POLLUTION**  
**UNANIMOUS AGREEMENT**
- 2. SUFFICIENT WATER.**  
**UNANIMOUS AGREEMENT**
- 3. MUNICIPAL WATER SUPPLY**  
**UNANIMOUS AGREEMENT**
- 4. EROSION**  
**UNANIMOUS AGREEMENT CONDITIONED UPON THE EROSION CONTROL PLAN BEING APPROVED BY THE PUBLIC WORKS DIRECTOR.**
- 5. TRAFFIC**  
**UNANIMOUS AGREEMENT**
- 6. SEWAGE DISPOSAL**  
**UNANIMOUS AGREEMENT CONDITIONED UPON THE APPROVAL BY THE PUBLIC WORKS DIRECTOR.**
- 7. MUNICIPAL SOLID WASTE DISPOSAL**  
**UNANIMOUS AGREEMENT**
- 8. AESTHETIC, CULTURAL AND NATURAL VALUES**  
**UNANIMOUS AGREEMENT**
- 9. CONFORMITY WITH LOCAL ORDINANCES AND PLANS**  
**UNANIMOUS AGREEMENT**
- 10. FINANCIAL AND TECHNICAL CAPACITY**  
**UNANIMOUS AGREEMENT**
- 11. SURFACE WATERS; OUTSTANDING RIVER SEGMENTS**  
**UNANIMOUS AGREEMENT CONDITIONED UPON APPROPRIATE PERMITS FROM THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE ARMY CORPS OF ENGINEERS.**
- 12. GROUND WATER**  
**UNANIMOUS AGREEMENT**

**13. FLOOD AREAS**

**UNANIMOUS AGREEMENT CONDITIONED UPON APPROVAL OF THE LETTER OF MAP AMENDMENT BY FEMA AND UPON APPROVAL OF THE FLOOD HAZZARD DEVELOPMENT PERMIT BY THE BATH CODES ENFORCEMENT OFFICER.**

**14. FRESHWATER WETLANDS**

**UNANIMOUS AGREEMENT**

**15. RIVER, STREAM OR BROOK**

**UNANIMOUS AGREEMENT**

**16. STORM WATER**

**UNANIMOUS AGREEMENT CONDITIONED UPON A MAINTENANCE PLAN FOR THE STORM WATER DISCHARGE PIPE BEING APPROVED BY THE PUBLIC WORKS DIRECTOR.**

**17. SPAGHETTI-LOTS PROHIBITED**

**UNANIMOUS AGREEMENT – NOT APPLICABLE**

**18. LAKE PHOSPHORUS CONCENTRATION**

**UNANIMOUS AGREEMENT – NOT APPLICABLE**

**19. IMPACT ON ADJOINING MUNICIPALITY**

**UNANIMOUS AGREEMENT – NOT APPLICABLE**

**JIM HOPKINSON MOVED, SECONDED BY GORDON REED, TO GRANT FINAL SUBDIVISION PLAN APPROVAL FOR A 12-UNIT RESIDENTIAL DEVELOPMENT; FRONT AND BOWERY STREETS (MAP 21 LOT 227); SSC VENTURES, INC. SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. THAT THE LANDSCAPING PLAN BE SUBMITTED TO THE CITY ARBORIST FOR REVIEW AND APPROVAL;**
- 2. THAT THE TREE PROTECTION PLAN BE SUBMITTED AND APPROVED BY THE PLANNING BOARD;**
- 3. THAT A LANDSCAPING MAINTENANCE PLAN BE SUBMITTED AND APPROVED BY THE PLANNING BOARD;**
- 4. THAT THE PUBLIC WORKS DIRECTOR PROVIDE COMMENTS ON THE FEASIBILITY OF EXTENDING OF THE SIDEWALK NORTHERLY BEYOND THE POINT OF TERMINUS NOTED ON THE PLAN;**
- 5. THAT THE CITY COUNCIL GRANT CONTRACT REZONING APPROVAL AS RECOMMENDED BY THE PLANNING BOARD ON AUGUST 3, 2004;**

6. THAT A FULL SET OF EXTERIOR MATERIAL FINISHES FOR ALL UNITS BE SUBMITTED AS REPRESENTED BY THE APPLICANT DURING HIS PRESENTATION TO THE PLANNING BOARD ON AUGUST 3, 2004;
7. THAT THE APPLICANT SUBMIT FINAL REVISED SITE PLAN REFLECTING ALL REVISION SUBMITTED BY THE APPLICANT INCLUDING BUT NOT LIMITED TO REMOVAL AND RELOCATION OF THE STAIRWELL OF BUILDING D, REVISION OF THE GARAGE DOOR DETAILS, ELEVATIONS, BRICK FACE ON THE CHIMNEYS, EXTERIOR ENTRY DOORS, THE LOCATION AND DETAILS OF THE GARDEN SHED, THE LOCATION OF THE MARINA BUILDING AT THE MOST EASTERLY PROPOSED LOCATION, AND THE ELIMINATION OF THE BOARD WALK OF THE SHIP WAY CAUSEWAY;
8. THAT A MAINTENANCE PLAN FOR THE STORM WATER DRAINAGE PIPE BE SUBMITTED TO THE PUBLIC WORKS DIRECTOR AND THE PLANNING BOARD FOR APPROVAL;
9. THAT THE FINAL REVISED SET OF PLANS BE SUBMITTED TO THE PUBLIC WORKS DIRECTOR FOR REVIEW AND APPROVAL CONSISTENT WITH THE JULY 22, 2004 E-MAIL;
10. THAT CATALOGUE CUTS FOR LIGHTING FIXTURES TO BE INSTALLED BE SUBMITTED CONSISTENT WITH THE APPLICANT'S PRESENTATION AT THE AUGUST 3, 2004, PLANNING BOARD MEETING;
11. THAT ALL APPLICABLE STATE AND FEDERAL APPROVALS BE OBTAINED;
12. THAT THE CITY SOLICITOR DETERMINE WHETHER AN EMERGENCY ACCESS EASEMENT IS NECESSARY FOR THIS PROJECT; AND

#### **UNANIMOUS APPROVAL**

**GORDON REED MOVED, SECONDED BY JIM HOPKINSON TO RECOMMEND TO THE CITY COUNCIL THE ADDING OF THE FOLLOWING ORDINANCE CHANGE TO THE LAND USE CODE:**

**“SECTION 16.11 – TEXAS STEAMSHIP CONTRACT ZONE**

#### **A. DISTRICT DESIGNATION**

**THE PROPERTY DESIGNATED FOR THIS CONTRACT ZONING AMENDMENT IS THE PROPERTY LOCATED ON BOWERY AND FRONT STREETS BEING IDENTIFIED AS LOT 227 ON CITY OF BATH TAX MAP 21, DATED APRIL 1, 2004.**

## **B. FINDINGS**

**THE CITY COUNCIL FINDS THAT: (1) THE PROJECT CONSISTS OF 12 DWELLING UNITS IN A TOTAL OF 5 RESIDENTIAL BUILDINGS PLUS OTHER ACCESSORY BUILDINGS AND STRUCTURES, AN ACCESS DRIVE, AND PARKING FOR THE RESIDENTS. (2) THE PROJECT IS CONSISTENT WITH THE MANDATORY CONDITIONS SET FORTH IN LAND USE CODE SECTION 18.20 PARAGRAPH D, 1. (3) THE APPLICANT IS PROPOSING TO MAKE DESIGN AND SAFETY IMPROVEMENTS TO THE SITE AND OFF-SITE THAT ARE NOT NORMALLY REQUIRED BY THE BATH LAND USE CODE. THEY INCLUDE: INSTALLATION OF CURBING AND A PEDESTRIAN WALKWAY ALONG THE WESTERN PROPERTY LIEN ALONG THAT PORTION OF THE PROPERTY ALONG FRONT STREET; CONSTRUCTION OF STORM WATER DRAINAGE IMPROVEMENTS ON PORTIONS OF BOWERY AND FRONT STREETS; AND LANDSCAPING AND HILLSIDE SLOPE MAINTENANCE AROUND THE SIDES AND BACK OF THE SEWAGE PUMPING STATION ON FRONT STREET.**

## **C. ZONING PROVISIONS AFFECTED**

**THIS CONTRACT ZONING AMENDMENT IS INTENDED TO CHANGE THE SET BACK, YARD AREA, AND BUILDING HEIGHTS REQUIREMENTS PURSUANT TO SECTION 8.11 TO THE SETBACKS, YARD AREAS, AND BUILDING HEIGHT AS APPROVED IN THE SITE PLAN APPROVAL GRANTED TO SSC VENTURES, INC., BY THE BATH PLANNING BOARD ON AUGUST 3, 2004.**

## **D. CONDITIONS OF APPROVAL**

**THE APPROVAL IS SUBJECT TO ALL CONDITIONS OF APPROVAL, WHICH ARE PART OF THE SITE PLAN APPROVAL, GRANTED TO SSC VENTURES, INC., BY THE PLANNING BOARD ON AUGUST 3, 2004.”**

**THREE FOR (GORDON REED, JIM HOPKINSON, AND JIM HARPER)  
ONE OPPOSED (ROBIN HAYNES)**

**JIM HOPKINSON MOVED, SECONDED BY ROBIN HAYNES TO CONTINUE THE REQUEST FOR HISTORIC DISTRICT APPROVAL FOR A 12-UNIT RESIDENTIAL DEVELOPMENT AT FRONT AND BOWERY STREET (MAP 21, LOT 227); SSC VENTURES, INC., UNTIL THE NEXT REGULARLY SCHEDULED PLANNING BOARD MEETING.**

## **UNANIMOUS APPROVAL**

**Due to the fact that the Board had been meeting for more than 3 hours and continuing requires a vote by the Board **ROBIN HAYNES MOVED, SECONDED BY JIM HOPKINSON TO CONTINUE THE MEETING.****

## **UNANIMOUS APPROVAL**

### **Item 2**

**Public Hearing – Request for Land Use Code Text Amendment** – Amendment to Article 2 – Definitions, amend the definition of Height of Structure – all districts except the Shoreland Zone.

Jim Upham stated that this has been under discussion by the Planning Board and would allow such things as steeples and chimneys on buildings in the non-shoreland zones to be exempt from districts' height measurement.

The Planning Board held discussion on the appropriateness of this amendment.

Jim Harper, Vice Chair, opened the floor to members of the public who wished to comment.

None seen, Jim Harper, Vice Chair, closed the public portion of the meeting.

**GORDON REED MOVED, SECONDED BY JIM HOPKINSON, TO APPROVE THE REQUEST FOR LAND USE CODE TEXT AMENDMENT TO AMEND THE DEFINITION FOR HEIGHT OF STRUCTURE CONTAINED IN ARTICLE 2 AS FOLLOWS:**

**“ARTICLE 2, SECTION 2.01 – MEANING OF WORDS**

**HEIGHT OF STRUCTURE – ALL DISTRICTS EXCEPT SHORELAND ZONE. THE VERTICAL DISTANCE FROM THE MEAN GRADE LEVEL TO THE TOP SURFACE OF THE ROOF OR TO THE TOP OF THE STRUCTURE, EXCLUDING CHIMNEYS, STEEPLES, AND SIMILAR APPURTENANCES THAT HAVE NO FLOOR AREA.”**

## **UNANIMOUS APPROVAL**

### **Item 3**

**Public Hearing – Request for Land Use Code Text Amendment** – Request to amend Article 8, Section 8.01, C – High-density Residential District, and to amend Article 10 Section 10.34 – R1 Setback Reduction Plan.

Jim Upham stated that the Planning Board had recommended an ordinance change to Article 8, Section 8.01, C, but after review by the City Council, the Council asked that the Planning Board take another look at the change and possibly reduce the side and rear setbacks to 5 feet with an approved Setback Reduction Plan.

The Planning Board held discussion on the potential problems with reducing the setback to 5 feet.

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

Brian Verville, 19 Dummer Street, passed out a packet containing photographs of the rental property he owns and a petition signed by citizens of Bath in support of placing the parking at the rear of the rental building. Mr. Verville explained the need for moving the parking to the rear of the rental building and the improvements he has made to the rental building.

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

The Planning Board held discussion on the benefit this change would have to specific sites in the City of Bath when there is no other reasonable alternative and the need to have stronger protective language in the ordinance to prevent abuse of the setback reduction.

**THE PLANNING BOARD WAS POLLED AND IT WAS UNANIMOUSLY DECIDED THAT CITY STAFF WOULD REVISE THE LANGUAGE IN THE PROPOSED ORDINANCE TO INCORPORATE STRONG PROTECTIONS AGAINST ABUSE OF THIS SETBACK REDUCTION AND BRING IT BACK TO THE PLANNING BOARD FOR REVIEW.**

**Other Business:**

No other business.

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

**UNANIMOUS APPROVAL**

The meeting was adjourned at 10:40 p.m.

Minutes prepared by Marsha Hinton, Recording Secretary