

A regular meeting of the Bath Planning Board was called on 2-1-05 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxtan, Chair
Jim Harper, Vice Chair
Robin Haynes
Richard Klingaman
James Hopkinson
Bill Vahey
Andy Omo
Jonathan Dolloff (non-voting student member)

MEMBERS ABSENT

Brandon Shaw (non-voting student member)

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, February 1, 2005.

Minutes of January 18, 2005, meeting

Robin Haynes pointed out errors on page one on the January 18, 2005, meeting minutes.

JIM HARPER MOVED, SECONDED BY BILL VAHEY, TO APPROVE THE MINUTES OF THE JANUARY 18, 2005, MEETING AS AMENDED.

UNANIMOUS APPROVAL**Old Business:**

No old business.

New Business:**Item 1**

Public Hearing – Request for Zoning Map Amendment and Contract Rezoning --
1172 Washington Street (Map 20 Lot 188); A. Charles Lane, applicant.

Charles Lane described the uses planned for this building, the desire to allow the present use to continue until the congregation can build their new building, plans to maintain the current appearance except for the removal of two upper stain glass windows, and to preserve the historic character of this structure.

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

Jersey Carish, 18 Beacon Street, stated his overall support for this application and asked for additional information on parking and noise.

Anne Valier, representing her parents the Schinderman's, also expressed her parent's concerns with regard to parking.

Wilber Macintyre, 6 Oliver Street, asked what the applicant's plans for the wooded area on the back portion of the property were.

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

The Planning Board discussed C1 zoning, noise, the wooded area on the back portion of the property, parking, history of the site, stained glass windows, historic district criteria, traffic frequency, hours of operation, the allowed uses, and general requirements of the Land Use Code. The Board also discussed the fact that the requested Land Use Code change would only set up the possibility for changes to the building and that specific changes that require Site Plan Approval would still have to be reviewed.

JIM HARPER MOVED, SECONDED BY JAMES HOPKINSON, TO RECOMMEND TO THE CITY COUNCIL THAT THE REQUEST FOR ZONING MAP AMENDMENT AND CONTRACT REZONING AT 1172 WASHINGTON STREET (MAP 20 LOT 188) BE ADOPTED WITH THE FOLLOWING MODIFICATIONS TO PARAGRAPH D, CONDITIONS OF APPROVAL, IN THE DRAFT ORDINANCE:

- 3. ANY CHANGE OF USE, WHICH WOULD REQUIRE SITE PLAN APPROVAL, IS SUBJECT TO SITE PLAN APPROVAL FROM THE PLANNING BOARD IN ACCORDANCE WITH LAND USE CODE ARTICLE 12.**
- 4. CONSTRUCTION OF ANY NEW BUILDINGS AND THE ADDITIONS TO BUILDINGS REQUIRE SITE PLAN APPROVAL FROM THE PLANNING BOARD AND MUST MEET THE FOLLOWING ADDITIONAL APPROVAL CRITERIA:**

THE CONSTRUCTION OF ANY BUILDING OR THE ADDITION TO ANY BUILDING MUST BE GENERALLY OF SUCH DESIGN, FORM, PROPORTION, MASS, CONFIGURATION, BUILDING MATERIAL, TEXTURE, COLOR, AND LOCATION ON THE LOT SO AS TO BE COMPATIBLE OTHER BUILDINGS AND WITH STREETS AND OPEN SPACES TO WHICH IT IS VISUALLY RELATED.

AND THAT THE HOURS OF OPERATION FOR SATURDAY FROM 8 A.M. TO MIDNIGHT.

UNANIMOUS APPROVAL

Item 2

Public Hearing – Land Use Code amendment – amend Article 13, Subdivision Ordinance by repealing the existing Article 13 and replacing it with a new Article 13.

Jim Upham stated that the current Article 13, Subdivision Ordinance, was written in the late 1960s or early 1970s and in need of updating. Mr. Upham explained how the proposed ordinance was developed and initially reviewed by a subcommittee of three Board members and how it will improve the review process. He pointed out that the concept of Minor and Major subdivision had been eliminated, and that the Preliminary Approval stage was also eliminated.

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

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

Jim Upham stated that because of input received at workshops and from City staff he would like to have this agenda item continued to allow time to incorporate recommended changes.

ROBIN HAYNES MOVED, SECONDED BY JIM HARPER, TO CONTINUE THE RECOMMENDATION FOR AMENDING LAND USE CODE ARTICLE 13, SUBDIVISION ORDINANCE, TO THE NEXT SCHEDULED PLANNING BOARD MEETING.

UNANIMOUS APPROVAL

Item 3

Request for Site Plan Approval Amendment – Construction of gasoline station, retail store, and car wash; 150 Leeman Highway (Map 28 Lot 49); C.N. Brown, Company, applicant.

Tom Saucier, of SYTDesign Consultants, representing C.N. Brown, stated that because of the height of the retaining wall that fencing was required for safety reasons and he was before the Board with fencing suggestions. Mr. Saucier described the new fencing recommendations. Mr. Saucier also described changes to the utilities enclosure to allow for inclusion of a Central Maine Power transformer.

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

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

The Planning Board discussed the materials to be used in the fencing, the color of the fencing, cost of the fencing, landscaping, tapering the fencing at the ends, and the reasons why chain link fencing is unsuitable because of the ability for someone to climb.

JIM HARPER MOVED, SECONDED BY JIM HOPKINSON, TO APPROVE THE REQUEST FOR SITE PLAN APPROVAL AMENDMENT FOR CONSTRUCTION OF GASOLINE STATION, RETAIL STORE, AND CAR WASH; 150 LEEMAN HIGHWAY (MAP 28 LOT 49); C.N. BROWN, COMPANY, APPLICANT WITH THE FOLLOWING CONDITIONS:

THAT THE FENCING MATERIALS BE ALUMINUM STYLE 101 OR 100 FROM JERITH ALUMINUM FENCES OF DISTINCTION;

THAT THE COLOR BE BLACK; AND

THAT THE TAPER OR STEPPING OF THE ENDS BE APPROVED BY THE BATH PLANNING DIRECTOR.

UNANIMOUS APPROVAL

Other Business:

Bob Oxtan explained that Fast Break Productions had requested that they be allowed to have the live air time on Tuesdays to carry high school basketball games. Mr. Oxtan stated that the Planning Board felt it was more important to film the children's basketball games live.

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

UNANIMOUS APPROVAL

APPROVAL

The meeting was adjourned at 7:25 p.m.

Minutes prepared by Marsha Hinton, Recording Secretary.