

A regular meeting of the Bath Planning Board was called on 1-17-06 for the purpose of conducting regular business.

MEMBERS PRESENT

Jim Harper, Chair
Jim Hopkinson, Vice Chair
Bob Oxtan
Robin Haynes
Andy Omo
Jennifer DeChant
David King
John Underwood (non-voting student member)

MEMBERS ABSENT

Jonathan Dolloff (non-voting student member)

STAFF PRESENT

Jim Upham, Planning Director

STAFF ABSENT

Marsha Hinton, Recording Secretary

Mr. Harper, Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, January 17, 2006.

Minutes of January 3, 2006, meeting

Dr. Haynes pointed out that the change in the wording of the third condition in her motion for approval of New Business Item 5 on the December 20, 2005, agenda should be "that the window shown on the plan in 'F' be lowered to match the height of the existing inserted windows in the door."

ON A MOTION MADE AND SECONDED, THE BOARD VOTED TO APPROVE THE MINUTES OF THE JANUARY 3, 2006, MEETING, AS AMENDED.

MOTION APPROVED, MR. KING ABSTAINED FROM VOTING.

Old Business:**Item 1**

Request for Final Subdivision Approval -- Stonehouse Woods Subdivision; Oak Grove Avenue (Map 15 Lot 46), Sewall Family Associates, LLC, applicant. (Continued from December 20, 2005, meeting).

Mr. Harper stated that the applicant has been in discussion with the Planning Director and has requested a continuance of the item to the February 21st meeting.

Mr. King stated that items should not be forever continued if the applicants were not ready.

MR. HOPKINSON MOVED, SECONDED BY MR. OXTON, TO CONTINUE THE REQUEST FOR FINAL SUBDIVISION APPROVAL FOR STONEHOUSE WOODS SUBDIVISION AT OAK GROVE AVENUE (MAP 15 LOT 46), SEWALL FAMILY ASSOCIATES, LLC, APPLICANT TO THE REGULAR FEBRUARY 21, 2006, MEETING OF THE BATH PLANNING BOARD.

UNANIMOUS APPROVAL

Item 2

Clarification by the Planning Board of the Voluntary Conditions contained in the Contract Rezoning, 99 Commercial Street; New BathPort, LLC, applicant.

Mr. Hopkinson clarified the intent of his motion to recommend approval of the Contract Rezoning for New BathPort, LLC as follows:

1. The utility poles to be removed are pole #4 through pole #10.
2. The design of the sidewalk on the east side of Commercial Street would come back to the Planning Board for approval after the Contract Rezoning is approved by the City Council.
3. The plan for materials used as pavers in the riverfront pathway would come back to the Planning Board for approval after the Contract Rezoning is approved by the City Council.

Item 3

Request for Zoning Map Amendment – C5 to R5; 65 Bowery Street (Map 20 Lot 341); Dirigo Holdings, LLC (Bruce Poliquin) applicant.

Mr. Hopkinson stated that he was removing himself from consideration of this agenda item due to a conflict.

Mr. Poliquin described the benefits of a zoning changes to this site highlighting the residential nature of the site supporting the surrounding residential uses, the reduction in noise and odor, the reduction in heavy truck traffic, the reduction in waste discharge, improvement to aesthetics, the low impact on town services, buffering from the waste treatment facility, and the increase in tax receipts. Mr. Poliquin outlined the other uses allowed in an R5 zone and stated that he was only interested in the residential use.

Mr. Poliquin then introduced Terry DeWan, landscape architect, and Steven Theodore, architect.

Mr. DeWan described the property, the opportunities for the City of Bath, and the need for a zoning change in this area. Mr. DeWan pointed out how he believes Sections 3.6,

5.8.3, and 7.6.2 as well as the Future Land Use Plan of the Comprehensive Plan supported this zoning change.

Mr. Theodore discussed the preliminary ideas for development of the site. He showed sketches of how the site would be developed into residential housing.

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

Brad Nichols, 23 Cummings Street, stated that he was excited about this project, was in support of it and is glad that the cannery is no longer in operation. Mr. Nichols expressed concern with regard to maintaining his view of the river.

Heather Krasse, Woolwich, said she was in support of the development pointing out the benefits that a project that created connectivity rather than exclusivity would have on the community.

Michael Ambler, 912 Middle Street, pointed out that this project was in keeping with the scale of the neighborhood.

Betsy Freer, 944 Middle Street, said that she was glad that the applicants have taken a look at the Comprehensive Plan and suitability of the design for this area.

Frank Haddad, 60 Bowery Street, expressed his concerns with regard to increase in traffic, traffic speed, and pointed out that Stinson's had operated during business hours, which is a different dynamic than a residential development would have. He also pointed out that Bowery Street does not have sidewalks.

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

Mr. Upham stated that the job before the Planning Board this evening was to recommend or not recommend a zoning change. Mr. Upham pointed out that this was not a discussion about a housing development and that it was inappropriate for the applicant to be showing drawings of a future development. He reminded the Board that the application was for a zoning map amendment. He said that the Board should look to the guidance from the Comprehensive Plan and that Future Land Use Map in the Comprehensive Plan shows this as a Marine Business area. He also said that one of the goals in Chapter 5 of the Comprehensive Plan is to diversify the economy and to lessen the City's dependence on BIW. He said that this parcel has been identified by the Maine Department of Economic and Community Development as a location for financial assistance to stimulate job creation as mitigation of jobs to be lost at Brunswick Naval Air Station.

Dr. Haynes stated that she believed that the Comprehensive Plan did not support a change to a residential use for this area.

Mr. King pointed out past Planning Board decisions to change the zoning boundary in this area, the need for consistency in Planning Board decisions comparing this request to the BathPort request, and that the Comprehensive Plan does not restrict a zone change at this site.

Ms. DeChant stated that there was a need to protect working waterfronts and that a year was not enough time to determine whether or not this site could be developed as a marine business site. She also pointed out that traffic from any future marine business use would be dealt with at a Site Plan Approval process.

Mr. Omo said he also felt that 11 months on the market was not a long enough time to say that the site could not be redeveloped as a marine business use.

The Planning Board discussed Article 13 of the Comprehensive Plan, the need for marine business in Bath, and providing time for development of a marine business use.

DR. HAYNES MOVED, SECONDED BY MR. OXTON, NOT TO RECOMMEND THE REQUEST FOR ZONING MAP AMENDMENT – C5 TO R5 AT 65 BOWERY STREET (MAP 20 LOT 341) FOR DIRIGO HOLDINGS, LLC (BRUCE POLIQUIN) APPLICANT TO THE CITY COUNCIL.

FIVE IN FAVOR (MR. OMO, MS DECHANT, MR. OXTON, DR. HAYNES, MR. HARPER)

ONE OPPOSED (MR. KING)

ONE RECUSED (MR. HOPKINSON)

New Business:

Item 1

Request for Site Plan Amendment – 21 Bowery Street (Map 21 Lot 227); Richard Klingaman, applicant.

Mr. Upham stated that this application has been withdrawn by the applicant.

Other Business:

Mr. Upham presented the following suggestions for consideration by the Planning Board to add to the Planning Board By-laws to limit the length of meeting:

1. Limit public comment to an official public hearing, allowing written comments that would become part of the file and be provided as part of the packets the Board members, but would not be read at the meeting.

2. Limit the time a person could speak.
3. Enforce the established 9:00pm time limit with regard to starting consideration of a new agenda item.
4. Enforce the established authority for the Planning Board Chair and the Planning Director to set the agenda, estimating the time each agenda item would take and not scheduling more than 3-hours worth of items.

The Planning Board discussed the various suggestions highlighting the mechanisms already available, the fact that the Planning Board is only required by the Land Use Code to have one meeting a month, the history of how the second meeting came about, and the need for fairness to the applicant as well as the members of the public.

It was decided that the Planning Board Chair and the Planning Director would attempt to limit the meetings to the number of items that could be completed in three hours.

Mr. Upham stated that there was a live television conflict with Fast Break Productions televising the school basketball game for the February 7, 2006, meeting.

MR. OXTON MOVED, SECONDED BY MR. HOPKINSON, TO RELINQUISH THE TIME SLOT TO FAST BREAK PRODUCTIONS SO THAT THE SCHOOL BASKETBALL GAME MAY BE TELEVISED LIVE ON FEBRUARY 7, 2006.

UNANIMOUS APPROVAL.

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

UNANIMOUS APPROVAL

APPROVAL

The meeting was adjourned at 7:27 p.m.

Minutes prepared by Marsha Hinton, Recording Secretary