

A regular meeting of the Bath Planning Board was called on 3-7-06 for the purpose of conducting regular business.

**MEMBERS PRESENT**

Jim Harper, Chair  
Bob Oxtan  
Robin Haynes  
Bill Vahey  
Andy Omo  
Jennifer DeChant  
David King  
Jonathan Dolloff (non-voting student member)  
John Underwood (non-voting student member)

**MEMBERS ABSENT**

Jim Hopkinson, Vice Chair

**STAFF PRESENT**

Jim Upham, Planning Director  
Marsha Hinton, Recording Secretary

Jim Harper, Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, March 7, 2006.

**Minutes of February 27, 2006, meeting**

**MR. OMO MOVED, SECONDED BY DR. HAYNES, TO ACCEPT THE MINUTES OF THE FEBRUARY 27, 2006, MEETING AS WRITTEN.**

**UNANIMOUS APPROVAL**

**Old Business:** None

**New Business:****Item 1**

**Public Hearing – Request for Contract Rezoning** – Remodel and addition at 1065 Washington Street (Map 21, Lot 197); Albert and Deborah Branca, applicant.

Mr. Branca stated that after he had received approval from the Planning Board the Codes Enforcement Officer discovered that the bathroom plan increases the volume of a nonconforming portion of the building and that the only way to proceed would be to have the Council create a contract zone. Mr. Branca described the need to have the bathroom in this location and pointed out how he would be restoring the structure as a “give back” to the City of Bath.

Mr. Harper opened the floor to members of the public who wished to comment on this agenda item.

Mr. Richard Raven owner of 1059 Washington Street, stated that there would not be any change to the south side, which is the side that faces his property, and that Mr. Branca will accommodate Mr. Raven's own construction needs that Mr. Raven has no objection to this project.

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

Mr. Fred Hahn, designer, stated that he had to meet the code respect to railings in order to obtain a building permit and that the design for the deck railings must meet the code and safety concerns. Mr. Hahn described his research to find an accurate architectural design for the railings.

Mr. King stated that he did not feel the City of Bath was getting any benefit from what was being offered by Mr. Branca because these were changes he was proposing to do before he applied for Contract Rezoning. Mr. King also said that this application was not something that he could support because it seemed that the Planning Board was trying to make the application meet the code and that there was no unusual nature, condition, or location as required by the code. Mr. King pointed out that the code was the code.

Mr. Omo said that the unusual nature, condition, or location was that the home was originally built only a few feet from the northerly property line.

The Planning Board discussed the code as it applies to this application.

**MR. KING MOVED, SECONDED BY MS. DECHANT, TO NOT RECOMMEND CONTRACT REZONING TO THE CITY COUNCIL FOR 1065 WASHINGTON STREET (MAP 21, LOT 197) ALBERT AND DEBORAH BRANCA, APPLICANT.**

**THREE IN FAVOR (MR. KING, MS. DECHANT, MR. HARPER). THREE OPPOSED (MR. OXTON, DR. HAYNES, MR. OMO).**

**MR. KING THEN MOVED, SECONDED BY MS. DECHANT, TO RECOMMEND CONTRACT REZONING TO THE CITY COUNCIL FOR 1065 WASHINGTON STREET (MAP 21, LOT 197) ALBERT AND DEBORAH BRANCA, APPLICANT.**

**THREE IN FAVOR (MR. OXTON, DR. HAYNES, MR. OMO). THREE OPPOSED (MR. KING, MS. DECHANT, MR. HARPER).**

Mr. Upham advised the applicant of the process from this point forward. He said that he believed it would go to the City Council with a report stating what the Board's vote was. He said he would check with the City Solicitor to make sure.

**Item 2**

**Site Plan Amendment** – Hogan Pit, Ridge Road (Map 16, Lot 4) Crooker & sons, applicant.

Rick Powers, representing the applicant, discussed the reclamation of the Hogan Pit, a recent need to rectify an erosion problem, and the type of fill going into the pit. Mr. Powers asked that the Planning Board add language to the approval to clarify where the fill was coming from.

The Planning Board discussed Department of Environmental Protection permitting, the area that the fill was coming from, and erosion control.

Mr. Harper opened the floor to members of the public who wished to comment on this agenda item.

Mr. Larry Wilkins, 40 Ridge Road, expressed his concern that the activity at the site started on the site at 6:00 am and that it was noisy. He described the location of his well and asked that the ground water be tested.

Ms. Cathy Gatti, 35 Ridge Road, expressed her concern over the dusty and muddy condition of the road as a result of the filling activity.

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

The Planning Board discussed conditions to the approval.

**DR. HAYNES MOVED, SECONDED BY MR. KING, TO APPROVE THE REQUEST FOR SITE PLAN AMENDMENT FOR HOGAN PIT ON RIDGE ROAD (MAP 16, LOT 4) CROOKER & SONS, APPLICANT, WITH THE FOLLOWING CONDITIONS:**

**THAT THE REPORT ON THE METHOD AND TEST RESULTS OF THE FILL MATERIALS BE SUBMITTED TO THE CITY OF BATH CODES ENFORCEMENT OFFICER;**

**THAT THE HOURS OF OPERATION BE 8:00 AM TO 5:00 PM; AND**

**THAT ALL HAULING ROADS AND ESPECIALLY THE IMMEDIATE VICINITY OF THE PIT BE MONITORED FOR DUST AND MUD FROM THE FILL AND SWEEP AS NECESSARY.**

**UNANIMOUS APPROVAL**

**Other Business:**

**Workshop on Land Use Code amendments.** (If time allows.)

Mr. Harper recommended that a workshop on revisions to the Land Use Ordinance be continued to March 8, 2006 at 5:00 pm.

Mr. Upham distributed proposed ordinance change language.

The Planning Board discussed contract rezoning.

**MR. OXTON MOVED, SECONDED BY MS. DECHANT, TO CONTINUE THIS EVENING'S WORKSHOP ON LAND USE CODE AMENDMENTS UNTIL MARCH 8, 2006, FROM 5:00 PM UNTIL 7:00 PM.**

**UNANIMOUS APPROVAL**

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

**UNANIMOUS APPROVAL**

The meeting was adjourned at 7:25 pm.

Minutes prepared by Marsha Hinton, Recording Secretary