

A regular meeting of the Bath Planning Board was called on 05-16-06 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
Jonathan Dolloff (non-voting student member)

MEMBERS ABSENT

John Underwood (non-voting student member)

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, May 16, 2006.

Minutes of May 2, 2006, meeting

MR. OXTON MOVED, SECONDED BY MR. OMO TO ACCEPT THE MINUTES OF THE MAY 2, 2006, MEETING AS WRITTEN.

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

Site Plan Amendment – Hyde School Library, 616 High Street (Map 31, Lot 22); Hyde School, applicant (continued from April 18, 2006, meeting).

Mr. Upham, Planning Director, stated that review of the stormwater plan for the entire Hyde School campus had not been completed.

Mark Bergeron, Pinkham & Greer, representing the applicant, discussed measures to reduce the impact on the sewerage system, correspondence from the Maine Historic Preservation Commission, and the removal of the parking near High Street due to aesthetic reasons.

The Planning Board discussed the timeline for receipt of the outstanding items with regard to this agenda item.

MR. HOPKINSON MOVED, SECONDED BY MR. OXTON TO CONTINUE THE HEARING ON THE SITE PLAN AMENDMENT FOR HYDE SCHOOL LIBRARY AT 616 HIGH STREET (MAP 31, LOT 22) FOR HYDE SCHOOL, APPLICANT, UNTIL THE PLANNING BOARD MEETING ON JUNE 6, 2006.

UNANIMOUS APPROVAL

New Business:

Item 1

Public Hearing – Land Use Code Amendments: Amend Section 8.12 – Historic Overlay District and Section 2.02 – Definitions; Amend Section 8.20 – Contract Rezoning; Amend Section 8.07 – Downtown Commercial District, Section 10.06 – Parking and Loading, Section 10.07 – Pedestrian Circulation, and Section 2.02 – Definitions; and Amend Section 9.02 – Land Use Table.

The Planning Board discussed the various Land Use Code Amendments.

Mr. Harper opened the floor to member of the public who wished to comment.

Jane Morse, representing Sagadahock Real Estate Association and John G. Morse, 53 Front Street, asked the Planning Board if they had considered the economic impact these amendments would have upon property owners. Ms. Morse also pointed out how the amendments would have unintended consequences that would be difficult to correct, raised questions about the role of Sagadahoc Preservation Incorporated in the Historic District Approval process, timeliness of hearing an application, notification of abutters, the appeal process, conflicts caused by contract rezoning, the status of Trufant Marsh, and negative impact on development of property by the owner. Ms. Morse stated that she felt that the restrictions on development proposed by these Land Use Code amendments were contravening the wishes of the City of Bath. Ms. Morse requested that the Planning Board stop to consider carefully the consequences that adopting these amendments would have on the citizens of Bath.

Elizabeth Hughes, 1158 Washington Street, encouraged notification of abutters for all review processes including the Historic District Review Committee.

DR. HAYNES MOVED, SECONDED BY MR. KING, TO RECOMMEND TO THE CITY COUNCIL THAT THEY APPROVE THE LAND USE CODE AMENDMENTS TO § 8.20 INCLUDING THE MARINE BUSINESS ZONE AS PART OF THE CONTRACT REZONING PROCESS.

UNANIMOUS APPROVAL

The Planning Board was polled and decided to table the remaining Land Use Code amendments until further workshops could be held to clarify impact of the proposed amendments.

Item 2

Site Plan Approval – 119 Commercial Street (Map26, Lot 271) Long Reach Properties, LLC, applicant.

Joe LeBlanc, representing the applicant, described the sink holes appearing on the property, the deterioration of the crib work, the loss of fill, and the settling of the building. Mr. LeBlanc described the studies performed by GZA Environmental Engineers and Tech Associates to identify the severe slopes beyond the high water line that were causing the deterioration of the site. Mr. LeBlanc discussed methods to remedy this deterioration, discussed the various permits needed, described conversations with Maine Department of Environment Protection and the Army Corps of Engineers, handicapped access, and safety measures.

Mr. Nygaard, applicant, expressed concerns with regard to enforcement issues with the proposed river walk.

The Planning Board discussed fencing, walkway materials, views, extension of the parking area, buffering, materials used for the fill, lighting, safety, colors, approval conditions, and timelines.

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

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

Dr. Haynes gave a brief history of the site.

Mr. King noted that the offer to install a river walk was entirely voluntary on the part of the applicant.

MR. HOPKINSON MOVED, SECONDED BY MR. KING, TO APPROVE THE REQUEST FOR SITE PLAN AMENDMENT APPROVAL FOR 119 COMMERCIAL STREET (MAP 26, LOT 271) LONG REACH PROPERTIES, LLC, APPLICANT SUBJECT TO THE FOLLOWING:

THAT ALL REQUIREMENTS OF THE STATE AND FEDERAL APPROVALS ARE OBTAINED AND COPIES BE SUBMITTED TO THE PLANNING DIRECTOR;

THAT THE PROPOSED DESIGN FOR THE SAFETY RAILING ALONG THE PROPOSED SIDEWALK BE SUBMITTED TO THE CODES ENFORCEMENT OFFICER FOR APPROVAL;

THAT THE WALKWAY LIGHTS MEET THE APPROVAL CRITERIA OF THE APPLICABLE CITY ORDINANCE REQUIREMENTS FOR LIGHTING;

THAT THE BOAT RAMP FILL MATCH THE EXISTING GRADING AND BE PAVED TO MATCH THE SURROUNDING PAVEMENT;

THAT THE PROPOSED SIDEWALK EASEMENT BE ACCEPTED BY THE CITY COUNCIL AND THAT THE EASEMENT LANGUAGE PROVIDED TO THE CITY COUNCIL BE AS ACCEPTED AND REVIEWED BY THE CITY SOLICITOR;

THAT THE FINISHED PLAN BE SUBMITTED TO THE PLANNING DIRECTOR SHOWING THESE CONDITIONS AFTER RECEIPT OF ALL APPLICABLE STATE AND FEDERAL PERMITS; AND

THAT THE INCREASED PARKING BE ILLUSTRATED ON THE FINAL PLAN.

UNANIMOUS APPROVAL

MR. HOPKINSON MOVED, SECONDED BY MR. KING, THAT HISTORIC DISTRICT APPROVAL BE GRANTED TO 119 COMMERCIAL STREET (MAP26, LOT 271) LONG REACH PROPERTIES, LLC, APPLICANT SUBJECT TO THE CONDITIONS LISTED IN THE SITE PLAN APPROVAL.

UNANIMOUS APPROVAL

Item 3

Site Plan Amendment – 25 Sandpiper Lane (Map 4, Lot 12); Adriane Salamy, applicant.

Robert Kahn, representing the applicant, described the removal of the existing roof and addition of one story.

The Planning Board discussed the materials to be used in that addition.

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

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

DR. HAYNES MOVED, SECONDED BY MR. HOPKINSON, TO APPROVE THE REQUEST FOR SITE PLAN AMENDMENT FOR 25 SANDPIPER LANE (MAP 4, LOT 12); ADRIANE SALAMY, APPLICANT.

UNANIMOUS APPROVAL

Item 4

Historic District Amendment – 26 Centre Street (Map 27, Lot 109); Richard Lessard, applicant.

Mr. Lessard discussed the removal of the asphalt roofing and replacement with metal roofing, as well as comments from Sagadahoc Preservation, Inc.

The Planning Board discussed roofing materials and colors.

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

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

DR. HAYNES MOVED, SECONDED BY MR. KING, TO APPROVE THE REQUEST FOR HISTORIC DISTRICT AMENDMENT FOR 26 CENTRE STREET (MAP 27, LOT 109);RICHARD LESSARD, APPLICANT.

UNANIMOUS APPROVAL

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

UNANIMOUS APPROVAL

APPROVAL

The meeting was adjourned at 9:03 p.m.

Minutes prepared by Marsha Hinton, Recording Secretary