

A regular meeting of the Bath Planning Board was called on 5-15-07 for the purpose of conducting regular business.

MEMBERS PRESENT

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

MEMBERS ABSENT

John Underwood (non-voting student member)

STAFF PRESENT

Jim Upham, City Planner
Morgan Decker, Recording Secretary

Minutes of the April 17 and May 1 meetings

Ms. Dechant asked that her name be added to the "Present" column for the May 1 meeting.

Mr. Harper noted that on page 2, paragraph 7 of the April 17 minutes, Mr. King is referred to as Dr. King. Mr. King said this would be appropriate as he does hold a doctor of law degree.

MR. OMO MOVED, SECONDED BY MR. KING TO APPROVE THE MINUTES WITH CORRECTIONS.

UNANIMOUS APPROVAL

Old Business

Item 1

Signing of Subdivision Plan – 99 Commercial Street (Map 26, Lot 272); New BathPort, LLC, applicant

To address Mr. King’s concern of Mr. Upham reminded the Board that the Planning Board has no authority regarding the recreational land. In addition, he told the Board the performance bond is still pending.

Dr. Haynes referred to drawing A1, noting that the vegetative roof was different. She also voiced concern that there is not a note on the plan denoting any space on the river walk for maintenance, though the quitclaim deed does mention this space.

Mr. Stinson, representing the applicant, said the City Solicitor has drafted a deed conveying the easement for the river walk, and provisions will be made to note on which portion of the river walk maintenance can be performed.

Mr. King stated that there is no provision for erosion control on the river walk.

Mr. Harper noted that no public session was needed as this application had already had a public hearing, and looked for a motion.

MR. HOPKINSON MOVED, SECONDED BY MR. OXTON, TO ACCEPT THE PLAN AS PRESENTED.

6 IN FAVOR (HARPER, OMO, HOPKINSON, DECHANT, OXTON, HAYNES) – 1 OPPOSED (KING)

New Business

Item 2

Request for Waterfront Setback Reduction in NRPO Zone – Bay Shore Road (Map 7, Lot 30); Nancy Dearborn Lovetere, applicant

Mr. King, in the interest of disclosure, said he had previously worked with Ashley Thayer, owner of the property.

James Logan of Albert Frick Associates, representing the applicant, presented the application to the board.

Mr. Hopkinson asked Mr. Logan to clarify if any approvals by DEP were needed. Mr. Logan said there were none, as there is adequate space for the proposed structure within DEP's setbacks.

Mr. Logan told the Board that he would be requesting two waivers. § 8.18,D,3,(b) and (d).

Dr. Haynes noted that a report referenced test pits on figure 2. She asked where those test pits may be located.

Mr. Logan said he did not know the location of the test pits, and they may not even exist on the proposed property as the survey was done peninsula-wide.

Dr. Haynes said she would like the Maine Historic Preservation Commission to write a letter saying the ten year old survey is adequate, specifically referencing this site.

Hearing no further Board comments, Mr. Harper opened the meeting to members of the public wishing to comment.

Ron Moloff, 54 Cardinal Road, said he is a little concerned about the size of the structure. He also mentioned that he would be interested to see a materials list for the proposed structure, to insure that the materials would not impact the environment.

Mr. Harper said it has been a practice of the Board to require a building which minimizes impact.

Hearing no further public comment, Mr. Harper closed the public comment session.

MR. HOPKINSON MOVED, SECONDED BY DR. HAYNES; TO APPROVE THE REQUEST FOR SETBACK REDUCTION SUBJECT TO THE FOLLOWING CONDITIONS AND WITH THE FOLLOWING WAIVERS:

- **THAT THE PLANNING DIRECTOR RECEIVE A LETTER FROM THE MAINE HISTORIC PRESERVATION COMMISSION CONFIRMING THAT THE 1997 REPORT IS APPROPRIATE FOR THIS LOT, SPECIFICALLY THE LACK OF SIGNIFICANCE WITH REGARD TO THIS PARCEL;**
- **PRIOR TO ISSUING A BUILDING PERMIT, A DESIGN BE SUBMITTED TO PLANNING BOARD APPROVAL;**
- **THAT A WAIVER BE GRANTED OF PROVISIONS 8.18 D,3,(d) & (e)**

UNANIMOUS APPROVAL

Item 2

Public Hearing – Request for Zoning Map Amendment – 65 Bowery Street (Map 20, Lot 341); Dirigo Holdings (Bruce Poliquin), applicant

Mr. Hopkinson recused himself from this item due to a conflict of interest.

Mr. Harper asked the Board and the applicant to remember to keep discussion focused on the rezoning request.

Mr. Poliquin gave a lengthy presentation, stating that a proposed development on this site if his lot is zoned for mixed use would not only maximize revenue, but comply with the Comprehensive Plan. Mr. Poliquin said that he would like to erect condominiums on the site, in addition to having a full service marina with possibly shops and a restaurant.

Mr. Poliquin not only told of the possible gains for residents by offering more jobs, but also increased tax revenue for the City. Mr. Poliquin also mentioned that the abutter, Dick Klingaman, had received a zoning change.

Hearing no Board comment, Mr. Harper opened the meeting for members of the public wishing to speak.

Carol Huntington, 121 Bowery Street, said that she has been opposed to this proposal since the beginning. She said she believes in a working waterfront, and wants Bath to be economically diverse. She feels that this proposed development would not further this goal.

Bill Haggett of West Bath (given permission by Mr. Harper to speak) said that Bath is blessed with the largest number of manufacturing jobs at BIW. He also noted that when entering Bath via the Sagadahoc Bridge, one has to strain to see homes. He said he feels that Mr. Poliquin's proposed development is wise in that it adds homes to the waterfront. Mr. Haggett also said that any business with manufacturing jobs would face difficulty competing with BIW.

Dick Klingaman, Bowery Street, addressed Mr. Poliquin's concerns about his own rezoning. He noted that his land is geographically much more different than Mr. Poliquin's. Mr. Klingaman also said that Front and Bowery Streets are too narrow to support the traffic flow of the proposed development, and that a grocery store on the site would not survive due to the close proximity to Brackett's Market. Mr. Klingaman said he would like to see an application for contract rezoning rather than approve the current application.

Tony Gibbs, 1229 Washington Street, said he is a semi-retired travel writer. He said that Mr. Poliquin's proposal would face a short season and accessibility issues, but may be a significant addition as there is no full-service marina for powerboats.

Frank Haddad, 60 Bowery Street, said he is concerned with safety. He said he thinks there would be too much unregulated traffic with a high volume from new residences.

Steve Hassett of Custom Composite Technologies on Wing Farm Parkway told the Board that he thinks the industrial waterfront is disappearing. He said industrial jobs are good, and service jobs that may be offered in Mr. Poliquin's proposed development are dead-end.

Amy McLellan, a development broker from the Bangor area, said she thinks there is potential in any development like Mr. Poliquin's.

Hearing no further comment from the public, Mr. Harper closed the public comment session of the meeting.

Mr. Upham clarified for the Board and the public that this application is not for a project, but for a zoning change. He also referred the Board to the Future Land Use Map and said the project is not consistent with that.

Mr. King said he would be in favor of a different zone change. **MR. KING MOVED TO CONTINUE THIS ITEM TO THE NEXT REGULARLY SCHEDULED MEETING.**

(NO SECOND, MOTION FAILED)

DR. HAYNES MOVED, SECONDED BY MR. OMO, TO RECOMMEND TO THE CITY COUNCIL TO NOT APPROVE THE REQUEST FOR REZONING.

5 (OMO, DECHANT, OXTON, HAYNES, HARPER) – 0 – 2 (KING ABSTENTION, HOPKINSON RECUSED)

Hearing no further business before the Board, **DR. HAYNES MOVED, SECONDED BY MR. KING, TO ADJOURN THE MEETING.**

UNANIMOUS APPROVAL

Meeting adjourned 8:17 pm.

Minutes prepared by Morgan Decker, Recording Secretary