

A regular meeting of the Bath Planning Board was called on 09-04-07 for the purpose of conducting regular business.

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

None

**STAFF PRESENT**

Jim Upham, Planning Director  
Morgan Decker, Recording Secretary

Mr. Hopkinson, Vice Chair, called the meeting to order in the third floor Council Chambers at 6:02 p.m. on Tuesday, September 4, 2007.

**Minutes of August 7, 2007 meeting**

**MR. OXTON MOVED, SECONDED BY DR. HAYNES, TO APPROVE THE MINUTES OF THE AUGUST 7, 2007, MEETING AS PRESENTED**

**UNANIMOUS APPROVAL****Old Business**

None

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

**Subdivision and Site Plan Amendments** – Evergreen Woods, Edgett Street (Map 25, Lot 295); Tedford Shelter, applicant

Mr. Omo explained that he had abstained from the last vote on this application due to a possible conflict. He said that with the application having been approved he no longer had a conflict and asked if the Board would have any objections to his voting this time. Hearing no opposition, it was decided that Mr. Omo would be able to participate in a vote.

Steve Normand, the architect for the project, gave a brief history. He said that the Tedford Shelter had worked closely with the former police chief as well as Bath Housing Authority with regard to the sidewalk becoming part of the Bath Housing Authority walkway system. He told the Board that after installation, the walk was found to be not installed as per the plan and in an area where BHA residents back up in the parking lot. He said that the applicant would like to remove the walkway entirely and re-loam and seed the area. Mr. Normand said that he has

spoken with Peter Owen, Public Works Director and Police Chief Field who agree that the section of the sidewalk from the hammerhead turnaround to the parking lot is unnecessary.

Mr. King asked why a deed had not been obtained conveying an easement through the Bath Housing Authority property.

Mr. Normand replied that the agreement was a “gentleman’s agreement” and he was unaware a legal deed would need to be obtained.

Mr. Hopkinson opened the public session of the meeting for members of the public wishing to comment.

William Edgett, 2 Edgett Street addressed the Board, conveying his disappointment with the project. He said many more trees had been removed than planned, and cited what he said were several code violations. He said that neither a playground that was a condition of approval has been installed, nor has any screening or erosion control measures been taken.

Mr. Hopkinson encouraged Mr. Edgett to present a formal written list of possible violations to the Codes Enforcement Officer and reminded Mr. Edgett that the Planning Board is not an enforcement body.

Joanne Marco, Executive Director off the Bath Housing Authority, said that the walkway terminates in an area where senior citizens regularly back cars out of the parking lot. She expressed her opinion of the walkway, saying it was like a “sidewalk to nowhere.”

Hearing no further public comment, Mr. Hopkinson closed the public comment portion of the meeting and returned to the Board for further comment.

Ms. DeChant opined that the Board had spent much time and effort on the walkway and felt that it should not disappear entirely. She said her feeling would be to find a solution, and only eliminate the walkway if it were to improve conditions for residents in that neighborhood by not narrowing the street or taking what appear to be front yards.

Dr. Haynes and Mr. King both expressed opinions that the project should be completed as planned, or changed to match that plan as closely as possible.

Mr. Oxton said that while he didn’t feel a walkway was necessary, he could understand that a walkway would increase connectivity in the area.

Mr. Hopkinson said that – while a walkway/sidewalk may seem unnecessary now, the Planning Board must decide if that walkway may be useful in the future, and the Board should not waive walkway requirements lightly.

Mr. Omo asked if an easement could be obtained from Bath Housing Authority for the walkway.

Ms. Marco said it was never the intention of the Bath Housing Authority to give a legal deed, only to allow use of the property.

Mr. Omo shared some possible solutions to reposition the walkway rather than eliminating it, such as connecting the walkway to the north entrance of the United Church of Christ.

Mr. Upham asked if it would be possible to redirect the drainage swale into a culvert and construct a walkway on top of that.

Mr. Hopkinson recommended that the Board may want to continue this discussion to a future meeting after the applicant has had time to research possible solutions.

**MR. KING MOVED, SECONDED BY MS. DECHANT, TO CONTINUE THE APPLICATION TO A FUTURE MEETING AFTER THE APPLICANT PRESENTS A REVISED PLAN FOR THE SIDEWALKS.**

#### **UNANIMOUS APPROVAL**

##### **Item 2**

**Setback Reduction in the C2 Zone** – 225 North Street (Map 25, Lot 113); Joe Creamer, applicant

Mr. Creamer said he is returning to the Board after having a land survey completed that shows correct distances between buildings. Mr. Creamer also spoke about the revised plan from the landscape architect. He stated that the landscaping and stockade-style, plastic material fence is already in place.

Mr. Oxton asked if the landscaping and fence will become a permanent part of the deed. Mr. Hopkinson suggested that this could be a condition of approval.

Mr. King asked on whose land the fence would sit. Mr. Creamer said that decision had not been made, though he would hope the day care/commercial property would be the permanent owner of the fence.

**MR. KING MOVED, SECONDED BY DR. HAYNES, TO APPROVE THE SETBACK REDUCTION WITH THE FOLLOWING CONDITIONS:**

- **THAT THE FENCE BE ON THE PROPERTY OF THE OWNER ON THE EASTERLY LOT, WITH THE EASTERLY LOT OWNER BEING RESPONSIBLE FOR THE MAINTENANCE;**
- **THAT DEEDS SHOWING THE OWNERSHIP AND MAINTENANCE RESPONSIBILITY OF THE FENCE BE PRESENTED TO THE PLANNING DIRECTOR AND FILED WITH THE SAGADAHOC COUNTY REGISTRY OF DEEDS PRIOR TO THE SALE OF ANY LAND.**

#### **UNANIMOUS APPROVAL**

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

**UNANIMOUS APPROVAL**

Meeting adjourned at 7:02 p.m.

Minutes prepared by Morgan Decker, Recording Secretary