

A regular meeting of the Bath Planning Board was called on 9-18-07 for the purpose of conducting regular business.

MEMBERS PRESENT

James Hopkinson, Vice Chair
Bob Oxtan
Robin Haynes
Andy Omo
Jennifer DeChant
Amy Fitzpatrick
Paul Fraser
Erik Dudley (non-voting student member)

MEMBERS ABSENT

Chelsea Hall (non-voting student member)

STAFF PRESENT

Jim Upham, Planning Director
Morgan Decker, Recording Secretary
Al Smith, Community Development Director

Mr. Hopkinson, Vice Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, September 18, 2007.

Minutes of the September 4, 2007 Meeting

DR. HAYNES MOVED, SECONDED BY MR. OMO, TO ACCEPT THE MINUTES OF THE SEPTEMBER 4, 2007, MEETING AS PRESENTED

UNANIMOUS APPROVAL**Old Business**

None

Prior to hearing any new business, Mr. Upham noted that Mr. Oxtan has been appointed by the City Council for another three-year term, that Amy Fitzpatrick has been appointed to fill the 2 remaining years of Mr. Harper's term, and Paul Fraser has been appointed to a three-year term.

New Business**Item 1**

Subdivision Sketch Plan and Site Plan Approval – 2 Oak Grove Avenue (Map 25, Lot 110); 53-57 Allen Avenue, LLC, applicant

Mr. Hopkinson disclosed that the applicant has been a client of his law firm, and while he will facilitate discussion, he will abstain from the final vote.

Sarah Marshall, a landscape architect with Terrence DeWan & Associates (standing in for Amy Segal) represented the applicant. She told the Board that the applicant is proposing to divide the lot at 2 through 12 Oak Grove Avenue into three lots. Ms. Marshall explained that all three

lots meet area requirements of the zone to be separate lots, but all will need Setback Reduction review as none meets the setback requirements.

Dr. Haynes noted that there is a discrepancy between the written submission and the sketch plan – specifically, that 10 shrubs and one tree are listed in writing, while only six shrubs and one tree exist on the plan. Dr. Haynes said that while the buildings on the property share parking and drainage, there is no evidence that separate parking arrangements and shared drainage has been recorded with the registry of deeds. In addition, Dr. Haynes said that language regarding the landscaping and its maintenance should be part of the deed and asked if the City Arborist has reviewed the landscape plan.

Mr. Hopkinson said if the submission is incomplete, it would be best for the Board to review the application and have the list of incomplete items so the applicant can work on specific pieces before they return to the Board for final approval. Mr. Hopkinson suggested starting on page four of the applicant's written submission to review components that are complete or incomplete.

Ms. Marshall agreed that access and parking agreements need to be made and said these agreements would be part of the final subdivision plan. Ms. Marshall explained that 2, 6 and 10 Oak Grove Avenue are commercial units and 12 Oak Grove Avenue is residential. The applicant proposes no change to their use and understands that any future change would first require Planning Board approval. Ms. Marshall noted that the restaurant at 2 Oak Grove Avenue requires 17 parking spaces.

Ms Marshall pointed out that the site currently has three two-way entrances and a single one-way entrance. She said the applicant is proposing that the three existing two-way entrances be maintained and the one-way entrance be closed. She explained that there are no catch basins for drainage on the site as it sits slightly higher than the surrounding land and drains on all sides. She also told the Board that the applicant will not be changing lighting or signage from what is existing.

Mr. Hopkinson suggested that the final plan note drainage and lack of catch basins, as well as traffic flow so Peter Owen (Public Works Director) can review.

Dr. Haynes mentioned that while lighting will not be changing, the existing lighting must be in compliance with the current photometric ordinance.

Mr. Hopkinson also said that while the Planning Board has waived contour map requirements in the past, the applicant should be prepared with a current topographical study.

Ms. Marshall said the applicant would be willing to add more landscaping to the plan if it would help minimize the effects of smaller setbacks.

Dr. Haynes opined that she would like to see more landscaping on the eastern side of the site. She also raised concern that one dumpster on the site is not screened.

Joe Cooper, one of the owners of the property, said this unscreened dumpster belongs to a tenant and will be removed or screened.

Mr. Hopkinson let the applicant know that the maintenance plan for landscaping should be in writing and reviewed by the City Arborist. He also suggested that separate or shared landscaping and snow removal arrangements should be made in writing. Mr. Hopkinson also said that property pins should be shown on the final subdivision plan.

Mr. Hopkinson opened the public session of the meeting for members of the public wishing to speak. Hearing no comments, Mr. Hopkinson closed the public comment session of the meeting.

Hearing no further comment, **DR. HAYNES MOVED, SECONDED BY MR. OMO TO FIND THE APPLICATION INCOMPLETE.**

6 FOR (DECHANT, OXTON, HAYNES, FITZPATRICK, OMO, FRASER), 1 ABSTAINED (HOPKINSON)

Item 2

Review of Business Assistance Grant for Gagne Foods – Wing Farm Parkway

Mr. Omo said he would like to clarify that he has been an employee of the applicant but that this would not be a conflict.

Mr. Upham told the Board that Mr. Gagne has been operating a biscuit factory at Wing Farm Parkway in the former Tate Warehouse and has come to the City for financial assistance through the Maine Department of Economic and Community Development to help buy equipment. Mr. Upham said that Al Smith, Community Development Director has worked very hard with Mr. Gagne and the factory and its plans are in line with the Comprehensive Plan.

DR. HAYNES MOVED, SECONDED BY MR. OXTON, TO FIND THE PROJECT CONSISTENT WITH THE COMPREHENSIVE PLAN.

UNANIMOUS APPROVAL

Other Business

Election of Officers

Mr. Upham thanked Mr. Hopkinson for the time he has filled in as Chair in the absence of Mr. Harper.

Mr. Upham opened nominations for Chair.

DR. HAYNES NOMINATED, SECONDED BY MR. HOPKINSON, TO ELECT MR. OXTON CHAIR

UNANIMOUS APPROVAL

Mr. Upham opened nominations for Vice Chair.

MR. OMO NOMINATED, SECONDED BY DR. HAYNES, TO ELECT MR. HOPKINSON AS VICE CHAIR

UNANIMOUS APPROVAL

Mr. Upham noted that there would be a workshop with the City Council October 17, 2007, at 6:00 p.m. While this event will not be televised, it will be open to the public.

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

UNANIMOUS APPROVAL

Meeting adjourned 7:00 p.m.

Minutes prepared by Morgan Decker, Recording Secretary