

A regular meeting of the Bath Planning Board was called on 7-1-08 for the purpose of conducting special business.

**MEMBERS PRESENT**

Bob Oxton, Chair  
James Hopkinson, Vice Chair  
Robin Haynes  
Andy Omo  
Amy Fitzpatrick  
Paul Fraser

**MEMBERS ABSENT**

**STAFF PRESENT**

Jim Upham, Planning Director  
Tom Hoerth, City Arborist  
Al Smith, Community Development  
Director

Mr. Oxton, Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, July 1, 2008.

Minutes of the June 3, 2008 meeting

**MR. HOPKINSON MOVED, SECONDED BY DR. HAYNES, TO APPROVE THE MINUTES OF THE JUNE 3, 2008, MEETING, AS PRESENTED.**

**UNANIMOUS APPROVAL**

Minutes of the June 17, 2008 special meeting

**MR. HOPKINSON MOVED, SECONDED BY DR. HAYNES, TO APPROVE THE MINUTES OF THE JUNE 17, 2008, MEETING, AS PRESENTED.**

**UNANIMOUS APPROVAL**

**Old Business**

**Item 1**

**Historic District Approval** - 963 Washington Street (Map 26, Lot 200); Nancy Neble & James McMahon, applicants. (Continued from the March 15, May 20, and June 3, 2008, meetings)

Mr. Hopkinson reminded the Board that the applicant had been a client and that he would recuse himself from taking part in this item.

James McMahon told that Planning Board that he felt there was no historical significance to the barn especially in its state of disrepair. He read a letter to the Board from Jane Palmer, which stated that the barn was a fire hazard and should be demolished.

Mr. Oxton did not open the meeting for public comment as there had been public comment at the previous meetings.

Dr. Haynes reiterated her belief that the standards regarding the demolition of this building had not been met. She said that she felt the barn is historically significant and that lack of maintenance is not one of the Land Use Code criteria for demolition.

There being no further Board discussion, **DR. HAYNES MOVED, SECONDED BY MS. FITZPATRICK, TO DENY THE APPLICATION BECAUSE THE LAND USE CODE STANDARD FOR DEMOLITION HAS NOT BEEN MET.**

**MOTION FAILED**

**TWO IN FAVOR (DR. HAYNES AND MS. FITZPATRICK). THREE OPPOSED (MR. OMO, MR. FRASER AND MR. OXTON).**

**MR. OMO THEN MOVED, SECONDED BY MR. FRASER, TO APPROVE THE APPLICATION WITH THE FOLLOWING CONDITIONS:**

- 1. THAT THE EXTERIOR AND INTERIOR, INCLUDING THE TRUSS SYSTEM BE DOCUMENTED WITH PHOTOGRAPHS AND THE PHOTOGRAPHS BE SUBMITTED TO THE PLANNING OFFICE.**
- 2. THAT TO THE EXTENT REASONABLE AND PRACTICABLE THE MATERIALS FROM THE BARN BE REUSED OR RECYCLED.**

**MOTION CARRIED.**

**THREE IN FAVOR (MR. OMO, MR. FRASER AND MR. OXTON). TWO OPPOSED (DR. HAYNES AND MS. FITZPATRICK).**

**New Business**

**Item 1**

**Public Hearing - Land Use Code Amendment - Section 8.01, High Density Residential District.**

Mr. Upham explained the process the Planning Board had gone through to develop the amendment to the Land Use Code that would permit small storage buildings to be located as close as five feet from the property line. He explained that the process started with an attempt to reduce the setback for all buildings in the R1 zone but that the Codes Enforcement Officer and Fire Chief had strong reservations about allowing buildings to be constructed, or added to, close to one another. One of the most important practical problems he said was simply maintaining the side of a building that is close to a property line without putting a ladder on the neighbor's property.

He also told the Board that the changes to the setbacks in the R1 zone that were contained in the material for this public hearing also included other changes to the R1

Zone. He asked that the Planning Board only recommend the portion of the amendment pertaining to the setback for small storage buildings.

Chairman Oxtan opened the meeting to the public for comment. There being none, he closed the public comment portion of this item.

**MR. OMO THEN MOVED, SECONDED BY DR. HAYNES TO RECOMMEND THE SMALL STORAGE BUILDING PORTION OF THIS AMENDMENT TO THE CITY COUNCIL.**

**UNANIMOUS APPROVAL**

**Item 2**

**Public Hearing - Land Use Code Amendment - Section 12.13, Site Plan Review, Amendments**

Mr. Upham explained the need for applicants to submit approved designs if design was part of the original approval process.

Mr. Oxtan opened the meeting to the public for comment. There being none, he closed the public comment portion of this item.

**MR. HOPKINSON MOVED, SECONDED BY MR. FRASER, TO RECOMMEND THIS LAND USE CODE AMENDMENT TO THE CITY COUNCIL.**

**UNANIMOUS APPROVAL**

**Item 3**

**Request for Historic District Approval - 26 Summer Street (Map 26, Lot 218); Bath Development Corporation, applicant**

Mr. Hopkinson explained that he was a member of the Bath Development Corporation, the applicant, and that he would not be voting on this agenda item.

Al Smith, Bath Community Development Director, explained the request to the Planning Board.

Mr. Upham told the Board that the portion of the structure that the Bath Development Corporation wished to demolish had been built in 1969 and was not historically significant.

Mr. Hoerth, City Arborist, discussed the landscaping and other improvements that would create a small park on the Elm Street side of the former YMCA buildings, to replace the part of the building that would be removed.

Mr. Oxton opened the meeting to the public for comment. There being none, he closed the public comment portion of this item.

Dr. Haynes asked if the park would be lighted.

Mr. Oxton asked whether low-level lighting on a lamppost could be installed in the park.

Mr. Smith told the Board that they were working with Central Maine Power Company and that possibly a light could be put onto one of the utility poles.

Mr. Oxton suggested that the light not be a big floodlight but just a small low-level light on a lamppost.

**DR. HAYNES MOVED, SECONDED BY MR. FRASER, TO APPROVE THE REQUEST BY THE BATH DEVELOPMENT CORPORATION TO REMOVE A PORTION OF THE STRUCTURE OF THE FORMER YMCA BUILDING, WITH THE FOLLOWING CONDITION:**

**THAT LIGHTING BE ADDED TO THE NEW PARK AND IT BE APPROVED BY THE CITY PLANNING DIRECTOR.**

**UNANIMOUS APPROVAL**

**Item 4**

**Request for Site Plan Approval - 32 High Street (Map 45, Lot 19); John R. Williams, applicant.**

John Williams, applicant, and his daughter, Shannon Giggey, explained the request for Planning Board approval of the private way.

Mr. Oxton opened the meeting to the public for comment.

Mary Morse, 28 High Street, spoke and told the board that there were some issues regarding the survey between Mr. Williams lot and the abutting lot owned by Steve Fava.

Steve Fava, 30 High Street, told the Board that he was concern about the boundary survey and the stake that appeared to be in his front yard.

There being no other members of the public wishing to speak, Mr. Oxton closed the public comment portion of this item.

Mr. Hopkinson explained that any difference between surveys is not up to the Planning Board to decide. He did recommend that either a boundary survey or a certification from Pine Tree Engineering or Dirigo Land Surveyors be included as part of the submission. Mr. Hopkinson said that he was not concerned about the steepness of the

roadway within 50-feet of the intersection of High Street as this proposed private way would only be serving one additional dwelling unit. He suggested that if other dwelling units were added to this private way then the issue of the grade of the road be reviewed by the Planning Board.

The Board discussed the request, including the southern boundary of this lot, the need for pins to be set at the southeast corner of the proposed private way, the cross section of the road being changed so that water would not flow onto the neighboring property to the south, the fact that part of the roadway appears to be on the neighbors property, the granite monument that is in the middle of the existing driveway, and the fact that the private way is not constructed for the entire width of the proposed new lot width.

**MR. OMO THEN MOVED, SECONDED BY MS. FITZPATRICK, TO CONTINUE THIS ITEM TO THE AUGUST 5TH PLANNING BOARD MEETING, SO THAT THE APPLICANT CAN PROVIDE ADDITIONAL INFORMATION.**

#### **UNANIMOUS APPROVAL**

##### **Item 5**

Planning Board Review of CDBG Housing Assistance Grant

Mr. Smith, Community Development Director, explained the Community Development Housing Assistance Grant application. He said that work would be done to upgrade homes and to improve their energy efficiency.

Mr. Oxtan opened the meeting to the public for comment. There being none, he closed the public comment portion of this item.

Dr. Haynes suggested that the Community Development Office consult with the Maine Historic Preservation Commission and Sagadahoc Preservation regarding improvements to old homes.

Mr. Smith said that one of the approvals still necessary was a "sign-off" from the Maine Historic Preservation Office.

**MR. HOPKINSON MOVED, SECONDED BY DR. HAYNES THAT THIS COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION WAS CONSISTENT WITH THE BATH COMPREHENSIVE PLAN.**

#### **UNANIMOUS APPROVAL**

There being no further business to come before the Planning Board, **ON A MOTION MADE AND SECONDED, THE MEETING WAS ADJOURNED AT 7:40 P.M.**

Minutes prepared by Jim Upham, Planning Director.