

A regular meeting of the Bath Planning Board was called on 10-6-09 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxton, Chair
James Hopkinson, Vice Chair
Andy Omo
Paul Fraser
Donald Rogers
Robin Haynes
Amy Fitzpatrick
Drew Molbowski (non-voting student member)
Kean McDermott (non-voting student member)

MEMBERS ABSENT

none

STAFF PRESENT

Jim Upham, Planning Director
Marsha Hinton, Recording Secretary

Mr. Oxton, Chair, called the meeting to order in the second floor conference room at 6:00 p.m. on Tuesday, October 6, 2009.

Minutes of the September 15, 2009, meeting

MR. HOPKINSON MOVED, SECONDED BY MS. HAYNES, TO ACCEPT THE PLANNING BOARD MINUTES OF SEPTEMBER 15, 2009 AS SUBMITTED.

UNANIMOUS APPROVAL

Old Business

None

New Business

Item 1

Public Hearing - Land Use Code Amendment. Amendment to Article 6, Section 6.05, C, 1 to allow additional time for a property owner to obtain a building permit to repair or reconstruct a damaged or destroyed nonconforming structure.

Mr. Upham explained that Councilor David Sinclair expressed concern over the time limit allowed for pulling a building permit may not be long enough citing issues with insurance settlements or litigation. Mr. Upham stated that after Planning Board discussion of Councilor Sinclair's concern further discussions with the Chair of the Zoning Board of Appeals and the City Solicitor feel that the Zoning Board of Appeals is the appropriate board to determine if an extension of time should be granted.

The Planning Board discussed length of time to be granted, the proposed amendment for the City Council's review, legitimate causes, and the experience the Zoning Board of Appeals has with determination of these types of issues.

There being no further discussion from the Planning Board, Mr. Oxton, Chair, opened the floor to members of the public who wished to comment on this agenda item.

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

MR. HOPKINSON MOVED, SECONDED BY MR. FRASER, TO RECOMMEND ADOPTION BY THE CITY COUNCIL OF AN AMENDMENT TO SECTION 6.05, C, 1, THAT WOULD ALLOW THE CEO TO GRANT A 6-MONTH EXTENSION AND THE ZBA TO AUTHORIZE ONE ADDITIONAL YEAR FOR A PROPERTY OWNER TO OBTAIN A BUILDING PERMIT TO REPAIR OR RECONSTRUCT A DAMAGED OR DESTROYED NONCONFORMING STRUCTURE.

UNANIMOUS APPROVAL

Item 2

Planning Board discussion - of draft "Smart Growth" criteria and possible amendments to Land Use Code Article 11.

Mr. Upham reported on the status of the work on development of smart growth criteria.

Other Business

Adjournment

There being no further business before the Board, **MR. FRASER MOVED, SECONDED BY MR. HOPKINSON, TO ADJOURN THE MEETING AT 6:11 PM.**

UNANIMOUS APPROVAL

Minutes prepared by Marsha Hinton, Recording Secretary