

A regular meeting of the Bath Planning Board was called on 11-17-09 for the purpose of conducting regular business.

MEMBERS PRESENT

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

MEMBERS ABSENT**STAFF PRESENT**

Jim Upham, Planning Director
Marsha Hinton, Recording Secretary

Mr. Oxtan, Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, November 17, 2009.

Minutes of the November 3, 2009, meeting

DR. HAYNES MOVED, SECONDED BY MS. FITZPATRICK, TO ACCEPT THE PLANNING BOARD MINUTES OF NOVEMBER 3, 2009 AS PRESENTED.

UNANIMOUS APPROVAL**Old Business****Item 1**

Public Hearing - Amendment to the Bath Land Use Code, Article 6, Section 6.04, E – Multiple Structures on a Legally Nonconforming Lot. (Continued from the November 3, 2009. meeting).

Mr. Upham requested a continuance of this agenda item to allow for more detailed discussions with staff with regard to other options. Mr. Upham pointed out that the issue with the Nunnery was not a nonconforming lot but nonconforming structures on a conforming lot.

MR. HOPKINSON MOVED, SECONDED BY MS. FITZPATRICK, TO CONTINUE THE RECOMMENDATION TO THE CITY COUNCIL PERTAINING TO THE AMENDMENT TO THE BATH LAND USE CODE, ARTICLE 6, SECTION 6.04, E – MULTIPLE STRUCTURES ON A LEGALLY NONCONFORMING LOT FOR SIX MONTHS.

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New Business

Item 1

Public Hearing - Amendments to Land Use Code Articles 7, 8, 9, and 11 and Zoning Map to implement the Comprehensive Plan pertaining to the creation of a Plant Home Zone.

Mr. Oxtton opened the Public Hearing.

Mr. Upham stated that the notices for this public hearing appeared in the newspaper but letters notifying abutters were not sent. Mr. Upham apologized and asked that this item be continued to allow for proper notification of abutters.

MR. HOPKINSON MOVED, SECONDED BY MR. ROGERS, TO CONTINUE THE PUBLIC HEARING ON AMENDMENTS TO LAND USE CODE ARTICLES 7, 8, 9, AND 11 AND ZONING MAP TO IMPLEMENT THE COMPREHENSIVE PLAN PERTAINING TO THE CREATION OF A PLANT HOME ZONE UNTIL THE DECEMBER 1, 2009, MEETING OF THE BATH PLANNING BOARD.

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Item 2

Request for Final Subdivision Approval - Wing Farm Business Park, West Bath phase (Map 29, Lot 11); Town of West Bath, applicant.

DR. HAYNES MOVED, SECONDED BY MR. HOPKINSON TO FIND THE APPLICATION REQUESTING FINAL SUBDIVISION APPROVAL - WING FARM BUSINESS PARK, WEST BATH PHASE (MAP 29, LOT 11); TOWN OF WEST BATH, APPLICANT, COMPLETE WITH WAIVERS OF SECTIONS 13.11, E, 26, 27, 32, AND 33 WITH THE UNDERSTANDING THAT THE PLANNING BOARD WILL REVIEW THAT CRITERIA IN THE FUTURE.

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Mr. Jeff Aceto, engineer from Site Lines, representing the applicant, described the cooperation between Bath and West Bath to move this project forward. Mr. Aceto briefly discussed the status of the Bath portion of the Wing Farm development. He updated the board members on the status of the West Bath portion of the development. He pointed out the location of the proposed nine commercial parcels, improvements to the so-called Kings Highway, water, sewer, storm water permits, the requested private right-of-way, road width, slopes, and the projected process for identifying and implementing roadway improvements. Mr. Aceto said that some suggestions for the intersection of Congress Avenue and Centre Street may be a turning lane, a traffic signal, or a roundabout. He requested a sense of confidence from the Bath Planning Board that the traffic issues will be addressed in the developing traffic movement permit. Mr. Aceto stated that they were in the process of obtaining Department of Environmental Protection permitting and Maine Department of Transportation permitting.

The Planning Board discussed the proposed roadway construction, the geotechnical engineering for the road and utilities, and who would be responsible for repairs to the sewer line.

Mr. Oxtan asked for comments from the Public Works Director, Peter Owen.

Mr. Owen stated that if this design were to be proposed for the City of Bath infrastructure he would have serious concerns with regard to the complexity of repair to the sewer line. He added that he is not familiar with the geotechnical engineering being used for the road and this may be the only feasible design. Mr. Owen asked for time to talk with the City's consulting engineer and review options with the applicant.

Mr. Oxtan stated that he would not be able to approve this application without the approval of the Public Works Director.

Dr. Haynes pointed out that the submittal materials used an eight-lot subdivision as the basis for calculations and tonight the applicant was proposing a nine-lot subdivision. Dr. Haynes pointed specifically to a letter to Mr. Owen dated April 13, 2009, and another letter to Trevor Hunt of the Bath Water District. Dr. Haynes requested that those new calculations based on nine lots be provided to the Planning Board.

The Planning Board discussed the geotechnical materials, utilities, drainage, stormwater permitting, fire fighting concerns, agreements between Bath and West Bath, and ways that the Board might approve the Plan prior to the Congress Avenue – Centre Street intersection being improved.

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

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

Mr. Oxtan asked Police Chief Mike Field for his comments.

Chief Field stated that his responsibility is for pedestrian and vehicular safety at the Congress Avenue intersection and he would like to see some improvements made to that intersection. Chief Field added that he would like some sort of traffic calming measure such as a traffic light or a roundabout, but that he preferred a roundabout.

The Planning Board requested that the applicant provide the new calculations based on a nine-lot subdivision, a copy of the draft deed, input from City Staff, a traffic study, as well as sewerage and water plans. The Planning Board also requested the Public Works Director's written approval with regard to the proposed roadway design.

DR. HAYNES MOVED, SECONDED BY MR. ROGERS, TO CONTINUE REVIEW OF THE REQUEST FOR FINAL SUBDIVISION APPROVAL AT WING FARM BUSINESS PARK, WEST BATH PHASE (MAP 29, LOT 11) FOR THE APPLICANT, THE TOWN OF WEST

BATH, TO THE PLANNING BOARD MEETING OF DECEMBER 15, 2009, TO ALLOW THE APPLICANT TIME TO PROVIDE ADDITIONAL INFORMATION TO THE BOARD.

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Item 3

Planning Board discussion - of the establishment of the new Neighborhood Commercial Zone to implement the Comprehensive Plan.

The Planning Board discussed language for landscaping, restrictions on the use of invasive plants, pedestrian access, signage, hours of operation, towers, farm stands, photometrics, greenhouses, professional offices, bowling alleys, billiard halls, and daycare facilities.

Mr. Upham stated that he would develop something more substantial for the Planning Board to review with regard to the Neighborhood Commercial Zone.

Item 4

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

Mr. Upham described the creation of incentives for "green" residential developments and distributed a map showing the proposed smart growth area based on a half-mile walking distance from the downtown. Mr. Upham stated that at the Subcommittee meeting Dr. Haynes had suggested the development of a purpose statement and he outlined the contents of that purpose statement. Mr. Upham pointed out that the Maine State Housing Authority's Green Building Standards require the use of an independent, third-party verifier and recommended that the Planning Board incorporate such a review as well.

Dr. Haynes recommended changes to clarify or tighten up language.

Mr. Upham informed the Planning Board that he would work on setting up an informal public meeting with residents who would be impacted by the smart growth criteria. Mr. Upham stated that he is working to provide a visual for the attendees at that informal meeting in the form of photographs and site plans in order to visualize the possible density changes.

Other Business

Mr. Upham updated the Planning Board on the progress of the Gateway 1 project and asked the Board members to read the materials provided to them before January. He pointed out that the expectation was that the Plan be adopted as an addendum to the City's Comprehensive, Action Plan within the next 12 months. He briefly discussed having a meeting in January to discuss the Gateway 1 Plan and to possibly vote to recommend adoption of the Plan to the City Council in February.

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Adjournment

There being no further business before the Board, **MR. HOPKINSON MOVED, SECONDED BY MR. ROGERS, TO ADJOURN THE MEETING AT 7:47 PM.**

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Minutes prepared by Marsha Hinton, Recording Secretary