

A regular meeting of the Bath Planning Board was called on 1-6-09 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxton, Chair
James Hopkinson, Vice Chair
Andy Omo
Amy Fitzpatrick
Carolyn Lockwood
Kean McDermott (non-voting student member)
Ashley McDougall (non-voting student member)

MEMBERS ABSENT

Paul Fraser
Donald Rogers

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, January 6, 2009.

Minutes of the December 2, 2008, meeting

MR. HOPKINSON MOVED, SECONDED BY MS. LOCKWOOD, TO ACCEPT THE PLANNING BOARD MINUTES OF DECEMBER 2, 2008, AS SUBMITTED.

UNANIMOUS APPROVAL

Old Business

No old business.

New Business

Item 1

Public Hearing - Request for Zoning Map Amendment and Contract Rezoning – 619 High Street (Map 32, Lot 118); Hyde School, applicant.

Kevin Clark, Site Lines, stated that The Hyde School is requesting a rezoning of only the property at 619 High St and that as a result of input received by the applicant at the Planning Board's Pre-Application Workshop The Hyde School is proposing to retain the residential use of the dormitory and is proposing to limit the uses of the Captain Merritt House to the following: residential to include single family, two family, and multifamily; home occupations; garage sales in case the residential use is maintained by any future owner; professional offices not to include physicians, dentists, banks, or government uses because of the negative traffic impact to the neighborhood; educational and cultural uses; bed and breakfast; and art studios. Mr. Clark added that the intent was to identify inappropriate uses that would cause a negative impact to the neighborhood.

Mr. Oxton, Chair, opened the floor to members of the public present who wished to comment on this agenda item.

Mr. Jim Harper, 27 Farrin Street, stated that a zoning change is a significant issue and that it is important to preserve the neighborhood and the character of the neighborhood. Mr. Harper warned against allowing a commercial aspect to creep into the neighborhood. Mr. Harper added that he understood the economic challenges associated with large buildings. Mr. Harper requested that the Board work to keep the allowed commercial uses minimal at best and to remember the surrounding residential neighborhood.

There being no further comment from members of the public present, Mr. Oxton, Chair, closed the public portion of the meeting.

Mr. Scott Andreson, Director of Maintenance for The Hyde School, stated that the needs of the school have been placed secondary to both the needs of the City of Bath and of the neighborhood. Mr. Andreson ask for direction from the Planning Board because is has not had experience with the consequences of some of the uses that The Hyde School has identified as being appropriate for the neighborhood.

Mr. Upham stated that the 1997 Comprehensive Plan as Amended in 1998 provided guidance with regard to the Special Purposes Overlay District and that it was the responsibility of the Board to determine if this request at this specific site met the criteria in the 1997 Plan.

The Planning Board held discussion on the traffic impact that a school would create, whether the building could still be used by The Hyde School if the school use was limited, the return of the underlying use if the building was destroyed, and the requirement for most of the proposed retained uses to come before the Planning Board for Site Plan Review.

Mr. Hopkinson stated that he felt this building is the type of building to be protected by the Special Purposes Overlay District. Mr. Hopkinson added that the applicant has provided a significant list of uses inconsistent with the neighborhood to be contracted away and included additional restrictive language to protect the neighborhood. Mr. Hopkinson asked that the Planning Director, Code Enforcement Officer, and City Solicitor review the list of allowed uses.

MR. HOPKINSON MOVED, SECONDED BY MS. FITZPATRICK, TO RECOMMEND TO THE CITY COUNCIL THAT THEY APPROVE THE APPLICATION FOR REQUEST FOR ZONING MAP AMENDMENT AND CONTRACT REZONING AT 619 HIGH STREET (MAP 32, LOT 118) FOR HYDE SCHOOL TO ESTABLISH A SPECIAL PURPOSES OVERLAY DISTRICT TO INCLUDED THE AMENDMENT THAT THE LIST OF USES PROVIDED BY THE APPLICANT BE CHANGED TO REFLECT THAT THE "N" IN 1.1.1. BE A "C."

FOUR IN FAVOR (MR. HOPKINSON, MS. FITZPATRICK, MS. LOCKWOOD, AND MR. OMO) ONE OPPOSED (MR. OXTON)

Mr. Upham stated that the motion has passed and that the request would come before the City Council most likely in February.

Item 2

Pre-application Workshop - Bill King to discuss Zoning Map and Text Amendment to allow the sale of motor scooters at 735 Middle Street (Map 27, Lot 176)

Mr. Upham stated that at first he had thought this property was in the C2 zone, but discovered that it was actually in the C1 zone. Mr. Upham explained that the C1 zone does not allow motor vehicle sales. Mr. Upham suggested that the Planning Board may want to consider a text amendment to the Land Use Code.

Mr. King explained that because of the gas prices, the economic crisis, and customer requests that he has identified a line of motor scooters that includes a line of small ATVs that do not require large sales volumes like some of the other manufactures. Mr. King stated that no vehicles would remain outside after business hours because of vandalism and to maintain his good relationship with the neighbors.

The Planning Board discussed the impact an automobile dealership in downtown Bath would have, where vehicles to be repaired would be kept, defining motor scooters, ATVs, automobiles, and motorcycles in the Land Use Code, and making it a requirement that all vehicles be stored inside after business hours.

The Planning Board was polled and agreed that the Planning Director should start the process for a text amendment to the Land Use Code to include the restricted sale of motor scooters within the C1 zone.

There being no further business before the Board, **MS. FITZPATRICK MOVED, SECONDED BY MR. OMO, TO ADJOURN THE MEETING AT 6:52 PM. UNANIMOUS APPROVAL**

Minutes prepared by Marsha Hinton, Recording Secretary