

A regular meeting of the Bath Planning Board was called on 2-3-09 for the purpose of conducting regular business.

MEMBERS PRESENT

James Hopkinson, Vice Chair
Amy Fitzpatrick
Paul Fraser
Carolyn Lockwood
Donald Rogers
Kean McDermott (non-voting student member)
Ashley McDougall (non-voting student member)

MEMBERS ABSENT

Bob Oxtan, Chair
Andy Omo

STAFF PRESENT

Jim Upham, Planning Director
Marsha Hinton, Recording Secretary

Mr. Hopkinson, Vice Chair, called the meeting to order in the City Council Chambers at 6:00 p.m. on Tuesday, February 3, 2009.

Minutes of the January 6, 2009, meeting

MS. LOCKWOOD MOVED, SECONDED BY MS. FITZPATRICK, TO ACCEPT THE PLANNING BOARD MINUTES OF JANUARY 6, 2009, AS SUBMITTED.

UNANIMOUS APPROVAL

Old Business

None

New Business

Item 1

Public Hearing - Land Use Code Text Amendment - Articles 2, 9 & 11 to allow the sale of motor scooters and small ATVs in the C1 (Downtown) Zone.

Mr. Upham explained that the proposed language added to Articles 2 and 9 are based on existing Maine statutes with some modifications to clarify the definitions for motor scooters and small ATVs. Mr. Upham described the proposed language amendments to Articles 2, 9, and 11. Mr. Upham added that he believed the proposed amendments were consistent with the guidance of the 1997 Comprehensive Plan. Mr. Upham stated that having large expanses in the downtown area such as would occur with a car lot was a hindrance to the foot traffic a downtown area needed to be healthy. Mr. Upham pointed out that he felt that by placing restrictions on size of motors, a requirement that the vehicles not be left outside overnight, and that the vehicles be repaired inside a building would create a good mix of uses for the downtown area.

The Planning Board held discussion on commercial repair of motor vehicles as opposed to a homeowner being able to repair a personal use vehicle at their residence.

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

Mr. Bill King expressed his gratitude for the helpfulness of the City of Bath in moving his request forward. Mr. King stated that he has no problems with the restrictions being placed on the size of the motor vehicles that would be allowed to be sold in the C1 zone.

There being no further comments from the public seen, Mr. Hopkinson, Vice Chair, closed the public portion of the meeting.

Mr. Upham asked that there be an amendment to the ordinance as presented. He said he left "or small ATV's" out of both the proposed section 11.37, A and B.

Mr. Hopkinson reminded the Planning Board that any motion made on this agenda item would be a recommendation to the City Council to either approve or disapprove the proposed amendments to Articles 2, 9, and 11.

MR. ROGERS MOVED, SECONDED BY MR. FRASER, TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE LAND USE CODE TEXT AMENDMENT FOR ARTICLES 2, 9, AND 11 TO ALLOW THE SALE OF MOTOR SCOOTERS AND SMALL ATVS IN THE C1 (DOWNTOWN) ZONE.

Mr. Upham reminded the Planning Board that the proposed language amendments to Article 11 needed to be amended by the Board to include the language "and small ATVs".

MR. ROGERS MOVED, SECONDED BY MS. FITZPATRICK, TO AMEND THE PROPOSED LANGUAGE TO ARTICLE 11 TO ADD "AND SMALL ATVS" AND TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE LAND USE CODE TEXT AMENDMENT FOR ARTICLES 2, 9, AND 11 TO ALLOW THE SALE OF MOTOR SCOOTERS AND SMALL ATVS IN THE C1 (DOWNTOWN) ZONE AS AMENDED.

UNANIMOUS APPROVAL

There being no further business before the Board, **MS. FITZPATRICK MOVED, SECONDED BY MR. ROGERS, TO ADJOURN THE MEETING AT 6:14 PM.**

UNANIMOUS APPROVAL

Minutes prepared by Marsha Hinton, Recording Secretary