

A regular meeting of the Bath Planning Board was called on 6-2-09 for the purpose of conducting regular business.

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

Amy Fitzpatrick  
Andy Omo

**STAFF PRESENT**

Jim Upham, Planning Director  
Marsha Hinton, Recording Secretary

Mr. Oxtan, Chair, called the meeting to order in the second floor conference room at 5:00 p.m. on Tuesday, June 2, 2009.

**Minutes of the May 19, 2009, meeting**

**MS. LOCKWOOD MOVED, SECONDED BY MR. FRASER, TO ACCEPT THE PLANNING BOARD MINUTES OF MAY 19, 2009, AS SUBMITTED.**

**UNANIMOUS APPROVAL****Old Business**

None

**New Business****Item 1**

**Historic District Approval** – 798 Washington Street, (Map 27, Lot 76); Joe Byrnes, applicant.

Ms. Lockwood told the Board that she works for the company that designed the project and will be supplying the materials. She said she would recuse herself from participating on this agenda item.

Joe Byrnes addressed the Board and told them that the major change in the building was the change in the roof design. He said that he had met with Judy Barrington and some of her committee and had come to a compromise solution that would, he felt, meet the requirements of the Historic District Approval process.

Mr. Hopkinson asked what the colors of the building would be.

Mr. Byrnes said that the building would be painted gray with blue trim and that there would be gray architectural shingles on the roof.

Mr. Oxtan 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 this agenda item.

**MR. HOPKINSON THEN MOVED, SECONDED BY MR. ROGERS, TO GRANT HISTORIC DISTRICT APPROVAL FOR 798 WASHINGTON STREET; MAP 27, LOT 76; JOE BYRNES, APPLICANT, WITH THE CONDITION THAT THE APPLICANT SUBMIT MORE PRECISE PAINT COLORS TO THE PLANNING DIRECTOR.**

## **UNANIMOUS APPROVAL**

### **Item 2**

**Historic District Amendment - 19 Oak Street, (Map 26, Lot 208 & 209); Oak Street Co-op, applicant.**

Karen Bartlett represented the applicant and told the Board that the proposal was to remove the porch that was supported by stonework because the stonework is in such bad condition. She said that this seems to have been built in the early 1970s. She said that on photographs and maps of 1971 it was not there but that it was in the mid 1970s. She said that the steps leading to this would be pressure treated lumber replacing the existing railroad ties. She also told the Board that the new porch would be "skirted" by one-by-three lattice painted white.

Ms. Lockwood stated that she felt the concrete arch, which is a part of the stonework, is very interesting and should be retained.

The Board discussed the standards for demolishing a portion of a building in the Historic District and the rebuilding standards, pressure treated lumber, the existing rock wall, and building the stairway with stringers and stair treads.

Mr. Hokinson said that he did not believe the stonework was historically significant.

Mr. Oxton 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 this agenda item.

**MR. ROGERS MOVED, SECONDED BY MR. HOPKINSON, TO GRANT THE APPLICATION FOR HISTORIC DISTRICT AMENDMENT FOR 19 OAK STREET (MAP 26, LOTS 208 AND 209) FOR OAK STREET CO-OP, APPLICANT, CONDITIONED UPON THE APPLICANT CONSTRUCTING THE STAIRS WITH STRINGERS AND STAIR TREADS.**

**THREE IN FAVOR (MR. HOPKINSON, MR. ROGERS, AND MR. FRASER) TWO OPPOSED (MS. LOCKWOOD AND MR. OXTON)**

Mr. Oxton stated that the vote carries.

Mr. Upham explained to the applicant that a new drawing needs to be submitted for the file incorporating the changes.

### **Item 3**

#### **Planning Board Review of Comprehensive Plan (public and State) Comments.**

Mr. Upham informed the Planning Board that he had submitted responses to comments from the State with regard to the Proposed Comprehensive Plan and that the State has now found the proposed plan to be consistent with the Growth Management Act. Mr. Upham discussed changes he made to address the concerns of the State. He pointed to changes to Chapters 4 and 5 as well as Appendixes F and H.

The Planning Board discussed requirements for mobile home parks and the proposed Comprehensive Plan approval process. The Planning Board was polled and agreed that they felt ready to proceed with the formal adoption process.

**MR. HOPKINSON (CHAIR OF THE COMPREHENSIVE PLAN ADVISORY COMMITTEE) MOVED, SECONDED BY MR. FRASER, TO RECOMMEND APPROVAL OF THE PROPOSED COMPREHENSIVE PLAN TO THE CITY COUNCIL.**

#### **UNANIMOUS APPROVAL**

### **Item 4**

#### **Planning Board discussions of: Shoreland Zoning changes, Smart Growth criteria, Residential Care Facilities.**

##### **Shoreland Zoning**

Mr. Upham explained that the City of Bath would not be able to meet the deadline for submission of an approved Shoreland Zoning Ordinance by the deadline of July 1, 2009. Mr. Upham added that he has contacted the Department of Environmental Protection and they have agreed not to impose an ordinance right away. Mr. Upham explained the steps he has taken in development of the draft Shoreland Ordinance pointing out the proposed changes he has made to the current ordinance.

The Planning Board discussed the role of the Zoning Board of Appeals and the role of the Planning Board with regard to the Land Use Code and instructed the Planning Director to amend the language to have the review of land use decision items go to the Planning Board. The Planning Board was polled and agreed to schedule the draft Shoreland Zoning Ordinance for public hearing.

##### **Smart Growth**

The Planning Board discussed the need to have any development be significantly "green" in order to receive a density bonus.

Mr. Hopkinson recommended the following changes to the Smart Growth language:

That independent information be obtained with regard to the definition of the requirement for Gold LEEDs certification;

That information be obtained from other land planners on determination of the maximum square standard;

That keeping in mind that Maine is a rural state and most people have several automobiles, that a declaration or deed covenant be in place for a parking provision;

That a declaration or deed covenant be required to provide for continuing maintenance of the LEED certification items;

That LEED and other standards be available to the Board for review; and

That if not already a state standard, a requirement for a sprinkler system be included; and

The Planning Board was polled and agreed to instruct the Planning Director to make the suggested changes to the proposed language.

### **Residential Care Facilities**

The Planning Board discussed the appropriateness of using "Life Care Facility" and "Congregate Care Facility" to describe residential care facilities, and agreed to remove those designations from the Code.

Mr. Hopkinson suggested that a zone be created specifically for the Plant Home because of its historic significance and the importance of the service it provides to the community.

Mr. Upham stated that he would work on development of a zone specific to the Plant Home as well as remove "Life Care Facility" and "Congregate Care Facility" from the definition of residential care facilities.

### **Other Business**

Bob Oxtan, Chair, informed the Planning Board that Ashley McDougall had graduated and this would be her last meeting as a member of the Planning Board. Mr. Oxtan thanked Ms. McDougall for her participation and wished her well as she worked toward obtaining a degree in elementary education.

### **Adjournment**

There being no further business before the Board, **MR. HOPKINSON MOVED, SECONDED BY MR. ROGERS, TO ADJOURN THE MEETING AT 7:08 PM.**

### **UNANIMOUS APPROVAL**

Minutes prepared by Jim Upham, Planning Director and Marsha Hinton, Recording Secretary.