

A regular meeting of the Bath Planning Board was called on 8-4-09 for the purpose of conducting regular business.

**MEMBERS PRESENT**

James Hopkinson, Vice Chair  
Andy Omo  
Amy Fitzpatrick  
Donald Rogers  
Carolyn Lockwood

**MEMBERS ABSENT**

Bob Oxton, Chair  
Paul Fraser  
Kean McDermott (non-voting student member)

**STAFF PRESENT**

Jim Upham, Planning Director  
Marsha Hinton, Recording Secretary

Mr. Hopkinson, Chair, called the meeting to order in the second floor conference room at 6:00 p.m. on Tuesday, August 4, 2009.

**Minutes of the July 7, 2009, meeting**

**MS. FITZPATRICK MOVED, SECONDED BY MS. LOCKWOOD, TO ACCEPT THE PLANNING BOARD MINUTES OF JULY 7, 2009 AS SUBMITTED.**

**UNANIMOUS APPROVAL**

**Old Business**

None

**New Business**

**Item 1**

**Planning Board vote to hold Public Hearing** on Land Use Code Map Amendment. Proposal to place land within 250 feet of so-called Lilly Pond in the Resource Protection District, to conform to DEP Shoreland Zoning requirements.

Mr. Upham stated that in accordance with MSRA Title 38 the Planning Board must vote to hold a public hearing when land is proposed to be placed in the Resource Protection Zone.

**MS. FITZPATRICK MOVED, SECONDED BY MR. OMO TO HOLD A PUBLIC HEARING ON THE PROPOSED LAND USE CODE MAP AMENDMENT TO PLACE LAND WITHIN 250 FEET OF SO-CALLED LILLY POND IN THE RESOURCE PROTECTION DISTRICT IN ORDER TO CONFORM TO DEPARTMENT OF ENVIRONMENTAL PROTECTION SHORELAND ZONING REQUIREMENTS.**

**UNANIMOUS APPROVAL**

**Item 2**

**Public Hearing** - Land Use Code Map Amendment. Proposal to place land within 250 feet of so-called Lilly Pond in the Resource Protection District, to conform to DEP Shoreland Zoning

requirements.

Mr. Upham stated that Lilly Pond is now considered by the State to be a moderate- to high-value wetland. Mr. Upham added that this proposal is to amend the Land Use Code Map to place Lilly Pond in the Resource Protection District.

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

None being seen, Mr. Hopkinson, Vice Chair, closed the public portion of the meeting.

**MR. ROGERS MOVED, SECONDED BY MS. FITZPATRICK, TO RECOMMEND TO THE CITY COUNCIL A LAND USE CODE MAP AMENDMENT TO PLACE LAND WITHIN 250 FEET OF THE SO-CALLED LILLY POND IN THE RESOURCE PROTECTION DISTRICT IN ORDER TO CONFORM TO DEPARTMENT OF ENVIRONMENTAL PROTECTION SHORELAND ZONING REQUIREMENTS.**

**UNANIMOUS APPROVAL**

**Item 3**

**Public Hearing** - Land Use Code Amendment. Amendment to Article 8, Section 8.20, H – Amendments to site plans that are part of a contract zone.

Mr. Upham stated that currently under the existing Code requirement even minor changes to site plans approved under the contract zoning process must be reviewed by both the Planning Board and City Council. Mr. Upham suggested a change to Section 8.20, H of the Land Use Code that would allow minor site plan review for minor changes to culverts, windows, access driveways and similar changes.

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

None being seen, Mr. Hopkinson, Vice Chair, closed the public portion of the meeting.

**MR. ROGERS MOVED, SECONDED BY MS. LOCKWOOD, TO RECOMMEND TO THE CITY COUNCIL THE AMENDMENT TO LAND USE CODE SECTION 8.20, H, AS PRESENTED.**

**UNANIMOUS APPROVAL**

**Item 4**

**Request for Subdivision Amendment** - 3 Goose Cove Road (Map 5, Lots 14 & 15); Sharon Robohm, applicant.

Mr. Upham stated that Ms. Robohm owns two lots in the West Chops Point Subdivision and wishes to sell them. He told the Board that one lot is vacant and one lot has her house. Mr.

Upham explained that on the house lot is a structure for a pier and if the two lots were sold separately the pier structure would become nonconforming as it is too close to the property line. He said that the amendment is to change a lot line to avoid the creating a nonconformity.

Mr. Fred Nehring, Surveyor representing the applicant, stated that he was willing to answer any questions that the Planning Board may have.

Mr. Hopkinson asked Mr. Nehring if the pier structure was there when the subdivision was established and if the pier was currently in existence.

Mr. Nehring stated that he did not believe that the structure was there when the subdivision was established and that the pier was currently pulled up on shore.

Mr. Hopkinson opened the floor to members of the public who wished to comment on this agenda item.

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

**MS. FITZPATRICK MOVED, SECONDED BY MS. LOCKWOOD, TO APPROVE THE REQUEST FOR SUBDIVISION AMENDMENT FOR 3 GOOSE COVE ROAD (MAP 5, LOTS 14 & 15) BY APPLICANT SHARON ROBOHM.**

**UNANIMOUS APPROVAL**

Mr. Hopkinson reminded the applicant that they would have to notify the other members of the homeowners association with regard to these lot changes.

**Item 5**

**Planning Board discussion of letter from Bath Water District regarding Comprehensive Plan**

Mr. Upham discussed the importance for the City of Bath to have a Comprehensive Plan that conforms to the State Planning Office criteria and how that criteria are interconnected. Mr. Upham expressed his concern with the subsidizing of expansion of water and sewer systems on speculation of development as well as his lack of confidence in electrically boosted water pressure systems given the high likelihood of extended power outages in Maine.

The Planning Board discussed the letter dated July 16, 2009, from the Bath Water District with regard to language found in the proposed Comprehensive Plan in Chapter 4, pages 17 and 25; and Chapter 5 page 24.

Mr. Rogers expressed his concern with placing limitations on the ability of the Water District to extend service into an area to provide for fire safety and clean drinking water. Mr. Rogers stated that there were other tools that the Planning Board could use to prevent sprawl than placing limitation on extending public water and sewer services.

The Planning Board discussed consistency in the proposed Comprehensive Plan, the ability of the City of Bath to change its policy, and whether the Water Department was aware of this evening's agenda.

Mr. Hopkinson opened the floor to members of the public who wished to comment on this agenda item.

Mr. Curtis Fish stated that he is in full support of the Comprehensive Plan and with most of the comments by the Planning Director this evening. Mr. Fish explained that he felt that an electric water pressure booster system is a viable alternative and gave examples of existing electric systems that utilized diesel backups for power outages. Mr. Fish pointed to the safety of having a higher density with the water pressure booster systems than not having public water in a lower density area. Mr. Fish added that the area in question could function well at a higher density with an electric water pressure booster system with a diesel backup.

No further comment being seen, Mr. Hopkinson closed the public portion of the meeting.

The Planning Board discussed the viability of electric water pressure booster systems, proposed changes to the language of the proposed Comprehensive Plan in Chapters 4 and 5, and maintaining consistency with the State requirements.

**MR. OMO MOVED, SECONDED BY MS. LOCKWOOD, TO RECOMMEND THAT THE LANGUAGE OF THE COMPREHENSIVE PLAN FOUND IN CHAPTER 4 ON PAGES 17 AND 25 BE CHANGED TO READ "Continue the policy of not extending subsidized public sewer or water lines across Whiskeag Creek into North Bath."**

**UNANIMOUS APPROVAL**

**MR. OMO MOVED, SECONDED BY MS. LOCKWOOD, TO AMEND THE LANGUAGE OF THE COMPREHENSIVE PLAN FOUND IN CHAPTER 5 PAGE 24 TO REQUIRE THAT IN ORDER TO MEET A HIGHER DENSITY LEVEL A DEVELOPER MUST PROVIDE THE PLANNING BOARD WITH PLANS FOR A WATER PRESSURE BOOSTER SYSTEM THAT WILL BE AS SAFE AS THE NON-ELECTRICALLY PRESSURE BOOSTED PUBLIC WATER SYSTEM AND NOT BE SUBSIDIZED.**

**UNANIMOUS APPROVAL**

**Other Business**

Mr. Upham reminded the Planning Board of the workshop with the City Council in the Auditorium on Wednesday August 12, 2009 at 6:00 pm.

Mr. Upham also stated that Ms. Lockwood has submitted her resignation as a Planning Board member because her new position as the Community Relations Coordinator may result in her working on projects for the City that come before the Planning Board.

Bath Planning Board  
August 4, 2009

### **Adjournment**

There being no further business before the Board, **MR. OMO MOVED, SECONDED BY MS. FITZPATRICK TO ADJOURN THE MEETING AT 7:26 PM.**

### **UNANIMOUS APPROVAL**

Minutes prepared by Marsha Hinton, Recording Secretary