

A regular meeting of the Bath Planning Board was called on 2-2-10 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxton, 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. Oxton, Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, February 2, 2010.

Mr. Oxton explained that the order of business would be changed from the published agenda as follows:

Old business agenda Item 1
New business agenda Item 1
New business agenda Item 2
Old business agenda Item 2
Old business agenda Item 3

Minutes of the January 5, 2009, meeting

MR. HOPKINSON MOVED, SECONDED BY DR. HAYNES, TO ACCEPT THE PLANNING BOARD MINUTES OF JANUARY 5, 2009, AS WRITTEN.

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

Request for Historic District Approval - 955 Washington Street (Map 26, Lot 201); Herman Nichols, applicant. (Continued from the January 5, 2010, meeting.)

Mr. Nichols stated that he was restoring the Carriage House at 955 Washington Street and agrees with most of the comments from Ms. Barrington. Mr. Nichols stated that he differed with Ms. Barrington on the use of the supports for the second story deck due to the cost for those.

Mr. Oxton, Chair, 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 the meeting.

The Planning Board held discussion on material to be used in the siding, type of trim work, window placement, the chimney, the location of the vent for the gas stove, and the need to have a correct elevation plan on file in the Planning Office.

Dr. Haynes provided a history of the structure including builders and residents.

DR. HAYNES MOVED, SECONDED BY MR. ROGERS, TO APPROVE THE REQUEST FOR HISTORIC DISTRICT APPROVAL AT 955 WASHINGTON STREET (MAP 26, LOT 201) FOR HERMAN NICHOLS, APPLICANT WITH THE FOLLOWING CONDITIONS:

THAT ALL TRIM, MEANING WINDOW AND DOOR SURROUNDS, CORNER PILASTERS, AND FRIEZE BOARDS, BE RESTORED TO MATCH THE EXISTING ORIGINAL TRIM ON THE STRUCTURE; AND

THAT A CORRECTED SET OF ELEVATION DRAWINGS BE SUBMITTED TO THE PLANNING OFFICE.

UNANIMOUS APPROVAL

New Business

Item 1

Public Hearing - Land Use Code Map Amendment - 221 Washington Street, Map 38, Lot 17; Maine Maritime Museum, applicant.

Ms. Amy Lent, Executive Director of the Maine Maritime Museum, stated that the property is not being used by the Maine Maritime Museum as part of the Museum and the goal was for this property to be occupied. Ms. Lent explained that a daycare was currently using the site. Ms. Lent said that the Museum would like this use to continue and is asking that the zoning immediately around this particular property be rezoned to R2. Ms. Lent added that allowing the daycare use to continue would add revenue to the Museum, revenue to the City of Bath, and provide a helpful service to the parents using the day care.

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 the meeting.

Mr. Upham explained the relationship between zoning and the comprehensive plan and the process which the Planning Board used to address a request of this type. Mr. Upham added that the Planning Board has three directions to take this request: to rezone the property, to add daycare to the uses allowed in a C5 zone, or work on creating a "Museum Zone" that allowed a daycare as a use.

The Planning Board discussed adding a daycare use to the C5 zone, the distance the C5 and R2 zones extended in this area, location of the C5 zones in the City of Bath, size of the parcel, pockets of different zoning, and the ability for the Museum to continue utilizing this property into the future.

Mr. Upham described the process that allowed the use on the site to obtain a provisional permit from the City Council that has been extended for six months. Mr. Upham reminded the Planning Board that this agenda item has been publicly advertised as a zoning map amendment. Mr. Upham also told the Board that if they wished, he would begin the process of advertising a public hearing for a Land Use Code text amendment to allow Day Care Facilities in the C5 Zone.

The Board members indicated that that was the direction they wanted to go.

MR. OMO MOVED, SECONDED BY MS. FITZPATRICK, TO REJECT THE PROPOSED LAND USE CODE MAP AMENDMENT AT 221 WASHINGTON STREET, MAP 38, LOT 17 FOR MAINE MARITIME MUSEUM, APPLICANT.

UNANIMOUS APPROVAL

New Business

Item 2

Public Hearing - Land Use Code Text Amendment – Amendment to Article 11, Section 11.09 – Day-care Homes and Day-care Facilities.

Mr. Upham explained that as the result of some complaints from neighbors with regard to the Kid Works daycare lighting and fence, he and the Code Enforcement Officer had been looking at standards for daycare facilities.

The Planning Board held discussion on fencing that would be appropriate for containing the children safely but to also protect the children from public view, the difference between a day care center and home day care provider, and lighting standards.

MR. ROGERS MOVED, SECONDED BY MS. FITZPATRICK, TO CONTINUE THE HEARING ON THE LAND USE CODE TEXT AMENDMENT FOR AN AMENDMENT TO ARTICLE 11, SECTION 11.09 – DAY-CARE HOMES AND DAY-CARE FACILITIES UNTIL THE NEXT REGULAR PLANNING BOARD MEETING ON FEBRUARY 16, 2010.

UNANIMOUS APPROVAL

Old Business

Item 2

Planning Board discussion - of draft "Smart Growth" criteria and possible amendments to Land Use Code Article 11 (Continued from the December 15, 2009. meeting).

Mr. Upham referred the Planning Board to pictures of structure that could be built under the proposed "Smart Growth" higher density provisions. Mr. Upham outlined the various ways the Planning Board could approach this agenda item by either modifying the proposed criteria, holding a public meeting, going directly to a public hearing, or scrap the entire idea.

The Planning Board held discussion on appropriate height, photographs of appropriate structures, and moving forward with the proposed mailing to residence within the contemplated "smart growth" area.

THE PLANNING BOARD WAS POLLED AND UNANIMOUSLY AGREED TO INSTRUCT THE PLANNING DIRECTOR TO MOVE FORWARD WITH THE MAILING AND WITH A PUBLIC HEARING ON THE DRAFT "SMART GROWTH" CRITERIA AND POSSIBLE AMENDMENTS TO LAND USE CODE ARTICLE 11.

Item 3

Planning Board discussion - of the establishment of the new Neighborhood Commercial Zone to implement the Comprehensive Plan (Continued from the January 5, 2010. meeting).

Mr. Upham stated that screening and buffering were important in an area where residential and commercial uses were both allowed. Mr. Upham described the difference between full screen landscaping, filtered screen landscaping, see through landscaping, and surface parking lot landscaping.

The Planning Board held discussion on the need to have appropriate screening between a commercial use and a residential use, signage, and the definition of an "art studio."

THE PLANNING BOARD WAS POLLED AND UNANIMOUSLY AGREED TO CONTINUE DISCUSSION ON THIS AGENDA ITEM TO ALLOW FOR FURTHER RESEARCH BY THE PLANNING DIRECTOR.

Other Business

THE PLANNING BOARD WAS POLLED AND AGREED TO DISCUSS THE TOPICS OF WIRELESS COMMUNICATION FACILITIES, EXCESSORY WIND ENERGY SYSTEMS, AND ISSUES RELATED TO KEEPING ANIMALS SPECIFICALLY WITH REGARD TO THE KEEPING OF CHICKENS, FENCES, AND VERMIN CONTROL IN WORKSHOP.

Mr. Upham reported that he has recently made a presentation to a local second grade class on what planners read and what planners do.

Adjournment

DR. HAYNES MOVED, SECONDED BY MS. FITZPATRICK, TO ADJOURN THE MEETING AT 7:16 PM.

UNANIMOUS APPROVAL

Minutes prepared by Marsha Hinton, Recording Secretary.