

A regular meeting of the Bath Planning Board was called on 4-6-10 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxtan, Chair
James Hopkinson, Vice Chair
Amy Fitzpatrick
Paul Fraser
Andy Omo
Donald Rogers
Drew Molbowski (non-voting student member)
Kean McDermott (non-voting student member)

MEMBERS ABSENT

Robin Haynes

STAFF PRESENT

Jim Upham, Planning Director
Marsha Hinton, Recording Secretary

Mr. Oxtan, Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, April 6, 2010.

Minutes of the March 16, 2010, meeting

MR. HOPKINSON MOVED, SECONDED BY MS. FITZPATRICK, TO APPROVE THE MINUTES OF MARCH 16, 2010.

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

Request for Final Subdivision Approval - Wing Farm Business Park, West Bath phase (Map 29, Lot 11); Town of West Bath, applicant (Continued from the March 16, 2010, meeting).

Mr. Upham discussed the talks held with the Town of West Bath with regard to the Department of Transportation's impact fees for the intersections of Chandler Drive and Congress Avenue and the Route One entrance ramp and Congress Avenue and the possible improvements to the Congress Avenue-Centre Street intersection. Mr. Upham informed the Planning Board that the Town of West Bath and the City of Bath had agreed not to assess the impact fees when the lots are sold but to pay those now. He did say that the recommendation was that the costs of the Congress Avenue-Centre Street intersection be included in a per-lot impact fee to be paid at the time the lots are sold to developers. Mr. Upham also outlined the requested waivers.

Mr. Kevin Clark, of Site Lines, stated that the Army Corps of Engineer's permit had been received and the Department of Environment Protection permit was expected very soon.

The Planning Board discussed the various proposals addressing the issue of the tractor-trailer turning radius at Centre Street and Congress Avenue, pedestrian safety, traffic signals, traffic signage, speed reduction on Congress Avenue, and short term improvements.

Joanne Marco, Executive Director of the Bath House Authority, told the Board that the bush, the sign, and the bench at the Congress Avenue-Centre Street intersection had all been moved out of the line of sight. Mr. Upham said that he would ask the City Arborist to trim some of the limbs of the pine tree that is north of this intersection.

MR. HOPKINSON MOVED, SECONDED BY MR. ROGERS, TO APPROVE THE REQUEST FOR FINAL SUBDIVISION APPROVAL AT WING FARM BUSINESS PARK, WEST BATH PHASE (MAP 29, LOT 11) FOR THE TOWN OF WEST BATH, APPLICANT, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THAT THE DEPARTMENT OF TRANSPORTATION'S TRAFFIC MOVEMENT PERMIT IMPACT FEES FOR THE CHANDLER DRIVE-CONGRESS AVENUE INTERSECTION AND THE ROUTE 1 EXIT RAMP-CONGRESS AVENUE INTERSECTION BE PAID PRIOR TO CONVEYANCE OF LOTS;**
- 2. THAT THE ARMY CORPS OF ENGINEER'S PERMIT BE OBTAINED AND SUBMITTED TO THE CITY OF BATH PLANNING DIRECTOR;**
- 3. THAT THE DEPARTMENT OF ENVIRONMENTAL PROTECTION'S PERMIT BE OBTAINED AND SATISFACTORY PROOF BE SUBMITTED TO THE CITY OF BATH PLANNING DIRECTOR;**
- 4. THAT THE TRAFFIC MOVEMENT PERMIT BE FINALIZED AND PROOF SUBMITTED TO THE CITY OF BATH PLANNING DIRECTOR;**
- 5. THAT WAIVERS BE GRANTED FOR THE GEOMETRIC STANDARD THAT THE MAXIMUM GRADE FOR A MAJOR ROADWAY BE 5 PERCENT, THE GEOMETRIC STANDARD THAT THE MINIMUM TRAVELED WAY WIDTH IS 30 FEET; AND THE GEOMETRIC STANDARD THAT THE MINIMUM CENTERLINE RADIUS WITHOUT SUPERELEVATIONS IS 400 FEET; AND**
- 6. THAT THE PROPOSED CONDITIONS CONCERNING TRAFFIC IMPACT FEES BE RECORDED ON THE APPROVED MYLAR PLAN.**

UNANIMOUS APPROVAL

New Business

Item 1

Public Hearing – Bath Comprehensive Action Plan Amendment – Add the *Gateway 1 Corridor Action Plan*, dated July 2009, as an addendum.

Mr. Upham informed the Planning Board that the long term *Gateway 1 Corridor Action Plan* addressing transportation and land use along the Route 1 Corridor from Brunswick to Stockton Springs was ready for adoption by the communities involved. Mr. Upham stated that the *Gateway 1 Corridor Action Plan* would insure that traffic capacity and traffic safety would be maintained into the future.

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

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

MR. HOPKINSON MOVED, SECONDED BY MS. FITZPATRICK, TO RECOMMEND THE BATH COMPREHENSIVE ACTION PLAN AMENDMENT, ADDING THE GATEWAY 1 CORRIDOR ACTION PLAN, DATED JULY 2009, AS AN ADDENDUM TO THE PLAN, TO THE CITY OF BATH CITY COUNCIL FOR ADOPTION.

UNANIMOUS APPROVAL

Item 2

Public Hearing – Land Use Code Amendment - Article 11, Section 11.29 – Storage of Boats.

Mr. Upham explained that Article 11, Section 11.29 incorporated an unintended error that this agenda item sought to correct. Mr. Upham stated that the intention of the ordinance standard was to allow the storage of boats on the boat owner's property from September 1 through June 15 as an accessory use but that it was written in such a way that it would allow storage of anyone's boat. Mr. Upham added that the reason for Article 11 Section 11.29 was to allow fishing families that had boats over 25 feet to store their boat on their property without sufficient setback. Mr. Upham described his conversations with the Code Enforcement Officer with regard to this issue and the suggestion by the Code Enforcement Officer to add the words "most current" or "most recent" before the word "registrant."

There being no further discussion from the Planning Board Mr. Oxtan opened the floor to members of the public who wished to discuss this agenda item.

Judith Roulliard, 9 Drummond Point Road, stated that she has been living on that property for many years and had allowed her relatives to store their boats on her property. Ms. Roulliard informed the Planning Board that she had not been notified of this meeting nor had the complainant talked with her about the stored boats.

Ms. Tracey Davis, 22 Drummond Point Road, stated that she was the complainant and that the boats were unsightly, on trailers, and covered with tarps. Ms. Davis also stated that there were snowmobiles being stored on the site. Ms. Davis presented photographs of the stored boats.

Mr. Don Mank, 115 Bowery Street, stated that his boat was stored on Ms. Roulliard's property and had been for many years. Mr. Mank asked if the Planning Board was going to grandfather the site if the error was corrected.

Mr. Dave Sinclair, 48 Meadows Way and City Council Representative for Ward 6, stated that he was here representing his constituents who agreed with Ms. Davis but did not wish to cause problems with neighbors.

Mr. John Janisch 98 Old Brunswick Road, stated that he stores his boat on his property but that some years he does not put it in the water. Mr. Janisch expressed his concern with the September 1 to June 15 time limit.

Mr. Mike Pinkham, Cobb Road, stated that he also stores his boat on Ms. Roulliard's property and felt that a person should be able to keep their boat on another's property if the property owner agreed. Mr. Pinkham added that someone should not have to move a boat just because someone doesn't like to look at it.

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

Mr. Oxton stated that the Planning Board had no knowledge of the issues being raised by the members of the public at this meeting and were just considering the Land Use Code Amendment.

The Planning Board discussed legally non-conforming uses, fishing families, and enforcement.

Mr. Hopkinson questioned whether the new subsection 3 of the amendment, which would require even boats that might be considered legal nonconforming to be moved. He suggested that the Board deal with the issue at a workshop.

MR. OMO MOVED, SECONDED BY MS. FITZPATRICK, TO CONTINUE CONSIDERATION OF LAND USE CODE AMENDMENT - ARTICLE 11, SECTION 11.29 – STORAGE OF BOATS TO THE MAY 18, 2010 PLANNING BOARD MEETING TO ALLOW TIME FOR INFORMAL PLANNING BOARD DISCUSSION AT THE MAY 4, 2010, PLANNING BOARD'S 5 O'CLOCK WORKSHOP.

UNANIMOUS APPROVAL

Item 3

Request for Historic District Amendment - 955 Washington Street (Map 26, Lot 201);
Herman Nichols, applicant.

Mr. Nichols shared the results of further research with regard to the placement of windows showing on a photograph where windows had been removed or covered up by prior owners in the early 1940s. Mr. Nichols stated that putting a window on the east side under the roof did not make sense for a number of reasons and was requesting that the window on the east side be removed from the approval and to add two windows on the south side.

The Planning Board discussed the removed or covered original widow placement.

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

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

MR. FRASER MOVED, SECONDED BY MR. HARPER, TO APPROVE THE REQUEST FOR HISTORIC DISTRICT AMENDMENT AT 955 WASHINGTON STREET (MAP 26, LOT 201) FOR HERMAN NICHOLS, APPLICANT WITH THE AMENDMENTS AS LISTED.

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

Other Business

Mr. Upham that the meeting to explore interest in forming a City of Bath Conservation Commission had to be rescheduled to April 29, 2010, at 6:00 p.m. Mr. Upham advised anyone who wanted more information to contact him.

Mr. Upham stated that this evening's meeting was the last time Ms. Becky Parr will be broadcasting the Planning Board meetings. Mr. Upham stated that Ms. Parr has been handling the live feed of the Planning Board meetings since they have been broadcasting them.

The Planning Board thanked Ms. Parr for her service.

Adjournment

MR. OMO MOVED, SECONDED BY MS. FITZPATRICK, TO ADJOURN THE MEETING AT 7:22 PM.

UNANIMOUS APPROVAL

Minutes prepared by Marsha Hinton, Recording Secretary