

A regular meeting of the Bath Planning Board was called on 1-5-10 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, January 5, 2010.

**Minutes of the December 15, 2009, meeting**

**MR. OMO MOVED, SECONDED BY MR. FRASER, TO ACCEPT THE PLANNING BOARD MINUTES OF DECEMBER 15, 2009, AS WRITTEN.**

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

**Planning Board discussion** - of the establishment of the new Neighborhood Commercial Zone to implement the Comprehensive Plan (Continued from the December 1, 2009. meeting).

Mr. Upham explained that he was waiting on comments from the City Arborist and asked that the Planning Board continue this agenda item.

**DR. HAYNES MOVED, SECONDED BY MS. FITZPATRICK, TO CONTINUE PLANNING BOARD DISCUSSION OF THE ESTABLISHMENT OF THE NEW NEIGHBORHOOD COMMERCIAL ZONE TO IMPLEMENT THE COMPREHENSIVE PLAN UNTIL THE JANUARY 19, 2010 MEETING OF THE BATH PLANNING BOARD.**

**UNANIMOUS APPROVAL****New Business****Item 1**

**Public Hearing** - Amendment to Land Use Code Article 7, adding Section 7.10 - Division of a Functionally Divided Lot.

Mr. Upham explained in further review of the proposed amendment and discussions with the Code Enforcement Officer it was decided that a better place to make an amendment of this type would be Land Use Code Article 7. Mr. Upham discussed *Keith v. Saco River Corridor Commission* and the court ruling in that case with regard to functionally divided lots. Mr. Upham stated that after a review of other sites in Bath that might benefit from this amendment only two were identified by City staff. Mr. Upham added that parking options included shared parking with the other structure on the lot, located down at a nearby parking lot, or established with a dedicated easement.

The Planning Board held discussion on shared parking, state law, and the definition of "functionally divided" as established by court ruling.

Mr. Oxtan opened the meeting 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.

**MS. FITZPATRICK MOVED, SECONDED BY DR. HAYNES, TO RECOMMEND THE AMENDMENT TO LAND USE CODE ARTICLE 7, ADDING SECTION 7.10 - DIVISION OF A FUNCTIONALLY DIVIDED LOT, TO THE CITY COUNCIL FOR ADOPTION.**

#### **UNANIMOUS APPROVAL**

##### **Item 2**

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

Mr. Upham stated that the applicant was not able to make tonight's meeting and will not be able to make the meeting on January 19, 2010. Mr. Upham informed the Planning Board that the applicant has requested that his request for historic district approval be continued to the February 2, 2010, Planning Board meeting.

**MR. HOPKINSON MOVED, SECONDED BY MS. FITZPATRICK, TO CONTINUE THE REQUEST FOR HISTORIC DISTRICT APPROVAL AT 955 WASHINGTON STREET (MAP 26, LOT 201) FOR HERMAN NICHOLS, APPLICANT TO THE FEBRUARY 2, 2010 PLANNING BOARD MEETING.**

#### **UNANIMOUS APPROVAL**

##### **Other Business**

Mr. Upham distributed the shoreland zoning amendments as they had been approved by the Department of Environmental Protection and were now in effect. Mr. Upham explained that the new pages should be added to the Board member's copy of the Land Use Code.

Mr. Oxtan polled the Planning Board and they unanimously agreed that the Gateway 1 discussion with regard to adopting the Gateway 1 Action Plan as an addendum to the City's Comprehensive Plan would be held at the regular February 2, 2010, Planning Board workshop.

**Adjournment**

**MR. OMO MOVED, SECONDED BY MS. FITZPATRICK, TO ADJOURN THE MEETING AT 6:17 PM.**

**UNANIMOUS APPROVAL**

Minutes prepared by Marsha Hinton, Recording Secretary.