

A regular meeting of the Bath Planning Board was called on 7-5-11 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxton, Chair
James Hopkinson, Vice Chair
Donald Rogers
Robin Haynes
Paul Fraser
John Swenson

MEMBERS ABSENT

Andy Omo
Haley Grill (non-voting student member)

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, July 5, 2011.

Minutes May 15, 2011, meeting

MR. HOPKINSON MOVED, SECONDED DR. HAYNES, TO APPROVE THE MINUTES OF MAY 15, 2011, AS SUBMITTED.

UNANIMOUS APPROVAL**Old Business**

None

New Business**Item 1**

Public Hearing – Land Use Code Text Amendment – Adding Article 17; Wireless Communications Facilities.

Mr. Upham outlined the process for developing this proposed Land Use Code text amendment.

Mr. Oxton opened the floor to members of the public who wish to comment on this agenda item.

None being seen Mr. Oxton closed the public portion of the meeting.

Mr. Upham explained how the definition for "mast" had been blended into the definition for self-supporting lattice tower and guide-wire lattice tower. Mr. Upham also discussed the definition of "abandonment" as it relates to cell phone towers as well as screening standards for towers. Mr. Upham also told the Board that the City Attorney had not yet had an opportunity to review and comment on the draft of this regulation.

The Planning Board discussed abandonment, requiring surety deposits in case of abandonment, heights, screening, and Land Use Ordinance Section 17.06, 3. (Page 8.)

DR. HAYNES MOVED, SECONDED BY MR. HOPKINSON, TO CONTINUE THE PUBLIC HEARING ON LAND USE CODE TEXT AMENDMENT ADDING ARTICLE 17 -- WIRELESS COMMUNICATION FACILITIES TO THE AUGUST 2, 2011, MEETING.

UNANIMOUS AGREEMENT

Item 2

Public Hearing – Land Use Code Text Amendment – Article 9, Section 9.2

Mr. Upham explained that when the Museum Zone was created there were three residential properties zoned C5 that were put into the Museum Zone. Mr. Upham stated that the purchaser of one of those properties would like to operate a home-based business and is prevented from doing so because of the current zoning.

Mr. Oxon opened the floor to members of the public who wish to discuss this agenda item.

None being seen Mr. Oxon closed the public portion of the meeting.

The Planning Board discussed the location of the three residential properties, nearby zoning, and alternatives to this Land Use Code text amendment.

Mr. Hopkinson recommended that the zoning across the street from the residential properties be extended to those three residential properties and the zoning map be redrawn.

The Planning Board was polled and unanimously agreed to proceed with redrawing the zoning map to extend the nearby zoning to include the three residential properties that are currently in the Museum Zone.

Mr. Upham stated that he would withdraw the application for Land Use Code text amendment for Article 9, Section 9.2 and start the process for amending the zoning map.

Item 3

Request for Site Plan Approval – The Keeping of Animals (chickens) according to Land Use Code Section 11.03 – 60 North Street (Map 26, Lot 126); Sally Johnstone, applicant.

MR. HOPKINSON MOVED, SECONDED BY DR. HAYNES, TO FIND THE APPLICATION FOR SITE PLAN APPROVAL FOR THE KEEPING OF ANIMALS (CHICKENS) ACCORDING TO LAND USE CODE SECTION 11.03 AT 60 NORTH STREET (MAP 26, LOT 126) FOR SALLY JOHNSTONE APPLICANT AND TO BE COMPLETE

UNANIMOUS APPROVAL

Ms. Sally Johnstone, applicant, stated that she was keeping three chickens as pets, no roosters, and that the properties were separated by an 8-foot high stockade fence. Ms. Johnstone added that she was requesting a waiver of the hundred-foot setback requirement.

Mr. Oxton opened the floor to members of the public who wish to discuss this agenda item.

None being seen Mr. Oxton closed the public portion of the meeting.

The Planning Board discussed the proximity of the property line to the chicken coop, whether an 8-foot stockade fence was sufficient to warrant the waiver, and the storage of manure and feed.

Dr. Haynes stated that the applicant was requesting a substantial waiver of the setback.

MR. FRASER MOVED SECONDED BY MR. HOPKINSON, TO GRANT SITE PLAN APPROVAL FOR THE KEEPING OF ANIMALS (CHICKENS) ACCORDING TO LAND USE CODE SECTION 11.03 AT 60 NORTH STREET (MAP 26, LOT 126) FOR SALLY JOHNSTONE APPLICANT WITH A WAIVER OF THE 100-FOOT SETBACK REQUIREMENT OF LAND USE CODE SECTION 11.03.

**FOUR IN FAVOR (MR. HOPKINSON, MR. ROGERS, MR. SWENSON, MR. FRASER)
TWO OPPOSED (DR. HAYNES, MR. OXTON)**

Item 4

Request for Site Plan Approval – The Keeping of Animals (chickens) according to Land Use Code Section 11.03 – 5 Brown Street (Map 22, Lot 107); Kacie McGlinchey, applicant.

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.

DR. HAYNES MOVED, SECONDED BY MR. SWENSON, TO FIND THE APPLICATION COMPLETE AND TO GRANT APPROVAL FOR THE SITE PLAN FOR THE KEEPING OF ANIMALS (CHICKENS) ACCORDING TO LAND USE CODE SECTION 11.03 AT 5 BROWN STREET (MAP 22, LOT 107) FOR KACIE MCGLINCHEY, APPLICANT.

UNANIMOUS APPROVAL

Item 5

Request for Site Plan Approval – 826 High Street (Map 26, Lot 1); Bath Regional Career & Technical Center, applicant.

DR. HAYNES MOVED, SECONDED BY MR. HOPKINSON, TO FIND THE REQUEST FOR SITE PLAN APPROVAL AT 826 HIGH STREET (MAP 26, LOT 1) FOR BATH REGIONAL CAREER AND TECHNICAL CENTER, APPLICANT, TO BE COMPLETE.

UNANIMOUS APPROVAL

Mr. Oxon 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. Joel Osten, director of the regional career and technical center, stated that they were seeking to erect a greenhouse to support both the horticultural and culinary arts educational programs at the school. Mr. Osten described the current organic garden used to provide fresh vegetables to the culinary program and the desire for a greenhouse to continue that year-round as well as provide seedlings for the garden. Mr. Osten added that this is being funded through grants.

The Planning Board discussed location, screening, walkways, stormwater, erosion control, comments from city staff, compost location and type, and size of the structure.

The Planning Board requested that the applicant provide a new site plan providing information on see-through screening (Land Use Code Section 10.29, E), location and type of material used for walkways, location and screening of LP gas tank, screening for compost, location and type of compost, stormwater plan, and erosion control plan. The Planning Board recommended that the applicant work with city staff in development of these items.

DR. HAYNES MOVED, SECONDED BY MR. ROGERS, TO CONTINUE THE HEARING ON THE REQUEST FOR SITE PLAN APPROVAL FOR 826 HIGH STREET (MAP 26, LOT 1) FOR THE BATH REGIONAL CAREER AND TECHNICAL CENTER, APPLICANT TO THE AUGUST 2, 2011, MEETING OF THE BATH PLANNING BOARD.

UNANIMOUS APPROVAL

Item 6

Request for Site Plan Approval – 770 Washington Street; (Map 27, Lot 75); for Admiral Steakhouse LLC, applicant.

There was no one present to represent the applicant.

Mr. Upham informed the Planning Board that this was exactly the same application they had approved in November of 2010. Mr. Upham explained that the time had expired without the applicant making the improvement shown on his site plan and that the November 2010 was, therefore, void.

DR. HAYNES MOVED, SECONDED BY MR. HOPKINSON, TO FIND THE REQUEST FOR SITE PLAN APPROVAL AT 770 WASHINGTON STREET (MAP 27, LOT 75) FOR ADMIRAL STEAKHOUSE, LLC, APPLICANT, TO BE COMPLETE WITH THE WAIVER OF LAND USE CODE SECTION 12.08, J AND F.

UNANIMOUS APPROVAL

The Planning Board discussed proof of financial capacity and comments by Fire Chief Hinds.

DR. HAYNES MOVED, SECONDED BY MR. FRASER, TO APPROVE THE REQUEST FOR SITE PLAN APPROVAL AT 770 WASHINGTON STREET (MAP 27, LOT 75) FOR ADMIRAL STEAKHOUSE, LLC, APPLICANT, WITH THE FOLLOWING WAIVERS AND CONDITIONS:

WAIVER OF LAND USE CODE SECTIONS 10.14; 10.29, E, 3, (a) and (b); 10.29, F, 2, (d), (iv); 12.08, F AND J; AND

CONDITIONED UPON PROOF OF FINANCIAL CAPACITY BEING PROVIDED TO THE PLANNING DIRECTOR AND CLARIFICATION OF COMMENTS BY FIRE CHIEF HINDS TO THE PLANNING DIRECTOR.

UNANIMOUS APPROVAL

Other Business

None

Adjournment

MR. ROGERS MOVED SECONDED BY MR. HOPKINSON, TO ADJOURN THE MEETING AT 7:26 PM.

UNANIMOUS APPROVAL

Minutes prepared by Marsha Hinton, Recording Secretary.