

A regular meeting of the Bath Planning Board was called on 5-1-12 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxtan, Chair
Paul Fraser
Carolyn Lockwood
John Swenson
Cal Stilphen

MEMBERS ABSENT

James Hopkinson, Vice Chair
Andy Omo
Megan Hixon (non-voting student member)
Haley Grill (non-voting student member)

STAFF PRESENT

Andrew Deci, 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, May 1, 2012.

Minutes April 3, 2012 meeting

MR. FRASER MOVED, SECONDED BY MR. STILPHEN TO ACCEPT THE PLANNING BOARD MINUTES OF APRIL 3, 2012.

UNANIMOUS APPROVAL**Old Business**

None

New Business**Item 1**

Request for Site Plan Approval – The Keeping of Animals (chickens) according to Land Use Code Section 11.03 – 48 Willow Street (Map 21, Lot 45); Gina Hamilton, applicant

Mr. Deci described proposal to construct a small movable coop to house chickens. Mr. Deci pointed out that waivers of lot size and setback would be required for approval.

Ms. Hamilton described how the lot was being utilized as sustainable green space, that the chickens were for eggs only, that there would be no roosters, and the coop would be moved to the porch during the winter. Ms. Hamilton delivered a note from an abutter stating their support for her proposal. Ms. Hamilton pointed out other chickens in the area.

The Planning Board held discussion on ordinance standards, railroad tracks, proposed location of the coop, setbacks, manure, composting, and proximity of abutters.

MS. LOCKWOOD MOVED, SECONDED BY MR. SWENSON TO FIND THE REQUEST FOR SITE PLAN APPROVAL FOR THE KEEPING OF ANIMALS (CHICKENS) ACCORDING TO LAND USE CODE SECTION 11.03 AT 48 WILLIS STREET (MAP 21, LOT 45) FOR GINA HAMILTON, APPLICANT, TO BE COMPLETE.

UNANIMOUS APPROVAL

Mr. Stilphen stated that he was concerned when exceptions are made to an existing ordinance. Mr. Stilphen suggested that the ordinance language be reworded so that the town doesn't find itself managing the exceptions.

The Board discussed protecting the real estate values of abutting properties, deviation from the ordinance language, flooding, relocation of the coop, and intent of the ordinance language.

Ms. Lockwood stated that she needed more information regarding lot dimensions.

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.

MS. LOCKWOOD MOVED, SECONDED BY MR. SWENSON TO TABLE DISCUSSION OF THE REQUEST FOR SITE PLAN APPROVAL FOR THE KEEPING OF ANIMALS (CHICKENS) ACCORDING TO LAND USE CODE SECTION 11.03 AT 48 WILLIS STREET (MAP 21, LOT 45) BY GINA HAMILTON, APPLICANT, UNTIL THE REGULAR JUNE 5, 2012 MEETING OF THE BATH PLANNING BOARD.

UNANIMOUS APPROVAL

Mr. Oxtan, stated that agenda item three would be heard before agenda item two.

Item 3

Request for Historic District Amendment – 286 Front Street (Map 26, Lot 255–1);
Constance Burt, applicant

Mr. Deci informed the Board that the grading on the site does not lend itself to the design of the approved home and therefore, the applicant was back before the Board to request an amendment. Mr. Deci stated that the applicant was requesting approval to amend the plan by placing the garage under the home.

MR. STILPHEN MOVED, SECONDED BY MR. FRASER TO FIND THE REQUEST FOR HISTORIC DISTRICT AMENDMENT AT 286 FRONT STREET (MAP 26, LOT 255–1) BY CONSTANCE BURT, APPLICANT, TO BE COMPLETE.

UNANIMOUS APPROVAL

Mr. Fred Hahn described the difficulties with grading, landscaping, and design elements to make the structure visually pleasing. Mr. Hahn supplied the Planning Board with the Landscaper's sketch of the grading on the site.

The Planning Board discussed grading, slope, the south side of the structure, landscaping, and reducing the visual impact of the concrete wall on the south side.

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

Ms. Judy Barrington, HDARC, stated that after viewing the site HDARC has no objection to placing the garage under the house.

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

MR. STILPHEN MOVED, SECONDED BY MR. SWENSON, TO APPROVE THE REQUEST FOR HISTORIC DISTRICT AMENDMENT AT 286 FRONT STREET (MAP 26, LOT 255-1) FOR CONSTANCE BURT, APPLICANT, WITH THE CONDITION THAT THE NEW LANDSCAPING ELEVATIONS SUPPLIED BY THE APPLICANT AT THIS EVENING'S MEETING BE PART OF THE APPROVAL. UNANIMOUS APPROVAL

Item 2

Pre-Application Workshop – Wireless Communications Facility at 200 Congress Avenue (Map 25, Lot 102); Mariner Tower II, LLC and New Cingular Wireless PCS, LLC, applicants.

Mr. Chris Ciolfi described the general process of identification of sites and monopole towers.

The Planning Board discussed coverage, service areas, power, landscaping, ownership of abutting properties, views, buffering, fall zone, easements, federal standards for radiation, frequency, safety, vandalism, and the foundation.

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

Mr. John Fitzherbert, 144 Bedford Street, stated that, as an abutter he would have to look at the tower during the winter when the leaves were off the trees. Mr. Fitzherbert expressed his concern with regard to health risks posed by radiation emitted by the cell tower in the proximity of a hiking trail, a sports complex, and a daycare center. Mr. Fitzherbert added that a cell tower would only reduce the value of his property.

Mr. Guy McDorr, 143 Bedford Street, also expressed his concern with safety and the proximity of the tower to his property.

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

The Planning Board suggested photo simulations from areas of concern, maps identifying the fall zone, removal of climbing pegs on the tower, copies of signed easements, information on health risks, and proof of compliance with the National Environmental Policy Act and National Historic Preservation Act.

Other Business

The Planning Board requested a workshop be scheduled to address the issue of urbanized chickens.

Adjournment

There being no further business before the Board, **MR. FRASER MOVED, SECONDED BY MS. LOCKWOOD, TO ADJOURN THE MEETING AT 7:38 PM.**

UNANIMOUS APPROVAL

Minutes prepared by Marsha Hinton, Recording Secretary