

A regular meeting of the Bath Planning Board was called on 4-19-16 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxtan, Chair
James Hopkinson, Vice Chair
John Sunderland
Cal Stilphen
Albert Branca
Russell Martin
Ricky Warren (non-voting student member)

MEMBERS ABSENT

Andy Omo
Griffin Tibbitts (non-voting student member)

STAFF PRESENT

Andrew Deci, Planning Director

Mr. Oxtan, Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, April 19, 2016.

Minutes February 2, 2016, meeting

MR. BRANCA MOVED, SECONDED BY MR. STILPHEN TO APPROVE THE MINUTES OF FEBRUARY 2, 2016 AS SUBMITTED.

UNANIMOUS APPROVAL**Old Business**

None

New Business**Item 1**

Public Hearing – Land Use Code Amendment – Articles 2, Definitions, and 9, Uses; as related to permitting domesticated chickens in urban areas of Bath.

Mr. Deci explained the proposed standard modification to Article 2 and Article 9 to allow administrative approval to keep chickens, to remove chickens from the definition of agriculture and allow other chicken related uses in the definition section. Mr. Deci added that the Planning Board would be providing a recommendation to the City Council on these proposed standard modifications.

The Planning Board discussed typos in the text of the proposed modifications.

Mr. Oxtan, Chair, opened the floor for comment on this agenda item from members of the public present.

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

MR. HOPKINSON MOVED, SECONDED BY MR. BRANCA, TO RECOMMEND THAT THE CITY COUNCIL ACCEPT THE LAND USE CODE AMENDMENT – ARTICLES 2, DEFINITIONS, AND 9, USES; AS RELATED TO PERMITTING DOMESTICATED CHICKENS IN URBAN AREAS OF BATH AS EDITED.

UNANIMOUS APPROVAL

Item 2

Public Hearing – Land Use Code Amendment – Article 8.20, Contract Rezoning; as related to removing the requirement to record contract zones at the Registry of Deeds

Mr. Deci explained the need to amend the requirement to record the contract rezoning with the registry of deeds to affirm the validity of the contract rezoning approvals over the past ten years.

The Planning Board discussed law interpretations, identifying who is responsible for recording the contract rezoning, changing the language to require recording before issuing any permit, the importance to have the document on record, timing of the ordinance, and options for recommendations to the City Council.

The Planning Board discussed typos in the text of the proposed modifications.

Mr. Oxtan, Chair, opened the floor for comment on this agenda item from members of the public present.

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

MR. HOPKINSON MOVED, SECONDED BY MR. SUNDERLAND TO AMEND THE LAND USE CODE ARTICLE 8.20, CONTRACT REZONING; AS RELATED TO REMOVING THE REQUIREMENT TO RECORD CONTRACT ZONES AT THE REGISTRY OF DEEDS AND IN PLACE THEREOF RECOMMENDING AN ORDINANCE REVISION THAT CONFIRMS THE APPROVAL NOTWITHSTANDING THE LACK OF RECORDATION OF THE EVIDENCE OF CONTRACT REZONING AND THAT SECTION 8.20 C 1 E TO READ AS FOLLOWS, “EVIDENCE OF THE APPROVAL IS RECORDED IN THE SAGADAHOC COUNTY REGISTRY OF DEEDS PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT BY THE CODE ENFORCEMENT OFFICER, ON FORMS ADOPTED BY THE PLANNING BOARD FOR THE PURPOSE. THE RESPONSIBILITY FOR RECORDING EVIDENCE OF THE APPROVAL IS ON THE APPLICANT.”

UNANIMOUS APPROVAL

Item 3

Request for Site Plan Approval – 2 Maxwell St Ct (Map 32, Lot 77); Jeffrey Cappellieri, applicant.

Mr. Deci explained this was for the keeping of animals under the current ordinance.

The Planning Board discussed completeness of the application materials.

Mr. Cappellieri described the orientation of the lot, discussions with abutters, and his desire to have four to six laying hens for egg production, the location and size of the coop, storage for food and waste, and plans to compost the waste.

The Planning Board discussed the location of abutters in relation to the applicant's property, completeness of the application materials, compost methodology to be used, ordinance requirements, noise, smell, scale, dimensions, distances, storage containers, the location of the garden, and notification of abutters.

MR. HOPKINSON MOVED, SECONDED BY MR. SUNDERLAND TO FIND THE APPLICATION COMPLETE.

UNANIMOUS APPROVAL

Mr. Oxton, Chair, opened the floor for comment on this agenda item from members of the public present.

Betsy Jones, 9 Maxwell Street, Laura Gauld daughter, speaking, stated that her mother is very upset about this proposal. Ms. Gauld pointed out how tight the property is in this neighborhood and how worried her mother is about having chickens just feet away from her deck. Ms. Gauld also said her mother is concerned about the noise and smell from the chickens. Ms. Gauld stated her mother is also concerned about the negative impact on the neighborhood.

Malcolm Doyen, 8 Maxwell Street, stated he concurs with Ms. Jones with both smell and noise and does not welcome this proposal at all. Mr. Doyen asked how this proposal will be enforced and expressed his concern about rodents.

No further comment from members of the public being seen, Mr. Oxton closed the public comment portion of the meeting.

Mr. Cappellieri stated that the foreclosed house in the neighborhood was more of a hazard than chickens. Mr. Cappellieri pointed out that he purchased a foreclosed home and had made improvements.

The Planning Board requested more accurate scale and measurements to ensure the application meets the standards of the Land Use Code, more information on the composting process to be used, and show that the garden meets the distance requirements for manure storage.

MR. STILPHEN MOVED, SECONDED BY MR. BRANCA TO TABLE THE REQUEST FOR SITE PLAN APPROVAL AT 2 MAXWELL ST CT (MAP 32, LOT 77) FOR JEFFREY CAPPELLIERI, APPLICANT, TO ALLOW TIME FOR CLARIFICATION OF INFORMATION BY THE APPLICANT.

UNANIMOUS APPROVAL

Other Business

None

There being no further business before the Board, **MR. HOPKINSON MOVED, SECONDED BY MR. BRANCA, TO ADJOURN THE MEETING AT 6:59 PM.**

UNANIMOUS APPROVAL

Minutes prepared by Marsha Hinton, Recording Secretary from video recording.