

A regular meeting of the Bath Planning Board was called on 4-2-02 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxton, Chair
Jim Harper, Vice Chair
David King
Paul Karass
Robin Haynes
George Pollard

MEMBERS ABSENT

Marjorie Hawkes

STAFF PRESENT

Jim Upham, Planning Director
Mary Jane Sullivan, Recording Secretary

Bob Oxton, Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, April 2, 2002

Minutes of March 19, 2002, meeting.

DAVID KING MOVED, SECONDED BY GEORGE POLLARD, TO APPROVE THE MINUTES OF THE MARCH 19, 2002, MEETING AS WRITTEN.

UNANIMOUS APPROVAL

Minutes of March 28, 2002, site walk.

JIM HARPER MOVED, SECONDED BY ROBIN HAYNES, TO ACCEPT THE REPORT OF THE ACTIVITY AS RECORDED BY JIM UPHAM, WITH THE QUALIFICATION THAT IT IS UNDERSTOOD THAT THIS WAS NOT A DECISION MAKING MEETING.

UNANIMOUS APPROVAL

Old Business:

Request for Site Plan Approval – mining operations at North Bath Road (Map 6, Lots 1 and 2); H. C. Crooker & Sons, applicant. (Tabled from the March 19,2002 meeting)

DAVID KING MOVED, SECONDED BY ROBIN HAYNES, TO REMOVE THE ITEM FROM THE TABLE.

UNANIMOUS APPROVAL

Jim Upham, Planning Director, told the Board that the applicant had requested that the item be tabled until the May 7th meeting.

JIM HARPER MOVED, SECONDED BY DAVID KING, TO TABLE THE H. C. CROOKER REQUEST FOR SITE PLAN APPROVAL TO THE MAY 7 MEETING AS REQUESTED BY THE APPLICANT.

UNANIMOUS APPROVAL

New Business:

Item 1

Request for Site Plan Approval – Construction of a restroom and meeting facility at Bath Iron Works; 700 Washington Street (Map 27, Lot 142); Bath Iron Works, applicant.

Jim Harper and Bob Oxtan disclosed that they are employees of Bath Iron Works, and asked permission to be allowed to vote as they felt that they could review the application impartially.

The Board members said they agreed. The applicant also said that he felt the two members could review the application.

Jim Upham the Board that the first order of business was to determine if the application was complete.

DAVID KING MOVED, SECONDED BY PAUL KARASS, TO FIND THE APPLICATION COMPLETE WITH A WAIVER GRANTED ALLOWING THE PLANS TO BE AT A SCALE OF 1 INCH = 100 FEET INSTEAD OF THE REQUIRED SCALE OF AT LEAST 1INCH = 50 FEET.

UNANIMOUS APPROVAL

Bob Oxtan, Chair, recognized Joe Comeau, who introduced himself as manager of facilities engineering at BIW. He told the Board that General Dynamics has been studying the working environment at the shipyard for the past year. This is a small piece of the improvements proposed for Pier 4 which is used primarily when ships dock there. He asked that Article 10.16 – Refuse Disposal (requires dumpsters to be screened from the public streets and the Kennebec River), and Article 10.29 – Landscaping and Screening (requires landscaping as a part of the Site Plan) be waived because the area is not conducive to landscaping or screening. He said that there were other dumpsters and storage facilities in the vicinity and that the location of the proposed building is an industrial area.

Bob Oxtan, Chair, opened the meeting for public comment. There was no public comment and this segment was closed.

Mr. Comeau also told the Board that the building will have white siding and a blue roof. He also said the contractor has been selected and will start later this month.

There were no further questions and the comment was made that this building fits the industrial area and there are no concerns.

PAUL KARASS MOVED, SECONDED BY DAVID KING, THAT SITE PLAN APPROVAL FOR THE CONSTRUCTION OF A RESTROOM AND MEETING FACILITY AT BATH IRON WORKS; (MAP 27, LOT 142); BATH IRON WORKS, APPLICANT BE GRANTED, GRANTING WAIVERS OF SECTION 10.29 AND SECTION 10.16 BECAUSE MEETING THESE REQUIREMENTS IS NOT NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE.

UNANIMOUS APPROVAL

Item 2

Request for Historic District Approval – Removal of a roof dormer at 199 Water Street (Map 27, Lot 99); Walter H. Briggs, applicant.

Jim Upham reported that in attempting to get this item on the agenda quickly Sagadahoc Preservation's advisory committee did not have time to review the application and get a report to the Planning Office before the Planning Board packets were delivered. He said he had put the e-mailed reports from Sagadahoc Preservation (SPI) on the Board members' desks. He also reminded the Board that the question before the Board was whether the applicant could demonstrate that the dormer was not historically significant or that there was no alternative method of preserving it.

Robin Haynes disclosed that she had been asked by the applicant to help find maps at the library. She gave no advice and did not reveal that she is a Planning Board member when she found out that he was preparing to come before the Planning Board. David King disclosed that he has done real estate work for the applicant in the past. Both requested to be allowed to vote on this matter as they saw no conflict of interest or potential for bias. Other Board members and the applicant agreed and Board members Haynes and King participated in the review of this agenda item.

Walter Briggs told the Board that he would like to remove the roof dormer, which was constructed on the building at 199 Water Street to house an elevator mechanism. He said there has been a history of leaking problems where the dormer is and it would be cleaner and simpler to re-roof the building if it were removed.

He told the Board that there is not much documented history on this particular building. He said that the SPI survey reveals that it was constructed in the late 1880s and that the December 1919 Sanborn Insurance map does not show a dormer on the roof. He said the elevator mechanism has been removed and the elevator shaft has been closed up.

Jim Upham asked Robin Haynes about the Sanborn Insurance maps and whether roof structures were usually shown. She indicated that they were quite accurate, but the maps don't show any roof structures in Bath. Jim Upham said that he was used to using the Sanborn Maps when he was in Bangor and he thought roof structures were shown.

Bob Oxtan, Chair opened the meeting for public comment. Seeing none, he closed the public session.

Robin Haynes said that she agreed with the three members of the SPI review committee who felt the dormer should stay. She said she believes that it was built at the same time as the building. She requested that if it is removed, it be thoroughly documented by taking both color and black and white photographs, so it could possibly be rebuilt in the future.

Both Paul Karass and David King said that they believed the dormer is ugly, and Mr. Karass asked why an owner should be forced to maintain something useless and ugly. Jim Harper stated that the Board needs to determine whether or not the applicant has demonstrated that the dormer is not historically significant, not whether it is ugly. He said, for example, it might have been the first elevator in Bath. He said he thinks it is significant to the building and was built when the building was first constructed. Robin Haynes said it was meant to be a balanced part of the design with the dormer pediments mimicking the pediments on two of the second floor windows with dentil molding as well as detail trim boards like a sunrise or fan pattern.

Bob Oxtan, Chair, acknowledged that it appears the Planning Board is split. He asked the applicant if he would consider improving the dormer instead of removing it. Mr. Briggs said he was not financially in a position to make such improvements. He also said that he has to leave for another meeting, but he doesn't want this tabled. He asked if the Board could still make its decision if he left.

After a brief discussion, the chair called for a vote.

DAVID KING MOVED, SECONDED BY PAUL KARASS, TO APPROVE THE REQUEST FOR REMOVAL OF THE ROOF DORMER AND FIND IT MEETS THE CRITERIA FOR HISTORIC DISTRICT APPROVAL IN SECTION 8.12.

VOTING FOR THE MOTION, AGREEING THAT THE APPLICANT HAD DEMONSTRATED THAT THE APPROVAL CRITERIA HAD BEEN MET, WERE

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KING, POLLARD, AND KARASS. VOTING AGAINST THE MOTION, BECAUSE THEY DID NOT BELIEVE THE APPLICANT HAD DEMONSTRATED THAT THE APPROVAL CRITERIA HAD BEEN MET, WERE HAYNES, HARPER, AND OXTON. THE MOTION FAILED TO PASS. APPROVAL WAS NOT GRANTED.

THERE BEING NO OTHER BUSINESS TO COME BEFORE THE PLANNING BOARD PAUL KARASS MOVED, SECONDED BY DAVID KING, TO ADJOURN THE MEETING.

UNANIMOUS APPROVAL

The meeting was adjourned about 6:45 p.m.

Minutes prepared by Mary Jane Sullivan, Recording Secretary