

A regular meeting of the Bath Planning Board was called on 9-16-03 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxtan, Chair
Jim Harper, Vice Chair
Marjorie Hawkes
Robin Haynes
Gordon Reed
James Hopkinson

MEMBERS ABSENT

Richard Klingaman

STAFF PRESENT

Jim Upham, Planning Director
Marsha Hinton, Recording Secretary

Bob Oxtan, Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, September 16, 2003.

Minutes of September 2, 2003, meeting

MARJORIE HAWKES MOVED, SECONDED BY ROBIN HAYNES TO ACCEPT THE MINUTES OF THE SEPTEMBER 2, 2003, MEETING AS WRITTEN.

UNANIMOUS APPROVAL

Minutes of September 9, 2003, meeting

Marjorie Hawkes pointed out that the minutes did not indicate that Gordon Reed was not present.

ROBIN HAYNES MOVED, SECONDED BY MARJORIE HAWKES TO ACCEPT THE MINUTES OF THE SEPTEMBER 9, 2003, MEETING AS CORRECTED.

UNANIMOUS APPROVAL

Old Business:

Item 1

Request for Site Plan Approval – Filling Permit; 250 North Bath Road (Map 6, Lots 1&2); Walter Taggart, Applicant. (Continued from the September 9, 2003 special meeting.)

Walter Taggart, applicant, stated that the property had been viewed by the Planning Board and that he was ready to answer any questions that the Planning Board might have.

Jim Harper asked if there were any modifications that needed to be delineated on the drawing.

Jim Upham said there were none.

The Planning Board held discussion on the tree line and setback requirements.

There being no further discussion from the Planning Board, Bob Oxton opened the floor to members of the public who wished to comment.

None being seen, Bob Oxton closed the public portion of the meeting.

JIM HARPER MADE A MOTION, SECONDED BY JAMES HOPKINSON TO APPROVE THE REQUEST FOR SITE PLAN APPROVAL FOR A FILLING PERMIT AT 250 NORTH BATH ROAD (MAP 6, LOTS 1&2), WALTER TAGGART, APPLICANT WITH THE FOLLOWING CONDITIONS:

THAT THE FILL AREA NOT EXTEND BEYOND THE CURRENT TREE LINE ON THE WEST OF THE SITE;

THAT THE FILL BE SETBACK AT LEAST FIFTY FEET FROM THE EXISTING POND;

THAT THE JUNE 18, 2003 LETTER FROM JIM UPHAM TO WALTER TAGGART BE INCORPORATED AS PART OF THE APPROVAL WITH THE FOLLOWING AMENDMENTS;

THAT THE SEED TYPE BE THE SAME AS OR EQUAL TO THE TYPE SPECIFIED IN THE LETTER; AND

THAT ITEMS THREE AND FOUR OF THE LETTER ARE NO LONGER APPLICABLE.

UNANIMOUS APPROVAL.

New Business:

Item 1

Request for Historic District Approval Amendment – modifications to the home at 997 Washington Street (Map 21, Lot 247); Lynn and John Shipway, applicant.

Fred Hahn, representing the applicants, stated that he has been working with the Shipways on this house and was back before the Planning Board to ask for an amendment to the previously approved plan. Mr. Hahn mentioned specifically that he would like to move two second floor windows to provide symmetry to the visual appearance of the north side of the house. Mr. Hahn also requested that one of these windows be made into a double window to break up the solid expanse of siding.

Jim Upham stated that he has not had time to contact Sagadahoc Preservation Inc. with regard to the historic appropriateness of moving windows or adding an additional window.

Robin Haynes pointed out that this structure has two public faces because it is a corner property. Ms. Haynes stated that moving the windows as requested to create symmetry is not historically inappropriate, however making one of the windows into a double window is not appropriate.

The Planning Board held discussion on doubling windows, drawing perspectives, the approval criteria in Land Use Code Section 8.12, H, 2, (c) and the distance the windows would be moved.

There being no further discussion from the Planning Board, Bob Oxtan opened the floor to members of the public who wished to comment.

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

ROBIN HAYNES MADE A MOTION, SECONDED BY GORDON REED, TO APPROVE THE REQUEST FOR HISTORIC DISTRICT APPROVAL AMENDMENT FOR MODIFICIATION TO THE HOME AT 997 WASHINGTON STREET (MAP 21, LOT 247); LYNN AND JOHN SHIPWAY, APPLICANTS; ALLOWING MOVING OF TWO WINDOWS ON THE SECOND FLOOR OF THE ELL ON THE NORTH FAÇADE AND TO DENY THE REQUEST TO MAKE THE EASTERLY MOST WINDOW ON THE NORTH FAÇADE OF THE SECOND FLOOR INTO A DOUBLE WINDOW BECAUSE DOING SO WOULD NOT MEET THE APPROVAL CRITERIA IN LAND USE CODE SECTION 8.12, H, 2, (C).

UNANIMOUS APPROVAL.

Item 2

Pre-application Workshop – Construction of a mixed use—multi-family residential, marina, and inn—development; Front Street (Map 21 Lots 225, 229, 230, 231, 232, and 235); The Old Shipyard Land, LLC, applicant.

Catherine E. Davis, representing the applicant, briefly discussed the strong maritime history of this site, her ties to the City of Bath, and presented her concept for continuing that rich maritime heritage. She pointed out that this property has sat vacant for eighty years. She invited any comments that the Planning Board and members of the public present wish to make.

Bob Oxtan stated that while Planning Board workshops are not normally open for the public to speak but he would allow brief comments from members of the public who wished to speak at this time.

Ann Hammond, Grove Street, asked if the applicant had considered the impact to the neighborhood that an inn, marina, increased residential density, and increased traffic would have.

Laura Brill, 370 Front Street asked just what uses were allowed in an R5 Zone.

Paul Gammach, 1016 Washington Street, stated that he has enjoyed walking along the proposed site and asked if there would be some sort of walkway established for use by current residents.

Don Pryor, 360 Front Street stated that he felt this site was too large for the project being proposed. He added that traffic is an issue in this area due to the small size of the street, on-street parking, and the tendency to speed along there. He stressed that Front Street will not support the increase in traffic.

Ed Morrell, 1043 Washington Street stated that the stop sign at Washington Street just served to make Front Street more attractive to motorist who wanted to avoid the stop sign. He urged the Planning Board to look at the Land Use Code and the ecological impact on this area this project would cause. He also requested it be scaled back.

Bill Love distributed and read a prepared statement to the Planning Board.

Ken Brill expressed concern that the buildings would be built in the flood zone and asked how the applicant proposed to deal with that issue.

Gerald Rice, 355 Front Street, also expressed concern that this green space in Bath would no longer be available to the Bath residents.

Nick Sewall, owner, stated that the other partners in this project were himself, his brother and a cousin. He pointed out that because of the development at West Chops Point the property taxes have increased on this property. He added that while he has been happy to provide a private park that residents could enjoy, it was becoming too expensive to do so. He stated that it was not the intent to destroy but to enhance and improve the neighborhood and community.

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

Jim Upham stated that in the R5 zone an Inn with not more than 40 rooms would be allowed, as well as a marina. A restaurant serving only guests at the Inn would be allowed, but one serving non-guests would not. The same was true of any shops in the Inn. A chandlery would be allowed as a part of the marina.

The Planning Board held discussion on traffic impact, scale of the sketch, parking, the flood zone, public access and size of the site.

Jim Hopkinson stated that the conceptual idea was good. Mr. Hopkinson recommended that the applicant work with experts to develop a traffic/parking plan, work closely with City Staff as they go forward with an application, and have meetings with members of the neighborhood to work with them in developing a plan.

Item 3

Planning Board Discussion – Possibility of extending Contract Zoning to the Historic Overlay District.

Jim Upham stated that it has been brought to his attention that it might be beneficial to incorporate contract zoning into the Historic Overlay District. This might provide more flexibility with Historic District applications.

Mr. Upham also asked if the Planning Board would be interested in development of educational materials with regard to what is and what is not architecturally appropriate in different historic periods.

The Planning Board held discussion on how the contract zoning within the historic overlay district and having a guide for historic architecture.

Jim Hopkinson stated that it would be helpful both to Planning Board members and applicants to have an architecture guide.

Jim Harper asked Jim Upham to draft some language with regard to contract zoning in the historic overlay district.

Other Business Election of Officers

ROBIN HAYNES MADE A MOTION, SECONDED BY GORDON REED THAT THE PRESENT SLATE OF OFFICERS BE APPROVED.

UNAMIOUS APPROVAL.

There being no further business to come before the Board, **GORDON REED MOVED, SECONDED BY JIM HARPER, THAT THE MEETING BE ADJOURNED.**

UNANIMOUS APPROVAL

The meeting was adjourned at 8:05 p.m.

Minutes prepared by Marsha Hinton, Recording Secretary