

## BATH PLANNING BOARD MEETING MINUTES    SEPTEMBER 20, 2005

A regular meeting of the Bath Planning Board was called on 9-20-05 for the purpose of conducting regular business.

### **MEMBERS PRESENT**

Bob Oxton, Chair  
Robin Haynes  
Jim Hopkinson  
Bill Vahey  
Andy Omo  
Jennifer DeChant  
Jonathan Dolloff (non-voting student member)

### **MEMBERS ABSENT**

Jim Harper, Vice Chair  
John Underwood (non-voting student member)

### **STAFF PRESENT**

Jim Upham, Planning Director

### **STAFF ABSENT**

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, September 20, 2005.

### **Minutes of September 6, 2005, meeting**

Dr Haynes made the suggested that the following corrections be made to the minutes;

- On page 2, in new business item number 2, the words "and contract rezoning" should be deleted.
- On the bottom of page 3, in new business item number 4, in the motion for approval, the following should be added at the end of the motion "and matte finish."
- On page 4 in the conditions regarding the approval of item 5 the following changes should be made, the first condition should be "that the window be four pane"
- The third condition should be "that the wooden railing and the additional vertical baluster be white in color."
- The forth condition should be "that an additional lower wooden railing be added to the balustrade."
- On the top of page 5, in item number 8, Mr. Wilcox's discussion of the *Wyoming* should indicate what phase one of the project will consist of.

**MR. HOPKINSON THEN MOVED, SECONDED BY DR HAYNES, TO ACCEPT THE MINUTES OF THE SEPTEMBER 6, 2005, MEETING AS AMENDED.**

**UNANIMOUS APPROVAL**

## **Old Business:**

### **Item 1**

**Request for Final Subdivision Approval** - Stonehouse Woods Subdivision; Oak Grove Avenue (Map 15 Lot 46), Sewall Family Associates, LLC, applicant. (Continued from September 6, 2005 meeting)

Mr. Upham told the Board that the applicant's consultant had asked that this item be continued until the next meeting. He said that the applicant was still waiting for certain letters from State agencies.

**ON A MOTION BY MR. HOPKINSON, SECONDED BY DR. HAYNES, THIS ITEM WAS CONTINUED TO THE OCTOBER 4, 2005, MEETING.**

### **UNANIMOUS APPROVAL**

### **Item 2**

**Public Hearing – Request for Historic District Approval and Contract Rezoning;** 950 Middle Street (Map 26 Lot 112); David Enright and Barbara Cornell, applicants, continued from September 6, 2005, meeting.

Mr. Upham told the Board that the applicant had asked that this item be continued to the October 4, 2005, meeting.

**ON A MOTION BY DR HAYNES, SECONDED BY MR VAHEY, THE ITEM WAS CONTINUED TO THE OCTOBER 4, 2005, MEETING.**

### **UNANIMOUS APPROVAL**

## **New Business:**

### **Item 1**

**Request for Site Plan Amendment** – Modifications to existing parking lot; 752 High Street (Map 28, Lot 115); Sagadahoc County, applicant.

Steve Singer, representing Sagadahoc County, told the Board that the County Commissioners were proposing to make modification to the parking lot behind the Court House to provide additional parking and to prevent motorists from driving through the lot as a short cut between Centre and Court streets. He explained that the letter to Jim Upham from Rusty Robertson, dated September 12, 2005, covered all of the items that Mr. Upham had said were needed.

Dr Haynes said that she was concerned about some of the parking spaces and the need for cars to be backed into travel lanes, safety for pedestrians walking in the parking lot and to the Court House, and screening for dumpster.

Mr. Singer said that these spaces where vehicles would have to back into travel lanes would be used by sheriff patrol cars and would be backed into the spaces. He also pointed out that the dumpster has not changed in location. Mr. Singer said that the Sheriff's Department was no longer leasing space on Oak Grove Avenue and had moved back to the Court House to save money and that parking spaces were being rented in the Verizon lot on high street.

Mr. Omo asked the applicant why they were choosing Centre Street as their access drive location as opposed to Court Street.

Mr. Singer said that it was because Centre Street's sight distance.

Mr. Hopkinson asked if they were permanently closing the Court Street curb cut.

Mr. Singer said that it would be available for certain situations such as bringing prisoners to the Court House.

Mr. Upham told the Board that a number of the parking spaces did not meet the dimensional requirements of Article 10, that he was concerned that pedestrian safety requirements were not being met, and that there was no screening for the new parking spaces proposed to be located in the existing Centre Street access drive location. He also told the Board that he and the Public Works Director were concerned about additional traffic being forced through the High Street-Centre Street intersection.

Dr Haynes told the Board that she was concerned about the additional traffic at the High Street-Centre Street intersection and did not know what the level of service would become. She also said that she felt the dumpster should be screened because the site was being changed and the access drive would be located much closer to the dumpster. She also said that if these things were not required by the Board the Board was not holding the County to the same standard as other applicants.

Mr. Hopkinson agreed about the dumpster screening, but said he understood the County's use of Centre Street as opposed Court Street. He did say that he felt buffering of the new parking space was a requirement.

Mr. Singer pointed out that there were only about eight extra vehicles to be parked in the lot and that the problem at the High-Centre Street intersection was only a time-of-day and seasonal problem.

Dr Haynes asked where the snow would be plowed and whether that was shown on the plan.

Mr. Singer pointed out that snow plowing and removal of snow from the parking lot was discussed in the letter to Jim Upham, planning director, from Rusty Robertson, dated September 12, 2005. Mr. Singer also said that if there were too many issues to live with that the Court House site would not be changed.

Mr. Hopkinson told the applicant and the Board that he felt the issues could be dealt with.

**DR HAYNES THEN MOVED, SECONDED BY BILL VAHEY, TO CONTINUE THE REQUEST FOR SITE PLAN AMENDMENT-MODIFICATIONS TO EXISTING PARKING LOT; 752 HIGH STREET (MAP 28, LOT 115); SAGADAHOC COUNTY, APPLICANT, TO THE OCTOBER 18, 2005, MEETING TO PROVIDE THE APPLICANT TIME TO DEMONSTRATE THAT THE APPLICABLE STANDARDS OF ARTICLE 10 WOULD BE MET.**

**UNANIMOUS APPROVAL.**

## **Item 2**

**Request for Historic District Approval** – Demolition of Harbor Light Building; 164-166 Front Street (Map 26, Lot 247); Michael Grassi, applicant.

Mr. Hopkinson stated that he has represented the applicant in the past on other matters but that he felt he could objectively deal with this application.

David King, attorney representing the applicant, said that he had no objection to Mr. Hopkinson continuing to act on this agenda item. The Board members agreed.

Mr. King told the Planning Board that Mr. Grassi was proposing to demolish the building so that he could build a three-story building in its place. He said he did not know what the façade treatment would be but that the applicant had an architect working on the proposal. He told the Board that the building was in very poor condition and that it was not salvageable.

Dr. Haynes agreed that the historic integrity of the building had been so compromised that it was no longer historically significant. She did say that a chain link fence across the Front Street side of the lot would not be the best type of fence considering it is in the historic downtown. She suggested that a chain link fence with plastic slats, while still not the best type of fence, would be more appropriate.

Mr. King pointed out that one purpose for the chain link fence was so that police officers could look into the lot and see any activity there. Mr. Oxtan asked why the site could not be made level and landscaped.

Mr. King pointed out that there would likely be a three-foot drop into what is now basement area of the building.

Dr. Haynes suggested that the fencing could be with chain link fence for a time period and that a promotional sign be attached to the fence, but if the fence needed to remain past June 1, 2006, that a better fence be erected. She also suggested that if the building were not under construction by autumn of 2006, then the fence should be taken down, the site brought up to grade and landscaped.

Mr. Oxtan then opened the meeting up for public comment. There was no public interested in commenting on this item and Mr. Oxtan closed this item to public comment.

**DR HAYNES THEN MOVED, SECONDED BY MR HOPKINSON, TO APPROVE THE REQUESST FOR HISTORIC DISTRICT APPROVAL-DEMOLITION OF HARBOR LIGHT BUILDING; 164-166 FRONT STREET (MAP 26, LOT 247); MICHAEL GRASSI APPLICANT WITH THE FOLLOWING CONDITIONS:**

- 1. THAT THE FENCE ON THE FRONT STREET AND THE BACK SIDE OF THE LOT BE CHAIN LINK IN A MATTE BLACK COLOR,**
- 2. THAT A PROMOTIONAL SIGN BE ATTACHED TO THE FENCE INDICATING THAT THIS IS THE SITE OF A NEW DEVELOPMENT,**
- 3. THAT IF CONSTRUCTION OF THE NEW BUILDING WERE NOT STARTED BY JUNE 1, 2006, THAT A MORE AESTHETIC FENCE, APPROVED BY THE HISTORIC DISTRICT COMMITTEE, BE ERECTED, AND**
- 4. THAT IF A NEW BUILDING WERE NOT UNDER CONSTRUCTION BY OCTOBER 1, 2006, THAT THE SITE BE FILLED TO GRADE AND LANDSCAPED TO THE APPROVAL OF THE HISTORIC DISTRICT COMMITTEE.**

**UNANIMOUS APPROVAL.**

### **Item 3**

**Extension of Site Plan Approval – Oak Grove Avenue (Map 19, Lot 2-1) United Methodist Church, applicant.**

Mr. Upham told the Board that even though there was no applicant present to speak on this item that conditions on Oak Grove Avenue had not changed since the Planning Board granted approval of this Site Plan request. He said that zoning had not change, the situation regarding infrastructure on Oak Grove Avenue had not changed and that he recommended the six month extension of the Site Plan approval.

**DR HAYNES MOVED, SECONDED BY MR HOPKINSON, TO GRANT THE REQUEST FOR AN EXTENSION OF THE SITE PLAN APPROVAL; OAK GROVE AVENUE (MAP 19, LOT 2-1); UNITED METHODIST CHURCH, APPLICANT.**

**UNANIMOUS APPROVAL**

#### **Item 4**

**Pre-application workshop – Reuse of the “Sewall House”** – 963 Washington Street (Map 26, Lot 200); John Bliss applicant.

Mr. Omo told the Board and the applicant that he owns a B&B and that if approved this project might be a competitor.

The applicant and the Planning Board said there was no objection to Mr. Omo's participation in this item.

John Bliss, applicant, introduced Geoff Lamdin, who spoke to the Board about the project. Mr. Lamdin and Mr. Bliss told the Board that they felt residential condominiums were not a viable option in this building. They said that there was need to expand the commercial uses in order preserve the building. They said that expanding the conferences, which would be held there, expanding food service use, and developing a “boutique” hotel would make the building viable economically. They told the Board that in order to do these uses the property needed to be rezoned to the Special Purpose Commercial Contract Overlay District.

They told the Board that the project would consist of lots 200 and 255 on Tax Map 26, which are owned by Camilla Sewall, some of lot 201, and lot 254, which is the Stinson law office property.

Mr. Lamdin told the Board that this type of hotel was larger than a large B&B, but smaller than a normal hotel. Food service would be for the conference use and the hotel, and for guest on a reservation-only basis. He told the Board that he did not know how much parking would be needed or where it would be located but that if the rezoning were approve he would be back to the Board with a site plan for their approval.

Mr. Upham pointed out that whenever the Board must make a recommendation regarding a zoning map amendment that the Board must review the Comprehensive Plan to determine what guidance the Plan gives. He pointed out that the Special Purpose Commercial Contract Overlay district was adopted as an amendment to the Comprehensive Plan in 1998. He suggested that the applicant, the neighborhood, and the Planning Board review this Comprehensive Plan section, which is section 13.1.16. He pointed out that it was the Planning Board's role to determine if this Comprehensive Plan section gave the Board guidance to recommend for or against this potential zone change request.

Dr. Haynes gave a brief history of the building saying that it was originally constructed in 1840.

Dr Haynes suggested that it would be difficult to judge a request for any zone change without more specifics. She pointed out that many adaptive reuses often have negative impacts on neighborhoods. She thought parking was one of the bigger concerns.

Mr. Hopkinson told the Board that he was also concerned about parking for any new uses in this building. He did say that the special purpose commercial contract overlay district was certainly worth looking at and that the applicant should consider what uses would be "given away."

Dr. Haynes asked what size the hotel might be.

Mr. Bliss told the Board it was dependant on the scope of the project. He said it could be less than 50; in the 20 to 40 guest room size. Mr. Bliss said that phase one would be to expand the conference use, phase two would be to make the food service use into a destination restaurant, and that phase three would be the hotel that might not occur for five years. Mr. Bliss said that the hotel was needed to provide economic viability to the project.

Mr. Hopkinson pointed out that the Board would likely need more specifics on noise level, parking, and other details before they would be comfortable with recommending this type of a zone change.

Mr. Oxton then opened the meeting up to the public who wished to comment on this item.

Elizabeth Knowlton, owner of The Inn at Bath, which is an abutter, said she has expanded her B&B but has had to keep the parking off the street. She said that residential condominiums were a potential use for this site and that she was concerned about noise from the type of operation being proposed by the applicant. She said that noise from a restaurant and bar would change the neighborhood.

Diane Moyer, 993 Washington Street, and the real-estate agent representing the sale of the Sewall House, spoke and told the Planning Board that most of the activity at the Sewall House today and in the past has been on the south side of the property. She suggested that there were a few other buildings in Bath that did not fit well with their present R1 zoning and would need additional zoning flexibility.

Patty Sample, 16 Winter Street, suggested that the Planning Board should stick to the Comprehensive Plan and that this project did not comply with the Plan. She said that Bath is a special place because of the plan and that neighborhoods thrive in Bath. She reminded that the Plan protects neighborhoods. She also suggested that the seller might need to adapt the selling price instead of the neighborhood and the zoning adapting.

Carl Stinson, 2 Schooner Ridge Road, mentioned that this was the first time he had heard that his property on Front Street was being involved in this project. He said he was neither for nor against the project but that the Planning Board should consider how this portion of Front Street has changed over time. He pointed that it was now quite commercial. He also pointed out that this project could become the "stopper" for commercial growth on the north side of the downtown.

There being no additional members of the public who wished to speak Mr. Oxton closed the public portion of this item.

Mr. Lamdin reminded the Planning Board that he had never mentioned that the project would include a bar and that the restaurant would be a high-end, reservation-only restaurant. Mr. Lamdin also told the Board that he and Mr. Bliss would consider the comments from the Planning Board and the public and would make a determination how to proceed.

#### **Item 5**

**Planning Board Discussion – Setbacks for Accessory Uses in the R1 Zone.**

Mr. Upham told the Board that this item would be rescheduled for the 5:00 workshop on October 4<sup>th</sup>.

#### **Item 6**

**Election of Officers**

Mr. Oxton suggested that the election of officers be postponed to the next meeting when, hopefully, all of the board members would be present.

**MR VAHEY THEN MOVED, SECONDED BY MR HOPKINSON, TO CONTINUE THE ELECTION OF OFFICERS TO THE OCTOBER 4, 2005, MEETING.**

**UNANIMOUS APPROVAL.**

There being no further business to come before the board, **DR HAYNES MOVED, SECONDED BY MR. HOPKINSON, THAT THE MEETING BE ADJOURNED.**

**UNANIMOUS APPROVAL.**

The meeting was adjourned at 8:15 p.m.

Minutes prepared by Jim Upham, Planning Director.