

A regular meeting of the Bath Planning Board was called on 12-20-05 for the purpose of conducting regular business.

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

John Underwood (non-voting student member)

**STAFF PRESENT**

Jim Upham, Planning Director

**STAFF ABSENT**

Marsha Hinton, Recording Secretary

Mr. Harper, Board Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, December 20, 2005.

**Minutes of December 6, 2005, meeting**

Dr Haynes suggested that the minutes be amended on page 7, last paragraph, to read, "The Planning Board agreed that marking the trees in the building-envelope area of development was sufficient and that the Department of Environmental Protection's decision on the connector would be acceptable."

**ON A MOTION BY MR. VAHEY, SECONDED BY DR HAYNES, THE MINUTES WERE APPROVED AS AMENDED.**

**UNANIMOUS DECISION****Old Business:****Item 1**

**Sign Subdivision Plan and approve the final Notice of Decision** – Evergreen Woods; Congress Avenue (Map 24 Lot 1); Tedford Shelter, applicant.

Mr. Harper told the Board that we were waiting for the City Solicitor to review and approve the easement for the snow storage and turnaround area and that he suggested that the item be continued to the next meeting.

**ON A MOTION BY DR. HAYNES, SECONDED BY MR. OXTON, THE ITEM WAS CONTINUED TO THE JANUARY 3, 2006, MEETING.**

**UNANIMOUS APPROVAL.**

**Item 2**

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

Mr. Harper told the Board that the applicants were working with the Planning Director to bring forth a new plan in the near future.

**ON A MOTION BY DR. HAYNES, SECONDED BY MR. OXTON, THE BOARD VOTED TO CONTINUE THIS ITEM TO THE JANUARY 17, 2006, MEETING.**

**UNANIMOUS APPROVAL.**

**Item 3**

**Request for Historic District Approval and Contract Rezoning**; 950 Middle Street (Map 26 Lot 112); David Enright and Barbara Cornell, applicants. (Continued from November 15, 2005, meeting)

Mr. Harper suggested that this item be brought up for a vote because it had been continued for many meetings.

Dr. Haynes asked if the applicant had been fore warned that this item would be decided upon by the Planning Board at this meeting.

Mr. Upham said that he was not sure whether the Planning Board memo had been mailed to the applicant.

**ON A MOTION BY DR. HAYNES, SECONDED BY MR. HOPKINSON, THE BOARD VOTED TO CONTINUE THIS ITEM FOR FINAL ACTION AT THE JANUARY 3, 2006, MEETING AND THE APPLICANT SHOULD BE SO NOTIFIED.**

**Item 4**

**Request for Site Plan, Final Subdivision, Historic District Approval and Contract Rezoning** – Complete demolition and rebuild of 99 Commercial Street; (Map 26, Lot 272); New BathPort LLC, applicant. (Continued from November 15, 2005, meeting)

Mr. Harper mentioned to the Board that the Planning Director and City Solicitor were not satisfied with the letter regarding financial capacity that had been in the original Sitelines' packet. He suggested that there be a meeting of the applicant, Planning Director, Codes Enforcement Officer, and City Solicitor to work out a more appropriate financial capacity statement.

Mr. Hopkinson suggested that a performance bond or letter of credit may be the way the applicant would wish to proceed.

Matt Senecal, BBI Builders, representing the applicant, told the Board that they were requesting Site Plan Approval, Subdivision Approval, Historic District Approval, and a positive recommendation on the Contract Rezoning. He introduced Charlie Wiercinski. Sitelines, who would explain the plan to the Planning Board.

Charlie Wiercinski explained the changes that had taken place since the last meeting with the Board. He told the Board that the floor area ratio was now equal to 2.65. He said that the grades of the drive into the parking garage were 2% as it came off the street and 5% from there to the parking level. He said that the roof drains would all go to the river side of the parcel, and that sanitary waste water flows were estimated to be approximately 7,560 gallons per day which would equal to a one time payment of \$22,680. He also explained the reasons why demolition of the building was necessary and why this met the requirements in the Land Use Code for demolition in the Historic District. He explained that there would be less impact on the water quality of the river after the project because there would be less uncovered parking area after the project is built than there is today. He also told the Board that the luminaires in the lamp posts along Commercial Street would be the same as the City's street lights. Mr. Wiercinski explained to the Board the public use of the lobby space and explained the shadow diagram.

Jay Herrick, James Herrick Architects, explained the changes to the proposed building. He said that the buildings would now have 45 degree corners and that this would provide for better views between portions of the building to the river. He said that there were balconies proposed for the Commercial Street side, a clock on the Commercial Street façade, that the height of the center portion had been lowered from 95 feet to 75 feet by lowering the roof and removing a floor. He also told the Board that the height of the south and north portions had been reduced to 63 feet by eliminating a floor.

Mr. Herrick went on to say that putting the parking inside the building, not creating an additional sea of asphalt, was important to the downtown. He also felt that sidewalks on Commercial Street, the river walkway, and the public meeting space in the lobby were important to downtown Bath. He explained that view would be provided through the building at the "bridges" in the parking area. He also said that he did not think that the design was institutional but would be a "polite" building, in scale with other buildings in the downtown.

The Board went on to discuss the material on the façade of the building below the windows, the materials of the dormer, and the color of the brick. It was suggested that the ship profiles not be generic, but should be Bath-built ships.

Dr. Haynes voiced concern about the closeness the building would be built to the waterfront park and that she was concerned about safety for park goers.

Tom Hoerth, City Arborist, said that he felt that 13 feet was adequate distance to protect the trees located in the Waterfront Park.

Dr. Haynes said that she expected a new letter from the Maine Historic Preservation Commission regarding the impact of this proposed building. She said that the Maine Historic Preservation Commission had not seen a drawing of the latest proposal.

Mr. Senecal indicated that the Maine Historic Preservation Commission did not seem to believe that a drawing was necessary. That he had explained the height difference to them in a telephone conversation.

Dr. Haynes suggested that the applicant prepare a recycling plan for the residents of the building.

Mr. Hopkinson asked about construction phases and whether or not work would be done from Commercial Street.

Mr. Senecal told the Board that he had talked with the Police and Public Works departments about using the edge of Commercial Street. He also said that he was in discussion with the owner of the Coal Pocket to be used as a storage area.

The Board discussed closing the project down for Heritage Days, how long the entire project would take, the style of bricks on the building, the review of the construction drawings by a structural engineer, and the size and use of the lobby space.

Mr. Harper then opened the meeting up for public comment.

David King, 11 Mill Pond Drive, told the Board that this applicant was not being a good neighbor. He said that good neighbors do not bend and twist the ordinances and that the building that's presently there does not meet the height requirement of the 1983 code and should not be the comparison used. He said that mixed use was required in the 1983 code and that the Comprehensive Plan requires mixed use. He also told the Board that the Historic District review should not compare this building to what could be in the downtown but what is in the downtown. He told the Board that the view shed from the Library Park should be maintained and that the public use of the lobby is not of great public value. He finished by saying that he could make a lot of money from this project but that this project fit into the downtown and that he likes Bath the way it is.

Amy Leonard, 24 Shaw Street, said she agreed with David King. She said that mixed use is required and that viewsheds from the streets that are perpendicular to Commercial Street should have views of the river.

Anne Hammond, 1 Grove Street, told the Planning Board that the small scale downtown would change drastically by this building. She said a 35 foot high building would be in scale. She also said that mixed use was needed.

Elena Vandervoort, Grove Street, President of Main Street Bath Board of Directors, read the following statement:

Tonight I am speaking as President of the Main Street Bath Board of Directors.

“Main Street” focuses on revitalization of those traditional downtowns to enhance the appearance and economic stability of the commercial district and to improve community pride and the quality of life for residents and visitors.

The Main Street Board of Directors adopted a policy statement in 2003 which allows it to take a public position on issues of development in the defined downtown district at meetings of the Planning Board or City Council. Public positions of Main Street Bath are only voiced after careful and informed consideration of all aspects of a specific development issue and with a majority of the Board approving an endorsement.

The Main Street Board of Directors is comprised of 15 men and women representing the retail community, the community at large and City government. I stress that those members of our Board who represent City government or who have any conflict of interest in the development of the Bath Port project abstained from these deliberations.

It is our responsibility to speak for or against a project which will have significant impact on our downtown district – economically and architecturally.

The Main Street Board of Directors have reviewed the computer enhanced photographs showing the proposed new BathPort buildings from different perspectives placed before you tonight.

We recognize that there is in place a carefully defined process and set of strict criteria against which the Planning Board must weigh this or any project.

Main Street Bath endorses the Bath Port project as it will:

- provide an increase in the tax base
- maintain continued and improved public access along the waterfront as well as increased sight lines to the river
- increase the residential base in the downtown which will add pedestrian traffic year round tying Commercial Street more closely to the Front and Centre Streets retail area
- be consistent with the Smart Growth Maine long range plan of having higher density in our core cities eliminating sprawl

Careful review of photographs of the proposed Bath Port project from all angles as well as the modifications the developers have made in height and design of the project, appear to the Main Street Board to be in keeping with the present character of our downtown. Further, it is part of the Main Street model that a downtown have a mix of retail, service and residential space. This does not mean every building must have that mix within its physical space. The BathPort project brings much needed residential space to the downtown and we applaud the design which incorporates parking under the building rather than in another parking lot.

We endorse the project as presented and hope the Planning Board will review its criteria carefully in light of all the positive aspects of this development project and consider granting the contract rezoning.

Channing Jones, 1077 Washington Street, stated that the picture on Bath's website was of the waterfront and this is what should be maintained. He told the Board that housing is not a cause of economic growth and that he is concerned about Main Street Bath's support of the project and that this could alienate people from other communities who visit Bath. He said that we need to bring more businesses into the downtown not residences.

Kaye Pierson, 25 Spring View Lane, asked the Board if they had considered using an independent consultant to review the project and she asked if the applicants were asking for any waivers.

Mr. Harper said that independent consultants were typically used to review stormwater management plans or traffic studies, which the City staff either did not have time or the expertise to review.

Mr. Upham told the Board that no waivers had been requested.

Skip Stinson, attorney for the applicant, reminded the Planning Board that the Comprehensive Plan is a broad brush view of the goals for the City. He pointed out that Contract Zoning did not need any special circumstances. He went on to review various sections of the Comprehensive Plan, which he felt promoted the applicants development. These included promoting retirement living, taking a pro-business stance, having flexible requirements, and promoting infill and rehab of downtown buildings. He also said that the Future Land Use Plan in Article 13 of the Comprehensive Plan suggests that this should be a mixture of uses in the downtown but that this did not require mixed use in every building. He said that residential use downtown would expand activity in the downtown in the evenings.

Mr. Stinson went on to say that when he was growing up the waterfront in Bath was a wreck, that the City does not have the right to tell people they can't build and block views, and that it is important to keep the re-development of Bath moving. He said he felt if this project was not permitted other projects might not be done for decades.

Harry Story, 20 Western Avenue, told the Board that he supported this downtown re-development project.

Keron Monahan, 131 North Street, said he supported the project and that this change is important to the downtown. He said that people should accept changes.

Mike Keenen, 1271 High Street, told the Board that most people enjoy the waterfront as it is and that this project did not help the citizens of the community.

There being no addition members of the public who wished to speak, Mr. Harper closed the public portion of the meeting.

Mr. Upham told the Board that while the applicant was not requesting any waivers that there was lighting from the exterior lights in access of .2 footcandles at the property line but that this additional light was in the street, in the parking lot to the north, and the waterfront park to the south. He suggested that a waiver would be in order for this.

Mr. Harper asked Mr. Upham whether there was a requirement for mixed use in this building.

Mr. Upham said that there was no mixed-use requirement.

Dr. Haynes said that the proposal would increase the downtown's sense of neighborhood, that the infill was important, and that the view through the building was being improved. She said she felt that Commercial Street was still separated from the rest of the downtown and that this project would help to eliminate that separation. She went on to say that she felt a building twice the height that is allowed without contract zoning is still inappropriate.

Mr. Hopkinson read the state Contract Zone enabling statute and said that there was no special circumstance that needed to be considered. He also told the Board that he felt the entire downtown area should be considered when reviewing the criteria of the Historic Overlay District. He told the Board that this proposal actually opens up viewsheds that do not exist today and that the SPI review committee has given the project a favorable recommendation.

Ms. DeChant reminded the Board that the Comprehensive Plan is in place to guide the community and that approval of this application comes down to the size, scale and SPI's recommendation. She said that the waterfront of downtown Bath has evolved from what it was historically and it would continue to evolve.

Mr. Omo said that while the building was very large and tall he did not believe it was out of character with the rest of the downtown.

Mr. Dolloff said that the project did not conform to the code without the use of contract zoning and that, therefore, the request should not be approved.

The Board went on to discuss site plan review standards, hiring a structural engineer to review the building plans, receiving comments from the Public Works Director regarding impact to the river, having a complete materials list for the exterior of the building, a construction impact and safety plan, financial capability, recycling plan, recreation fee of 5% of the market value of the developed land, video taping the streets to be used for trucking the demolished building away and construction materials to the site, Maine Historic Preservation Commission letter, and the combined sewer overflow impact fee.

**MR. HOPKINSON THEN MOVED, SECONDED BY MR. OMO, TO RECOMMEND THE CONTRACT REZONING TO THE CITY COUNCIL WITH THE FOLLOWING CONDITIONS:**

- **THAT IT BE CONDITIONED ON THE SITE PLAN, SUBDIVISION PLAN, AND HISTORIC DISTRICT APPROVALS BEING OBTAINED;**
- **THAT THE APPLICANT CONSTRUCT BRICK SIDEWALKS, WITH GRANITE CURBING, DOWNTOWN-STYLE STREETLIGHTING (INCLUDING CONDUITS AND WIRING), FROM THE SOUTH SIDE OF THE WATERFRONT PARK TO THE NORTH SIDE OF THE PROJECT ALONG COMMERCIAL STREET;**
- **THAT THE 10-FOOT WIDE RIVER-WALK BE CONSTRUCTED WITH PAVERS APPROVED BY THE PLANNING BOARD AT A SUBSEQUENT SUBMISSION, AND PARK STYLE LIGHTING INCLUDING BASES, CONDUITS AND WIRES AND THAT IT BE OPEN TO THE PUBLIC AND THE LAND DEEDED TO THE CITY;**
- **THAT THE WOODEN UTILITY POLES BE REMOVED AND OVERHEAD WIRES BE BURIED FROM THE SOUTH SIDE OF THE WATERFRONT PARK TO THE NORTH SIDE OF THE APPLICANTS' PROJECT;**
- **THAT A PUBLIC SPACE IN THE LOBBY BE PROVIDED AND THAT THE WRITTEN AGREEMENT OF THIS REQUIREMENT BE REVIEWED BY THE CITY SOLICITOR FOR ENFORCEABILITY, AND APPROVED BY THE PLANNING BOARD;**

**THE MOTION CARRIED SIX TO ONE (HARPER, VAHEY, OMO, HOPKINSON, DECHANT, AND OXTON VOTING YES. HAYNES VOTING NO.)**

**MR. HOPKINSON THEN MOVED, SECONDED BY MR. OXTON, TO APPROVE THE REQUEST FOR HISTORIC DISTRICT APPROVAL WITH THE FOLLOWING CONDITIONS:**

- **THAT THE CONTRACT REZONING BE APPROVED;**
- **THAT A COMPLETE AND FINAL MATERIALS LIST BE SUBMITTED AND APPROVED BY THE PLANNING BOARD AT A LATER SUBMISSION, BUT PRIOR TO CONSTRUCTION;**
- **THAT THE SHIP PROFILES BE OF HISTORIC BATH-BUILT SHIPS;**
- **THAT THE APPROVAL IS CONTINGENT UPON SITE PLAN AND SUBDIVISION APPROVALS;**



**THE MOTION CARRIED SIX TO ONE (HARPER, VAHEY, OMO, HOPKINSON, DECHANT, AND OXTON VOTING YES. HAYNES VOTING NO.)**

**MR. HOPKINSON THEN MOVED, SECONDED BY MR. OMO, TO GRANT SITE PLAN APPROVAL WITH THE FOLLOWING CONDITIONS:**

- **THAT THE FINAL STRUCTURAL DETAILS BE SUBMITTED TO THE CITY FOR PEAR REVIEW BY A STRUCTURAL ENGINEER;**
- **THAT A PERFORMANCE BOND OR OTHER GUARANTEE OF COMPLETION BE REVIEWED AND APPROVED BY THE CITY ATTORNEY AND SUBMITTED TO THE PLANNING BOARD FOR APPROVAL;**
- **THAT A SAFETY PLAN FOR WORK ON AND OFF THE SITE INCLUDING ANY LIMITS TO PUBLIC ACCESS AND IMPACT ON ADJACENT PROPERTIES BE SUBMITTED TO THE PLANNING BOARD FOR APPROVAL;**
- **THAT A LETTER REGARDING THE IMPACT OF THE STORMWATER ON THE KENNEBEC RIVER BE RECEIVED FROM PETER OWEN, PUBLIC WORKS DIRECTOR;**
- **THAT THE APPROVAL BE CONTINGENT UPON DEP'S APPROVAL OF ANY REQUIRED PERMITS;**
- **THAT FINAL UPDATED PLANS BE SUBMITTED TO THE PLANNING STAFF FOR REVIEW;**
- **THAT CONSTRUCTION NOT OCCUR DURING HERITAGE DAYS;**
- **THAT THE STREETS USED FOR TRUCKING MATERIALS AWAY FROM AND TO THE SITE BE VIDEO TAPED AND THAT IF DAMAGED DURING CONSTRUCTION THE APPLICANT PAY FOR ANY REPAIRS NEEDED;**
- **THAT THE BOARD WAIVES THE REQUIREMENT IN SECTION 10.27 REGARDING EXTERIOR LIGHTING;**

**THE MOTION CARRIED SIX TO ONE (HARPER, VAHEY, OMO, HOPKINSON, DECHANT, AND OXTON VOTING YES. HAYNES VOTING NO.)**

**MR. HOPKINSON THEN MOVED, SECONDED BY MS. DECHANT, TO GRANT FINAL SUBDIVISION APPROVAL WITH THE FOLLOWING CONDITIONS;**

- **THAT A FINAL PLAN FOR SIGNING AND RECORDING BE SUBMITTED TO THE PLANNING BOARD;**

- **THAT THE PLAN TO BE RECORDED REFERENCE THE EXISTENCE OR CREATION OF PUBLIC USE OF THE LOBBY AREA (THE SO-CALLED "BATHPORT GALLERY");**
- **THAT APPROVAL IS CONTINGENT UPON SITE PLAN, HISTORIC DISTRICT, AND CONTRACT REZONING APPROVALS;**
- **THAT THE APPLICANT SUBMIT A RECYCLING PLAN;**
- **THAT THE FINAL PLAN INCLUDING THE ELEVATIONS OF THE BUILDINGS BE REVIEWED BY MAINE HISTORIC PRESERVATION COMMISSION AND AN APPROVAL LETTER BE RECEIVED BY THE PLANNING OFFICE;**
- **THAT THE PERFORMANCE BOND OR OTHER COMPLETION GUARANTEE BE SUBMITTED TO THE PLANNING BOARD FOR APPROVAL;**
- **THAT THE APPLICANT PAY THE REQUIRED COMBINED SEWER OVERFLOW IMPACT FEE OF \$22,680;**
- **THAT THE APPLICANT MAKE A ONE TIME PAYMENT IN LIEU OF RECREATION LAND EQUAL TO 5% OF THE MARKET VALUE OF THE DEVELOPED LAND;**

**THE MOTION CARRIED SIX TO ONE (HARPER, VAHEY, OMO, HOPKINSON, DECHANT, AND OXTON VOTING YES. HAYNES VOTING NO.)**

**MR. HOPKINSON THEN MOVED TO APPROVE THE DEMOLITION OF THE BUILDING IN THE HISTORIC OVERLAY DISTRICT. THE MOTION WAS SECONDED BY DR. HAYNES.**

**UNANIMOUS APPROVAL.**

**New Business:**

**Item 1**

**Request for Waterfront Setback Reduction after construction – 163 Black Water Cove Road; (Map 7, Lot 45); Melvin Moen, applicant.**

Robert Kahn, architect representing the applicant, told the Planning Board had built the additions before he realized that the setback reduction approval by the Planning Board was required. He said that the applicant has paid the required quadruple fee.

Mr. Upham told the Board that the applicant was not receiving a variance, but that this was the normal criterion used to review any setback reduction in the NRPO zone.

Mr. Harper opened the floor up to the public for comment. There being none he closed the public portion of this item.

**MR. HOPKINSON THEN MOVED SECONDED BY DR. HAYNES TO APPROVE THE REQUEST WITH THE FLOWING CONDITIONS:**

- **THAT THIS APPROVAL DOES NOT ALLOW FOR FUTURE ADDITIONS WITHOUT REVIEW AND APPROVAL BY THE PLANNING BOARD.**

**UNANIMOUS APPROVAL.**

## **Item 2**

**Request for Historic District Approval** – The Sandwich Shop, 45 Vine Street; (Map 27, Lot 101); Gerald LaRochelle, applicant

Mr. LaRochelle told the Planning Board of the proposed work on the building, including new façade work, new sign, new awning, and enclosure for the trash and oil tank. He also said that the tin roof would be covered with asphalt shingles to match the rest of the building. He told the Planning Board that there were no new exterior lights.

Mr. Harper then opened the meeting up to the public. There being no public who wished to comment he closed the public portion.

**DR. HAYNES THEN MOVED SECOND BY MR. HOPKINSON TO APPROVE THE REQUEST WITH THE FOLLOWING CONDITIONS:**

- **THAT THE ROOF SHINGLES MATCH THE REST OF THE ROOF;**
- **THAT THE AWNING COLORS MATCH THE COLORS SHOWN IN THE APPLICATION;**
- **THAT THE PAINT ON THE ENCLOSURES MATCH THE COLOR OF THE BUILDING;**
- **THAT THE LINES OF THE FRIEZE BOARD BE CONTINUED VISUALLY;**
- **THAT THE SIGN COLOR BE IN KEEPING WITH THE COLOR OF THE BUILDING.**

**UNANIMOUS APPROVAL.**

The Board then voted unanimously to continue to review items after being at the meeting for three hours.

**Item 3**

**Request for Historic District Approval** – 26 Centre Street; (Map 27, Lot 109); Richard Lessard, applicant

The applicant, Mr. Lessard, and Robert Kahn told the Board of the proposed building improvements. They said that the only difference was that the trim on the building was proposed to be gray and that new operable windows would be installed in the spring.

Mr. Harper then opened the meeting up to the public. There being no public who wished to comment Mr. Harper closed this portion of the meeting.

**DR. HAYNES THEN MOVED, SECONDED BY MR. HOPKINSON, TO APPROVE THE REQUEST FOR HISTORIC DISTRICT APPROVAL WITH THE FOLLOWING CONDITIONS:**

- **THAT THE TRIM ON THE BUILDING BE GRAY;**
- **THAT MODIFIED WINDOWS BE INSTALLED IN THE SPRING AND THAT THE PRESENT WINDOWS BE INSTALLED WITH MULLIONS.**

**UNANIMOUS APPROVAL.**

**Item 4**

**Request for Historic District Approval** – 199 Water Street; (Map 27, Lot 99); Walter Briggs, applicant

Al Smith, Community Development Director, told the Board that the applicant was withdrawing his request at this time but that he was working with the office and would bring the request back to the Planning Board at a latter date.

**Item 5**

**Request for Historic District Approval** – 26 Summer Street; (Map 26, Lot 218); Bath Skate Park, applicant

Amos Wright, Director of the Bath Skate Park, told the Planning Board that they were proposing numerous improvements to the façade that faces Summer Street. He commented on SPI's suggestions and said he agreed with them.

Mr. Harper then opened the meeting up for public comment. There being none he closed the public portion.

**DR. HAYNES THEN MOVED, SECONDED BY MR. OMO TOP GRANT HISTORIC DISTRICT APPROVAL WITH THE FOLLOWING CONDITIONS:**

- **THAT A LANDSCAPE PLAN BE DEVELOPED AND SUBMITTED TO CITY STAFF FOR APPROVAL;**
- **THAT THE HORIZONTAL SIDING BE REPLACED WITH TRIMMED PANELS ECHOING THE GLAZING ABOVE;**
- **THAT THE WINDOW SHOWN ON THE PLAN IN “F” BE LOWERED TO MATCH EXISTING INSERTED WINDOWS IN THE DOOR.**

**UNANIMOUS APPROVAL.**

**Item 6**

**Request for Historic District Approval** – The Inn at Bath, 969 Washington Street; (Map 26, Lot 199); Elizabeth Knowlton, applicant

Elizabeth Knowlton told the Board that she was planning to redo the kitchen and felt that the bottom of the windows needed to be raised so that they were not lower than the counter behind them.

Dr. Haynes said that she felt the windows are historically significant and should be kept the same as original because this portion of the building is a façade seen by the public.

Mr. Harper asked if there was an alternative to raising the windows.

Ms. Knowlton said that she was willing to explore alternatives provided the alternative met required public health codes.

Mr. Oxtan felt that SPI's and Dr. Haynes' comments were important.

Mr. Harper then opened the meeting up to public comment.

Judy Barrington, Chair of SPI's Advisory Board, said that internal solutions would be better than changing the windows. She also reminded the Board that this was a public place and needed to meet certain health requirements.

There being no other members of the public wishing to speak Mr. Harper then closed the public portion.

**DR. HAYNES THEN MOVED, SECONDED BY MR. VAHEY, TO APPROVE ONLY THE REPLACEMENT OF THE AIR CONDITIONING UNIT WITH A WINDOW WITH THE FOLLOWING CONDITION:**

- **THAT THE WINDOW BE OF SIMILAR PROPORTION, SIZE AND SAME COLOR AS OTHER WINDOWS.**

**UNANIMOUS APPROVAL**

There being no other business to come before the Board **ON A MOTION MADE AND SECONDED, THE MEETING WAS ADJOURNED AT 9:38 PM.**

Minutes prepared by Jim Upham, Planning Director.