

A regular meeting of the Bath Planning Board was called on 04-18-06 for the purpose of conducting regular business.

**MEMBERS PRESENT**

Jim Harper, Chair  
Jim Hopkinson, Vice Chair  
Bob Oxtan  
Robin Haynes  
Andy Omo  
Jennifer DeChant  
David King

**MEMBERS ABSENT**

Jonathan Dolloff (non-voting student member)  
John Underwood (non-voting student member)

**STAFF PRESENT**

Jim Upham, Planning Director  
Marsha Hinton, Recording Secretary

Mr. Harper, Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, April 18, 2006.

**Minutes of April 4, 2006, meeting**

**MR. OMO MOVED, SECONDED BY MR. OXTON, TO ACCEPT THE MINUTES OF THE APRIL 4, 2006, MEETING AS WRITTEN.**

**UNANIMOUS APPROVAL****Old Business:**

None.

**New Business:****Item 1**

**Final Subdivision Approval** – Bernard Street (Map 22, Lot 51); M.W. Sewall, applicant.

Mr. King stated that due to work he has performed for the applicant in the recent past he would recuse himself.

**MR. OXTON MOVED, SECONDED BY MR. OMO, TO FIND THE FINAL SUBDIVISION APPLICATION TO BE COMPLETE.**

**UNANIMOUS APPROVAL**

Mr. Perry, Sebago Technics, explained that this proposal was for a three lot subdivision. He described the subdivision plans, soil disturbance, drainage, runoff, and the changes since the sketch plan.

Mr. Harper opened the floor to members of the public who wished to comment.

Rick Knowlton, 10 Bernard Street, stated that the silt barrier was not located in the same place as noted on the diagram in the Codes Enforcement Office and recommended that before any approval by the Planning Board, that the silt barrier be located within the proper setbacks. Mr. Knowlton also expressed concern about drainage impacting his property.

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

The Planning Board discussed waivers, comments from city staff, enforcement issues, drainage, filling restrictions, utilities, grading, runoff to the street, lighting, and Department of Environmental Protection input for wetlands protection.

**MR. HOPKINSON MOVED, SECONDED BY DR. HAYNES TO APPROVE THE REQUEST FOR FINAL SUBDIVISION APPROVAL AT BERNARD STREET (MAP 22, LOT 51) FOR M.W. SEWALL, APPLICANT SUBJECT TO THE FOLLOWING CONDITIONS:**

**THAT THE PROPERTY SHOULD BE GRADED AS MUCH AS POSSIBLE TO DRAIN TOWARD THE WETLANDS TO MATCH THE EXISTING RUNOFF PATTERN;**

**THAT NO ROOF LEADERS, FOUNDATION DRAINS, OR OTHER CLEAN WATER ARE TO BE CONNECTED TO THE CITY SEWER AND THAT A NOTE TO THAT EFFECT BE ADDED TO THE RECORD PLAN;**

**THAT A NOTE BE ADDED TO THE RECORDED PLAN AND TO EACH OF THE INDIVIDUAL LOT DEEDS THAT THERE BE NO FILLING OF WETLANDS BY ANY MEANS, INCLUDING BUT NOT LIMITED TO THE DISPOSAL OF GRASS CLIPPINGS;**

**THAT THE FOUNDATION DRAINS AS NOTED ON THE CONSTRUCTION DESIGN DRAWING BE NOTED AS A REQUIREMENT ON THE RECORDED PLAN;**

**THAT THE REQUIRED CSO IMPACT FEE BE CALCULATED BY CITY STAFF AND PAID BY THE APPLICANT PRIOR TO SALE OF ANY LOT;**

**THAT THE DEEDS FOR INDIVIDUAL LOT SALES INCLUDE A RESTRICTION ON CUTTING OF TREES IN ACCORDANCE WITH THE TREE PROTECTION PLAN;**

**AND THAT THE REQUESTED WAIVERS FOR SIDEWALKS AND HIGH INTENSITY SOIL SURVEY ARE GRANTED.**

The Planning Board discussed restrictive signage for with regard to filling of the wetland area.

**MR. HOPKINSON MOVED, SECONDED BY DR. HAYNES, TO AMEND THE MOTION TO INCLUDE “AND THAT A SIGN BE POSTED ON EACH LOT PROHIBITING FILLING OF THE WETLANDS.”**

Mr. Harper called for a vote on the motion and the amendment.

**SIX IN FAVOR (MR. HARPER, MS. DECHANT, MR. OXTON, DR. HAYNES, MR. OMO, AND MR. HOPKINSON)  
ONE RECUSED (MR. KING)**

## **Item 2**

**Site Plan Amendment** – Hyde School Library, 616 High Street (Map 31, Lot 22); Hyde School, applicant.

Mr. Jorgenson, Facilities Manager, described the addition of a library and class rooms adjacent to the existing mansion.

The Planning Board discussed input from city staff, stormwater management plan, the abutters, Department of Environment Protection review, impervious surface reduction, parking, swales, landscaping, bioretention cells, lighting, vehicular and pedestrian circulation, and buffering.

Kim Kovensky, President Pine Hill Association, expressed the homeowners concern with drainage and runoff.

**MR. OXTON MOVED, SECONDED BY MR. KING, TO DELAY ACTION ON THIS AGENDA ITEM UNTIL MAY 16, 2006, TO ALLOW ADEQUATE TIME FOR REVIEW OF THE COMPLETE STORMWATER MANAGEMENT PLAN BY A “PEER” REVIEWER AND CITY STAFF.**

**UNANIMOUS APPROVAL**

## **Item 3**

**Various Amendments** – New BathPort Condominium, 99 Commercial Street (Map 26, Lot 272); New BathPort, LLC, applicant.

Mr. Harper polled the Planning Board and it was unanimously agreed to allow Mr. King, who was not a member of the Planning Board during the previous review of this application and had spoken in opposition to the project, to participate in the current amendment review.

Mr. Hall, applicant, described the changes to the design. He pointed out the smaller footprint, the increased viewsheds from the library, and the addition of two commercial spaces, as well as the reductions in height, impervious surface, size, volume, and

building area. Mr. Hall also pointed out the \$20,000 donation to improve the public restroom and waterfront park.

Mr. Harper entered the document entitled "New BathPort Intown Waterfront Living," which was handed out by the applicant, into the record.

The Planning Board discussed the need for removal of the utility pole number 4, utilities, the reduction in the width of the riverside walkway, responsibility for maintenance of the walkway, comments from the Department of Environmental Protection, granite curbing, comments from city staff, the various application amendments, the \$20,000 donation, the reductions in volume and size, the commercial spaces, the unique circumstances of this property, parking, access to the roof, escape routes, and the art gallery.

There being no further comment from the Planning Board, Mr. Harper opened the floor to members of the public who wished to comment.

Betsy Fear, 944 Middle Street, expressed her opposition to the proposal citing the institutional appearance of the buildings and the scale.

Harry Story, 20 Western Avenue, stated that he was in support of this proposal highlighting the addition to the tax base, the need to draw people into the downtown, and the boost to service jobs due to the proposal.

Laurie Small, 904 Middle Street, read a letter from Amy Leonard stating Ms. Leonard's objections to this proposal highlighting the scale of the project, the misuse of contract rezoning, the blocking of Summer Street, and the need for a larger waterfront park. Ms. Small added her own objection to the proposal based on the mass of the buildings.

Dick Hill, 71 South Street, stated that he was in support of the project, pointed out the large number of citizens in support of the project, and the support this project will provide to the business community in Bath.

Tom Weiss, 987 Middle Street, stated that this project was phenomenal with superior architecture. Mr. Weiss expressed his support for this structure.

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

**MR. KING MOVED, SECONDED BY MR. OMO, TO AMEND THE CONTRACT REZONING APPROVAL IN ACCORDANCE WITH THE DRAFT FOR THE PLANNING BOARD DATED 4-18-06 WHICH WAS SUBMITTED AT THE 4-18-06 MEETING AND TO AMEND THAT DOCUMENT AS NEEDED.**

**MR. KING MOVED, WITHOUT SECOND, TO MODIFY THE PROVISION THAT READS "BURY ELECTRICAL AND TELEPHONE WIRES FROM THE NORTH END OF THE BATHPORT LOT TO THE SOUTH END OF THE WATERFRONT PARK" BY**

**ADDING "INCLUDING ALL COSTS CONNECTED WITH REPLACING SERVICES FEEDS TO AFFECTED BUSINESSES LOCATED ON THE WEST SIDE OF COMMERCIAL STREET UNDERGROUND."**

**MR. HOPKINSON MOVED, WITHOUT SECOND, TO AMEND THE AMENDMENT TO THE MOTION TO INCLUDE GRANITE CURBING.**

Mr. Upham read the conditions place on the original approval motion from the December 20, 2005 minutes of the Bath Planning Board.

The Planning Board discussed the conditions from the December 20, 2005, meeting and reviewed the proposed draft contract rezoning ordinance §16.12 and recommended various amendments as outlined in Attachment A to the Planning Board Minutes of April 18, 2006.

**MR. HOPKINSON MOVED, SECONDED BY MR. OMO, TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE CONTRACT REZONING REQUEST FOR NEW BATHPORT, 99 COMMERCIAL STREET (MAP 26, LOT 272); NEW BATHPORT, LLC, APPLICANT, WITH ALL THE CONDITIONS ATTACHED TO THE APPROVAL OF DECEMBER 20, 2005, EXCEPT THOSE SPECIFICALLY AMENDED.**

**FOUR IN FAVOR (MR. OXTON, MR. HARPER, MR. OMO, AND MR. HOPKINSON)  
THREE OPPOSED (MS. DECHANT, DR. HAYNES, AND MR. KING)**

**MR. HOPKINSON MOVED, SECONDED BY MR. OMO, TO APPROVE THE REQUEST FOR SITE PLAN AMENDMENT FOR NEW BATHPORT, 99 COMMERCIAL STREET (MAP 26, LOT 272); NEW BATHPORT, LLC, APPLICANT, WITH ALL THE CONDITIONS ATTACHED TO THE APPROVAL OF DECEMBER 20, 2005, EXCEPT THOSE SPECIFICALLY AMENDED.**

**FOUR IN FAVOR (MR. OXTON, MR. HARPER, MR. OMO, AND MR. HOPKINSON)  
THREE OPPOSED (MS. DECHANT, DR. HAYNES, AND MR. KING)**

**MR. HOPKINSON MOVED, SECONDED BY MR. OMO, TO APPROVE THE REQUEST FOR HISTORIC DISTRICT AMENDMENT FOR NEW BATHPORT, 99 COMMERCIAL STREET (MAP 26, LOT 272); NEW BATHPORT, LLC, APPLICANT, WITH ALL THE CONDITIONS ATTACHED TO THE APPROVAL OF DECEMBER 20, 2005, EXCEPT THOSE SPECIFICALLY AMENDED.**

**FOUR IN FAVOR (MR. OXTON, MR. HARPER, MR. OMO, AND MR. HOPKINSON)  
THREE OPPOSED (MS. DECHANT, DR. HAYNES, AND MR. KING)**

**MR. OMO MOVED, SECONDED BY MR. HOPKINSON, TO APPROVE THE REQUEST FOR SUBDIVISION AMENDMENT FOR NEW BATHPORT, 99 COMMERCIAL STREET (MAP 26, LOT 272); NEW BATHPORT, LLC, APPLICANT, WITH ALL THE CONDITIONS ATTACHED TO THE APPROVAL OF DECEMBER 20, 2005, EXCEPT THOSE SPECIFICALLY AMENDED.**

**FOUR IN FAVOR (MR. OXTON, MR. HARPER, MR. OMO, AND MR. HOPKINSON)  
THREE OPPOSED (MS. DECHANT, DR. HAYNES, AND MR. KING)**

**Item 4**

**Pre-application Workshop** – Proposed Walgreen’s Pharmacy, 11 State Road (Map 31 Lot 37); The Richmond Company, Inc., applicant.

Mr. Wiercinski, SiteLines, described the proposal for construction of a Walgreen’s and showed the proposed site sketch plan.

The Planning Board discussed drainage, ledge removal, vehicular and pedestrian circulation, and lot lines. The Planning Board suggested addressing screening for the dumpster enclosure, landscaping, sidewalks, tree preservation plan, working with city staff, the façade facing Route 1, building materials and colors, traffic and the need for traffic movement permits, and lighting.

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

**UNANIMOUS APPROVAL**

The meeting was adjourned at 9:40 p.m.

Minutes prepared by Marsha Hinton, Recording Secretary