

A regular meeting of the Bath Planning Board was called on 08-01-06 for the purpose of conducting regular business.

MEMBERS PRESENT

Jim Harper, Chair
Jim Hopkinson, Vice Chair
Robin Haynes
Andy Omo
David King
John Underwood (non-voting student member)
Chelsea Hall (non-voting student member)

MEMBERS ABSENT

Bob Oxtan
Jennifer DeChant

STAFF PRESENT

Jim Upham, Planning Director
Stacy Reed, Recording Secretary

Mr. Harper, Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, August 1, 2006.

Mr. Harper explained to the public that they are welcome to speak during the public sessions. He asked that they speak into the microphone, first stating their name, and signing in.

Minutes of July 11, 2006 meeting

MR. KING MOVED, SECONDED BY DR. HAYNES, TO ACCEPT THE MINUTES OF THE JULY 11, 2006, MEETING AS PRESENTED.

UNANIMOUS APPROVAL**Old Business****Item 1**

Request for Site Plan and Historic District Approval – Front Street (Map 21, Lots 231, 232, & 235); Old Shipyard Land, LLC, applicant. (Continued from the July 11, 2006 meeting.)

Mr. Harper noted that this discussion is limited to Historic District Approval; Site Plan Approval will be discussed at a later date.

Catherine Davis, Old Shipyard Land, LLC, explained that she would briefly go over her application seeking Historic District approval for the two-building, 20-unit residential condominium development on Front street, and present two new drawings of her plans. Ms. Davis stated that she has a long history working in historic areas. She explained that she put extensive thought and effort into designing her buildings so that they blend harmoniously with the other structures in the area. Ms. Davis referred to her roof

itches matching those of the others on the street, the fact that her building would be set back from the street and built on the lower portion of land, she explained that Building A is long because the lot is wide and not deep but she has created architectural details that make it appear to be broken up.

Ms. Davis specified some of her plans that relate to section 8.12, H. She explained, and demonstrated with her drawings that:

- The roofing materials will be dark shingles.
- Recessed double entry doors flanked by columns will break up the appearance of the facade.
- Lighting will be historic in nature.
- Windows will be double hung.
- Railings will look like painted wood.
- The two color schemes that she has selected are “Longfellow House”-a mustard yellow with beige trim, green railings and shutters, and floors that are dark charcoal, and her second choice is a Dune Gray, with brown/gray trim, forest green shutters and black decks. Ms. Davis added that she is willing to paint the buildings white if that is what the city would prefer.

Mr. Harper returned to the Board for comments.

Mr. Omo inquired about the color schemes, asking if Ms. Davis would use one scheme for both buildings.

Ms. Davis replied that she would like to use the yellow color scheme on the building closer to the street and the gray closer to the water.

Dr. Haynes suggested that the Board hear the public comments before any further discussion.

Mr. Harper opened the meeting to public comments, reminding the public to state their names and addresses, and to sign in.

Bernie Goodman, 22 Oak Road, Georgetown (owner of 370 Front Street), stated that the neighborhood is now connected to the river and that building A would cut the neighborhood off from the river. He suggested that the building be divided into four buildings.

Richard Derector, 374 Front Street, read from a letter written by the Historic District Architectural Review Committee that stated the committee also felt that the building was too large for the neighborhood and suggested spinning it on its axis.

Kim Granger 359 Front Street, said she is concerned about the accuracy of the survey and property lines of the plan.

Ed Moll, 1043 Washington Street, told the Board that the building is out of scale with the neighborhood. He also asked about the developers experience.

Anne Hammond, 1 Grove Street (owner of 366 Front Street), told the Board that the building was massive and not appropriate. She also said the project would have a negative effect on the river. She suggested the land be turned back into open space.

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

There was discussion among the Board Members regarding their concerns about the size of Building A, its proximity to the street, the fact that the mass of the building runs parallel to the street, and its orientation on the property.

MR. KING MOVED TO DENY THE APPLICATION BECAUSE IT DOES NOT MEET THE APPROVAL CRITERIA IN SECTION 8.12, H, 1 AND SECTION 8.12, H, 2, (B), SECONDED BY MR. OMO.

Mr. Harper gave Ms. Davis an opportunity to respond to the comments.

Ms. Davis felt that denying her request based on one criteria (the mass of one of the buildings) was inappropriate. She felt that she has been very respectful to the neighborhood in her design. She stated that the size of the building is practical and economical and will only impede the view of the three abutting houses. She apologized to the residents of those homes, but felt that they would be the ones affected, not the whole neighborhood. She pointed out that only 30% of the property would be covered with buildings. The rest is green space and the project will not have the impact that the public is concerned about. Ms. Davis concluded her statements by asking the Board to consider carefully how much time and effort has been put into this project.

Mr. Harper returned to the Board for further discussion on the motion.

The Board members agreed that Sections 8.12, H, 1 and 8.12, H, 2, (b), had not been met, and indicated that multiple buildings would be more appropriate than one building 150 feet long.

MR. HARPER CALLED FOR A VOTE ON MR. KING'S MOTION TO DENY THE REQUEST FOR HISTORIC DISTRICT APPROVAL; FRONT STREET (MAP 21, LOTS 231, 232, & 235); OLD SHIPYARD LAND, LLC, APPLICANT; BECAUSE IT DOES NOT MEET THE APPROVAL CRITERIA IN SECTION 8.12, H, 1 AND SECTION 8.12, H, 2, (B). THE MOTION HAD BEEN SECONDED BY MR. OMO.

UNANIMOUS APPROVAL

Item 2

Request for Site Plan Approval (Walgreen's Pharmacy) – 11 State Road (Map 31, Lot 67); Finast Properties, LLC, applicant. (Continued from the July 11, 2006 meeting.)

Mr. Harper announced that the applicant had requested that this item be continued to the September 5th meeting in order to allow the applicant to provide additional information to demonstrate that the approval criteria had been met.

MR. KING MOVED, SECONDED BY MR. OMO, TO CONTINUE OLD BUSINESS ITEM 2, REQUEST FOR SITE PLAN APPROVAL (WALGREEN'S PHARMACY) – 11 STATE ROAD (MAP 31, LOT 67); FINAST PROPERTIES, LLC, APPLICANT UNTIL THE MEETING ON SEPTEMBER 5TH.

UNANIMOUS APPROVAL

New Business

Item 1

Request for Final Subdivision Approval – Front Street (Map 21, Lots 231, 232 & 235); Old Shipyard Land, LLC, applicant.

Mr. Upham suggested that this item be continued until the applicant reapplies for Historic District Approval.

MR. OMO MOVED, SECONDED BY MR. KING TO CONTINUE THE REQUEST FOR FINAL SUBDIVISION APPROVAL; FRONT STREET (MAP 21, LOTS 231, 232 & 235); OLD SHIPYARD LAND, LLC, APPLICANT; UNTIL A NEW APPLICATION HAS BEEN SUBMITTED FOR HISTORIC DISTRICT APPROVAL.

UNANIMOUS APPROVAL.

Item 2

Request for Historic District Approval – Bath Train Station: Commercial Street (Map 27, Lot 138); City of Bath, applicant.

Peter Robohm, representing the applicant, told the Board that the City is seeking Historic District Approval for facade changes to the Bath Train Station. He gave some history about the station, including the fact that it was the last train station built by Maine Central Railroad before World War Two. He said that the building is structurally sound but all of the systems such as heating, electrical, and plumbing are inoperable and will need to be replaced, and work will also need to be done to the outside of the building.

Mr. Robohm explained that the building is eligible to be in the National Register of Historic Places and that this requires approval of the changes by the Maine Historic Preservation Commission (MHPC). He told the Board that MHPC has given its approval with conditions.

Mr. Robohm pointed out the changes to the façade and said that although many of the changes are necessary to update the building, there is very little change to the overall appearance and no change to the foot print.

The Board inquired about colors for the station.

Mr. Robohm read the color schedule from the bid specifications.

There was some discussion by the Board and Mr. Upham about the plan to improve the land around the building, under the Sagadahoc Bridge, and along Commercial Street to the Waterfront Park. Mr. Upham informed the Board that funding has not been secured for this project.

Mr. Harper opened the public session of the meeting to members of the public wishing to comment.

There being no members of the public wishing to comment, Mr. Harper closed the public portion.

DR. HAYNES MOVED, SECONDED BY MR. KING, TO APPROVE THE REQUEST FOR HISTORIC DISTRICT APPROVAL FOR THE BATH TRAIN STATION, COMMERCIAL STREET, (MAP 27, LOT 138): CITY OF BATH APPLICANT; WITH THE FOLLOWING CONDITIONS:

- **THE PLANS NEED TO BE CHANGED TO REFLECT MAINE HISTORIC PRESERVATION COMMISSION CONDITIONS CONTAINED IN THE MEMO OF JULY 20, 2006, TO DAVID GARDNER, DEPARTMENT OF TRANSPORTATION, FROM EARL SHETTLEWORTH, MAINE HISTORIC PRESERVATION OFFICER.**
- **COLORS TO BE AS INCLUDED IN THE BID SPECIFICATIONS.**
- **THE ROUND LOUVERS ON THE EAST AND WEST ENDS OF THE BUILDING TO BE OF WOOD.**
- **IF IT IS POSSIBLE TO MOVE THE ELECTRICAL SERVICE BOX, THEN THAT NEEDS TO BE APPROVED BY THE PLANNING DIRECTOR.**

UNANIMOUS APPROVAL

Item 3

Request for Site Plan Approval and Setback Reduction in C2 Zone – 190 Lincoln Street (Map 25, Lot 97); Steve Adams, applicant.

Mr. Harper recused himself for this item due to the fact that the applicant is his supervisor. Mr. Hopkinson took over as Chair.

Mr. Upham stated that the first order of business is to determine if the application is complete.

Mr. Upham also noted a memorandum regarding storm water, sidewalk and waste issues.

DR. HAYNES MOVED, SECONDED BY MR. OMO, TO FIND THE APPLICATION COMPLETE.

UNANIMOUS APPROVAL

Kevin Clark, representing the applicant, told the Board they are requesting site plan approval and setback reduction in the C2 Zone in order to build a beauty and tanning salon at the corner of Congress Avenue and Lincoln Street.

Mr. Clark told the Board about a change in the style of fence and discussed the request for a waiver of Land Use Code Sections 10.06, B, 8 [location of parking]; and Section 12.08, S [soil survey].

Dr. Haynes noted that there had been some discussion at the Pre-application Workshop of stepping the fence down gradually.

Mr. Adams said that he would be happy to do this but that the neighbor had not opposed to the fence as designed.

Mr. Adams told the Board that the walkways from the building to the sidewalk will be maintained by the owners. He also stated that there was no need for a dumpster because there will be space for trash cans in the utility room, but there is space on the lot if one is needed in the future.

Mr. King stated that he believed the items proposed to be in the City's right-of-way need to be approved by the City Council.

Mr. Upham commented that the Cemetery and Parks Department has a provision that allows people to plant on City property with a written agreement. It has been the tradition of the Board to allow walkways, curbing, and sidewalks in the City's R-O-W. If the request is approved, it can be made contingent upon City Council approval, if the City Solicitor says it is needed.

Mr. Hopkinson opened the public session of the meeting to members of the public wishing to comment.

There being no members of the public wishing to comment, Mr. Hopkinson closed the public portion.

Mr. Hopkinson inquired about the sewer plan and Mr. Upham suggested that should approval be granted it should be conditioned upon the sewer plan being approved.

There was some discussion of the financial ability to complete this project and the applicant stated that he would be willing to obtain a letter of financial capacity.

DR. HAYNES MOVED, SECONDED BY MR. KING, TO APPROVE THE REQUEST FOR SITE PLAN APPROVAL AND SETBACK REDUCTION IN C2 ZONE;190 LINCOLN STREET (MAP 25, LOT 97); STEVE ADAMS, APPLICANT, WITH THE FOLLOWING WAIVERS AND CONDITIONS:

- **SECTIONS 12.08, S, AND 10.06, B, 8, ARE WAIVED REGARDING MEDIUM INTENSITY SOIL SURVEY AND LOCATION OF PARKING.**
- **APPROVAL MUST BE GIVEN IN WRITING BY FIRE CHIEF, PUBLIC WORKS DIRECTOR, AND BATH WATER DISTRICT.**
- **THE PLAN FOR CONNECTING TO THE SEWER MUST BE APPROVED BY THE PUBLIC WORKS DEPARTMENT.**
- **APPROVAL IS CONTINGENT UPON THE CITY SOLICITOR'S REVIEW, AND CITY COUNCIL APPROVAL IF NEEDED, OF THE ITEMS CONSTRUCTED IN THE CITY'S RIGHT-OF-WAY.**
- **THE "SILT SACK" INSTALLED AT THE CATCH BASIN MUST BE INSPECTED BY THE PUBLIC WORKS STAFF, REMOVED UPON COMPLETION OF THE PROJECT, AND THE CATCH BASIN INSPECTED AFTER REMOVED.**
- **EXTENDED CURBING MUST BE GRANITE**
- **DETAIL ON THE SIDEWALK MUST MATCH THE SPECIFICATIONS OF THE BATH PUBLIC WORKS STREET MANUAL.**
- **A NOTE MUST BE INCLUDED ON THE PLAN STATING THAT THERE WILL BE NO EXTERIOR DUMPSTERS WITHOUT PRIOR APPROVAL FROM THE PLANNING BOARD.**
- **A LETTER OF FINANCIAL CAPABILITY MUST BE DELIVERED TO THE PLANNING OFFICE.**

UNANIMOUS APPROVAL

Mr. Harper returned to the Board Chair's position.

Item 4

Request for Waterfront Setback Reduction in NRPO – Varney Mill Road (Map 6, Lot 5); Orville Ranger, applicant.

Kevin Clark of SiteLines, representing the applicant told the Board he is requesting setback reduction in the NRPO District from 150 feet to 75 feet in order to provide a 90-foot by 100-foot building envelope. He told the Board that this area for building in a field, but is buffered by existing wood from the water.

Mr. Clark explained that the Codes Enforcement Officer, Mr. Davis, was concerned with the closeness of the wetlands and measured the setback 75ft from that mark. Following the curve of the wetlands and measuring 75 feet from each high and low point along that border.

The applicant requested a waiver for additional hydrogeological study. He explained that the subsurface waste water treatment system was complex had had been designed by a hydrogeologist.

It was stated that the Department of Fisheries and Wildlife felt that the wetlands on the property provided homes for water fowl, but building on the property would not affect them.

Mr. Harper opened the public session of the meeting to members of the public wishing to comment.

Roy Lutz, 85 Varney Mill Road, expressed his concerns about how exactly the 75-foot setback was measured because of the varying edges of the wetlands border. He said he was also concerned about the placement of a future leach field.

Mr. Lutz also stated a concern about future blasting that may occur if the applicant decides to build a foundation on the property and how that may effect the wells on the abutting properties.

There being no further comment from the public, Mr. Harper closed the public portion.

Mr. Harper addressed Mr. Lutz' concern about the leach field by explaining that it is up to the Codes Enforcement Officer to make sure the system is built according to the approved diagrams. Mr. Harper then invited the applicant to address the other concerns.

Mr. Clark restated that the setback was measured from varying points of the wetlands, including outcrops and coves. He stated that any maintenance of the septic system would be done within property. He said he could not respond to the question of blasting as there is not yet a building plan.

There was some discussion among the Board members regarding the fact that is unusual to make setback decisions without a building plan, but it is understood why the owners would like the information. When building plans are made, there will need to be come back to the Board for approval.

Mr. King inquired as to how long it would be before a building plan was in place. The applicant indicated they should have one within 3 to 6 months. It was then stated that the owners would have a six month term on this approval.

MR. HOPKINSON MOVED, SECONDED BY MR. KING, TO APPROVE REQUEST FOR WATERFRONT SETBACK REDUCTION IN NRPO ZONE; VARNEY MILL ROAD

(MAP 6, LOT 5); ORVILLE RANGER, APPLICANT; WITH THE FOLLOWING WAIVERS AND CONDITIONS:

- **THAT A WAIVER IS GRANTED TO SECTION 8.18, 3, CONCERNING A HYDROGEOLOGICAL STUDY.**
- **BEFORE A BUILDING PERMIT MAY BE ISSUED, A PLAN OF THE PROPOSED BUILDING DEMONSTRATING COMPLIANCE WITH SECTION 8.18, D, 2, (H), MUST BE APPROVED BY THE PLANNING BOARD.**
- **LETTER FROM THE MAINE HISTORIC PRESERVATION COMMISSION MUST BE SUBMITTED STATING THAT CONSTRUCTION WILL NOT DISTURB A HISTORIC OR PREHISTORIC SITE.**
- **A LETTER FROM INLAND AND FISHERIES AND WILDLIFE INDICATING NO INTACT ON A SIGNIFICANT WILDLIFE HABITAT.**
- **A LETTER FROM MAINE NATURAL AREAS PROGRAM INDICATING NO INTACT ON A RARE OR IRREPLACEABLE NATURAL AREA.**
- **THERE MAY BE NO FURTHER CUTTING OF TREES IN THE AREA LABELED "WOODS" (OTHER THAN DISEASED OR DEAD TREES).**
- **A SITE PLAN IS TO BE SUBMITTED MORE CLEARLY DELINEATING THE PROPERTY LINE AND THE WETLAND EDGE.**
- **APPROVAL IS SUBJECT TO THE CONDITIONS AND REQUIREMENTS OF THE APRIL 26, 2006, APPROVAL FOR FIRST TIME SYSTEM VARIANCE FROM THE MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES.**

UNANIMOUS APPROVAL

There being no further business before the board, **DR. HAYNES MOVED, SECONDED BY MR. KING TO ADJOURN THE MEETING.**

UNANIMOUS APPROVAL

The meeting was adjourned at 8:23 pm.

Minutes prepared by Stacy Reed, Recording Secretary