

A regular meeting of the Bath Planning Board was called on 09-05-06 for the purpose of conducting regular business.

MEMBERS PRESENT

Jim Harper, Chair
James Hopkinson, Vice Chair
Andy Omo
David King
Robin Haynes
Bob Oxton
Jennifer DeChant
Chelsea Hall (non-voting student member)

MEMBERS ABSENT

John Underwood (non-voting student member)

STAFF PRESENT

Jim Upham, Planning Director
Tom Hoerth, City Arborist
Morgan Decker, Recording Secretary

Mr. Harper, Chair, called the meeting to order in the third floor Council Chambers at 6:01 p.m. on Tuesday, September 5, 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 on the clipboard.

Minutes of August 1, 2006 meeting

MR. HOPKINSON MOVED, SECONDED BY DR. HAYNES, TO ACCEPT THE MINUTES OF THE AUGUST 1, 2006, MEETING AS PRESENTED.

UNANIMOUS APPROVAL

Old Business

Item 1

Request for Site Plan Approval (Walgreens Pharmacy) – 11 State Road (Map 31, Lot 67); Finast Properties, LLC, applicant. (Continued from the August 1, 2006 meeting.)

Mr. Harper said that there has been correspondence between the City and the applicant, and some items are still under review, including stormwater management and traffic. The applicant has requested to continue this application until the next regularly scheduled meeting.

Mr. Upham, Planning Director, said a representative of the applicant was present, and asked if he should be invited to speak.

Ray Remillard of the Richmond Company, representing the applicant, said that there had been some late comments from the City, and the applicant has not had ample time to address these. He respectfully requested to continue this application to the next meeting.

Mr. Harper expressed his appreciation on behalf of the Board for the continued dialogue between the City and the applicant and called for a vote.

MR. KING MOVED, SECONDED BY MR. HOPKINSON, TO CONTINUE THIS APPLICATION UNTIL THE NEXT MEETING.

UNANIMOUS APPROVAL

New Business

Item 1

Public Hearing – Request for Site Plan Approval and Contract Rezoning – 700 Washington Street (Map 27, Lot 142); Bath Iron Works, applicant.

Before proceeding, Mr. Harper said that, being one of 5,540 employees of Bath Iron Works, as such did not find there would be any conflict of interest in his participation in the hearing, and he would be able to conduct without bias and consistently apply the Land Use Code. He invited concurrence and/or comments. Hearing none, Mr. Harper called for a vote.

MR. KING MOVED, SECONDED BY MR. HOPKINSON, THAT MR. HARPER BE ALLOWED TO PARTICIPATE WITHOUT OBJECTION.

UNANIMOUS APPROVAL

Bob Oxtan spoke, also finding no conflict of interest with himself being an employee of BIW.

MR. KING MOVED, SECONDED BY MR. HOPKINSON, THAT MR. OXTON BE ALLOWED TO PARTICIPATE WITHOUT OBJECTION.

UNANIMOUS APPROVAL

Mr. Upham reminded the Board that the first order of business was to determine if the application is complete.

MR. OMO MOVED, SECONDED BY MR. HOPKINSON, THAT THE APPLICATION WAS COMPLETE.

UNANIMOUS APPROVAL

Jim Favreau, Director of Facilities at BIW, introduced himself and his support staff; including Harvey Oest, Principal Engineer of Oest Associates (their engineering firm) and some of his associates. He also said that Fred Bragdon, Manager of Facilities engineering would be assisting with his presentation.

Mr. Favreau gave a brief presentation of the project; what BIW is calling the Ultra Hall. He explained that the goal of this building is to allow pre-build larger sections of ships. By working this way more work could be done indoors and this process would be more cost-effective for BIW.

Mr. Favreau told the Board that for the Contract Rezoning BIW would remove portions of sidewalk on the eastern side of Washington Street, to move some trees further away from building (increasing their survival rate by moving them further from falling snow, ice, and debris), would rebuild a portion of the sidewalk, and contribute \$25,000.00 to the Southend Waterfront Park.

Dr. Haynes asked if the height of the proposed building was as low as possible, or if there may be a way to reduce the height of the building.

Mr. Favreau explained that the height of the ship modules as well as a 14-foot support beam for moving the modules inside the building did not allow for the proposed building to be any shorter in height, and the footprint of the building was reduced as much as possible.

Mr. Harper noted the demolition at the site of the blast building, and asked if this was part of a future application to add new construction.

Mr. Favreau said that a paint warehouse would be demolished and not replaced, the storage would be found elsewhere within BIW.

Mr. King referred to Section 8.20 of the Land Use Code, and asked if there was any other unusual nature, condition, or location that would make it eligible for Contract Rezoning.

Mr. Favreau said that this construction and proposed improvements would help the south end in general and is necessary for efficient modernization of the shipbuilding process.

Mr. Harper reminded the Board that Section 8.20 had recently been amended by the Council to allow Contract Rezoning in other situations.

Mr. Harper called for more questions from the Board. Hearing none, he opened the hearing to public comments.

Joel Parsons, 8 Libby Court, said he is in favor of the project.

Milly Bernier, 22 Pine Street, said that BIW has taken houses and the only lumberyard in town, and that BIW should think hard about its impact on the Southend before continuing. She said that the Pine and Hinckley street residents have already lost their river view, and asked how much more BIW would be allowed to encroach on the Southend.

Priscilla Driscoll, 19 Hinckley Street, asked if this was the final design.

Mr. Harper said that there is a process to be followed and that plans were available in the Planning Office.

Mrs. Driscoll continued, stating that BIW is already very loud, and emits a “dead flesh” smell as well as the smell of paint and chemicals. She stated that there was a promise made to keep the doors of the PO 2 building closed at night, which has not been kept. She also asked if there will be more blasting.

Mr. Harper said Mrs. Driscoll should speak with the Codes Enforcement Officer regarding noise, and invited Mr. Favreau to address some of Mrs. Driscoll’s concerns.

Mr. Favreau said there is no intended blasting and that concrete piles would be driven to support the building.

Jean Sczepanski, 1 Hinckley Street, said that the Southend residents were told during the hearings for the Land Level Facility that there would not be an increase in traffic, noise or smell. Also, there was a 1998 artist rendering of the proposed construction with a promise of trees that was not kept. She said there was a large amount of light from BIW and high-pitched exhaust fans that run at all times. She asked if these blowers would be two times louder with a building two times higher. She said she is frustrated with the process.

Mr. Harper reminded Ms. Sczepanski that she could discuss these issues with the Planning Director, Codes Enforcement Officer, or her City Councilor. He said copies of paperwork containing agreements from previous construction are on file in the Planning Office, which Ms. Sczepanski is welcome to review during regular business hours.

Hearing no more public comments, Mr. Harper closed the public comment portion of the hearing and returned to Board discussion.

Dr. Haynes said she feels it appropriate to make minor adjustments to the Contract Rezoning. She suggested some focal points to break up the facade of the green building. Dr. Haynes also noted that the trees at the end of Pleasant Street are either dead or dying, and suggested BIW planting more trees at the end of Hinckley, Pine, and Spring streets to filter noise and smell.

Mr. Upham read comments from Peter Owen, Public Works Director, that granite, rather than bituminous curbing would be preferred on the eastern sections of Washington Street with proposed replaced curbing.

Tom Hoerth, City Arborist, was asked to speak about the existing trees along Washington Street, as well as the proposed trees along Washington Street. He said that removing curbing and allowing for more loam would allow for staggering of trees, moving them further away from the building. The plan to stagger the trees would also keep them more out of the way of falling ice and snow from the buildings on Washington Street.

Mr. Omo said he is in favor of as many new trees as possible.

Mr. Favreau asked about the process of making additional requirements in order to accept Contract Rezoning.

All on the Board felt this is a starting point, but more work needs to be done.

Mr. Favreau said BIW would look into granite curbing.

Dr. Haynes asked if the doors on the PO 2 building could be closed earlier than 9:00 p.m. Mr. Oxtan added that the open doors do not add to the noise so much as the large exhaust fans, although the noise from those fans is most likely within Land Use Code Standards.

Mr. Favreau invited one of the Oest Associates engineers to speak about the proposed building's exhaust vents. It was said that the proposed building would have exhaust fans on the roof.

Mr. Upham relayed another concern from Peter Owen regarding a 54-inch storm drain outfall that is under the location of the proposed building addition.

An engineer from Oest Associates said they will inspect and video tape the pipe before work is started and again after work is completed. Any damage will be repaired by BIW.

The Board asked for the schedule for driving piles. Mr. Favreau said during daytime hours (7:00 a.m.-7:00 p.m.)

The engineer also said that lighting would be more down facing, and would give off less light.

Mr. Upham added that the photometric plan complies with the Code's 0.2 foot-candle standard.

Mr. Hopkinson proposed looking at ways to reduce the noise of the exhaust fans or doing an analysis to see if the fans are truly the noise the neighbors are hearing. Mr. Hopkinson also said the applicant should have professionals look into ways to modify the roof to reduce snow-shedding.

Mr. Hoerth spoke about the trees again, said that although they are planting a very hardy species that should be growing 6 to 12 inches a year, they have not grown at all in the nearly 20 years he has lived in Bath. Mr. Hoerth said the lack of growth is due not only to the high environmental pressure of the snow and ice fall, but also steam from the buildings which retards the trees' dormant period.

DR. HAYNES MOVED, SECONDED BY MR. OXTON, TO CONTINUE THE APPLICATION TO THE NEXT MEETING SO THAT THE APPLICANT CAN WORK ON THE FOLLOWING: DEFINITE THE PILE-DRIVING SCHEDULE, GET PETER OWEN'S COMMENTS ON THE PROTECTION TO 54-INCH STORM OUTFALL, SCHEDULED CLOSING OF DOORS IN PROPOSED BUILDING, OTHER NOISE REDUCTION, STREET TREES AT THE BOTTOM OF THE SIDE STREETS, REMEDY OF SOME SNOW-SHEDDING, EROSION AND

SEDIMENTATION CONTROL COMMENTS FROM PETER OWEN, AND A MAINTENANCE PLAN FOR NEW PLANTINGS.

UNANIMOUS APPROVAL

Item 2

Final Notice of Decision – Front Street (Map 21, Lots 231, 232 and 235); Old Shipyard Land, LLC, applicant.

A new draft of the Notice was distributed by Mr. Upham, which made minor grammatical corrections.

MR. HOPKINSON MOVED, SECONDED BY MR. KING, TO APPROVE THE SEPTEMBER 5, 2006, VERSION OF THE FINAL NOTICE OF DECISION – FRONT STREET (MAP 21, LOTS 231, 232 AND 235); OLD SHIPYARD LAND LLC, APPLICANT.

UNANIMOUS APPROVAL

Item 3

Request for Historic District Approval – 1071 Washington Street (Map 21, Lot 196); Majella Snell, applicant.

Steve Doyle, representing the applicant, asked for Historic District Approval of a three-season sunroom. He noted that he felt the City's tax maps were not correct with respect to property lines. He said he had located property corner pins and that the sketch in the application was accurate.

Dr. Haynes told of the history of the building. She also asked if the pilaster on the home would be kept, and recommended it be a condition of approval.

Mr. Harper opened for public comment, hearing none, the public comment portion was closed.

DR. HAYNES MOVED, SECONDED BY MR. OMO, TO GRANT APPROVAL WITH THE CONDITION THAT THE PILASTER IN THE SOUTHEAST CORNER OF THE ELL MAINTAIN ITS ARCHITECTURAL INTEGRITY.

UNANIMOUS APPROVAL

Item 4

Pre-Application Workshop – Front Street (Map 21, Lots 231,232 and 235); Old Shipyard Land, LLC, applicant.

Mr. Harper reminded everyone that this is a workshop and no formal application request has been made.

Ms. Davis asked what the Board wanted to see, and wanted direction with the workshop.

Mr. Harper said that the Board could not redesign the building, only comment on the compliance or non-compliance of proposed buildings.

Ms. Davis stated that she has approval for a Department of Environmental Protection Permit by Rule (DEP PBR) for her site as designed on her previous application request. She also said she has studied facades in the area to address the compatibility of her proposed development. Ms. Davis said that in order for her development to be economically viable, she would need to have at least 6 units in this building (Building A).

Mr. King referred to an August 30th e-mail from Ms. Davis with a request to pursue one 85-foot building on the Front Street façade and one on parcel C, and he feels the current DEP PBR is unimportant.

Ms. Davis showed additional drawings of two 4-family units with a 20-foot separation.

Dr. Haynes said the proposed sketches showed a significant mass facing Front Street and asked if one building could face south. She also asked if ins, outs, and ells would be a possibility to break up the façade, and would like to see sketches representing these changes.

Anne Hammond, 1 Grove Street, asked about building closer to the water, and about some architectural details as well.

Mr. Harper said that Ms. Davis was not obligated to address public comments, and recommended that Ms. Davis hold a forum with the neighborhood to address concerns.

Ms. Davis showed a number of sketches of different sizes and configurations of buildings, and said that she would like to find a way to get approval as she has lost another construction season.

The Board concurred that more visuals of their suggestions would be needed.

Mr. Harper closed the workshop.

Other Business

Dr. Haynes noted the Vocational School-constructed house on Dummer Street is finished, and ready for potential purchase.

Mr. King said he might be unable to attend the next meeting because of being out-of-town.

With no other business to come before the Board, **MR. KING MOVED, SECONDED BY MR. OMO, TO ADJOURN THE MEETING.**

UNANIMOUS APPROVAL

The meeting was adjourned at 8:17 p.m.

Minutes prepared by Morgan Decker, Recording Secretary