

A regular meeting of the Bath Planning Board was called on 10-17-06 for the purpose of conducting regular business.

MEMBERS PRESENT

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

MEMBERS ABSENT

Robin Haynes

STAFF PRESENT

Jim Upham, Planning Director
Morgan Decker, Recording Secretary

Mr. Harper, Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, October 17, 2006.

Minutes of October 3, 2006, meeting

MR. KING MOVED, SECONDED BY MR. HOPKINSON, TO ACCEPT THE MINUTES OF THE OCTOBER 3, 2006, MEETING AS PRESENTED.

UNANIMOUS APPROVAL**Old Business**

None

New Business**Item 1**

Historic District Approval Amendment – Gediman's, Inc., 67 Centre Street (Map 27, Lot 89); Peter and Serene Gagnon, applicants.

Before commencing with the application review, Mr. Harper addressed the Board, letting them know that Dr. Haynes, in her absence, had written a letter with comments regarding the Gediman's application so that her opinion would be known. Mr. Harper then welcomed the applicant to speak regarding their proposed changes.

Robert Kahn, of Douglas Richmond Architects, representing the applicant, presented a sketch of the revised changes to the façade at 67 Centre Street. Mr. Kahn explained that the Gagnons plan to only spend about ten more years in the existing building, then hope to rebuild on the

same site. He said that in light of this, the Gagnons felt the previously approved brick façade, which would require massive structural support, would be cost-prohibitive for the short life of the existing building. He explained that in lieu of brick, the applicants are now proposing to use a hand-applied synthetic stucco finish. Mr. Kahn said the earth tones of the stucco would hold up to the sunlight of the southern exposure of the façade, and the proposed blue awning would be a nice contrast. Her said that other elements of the façade will remain as previously approved.

Mr. Harper noted that the color of the proposed samples of the synthetic stucco did not seem as bright as in the drawings, and seemed more appropriate. The Board nodded collectively in assent.

Mr. King drew the Board's attention to the fact that the arches above the windows and the sign in the proposed façade were flatter than current downtown architecture. Most, he said are more curved or rectangular. Mr. Oxton asked what the thought was behind the arches.

Mr. Kahn said he intended the arches to be a counterpoint to the rectangular elements of the façade and to visually anchor the awnings and signage. He acknowledged that the arch design was different than existing downtown buildings, and said that the departure was intended to set the building apart.

Mr. Harper asked if Mr. Kahn and the Gagnons were set on the current proposed arch design or if the arches had any structural significance.

Mr. Kahn replied that the arches had no structural function, and the design could be revised if the Planning Board felt it would be more appropriate otherwise.

The Board discussed options to change the arch design, agreeing that the points extending past the window frames were the most unattractive element. If the points were to be left out, the Board felt it would find the arch design suitable.

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

Paul Seaman, Day's Ferry Road, Woolwich, addressed the Board. He noted that he was the architect at 67 Centre Street of the proposed façade design, approved by the Planning Board March 21, 2006. He said that when the structural challenges of a brick façade were addressed, he was told the project was scrapped. Mr. Seaman offered his advice to the Planning Board and the applicant, presenting a sketch. Mr. Seaman also gave his credentials, saying he works mostly with historic classical architecture. Mr. Seaman noted that the window design of the construction in progress differs from the approved plan, adding that this change did not make much of a difference. Mr. Seaman suggested that the façade be made of clapboard rather than stucco, as it is a more traditional application for buildings in the Historic District Overlay. Mr. Seaman thanked the Board and the applicant for hearing his comments and concerns.

Hearing no more comments from the public, Mr. Harper closed the public portion of the meeting and returned to the Board for further comment.

Mr. Harper reminded the Board that the Sagadahoc Preservation Association had given the synthetic stucco a negative endorsement, and asked for a show of hands as to who was against the stucco.

Mr. King said that although the synthetic stucco was not a material widely used in the downtown, the new addition to the Patten Free Library is the same material. He and other Board members noted that although most buildings downtown are brick, there are some existing concrete buildings.

Mrs. DeChant spoke in favor of clapboard, saying it seemed softer and more welcoming as Gediman's is a building first seen when coming into the downtown of Bath from Route 1.

Mr. King asked if the cost of clapboard was a factor in deciding to use the stucco.

Mr. Kahn replied that the stucco is actually the more costly of the two materials, but thought it would help the building stand out and may hold up better to the southern exposure of the building.

Mr. Upham brought the Board's attention to the fact that the only building made of clapboard in the downtown is the residence on Water Street. He mentioned that clapboard has more of a residential feel, and may make Gediman's look more as such than a business.

Mr. Harper added that Dr. Haynes, in her letter, said she had no issue with the synthetic stucco.

Mr. Harper asked if there were any comments regarding the choice of awning color. A sample was passed around to the Board, and all seemed in favor of the proposed color and fabric.

While discussing colors, Mr. King suggested that the color code from the stucco samples be photocopied and kept in the applicant's file to be used as the color specifications for the final project.

Mrs. DeChant asked about the lighting. Mr. Oxton commented that he was in favor of the proposed lighting in the drawing provided the bulb did not hang below the fixture.

Mr. Kahn apologized for being remiss about including a photograph of the proposed fixtures, saying the bulb will not hang below the fixtures, which may have created a glare.

Hearing no further comment from the Board, Mr. Harper said he would entertain a motion.

MR. HOPKINSON MOVED, SECONDED BY MR. KING, THAT THE APPLICATION FOR HISTORIC DISTRICT AMENDMENT (GEDIMAN'S INC.) – 67 CENTRE STREET (MAP 27,

LOT 89) BE APPROVED AS REQUESTED SUBJECT TO THE FOLLOWING CONDITIONS OR CHANGES:

- **THAT THE PLANS SUBMITTED TO THE PLANNING DIRECTOR SHOW THE ARCHES REDRAWN TO ELIMINATE WINGS OR POINTS ALONG THE EDGES;**
- **THAT THE COLOR SAMPLES SUBMITTED TO THE PLANNING BOARD BE USED AS COLOR SPECIFICATIONS FOR THOSE ASPECTS OF THE BUILDING;**
- **THAT THE SIDES OF THE BUILDING BE PAINTED THE GRAY COLOR TO MATCH THE GRAY USED ON THE FRONT FAÇADE;**
- **THAT THE LIGHTING FIXTURES AS PROPOSED BE SUCH THAT NO BULB EXTENDS BELOW THE BOTTOM OF THE FIXTURE;**
- **AND THAT THE APPLICANT FOLLOWS THE SIGN ORDINANCE WITH RESPECT TO THE FINAL SIGNAGE DESIGN.**

4 IN FAVOR (Hopkinson, King, Omo, and Oxton), 2 OPPOSED (Harper, and DeChant). APPLICATION APPROVED.

Item 2

Request for Subdivision Amendment – 4 Washington Street (Map 43, Lot 20); Jane Morse, applicant.

Before hearing the application, Mr. King asked to recuse himself in the matter because the Feimers stand to benefit from the action of the Board and are clients of his.

Mr. Harper said that the applicant was a “walk-on” to the agenda. The application is to transfer a 17-foot wide strip of property to the Feimers. He turned to Mr. Upham for further comment.

Mr. Upham explained to the Board that procedure for Planning Board applications is to have all material in three weeks prior to the meeting so the Planning Director, Codes Enforcement Officer, and other staff can review the materials before it goes to the Board. He said that the material came in only a week before the meeting but that he and the Codes Enforcement Officer had reviewed the materials. He told the Board that Jane Morse, representing John G. Morse, LLC, notified all abutters. He said this was the procedure suggested by the City Attorney. Mr. Upham also told the Board that the Board could, according to the Land Use Code, waive the normal three week submission requirement.

Jane Morse, representing the applicant, let the Board know that her rationale for submitting the application late was to expedite the process so the property owners could resume a construction project in process before colder weather sets in. Ms Morse explained that transferring the piece of land would make the Feimers in compliance with the Land Use Code rear yard setback. Ms Morse also mentioned that there are some discrepancies between the subdivision plan approved December 6, 1983, and what was built.

Mr. Harper turned the Board’s attention to a letter from Mrs. Anglim, property abutter to the west. In the letter, Mrs. Anglim said that she could not be at the meeting, but asked that the Board not approve the application as some of her land was in dispute with Mr. Feimers.

Mr. Hopkinson said that in order to convey the land, the survey's interior lot lines would have to be consistent with the subdivision plan, with pins set at the new corners, so all discrepancies would be corrected on a new subdivision plan.

Mr. Harper opened the public session portion for members of the public wishing to comment. Hearing no comments, he closed the public session and returned to the Board for comment.

Mr. Upham reminded the Board that this should be a two part motion – to waive the three-week submission deadline, and to approve the subdivision amendment.

Mr. Oxton and Mr. Omo both felt it would be unwise to set a precedent for waiving the requirement, but Mr. Omo said there was good reason and the application was simple.

Mr. Hopkinson asked if there was evidence in the applicant's file of Ms Morse's notification of abutters. Mr. Upham said there is evidence.

Mr. Upham summarized that the amendment was simple and that the Codes Enforcement Officer had indicated that the change to the lots would not create any nonconformities.

Mr. Harper agreed, and said that because no new entrances or exits would be needed, nor would it necessitate earth moving or contacting the police or fire chief because of additional hazards, he would be in favor of a motion.

MR. HOPKINSON MOVED, SECONDED BY MR. OMO, TO APPROVE THE REQUEST OF THE APPLICANT FOR SUBDIVISION APPROVAL AND WAIVER OF THE THREE-WEEK SUBMISSION REQUIREMENT SUBJECT TO THE FOLLOWING CONDITIONS:

- **THAT A NEW, RECORDABLE MYLAR MEETING THE REQUIREMENTS OF THE SUBDIVISION ORDINANCE BE SUBMITTED FOR SIGNATURE OF THE PLANNING BOARD AND RECORDED IN THE REGISTRY OF DEEDS;**
- **THAT ALL INTERIOR LOT LINES FROM ORIGINAL SUBDIVISION PLAN BE SHOWN ON RECORDABLE MYLAR;**
- **AND THAT THE RECORDABLE MYLAR INDICATE THE BOUNDARY MARKERS TO BE SET AT THE NEW CORNERS PURSUANT TO THE SUBDIVISION ORDINANCE.**

UNANIMOUS APPROVAL

Mr. Upham said when the Mylar was submitted to the Codes and Planning Office, he would contact the Board members to come in and sign it.

Item 3 Election of Officers

Mr. Upham was asked by the Chair to conduct the election process.

MR. HOPKINSON NOMINATED MR. HARPER FOR CHAIR.

MR. OXTON NOMINATED MR. HOPKINSON FOR CHAIR.

MR. KING MOVED FOR NOMINATIONS TO CEASE.

4 IN FAVOR OF MR. HARPER, 1 IN FAVOR OF MR. HOPKINSON. MR. HARPER WILL REMAIN CHAIR OF THE BOARD FOR 1 YEAR.

Mr. Upham then opened nominations for Vice Chair.

MR. HARPER NOMINATED MR. HOPKINSON FOR VICE CHAIR.

MR. KING MOVED FOR NOMINATIONS TO CEASE.

UNANIMOUS APPROVAL. MR. HOPKINSON WILL REMAIN VICE CHAIR FOR 1 YEAR.

Other Business

Mr. Upham mentioned that at the November 7, 2006, meeting he would bring back the amendments to the Historic District Review process, and options for the vacant lot on the Corner of South and Washington streets—the site of the former Triple R Bar.

There being no other business to come before the Board, **MR. KING MOVED, SECONDED BY MRS. DECHANT, TO ADJOURN THE MEETING.**

UNANIMOUS APPROVAL

Meeting adjourned at 7:04 p.m.

Minutes prepared by Morgan Decker, Recording Secretary