

A regular meeting of the Bath Planning Board was called on 11-07-06 for the purpose of conducting regular business.

MEMBERS PRESENT

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

MEMBERS ABSENT

Jennifer DeChant

STAFF PRESENT

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

Mr. Harper, Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, November 7, 2006.

Minutes of October 17, 2006 meeting

MR. KING MOVED, SECONDED BY MR. HOPKINSON, TO ACCEPT THE MINUTES OF THE OCTOBER 17, 2006, MEETING WITH THE FOLLOWING CORRECTION:

- **THAT THE DATE AT THE HEAD OF THE PAGE BE CHANGED TO REFLECT THE CORRECT DATE OF THE MEETING.**

UNANIMOUS APPROVAL

Mr. Harper asked that the Board combine Old Business Item 1 with New Business Item 1, and finding no dissenting opinion, both are to be discussed and voted upon concurrently.

Old Business**Item 1**

Request for Final Subdivision and Site Plan Approval – Front Street (Map 21, Lots 231, 232, and 235); Old Shipyard Land, LLC, applicant. (Continued from August 1, 2006 meeting)

New Business**Item 1**

Historic District Approval – Front Street (Map 21, Lots 231, 232 & 235); Old Shipyard Land, LLC, applicant.

Before commencing with the subdivision and site plan review, Mr. Upham said he wanted to update the Board regarding any materials that may be missing to make the application complete. He said that Peter Owen sent E-mail on 11-7-06 saying that the sewer connection

is fine and that the sewer system has capacity. Mr. Upham also told the Board that Chief Field has approved the route for construction vehicles. And he said that a final Brownfield remediation plan would be sent to the D.E.P. next week. He also told the Board that he felt the Site Plan and Subdivision plans were complete.

MR. KING MOVED, SECONDED BY MR. OMO, TO FIND BOTH THE SITE PLAN AND SUBDIVISION PLANS TO BE COMPLETE.

UNANIMOUS APPROVAL

Aaron Shaw, representing James W. Sewall Associates, consultant to the applicant, told the Board that the application is now for a 19-unit complex residential development. He said the complex would consist of two main buildings. Building A, he said, would be made to look like two, with a break between the buildings above ground. He pointed out that there are 44 parking spaces being proposed. He said the Ames Corporation has done a traffic study and found even after the proposed increase in traffic there would still be a Level of Service "A."

Mr. Shaw noted that a DEP stormwater permit would not be needed. He did mention that the City has a stormwater drain at the edge of Front Street, which would be rerouted around Building A to drain into the river. He mentioned that there is a sewer easement across the property that will be relocated. And he said this would require City Council approval.

Mr. Shaw told the Board that S. W. Cole Engineers has done soil borings on site and found some hazardous materials as well as sand and ledge. He said a remediation plan is to be submitted to the DEP, as Mr. Upham had mentioned earlier.

Mr. King asked what provisions would be made for recreation.

Ms. Davis told the Board that walking paths and a large recreation area would be included in the final plan.

Mr. King reminded the Board and Ms. Davis that a recreation plan is a condition of approval and must be noted on the final plan. Mr. King also asked about plans to truck brush to the landfill, reference to which was made in E-mail to Chief Field dated 11-06-06.

Mr. O'Connor, who has been working with Ms. Davis, said that most wood and trees will be hauled off the site by a woodcutter for the woodcutter's own use, and that anything taken to the landfill would be general brush.

Dr. Haynes asked that all brush to be hauled to the landfill be recyclable and/or compost-able, and suggested that this be a condition of approval. Dr. Haynes also questioned whether or not there is a tree preservation plan.

Mr. Shaw said that a tree preservation plan has not been finalized, because the Brownfield remediation plan will affect it, and that the applicant is hoping to get approval contingent upon a completed tree preservation plan.

Mr. Upham told the Board that Tom Hoerth, City Arborist, has walked the site with the DEP and Steve Dyer (the City's Brownfield engineer). He said there is some coordinating of the final tree preservation and the remediation that still needs to be done.

Dr. Haynes questioned which areas would be required by the DEP to be fenced.

Ms. Davis said only one area would be fenced, this area being one that could be hidden behind Building A. Ms. Davis said she would review again with Mr. Hoerth which trees should be protected within the area required to be capped or encapsulated.

Dr. Haynes voiced concerns that only smaller plant species would be able to be planted in the encapsulated areas.

Mr. Hoerth addressed the Board, saying that many species can grow in two feet of soil, as root systems tend to go outward, rather than down. He feels this amount of soil over encapsulated areas is sufficient.

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

Anne Hammond, 1 Grove St., asked for further clarification on areas of the remediation plan, specifically how much of the property would not be accessible.

Mr. Harper reviewed the remediation plan, saying that only the fenced-in area would be inaccessible.

Kym Granger, 359 Front Street, spoke in support of the project, and called Ms. Davis's plan "smart residential development," of which she said there was a lack in Bath.

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

Mr. Harper asked that the applicant go through pertinent items regarding Historic District Approval.

Ms. Davis spoke of her plan for the exterior of the building, saying that she would like to blend her proposed construction with the existing houses in the neighborhood. Ms. Davis said that by using same elements (clapboard, shingles), she hopes to minimize the visual impact of the mass of the proposed buildings.

Mr. Harper asked if the windows in the drawing being presented are representative of the actual window design to be implemented, and also asked that Ms. Davis be specific about where color swatches on her plan would be applied.

Ms. Davis told the Board that she intends to install double-hung windows, four-over-one. Regarding the color scheme, Ms. Davis said she would apply color scheme #1 (a variety of beiges, green, and gray) to Building A1 and Building B, and that color scheme #2 (gray, charcoal gray, black, and green) would be applied to Building A2. Ms. Davis specified that she would be using cementitious clapboards, with asphalt shingles on the roof unless she can secure a source for cementitious shingles. Ms. Davis also mentioned that she is thinking of adding shingles to the upper attic gable area to mirror the look of the two small houses on Front Street south of her property.

Mr. Harper asked Dr. Haynes if she would endorse the shingle detail, and Dr. Haynes replied that the shingles would add visual interest as well as texture.

Mr. King opined that a firm decision on whether or not to add shingle detail to the attic gable should be made before Planning Board approval. He took the opportunity to also state that he would be in favor of continuing at least the subdivision approval to the next meeting, as he felt the recreation component of the plan is too important to be considered a condition, and that he would like to see plans for a recreation area before approving a plan.

Mr. Harper asked for any other opinions relating to continuing the subdivision application, and heard none.

Dr. Haynes asked another question regarding Historic District Approval: whether a gable on the south elevation of building A1 was omitted from drawings. Dr. Haynes also wanted to know if the gable was the furthest protruding piece of the structure.

Ms. Davis said she had omitted this gable, as it was in the far distance, though it does appear in other drawings.

Dr. Haynes brought a correction to the Board's attention: in the subdivision booklet Ms. Davis had written that the proposed subdivision is not abutting any properties on the National Register of Historic Places. Dr. Haynes pointed out that this is not so, as the entire neighborhood is listed on the National Historic Register.

Ms. Davis agreed with this correction, and also stated that she would be using only clapboard on the siding for the time being, and that if she chooses to add shingles to the attic gable areas, she would file a Historic District Amendment.

Mr. Oxtan asked if there was a photometric plan included in the final plans. Mr. Upham brought the Board's attention to drawing L3, which included photometrics.

Mr. Harper opened the public session of the meeting to members of the public wishing to speak regarding Historic District Approval.

Anne Hammond, 1 Grove Street, said that the proposed 36-inch tall fence between buildings A1 and A2 may be a visual distraction to neighbors wishing to view the river.

Mr. Harper addressed Mrs. Hammond's concerns, saying the fence was a code issue, and not something that could be negotiated.

Mrs. Hammond also asked if a river walk could be included on the plan, and voiced her opinion as to how this could be accomplished.

Mr. Harper thanked Mrs. Hammond for her input, and explained that most of her requests were not under the authority of the Planning Board.

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

Dr. Haynes asked what the rear decking materials and railings would be made of.

Ms. Davis said a recycled plastic material would be used, but that it would resemble wood once complete. Dr. Haynes added that this material would need to be added to the list of materials.

Mr. Oxtan mentioned that he was a bit uncomfortable with some elements not being "nailed down," specifically the exact plan for the use of each color in the two color schemes.

Mr. Harper said he thought that the general colors were acceptable, and would leave the exact application of each color to Ms. Davis, so long as she does not deviate from the samples she has provided.

Mr. Harper wanted to commend Ms. Davis for a thorough application and plan, and that regardless of a vote on subdivision or site plan approval, at least the Historic District approval could be voted on and a clear indication of what items are missing to complete approval for subdivision or site plans could be given.

MR. KING MOVED TO CONTINUE SUBDIVISION APPROVAL TO THE NEXT REGULARLY SCHEDULED MEETING, SPECIFICALLY THE PLAN PRESENTED WITH THE INFORMATION REQUIRED BY SECTION 13.13, H, 4, OF THE LAND USE CODE AS WELL AS WITH OTHER ISSUES BROUGHT UP, INCLUDING TREE PRESERVATION.

THERE WAS NO SECOND TO THE MOTION.

Mr. Harper said he would entertain other motions.

MR. HOPKINSON MOVED, SECONDED BY MR. KING, TO APPROVE THE SITE PLAN SUBJECT TO THE FOLLOWING CONDITIONS:

- **THAT ALL APPLICABLE STATE, LOCAL, AND FEDERAL APPROVALS BE OBTAINED AND SUBMITTED TO THE PLANNING DIRECTOR PRIOR TO CONSTRUCTION;**

- THAT CITY COUNCIL APPROVE THE SEWER EASEMENT RELOCATION PRIOR TO THE RELEASE OF THE RECORDABLE MYLAR;
- THAT A FULL AND FINAL TREE PRESERVATION PLAN INCLUDING ANY PLAN WITHIN THE ENCAPSULATED AREAS WITH COMPLETE SPECIFICATIONS BE SUBMITTED IN WRITING AND APPROVED BY THE CITY ARBORIST PRIOR TO CONSTRUCTION; AND
- THAT SUBDIVISION APPROVAL AND HISTORIC DISTRICT APPROVAL BE OBTAINED AS A CONDITION OF SITE PLAN APPROVAL.

UNANIMOUS APPROVAL

MR. HOPKINSON THEN MOVED, SECONDED BY DR. HAYNES, TO APPROVE THE SUBDIVISION PLAN SUBJECT TO THE FOLLOWING CONDITIONS:

- THAT ALL APPLICABLE STATE, LOCAL, AND FEDERAL APPROVALS BE OBTAINED AND SUBMITTED TO THE PLANNING DIRECTOR PRIOR TO CONSTRUCTION;
- THAT A FULL AND FINAL TREE PRESERVATION PLAN INCLUDING ANY PLAN WITHIN THE ENCAPSULATED AREAS WITH COMPLETE SPECIFICATIONS BE SUBMITTED IN WRITING AND APPROVED BY THE CITY ARBORIST PRIOR TO CONSTRUCTION;
- THAT CITY COUNCIL APPROVE THE SEWER EASEMENT RELOCATION PRIOR TO THE RELEASE OF THE RECORDABLE MYLAR;
- THAT THE FINAL RECORDED SUBDIVISION PLAN BE RESUBMITTED TO THE PLANNING BOARD FOR APPROVAL, SHOWING WITHIN THE REMAINING UNDEVELOPED AREA A RECREATION AREA AND LISTING THE PROPOSED PERMITTED RECREATIONAL USES AND ANY APPLICABLE ENFORCEMENTS;
- THAT THE SOUTHWEST CORNER OF THE PROPERTY BE MONUMENTED AS REQUIRED BY THE ORDINANCE, AND THAT SUCH MONUMENTATION BE SHOWN ON THE PLAN;
- THAT ANY BRUSH REMOVAL INTENDED FOR THE LANDFILL BE RECYCLABLE; AND
- THAT APPROVAL IS CONDITIONAL UPON SITE PLAN AND HISTORIC DISTRICT APPROVAL.

5 IN FAVOR (MR. HARPER, MR. HOPKINSON, MR. OXTON, MR. OMO, DR. HAYNES), 1 OPPOSED (MR. KING).

THE MOTION CARRIED.

MR. HOPKINSON THEN MOVED, SECONDED BY DR. HAYNES, FOR HISTORIC DISTRICT APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

- THAT ALL APPLICABLE STATE, LOCAL, AND FEDERAL APPROVALS BE OBTAINED AND SUBMITTED TO THE PLANNING DIRECTOR PRIOR TO CONSTRUCTION;

- **THAT THE APPLICANT OBTAIN FULL SUBDIVISION AND SITE PLAN APPROVAL AS APPLICABLE;**
- **THE FINAL PLANS BE SUBMITTED TO THE PLANNING DIRECTOR SHOWING THE COMPLETE DETAIL ON THE REAR DECKING AND RAILING MATERIAL; AND**
- **THAT THE FINAL PLANS ALSO CONFIRM THAT COLOR SCHEME #1 WILL BE USED ON BUILDINGS A1 AND B, AND COLOR SCHEME #2 WILL BE USED ON BUILDING A2.**

UNANIMOUS APPROVAL

New Business

Item 2

Land Use Code Text Amendment – Amend Sections 8.12 – Historic Overlay District and Section 2.02 – Definitions.

Mr. Upham reminded the Board and wanted to be on record that public hearings for this amendment have been held, and a decision was made to continue to an undefined future meeting. Mr. Upham stated that the intent of amending Section 8.12 was not to have less of a Historic District Review, but to make the process quicker as an advantage to homeowners. He presented two options to the Board.

Dr. Haynes said she is comfortable with not notifying abutters, but not comfortable with some of the wording of Option 1.

The Board discussed the amendments and indicated that Option 1, with some modifications, was preferred.

Mr. Upham said that he would take all feedback and return at another future meeting with revisions.

MR. HOPKINSON MOVED, SECONDED BY DR. HAYNES, TO CONTINUE THIS ITEM TO ANOTHER MEETING.

UNANIMOUS APPROVAL

Item 3

Planning Board Discussion – Parking in the C2 Zone

Mr. Upham told the Board that the City Manager had asked that a solution to the vacant lot at the corner of South Street and Washington Street be explored. Mr. Upham said he and Mr. Davis have discussed the situation and believe there is a provision in Article 6 that allows the expansion of nonconforming uses, which could be used. Mr. Upham said the lot has been vacant for over ten years, and Article 6 would apply in this case, so that the property can be made into a parking lot if approved by the Zoning Board of Appeals.

Dr. Haynes asked about buffering.

Mr. Upham said he would speak to the landowner about this.

Mr. Oxton asked if a parking lot was not under the Planning Board's responsibilities.

Mr. Upham said that a site plan would have to be approved by the Planning Board, but that the expansion of the use could be approved by the Zoning Board of Appeals.

Other Business

Mr. Upham noted two recent articles in magazines about the City of Bath, and said he would keep the magazines in his office to be borrowed.

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

UNANIMOUS APPROVAL

Meeting adjourned at 7:38 p.m.

Minutes prepared by Morgan Decker, Recording Secretary.