

A regular meeting of the Bath Planning Board was called on 4-17-07 for the purpose of conducting regular business.

MEMBERS PRESENT

Jim Harper, Chair
Bob Oxton
Robin Haynes
Andy Omo
Jennifer DeChant
David King

MEMBERS ABSENT

James Hopkinson, Vice Chair
John Underwood (non-voting student member)
Chelsea Hall (non-voting student member)

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 6:02 p.m. on Tuesday, April 17, 2007.

Minutes of the April 3, 2007 meeting

DR. HAYNES MOVED, SECONDED BY MR. OXTON, TO ACCEPT THE MINUTES OF THE MEETINGS AS PRESENTED.

UNANIMOUS APPROVAL

Old Business

None

New Business

Item 1

Request for six month extension of Site Plan Approval – Front Street (Map 21, Lots 231, 232 & 235); Old Shipyard Land, LLC, applicant

Carl Stinson, speaking for Old Shipyard Land, LLC, said that Ms. Davis was working hard to complete the plans so she could apply for the building permit, and that she was seeking a six-month extension of site plan approval.

Hearing no Board comments, **MR. OXTON MOVED, SECONDED BY DR. HAYNES, TO GRANT THE SIX-MONTH EXTENSION OF THE SITE PLAN APPROVALS.**

UNANIMOUS APPROVAL

Item 2

Planning Board Approval of Conditions – 99 Commercial Street (Map 26, Lot 272); New BathPort, LLC, applicant

Mr. Upham stated to the Board that some of the list of conditions of approval for the proposed New BathPort would need to be approved through the Planning Board. He then invited Charlie Wiercinski of SiteLines (representing the applicant) to speak.

Mr. Wiercinski started by addressing the lobby space provision. He said that plans for a gallery had been made, which could host receptions and gatherings, would be in the lobby of the proposed Building 2.

Ms. DeChant asked if the sponsors would have to be residents, to which Mr. Wiercinski replied that sponsors would not have to be unit owners.

Mr. King questioned the language of the gallery proposal. He asked if this would be the final language, or merely represented the substance of the language in the charter for residents. Mr. Wiercinski said that the language was substantive, but not final.

Mr. Wiercinski then moved on to the river walk easement. He described that, as proposed, the river walk easement will be 15 feet wide, with the walkway being 8 feet wide.

Dr. Haynes pointed out that the easement for the City is for the purpose of maintenance, though she said language in the agreement from the applicant states that the eight-foot easement may not be used for maintenance.

Mr. King said that the Board might want to see a deed conveying the easement and its uses as previously agreed upon. In light of the fact that the City has agreed to maintain the river walk, Mr. King asked if serious damages were also intended to be paid by the City.

Mr. Upham pointed out that the City Solicitor has not had a chance to give feedback on this condition, and perhaps it would be best if he reviewed it and gave legal opinion first.

Mr. Wiercinski invited James Herrick, the architect, to go through the materials list. Mr. Herrick detailed materials for the exterior of the buildings, including: brick and pre-cast concrete façade, windows clad with a bronze-colored fiberglass, metal cornice and gables, both of which will be backed by E.I.F.S. (exterior insulating finishing system) foam, metal clad dormers and bronze colored mullions. He said that the front balconies would have wrought iron posts – either bronze-colored or black, the rear balconies would be more nautical in nature, and feature a brushed aluminum top rail with stay wires. And he said that Canberra wood decking and white cedar side privacy fences would complete rear balconies and that the roofing material would be architectural grade asphalt shingles, fashioned to look like a slate roof.

Mr. Upham mentioned that a formal list, as well as the photographed material boards, might be more appropriate for the files. The Board agreed.

With regard to the safety plan, Mr. Harper asked if the Board felt satisfied that an adequate safety plan was in place. He added that the plan had been reviewed by the police chief and the public works director.

Dr. Haynes replied that while the safety of the workers seemed to be handled well, the initial condition of also having a safety plan for abutting properties as well as pedestrian and vehicular traffic around the site had not.

Mr. Wiercinski addressed a portion of the subdivision plan in which the Board had endorsed a certain type of paving stone (for the river walk). Although this stone was also recommended for use by the waterfront committee, Mr. Wiercinski said that he believes the stone is too textured, and would not only be rough, but would also leave gaps that were too large. Mr. Wiercinski brought an example of a smoother, smaller paver that he would like to see used, but said he is open to whatever the Board deems appropriate.

Mrs. DeChant said she would like input from the waterfront committee before making a decision regarding paving stones. Mr. Wiercinski agreed that this would be the diligent decision.

Mr. Wiercinski wanted to make the Board aware that after speaking to Central Maine Power, removal of pole #10 would necessitate putting up four additional poles (two on Commercial Street, two on Summer Street).

Dr. Haynes asked if taking down pole #4, as discussed in previous meetings, would create the same situation. Mr. Wiercinski is unaware, but said he would speak to CMP.

Mr. Upham mentioned that if this sort of situation were unavoidable, perhaps CMP could either refurbish pole #10 or replace it with a metal pole. The Board found this solution agreeable as well.

Mr. Oxton reminded the Board that while four replacement poles seemed excessive, the additional poles could be dealt with in the future.

Mr. Harper stated that it was up to the applicant to ask for an amendment if the pole was not going to be removed.

Mr. Upham noted that information on the performance-bond condition has not been submitted. Mr. Wiercinski asked how the applicant could secure such a bond if the project had not had final approval.

Mr. King stated that a bond could be attained without approval, based on the cost and design of the project.

Mr. Harper and the Board felt it might be appropriate to defer this issue to the City Solicitor. The applicant's attorney mentioned that he would be willing to work with the City Solicitor on the matter.

Mr. King also wanted to address language concerning construction. He noted that the documents stated that construction "may not" occur during Heritage Days. Mr. King felt that stronger language; such as "will not occur" would be more appropriate. The Board agreed.

Mr. King mentioned the condition stating that in lieu of recreation area, a one-time, 5% of market value contribution will be made to the City. Mr. King felt that the figure projected by the applicant was low. Mr. Upham replied that the City Assessor, Paul Mateosian, could determine this amount before final approval.

Mr. Harper asked to benefit the applicant, if a summary of conditions could be made for the applicant to complete. The summary is as follows:

- Clarify who a sponsor could be in the Gallery space;
- Clarify easement of river walk, whether or not seven foot easement can be used for maintenance purposes and who is financially responsible for large-scale repair;
- Furnish a written list as well as pictures of materials;
- Secure a performance bond or other guarantee (to be discussed in a meeting with the City Solicitor);
- Secure final DEP approval prior to approval of subdivision plan;
- Re-word construction plan so NO construction will occur during Heritage Days;
- Gather more information with regard to utility poles;
- Consult with Waterfront Committee regarding paving stones;
- Get projected market value from City Assessor.

Mr. King asked if the submitted plans were the final plans. Mr. Wiercinski replied that most were final, but minor changes may still be made.

Mr. Upham reminded the Board that the applicant does not need to clear small changes (culvert size, etc) with the Board, and that minor changes could be approved administratively by the Planning Director, the Planning Board Chair, and the Public Works Director.

Mr. Wiercinski told the Board that the applicant would return to the Planning Board following a meeting with the City Solicitor, Planning Director, and project attorney.

Item 3

Request for Historic District Approval – 1 North Street (Map 26, Lot 194); Douglas Gray and Jenn Burns, applicants.

Paul Seamen, representing the applicant, described the proposed addition of a covered, open-air porch on the east side as well as a roof and columns on the west side entrance. Mr. Seamen described the proposed east side porch as consisting of blue stone, Douglas fir bead board ceilings, and composite trim and railings. He said the west side porch would feature the original columns from a previous porch at this entrance and a small roof.

Dr. Haynes noted that the home was built around 1789, and is associated with John Patten. Dr. Haynes gave a brief history of the home and its owners, and added that the eastern ell of this home has changed many times, making it not a concern to be further changed. Dr. Haynes opined that these proposed porches would add to the home.

There being no comment from the public and hearing no further comment from the Board, **DR. HAYNES MOVED, SECONDED BY MR. OMO, TO GRANT HISTORIC DISTRICT APPROVAL.**

UNANIMOUS APPROVAL

Hearing no further business from the Board, **MR. KING MOVED, SECONDED BY MR. OMO, TO ADJOURN THE MEETING.**

UNANIMOUS APPROVAL

Meeting adjourned at 7:38 pm.

Minutes prepared by Morgan Decker, Recording Secretary