

A regular meeting of the Bath Planning Board was called on 7-10-07 for the purpose of conducting regular business.

MEMBERS PRESENT

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

MEMBERS ABSENT

STAFF PRESENT

Jim Upham, Planning Director
Peter Owen, Public Works Director
Tom Hoerth, City Arborist
Morgan Decker, Recording Secretary

Mr. Harper, Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, July 10, 2007.

Minutes of the May 15, 2007, meeting

MR. OXTON MOVED, SECONDED BY DR. HAYNES, TO ACCEPT THE MINUTES OF THE MAY 15, 2007, MEETING AS PRESENTED

UNANIMOUS APPROVAL

Minutes of the June 5, 2007 meeting

Ms. DeChant noted that she was absent for this meeting.

MR. OXTON MOVED, SECONDED BY MS. DECHANT TO ACCEPT THE MINUTES OF THE JUNE 5, 2007, MEETING WITH THE CORRECTION.

UNANIMOUS APPROVAL

Minutes of the June 12, 2007 meeting

DR. HAYNES MOVED, SECONDED BY MR. OXTON, TO ACCEPT THE MINUTES OF THE JUNE 12, 2007, MEETING AS PRESENTED

UNANIMOUS APPROVAL

Old Business
None

New Business

Item 1

Public Hearing – Request for Contract Rezoning and Historic District Approval – 832 Washington Street (Map 26, Lot 163); AA Associates, LLC (Al Austin), applicant

Mr. Austin said he had submitted a survey, which confirms his lot line and also submitted photographs of the north side of the building. Mr. Austin said the north side of the building would be the primary focus of the proposed renovations, as well as enclosing an exterior stairwell on the west side of the building. Mr. Austin proposed adding vinyl siding to the north side, as this part of the building is a maintenance issue due to access, and also exposed to more harsh weather than the rest of the building. Mr. Austin detailed the rest of his plan, including adding more shrubs to define the entrance and egress of the parking lot at 826 Washington Street.

Dr. Haynes noted there is no scale noted on the map submitted, and asked Mr. Austin if the proposed construction would cross lot lines.

Mr. Austin clarified that all the proposed work would be completed on the existing foundation.

Dr. Haynes gave a history of the property, noting many changes since its initial construction. She estimated the construction of the original structure in the mid to late 1800s and deduced from maps that the northeast corner, dating from the mid to late 19th century is the oldest part of the structure. Dr. Haynes stated that vinyl siding would be acceptable on the north face siding provided that the corner boards, window and door trim, bay windows and their decorative aprons and the various denitlated cornices are preserved

Mr. King noted that he only sees two public benefits in this contract rezoning – the flower garden and shrubs. Mr. King mentioned that a planting list is usually submitted, including possible species of plants as well as their location, so the Codes Enforcement Officer has a “map” by which to check progress of work.

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

Hearing no comment from the public, Mr. Harper closed the public comment session of the meeting.

Mr. King told the Board that a verbal planting list would not be sufficient for Contract Rezoning, and this application should not be approved prior to the submittal of a landscape plan.

Mr. Harper mentioned to Mr. Austin that he may be able to obtain this plan from a local greenhouse.

Dr. Haynes asked if it would be possible to review the planting list and finish review of the application before the July 24, 2007 Comprehensive Plan meeting.

Ms. DeChant said this may be more appropriate, as the application should not be approved until a written plan is submitted.

MR. KING MOVED, SECONDED BY MS. DECHANT TO CONTINUE THE APPLICATION UNTIL A SPECIAL MEETING TO BE HELD ON JULY 24, 2007

UNANIMOUS APPROVAL

Item 2

Planning Board Review of business assistance grant for Marnee's Cookies

Marnee Robinson, owner, spoke about her plan to move her home-business to 23 Elm Street. She said there would be extensive rehab work done on the building and added that she had already spoken to the state fire marshal as well as the Codes Enforcement Officer about the compliance of her proposed plan. Ms. Robinson said the grant for which the City is applying would fund the major equipment purchases for the proposed factory space.

Mr. Harper said he thought the plan was a wonderful idea and sought a motion from the Board.

MR. KING MOVED, SECONDED BY MR. HOPKINSON, THAT THE PROJECT IS IN COMPLIANCE WITH THE COMPREHENSIVE PLAN.

UNANIMOUS APPROVAL

Item 3

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

Mr. Upham summarized for the Board what progress had been made since the last meeting. The performance bond has still not been approved by the City Solicitor, although a new safety plan is in the packet which has been approved by Chief Field and Chief Hinds. The City Solicitor approved the easement to the river walk as well as the public gallery.

Mr. Stinson, representing the applicant, asked the Board to clarify why the performance bond was not accepted. He noted that this item not being approved was creating delays and increasing the cost of the project.

Mr. Hopkinson explained what types of documentation are usually submitted. He said a bonding company could be hired, or, more commonly, a letter of credit from the bank. As stages are completed, the amount of the letter of credit to the City would be reduced. Mr. Hopkinson added that the City has never identified a preferred letter of credit and that he would be willing to assist in this.

Dr. Haynes said she was still uncomfortable with the Exhibit 1, Item 5 (River walk easement), and the last sentence of item 5 should have the word easement inserted after river walk, or river walk should be deleted and replaced with easement.

Mr. Stinson said this change would be made.

Peter Owen, Public Works Director, said in reference to the proposed utility work that some closure of streets would be necessary and would affect pedestrian traffic. Mr. Owen requested that street closure be coordinated with him and the police chief prior to any actual closings.

Mr. King asked if the fence on Commercial Street would be permanent, how far into Commercial Street would this extend, if there would be concrete barriers in place and how long the barriers would be in place.

Mr. Senecal stated the fence would be 10-15 feet off the property line and a concrete barrier would be in place in front of the fence during any excavation work. He said the fence would move from time to time depending on the area of construction. Mr. Senecal estimated the time the fence would be in place at 12 calendar months.

Mr. King noted that any street closure lasting longer than 24 hours would need to be approved by the City Council prior to street closure.

Mr. Hopkinson asked if there is any standard for dust control.

Mr. Owen said while there is no standard, he would keep an eye on dust created at the site and would inform the applicant when dust control measures needed to be in place.

Mr. King mentioned that in order to close part of the waterfront park for construction, City Council approval would need to be sought. Mr. Upham agreed.

Hearing no further comment from the Board, **MR. HOPKINSON MOVED, SECONDED BY MR. OMO, TO APPROVE CONDITION LIST ITEMS 3, 5 AND 11 SUBJECT TO SPECIFIC LANGUAGE REVISIONS ON THE RIVERWALK EASEMENT AND SAFETY PLAN, AND CONTINGENT ON THE CITY COUNCIL'S APPROVAL OF THE FENCE IN THE WATERFRONT PARK AND CLOSURE OF COMMERCIAL STREET IF THIS IS DETERMINED BY THE CITY SOLICITOR TO BE NECESSARY.**

UNANIMOUS APPROVAL

Item 4

Site Plan Amendment – South End Waterfront Park on Washington Street (Map 33, Lot 198); City of Bath, applicant

Mr. Owen, public works director, said that meetings have been held with the public to determine what specific improvements that need to be made to the park. Mr. Owen stated that boulders would be added as a way to prevent motorists from driving on the grass, a ten-foot wide paved path would be constructed to the pier, a stone-dust path would be constructed around the park, the pier would be resurfaced and would have railings installed so there will be no access to the water from the pier. Trash and dog waste cans will be on the premises, and two bocce courts would be constructed. At the entrance to the walking path, three posts would

be placed that will prevent vehicular traffic but can be removed for maintenance and safety vehicle access.

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

Jean Anthony, 1325 Washington Street, said she had applied for and received a grant to help with the construction of the bocce courts. She said the construction of these courts is a positive aspect of the plan, and will make Bath the first city in Maine to have public bocce courts.

Hearing no further comment from the public, Mr. Harper closed the public comment session.

DR. HAYNES MOVED, SECONDED BY MR. OXTON, TO APPROVE THE AMENDMENT WITH THE CONDITION THAT THE LOCATION OF BENCHES BE ADDED TO THE PLAN AND REVIEWED BY THE PLANNING DIRECTOR

UNANIMOUS APPROVAL

Other Business

Mr. Harper, Chair, submitted his letter of resignation. He thanked the Board for their work, and said that his children and family need his time. Mr. Harper's resignation is in effect July 11, 2007.

Hearing no further business before the Board, **MR. HOPKINSON MOVED, SECONDED BY DR. HAYNES, TO ADJOURN THE MEETING.**

UNANIMOUS APPROVAL

Meeting adjourned 7:35 p.m.

Minutes prepared by Morgan Decker, Recording Secretary