

A regular meeting of the Bath Planning Board was called on 8-7-07 for the purpose of conducting regular business.

MEMBERS PRESENT

James Hopkinson, Vice Chair
Bob Oxtan
Robin Haynes
Andy Omo
David King
Chelsea Hall (non-voting student member)
Erik Dudley (non-voting student member)

MEMBERS ABSENT

Jennifer DeChant

STAFF PRESENT

Jim Upham, Planning Director
Roger Therriault, City Solicitor
Morgan Decker, Recording Secretary

Mr. Hopkinson, Vice Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, August 7, 2007.

July 24, 2007 Minutes

MR. OMO MOVED, SECONDED BY DR. HAYNES, TO ACCEPT THE MINUTES OF THE JULY 24, 2007 MEETING AS PRESENTED.

Old Business

Item 1

Planning Board Approval of Conditions – 99 Commercial Street (Map 26, Lot 272); New BathPort, LLC, applicant (continued from July 24, 2007 meeting)

Mr. Upham informed the Board that the applicant had submitted a letter of credit. He said that the standard method of guaranteeing completion of the public infrastructure in a subdivision was a letter of credit. He explained that this method could also be used to guarantee that this development would be completed.

Mr. King said that the work item number 6 in the Schedule A should require the exterior to be completed. He also said that a shore stabilization method for the proposed river walk was not mentioned and should be added. Mr. King also mentioned that developer figures for costs of construction should not be accepted alone and that an independent third party should review the costs.

Mr. Hopkinson agreed that prices of construction should not be submitted to city staff only, that a third party with more knowledge of the process should review. Mr. Hopkinson also mentioned that paragraph 2; line 6 should be revised to say: “which improvements fall under the general heading as specified in Schedule A.” Mr. Hopkinson asked if the applicant’s bank would accept the unlimited timetable as outlined in the draft of the letter of credit.

Mr. Therriault said it was his understanding the bank has reviewed the draft letter and approved of it.

Mr. Hopkinson mentioned that lights for the river walk were not referenced and that the gallery space should be open to the public prior to the releasing of any funds. He also proposed that Schedule A have an item #16 -- general reserve, to cover any additional costs.

Mr. Hopkinson suggested that the Board could agree to the form of the letter of credit and have a procedure to approve Schedule A.

Mr. King opined that he would like to have financial figures reviewed and approved by the Planning Board once they are submitted.

Matt Senecal of BBI Builders, representing the applicant, said he could agree to a complete exterior rather than a weather-tight shell for work item 6 in Schedule A. Lights on the river walk can be added to the language.

Hearing no further discussion, **MR. KING MOVED, SECONDED BY DR. HAYNES, TO APPROVE THE FORM OF THE LETTER OF CREDIT WITH THE AMENDMENTS MENTIONED WITH THE PROVISION THAT THE COSTS IN SCHEDULE A ARE SUBJECT TO REVIEW BY THE PLANNING BOARD AND THAT IN THE EVENT STAFF DOES NOT HAVE THE CAPABILITY TO DETERMINE IF THE COSTS ARE APPROPRIATE AN OUTSIDE CONSULTANT WILL BE HIRED AT THE APPLICANT'S EXPENSE TO REVIEW THEM.**

4 IN FAVOR (KING, OMO, HAYNES, HOPKINSON), 1 OPPOSED (OXTON)

(Mr. King excused himself from the meeting at 6:42 p.m. due to a prior commitment)

New Business

Item 1

Public Hearing – Land Use Code Amendments; Amend Section 8.07 – Downtown Commercial District

Mr. Upham summarized the changes for the Board, noting that the C1 Zone's space and bulk requirements have an amendment to the purpose sub-section. Mr. Upham mentioned that the 25-foot setback from the river could be waived to reflect an eight-foot wide permanent easement for the purpose of extending the river walk. In addition, he said that height requirements have been changed with regard to location.

Mr. Hopkinson opened the public portion of the hearing, for members of the public wishing to comment.

Hearing no public comment, Mr. Hopkinson closed the public comment portion.

Hearing no further discussion from the Board, **DR. HAYNES MOVED, SECONDED BY MR. OXTON, TO RECOMMEND APPROVAL OF THE AMENDMENTS TO THE CITY COUNCIL**

UNANIMOUS APPROVAL

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

UNANIMOUS APPROVAL

Meeting adjourned 6:53 p.m.

Minutes prepared by Morgan Decker, Recording Secretary