

A regular meeting of the Bath Planning Board was called on 5-6-08 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxtan, Chair
James Hopkinson, Vice Chair
Robin Haynes
Andy Omo
Amy Fitzpatrick
Paul Fraser
Jennifer DeChant
Chelsea Hall (non-voting student member)

MEMBERS ABSENT

Seth Smith (non-voting student member)

STAFF PRESENT

Jim Upham, Planning Director
Morgan Decker, Recording Secretary

Mr. Oxtan, Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, May 6, 2008.

Minutes of the April 15, 2008 meeting

Dr. Haynes noted that Jayne Palmer’s name was spelled incorrectly on the draft, and asked that the spelling be changed.

MR. HOPKINSON MOVED, SECONDED BY MS. FITZPATRICK, TO APPROVE THE MINUTES OF THE APRIL 15, 2008, MEETING AS AMENDED

UNANIMOUS APPROVAL

Old Business

None

New Business

Item 1

Request for Waterfront Setback Reduction in the NRPO Zone – 153 Blackwater Cove Road (Map 4, Lot 1); Robert & Stephanie Dundas, applicants

Kevin Clark, SiteLines, representing the applicant, told the Board that the .78-acre site was purchased by Mr. and Mrs. Dundas in 2001 and they are proposing to replace the existing mobile home with a year-round home. The proposed home would be only 75 feet from the high waterline of Merrymeeting Bay.

Before hearing any more comment, **MR. HOPKINSON MOVED, SECONDED BY MR. OMO, TO FIND THE APPLICATION COMPLETE.**

UNANIMOUS APPROVAL

Dr. Haynes asked if there are any trees on the site with a diameter over eight inches, which were not shown on the site plan. Mr. Clark replied that the lot is almost completely wooded with the exception of the building envelope. Mr. Clark noted that while the trees are not on the plan, no trees will be removed from outside the building envelope, and any cutting will be performed to Shoreland Zoning specifications.

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

Eric Allen, 149 Blackwater Cove Road, expressed his approval of the proposed project and said the home will be an improvement to their neighborhood.

Hearing no further public comment, Mr. Oxtan closed the public portion of the meeting.

Mr. Hopkinson inquired as to whether limitations to tree cutting were addressed in the applicants' submission. Dr. Haynes mentioned that page six of the submission addresses all limitations.

With no further discussion from the Board, **MR. HOPKINSON MOVED, SECONDED BY MR. OMO, TO APPROVE THE APPLICATION SUBJECT TO THE FOLLOWING CONDITIONS:**

- **THAT THE REQUIREMENT FOR A REPORT FROM A HYDROGEOLOGIST BE WAIVED;**
- **THAT THE REQUIREMENT FOR A HYDROGEOLOGICAL EVALUATION BE WAIVED;**
- **THAT THE REQUIREMENT FOR A TREE PLAN OF THE EXISTING TREES ON THE SITE BE WAIVED.**

UNANIMOUS APPROVAL

Item 2

Request for Historic District Approval – 11 Linden Street (Map 26, Lot 214); Kathryn McCoig, applicant

Brent Akins of Housewrights & Craftsmen, representing the applicant, told the Board the applicant is proposing to replace the brick ell of the house with a stick-built ell, which is proposed to be six feet wider than the existing.

Dr. Haynes gave a history of the house. She said that through her research she discovered that the ell may in fact be the original house. Dr. Haynes expressed concern that the proposed new construction wrapping around the northwest corner of the house and the proposed porch on the west side may cover up the historic fabric of the house.

Justin Andrus, married to the applicant, explained his and Ms. McCoig's wishes to save as many of the historic elements as possible. He said they have found the portion of the house is in such disrepair that any measure to save it would be extremely cost-prohibitive.

Dr. Haynes asked Mr. Andrus if he would be willing to photographically document the ell/original home prior to any demolition. Mr. Andrus agreed to do this if it were a condition of approval.

MR. HOPKINSON MOVED, SECONDED BY MR. FRASER, TO APPROVE THE APPLICATION WITH THE FOLLOWING CONDITIONS:

- **THAT ALL FACADES OF THE HOME BE PHOTOGRAPHED (PRIOR TO DEMOLITION) AND THOSE PHOTOGRAPHS BE SUBMITTED TO THE PLANNING OFFICE TO BE FORWARDED TO THE HISTORY ROOM AT THE PATTEN FREE LIBRARY**
- **THAT ALL BUILDING MATERIALS FROM THE DEMOLITION BE RECYCLED OR REUSED TO THE GREATEST EXTENT POSSIBLE.**

5 IN FAVOR (OXTON, FITZPATRICK, OMO, HOPKINSON, FRASER), 2 OPPOSED (DECHANT, HAYNES)

Item 3

Request for Site Plan Amendment, Subdivision Amendment and Historic District Amendment – Front Street (Map 21, Lots 231, 232, 233 & 235); Old Shipyard Land, LLC, applicant

Catherine Davis, applicant, told the Board that she is asking to amend the November 2007 approvals. Ms. Davis explained that she is hoping the proposed changes will meet LEED standards. She said her new architect has re-designed the buildings to include a 20th unit, the formerly proposed green roof between buildings A1 and A2, and a handicap drop-off/pick-up area in front. Chris Briley of Green Design Company in Yarmouth echoed Ms. Davis's statements and added that the parking garage under building A will be enclosed making the building more heating/cooling efficient and help to meet LEED standards. He said that the siding will still be a fiber cement material, but that the applicant proposes to change brands to have a higher recycled content. Mr. Briley said the proposed changes will hopefully meet LEED Gold Standards.

Mr. Oxtan opened the public session of the meeting for members of the public wishing to comment. Hearing no comment, Mr. Oxtan closed the public session of the meeting.

Mr. Hopkinson mentioned, with respect to the subdivision plan, that a list of revisions be noted on the Plan, as well as a notation as to the number of parking spaces.

Mr. Omo asked the applicant if the size of the buildings would change with the proposed façade changes. Mr. Briley replied that buildings A1 and A2 will be about 6 inches taller, but still within the allowable height.

Dr Haynes explained that she felt that the changes were not an improvement and that she thought the building now looked out of scale with the other buildings in the neighborhood. Mr. Hopkinson said that he also had concerns.

Mr. Briley responded by explaining the reasons for his changes.

Mr. Hopkinson then thanked Mr. Briley for his explanation and he told Board that he now felt the amendment met the Historic District Approval criteria.

There being no further discussion, **MR. HOPKINSON MOVED, SECONDED BY DR. HAYNES, TO APPROVE THE AMENDMENT TO THE SUBDIVISION PLAN WITH THE FOLLOWING CONDITIONS:**

- **THAT A LIST OF REVISIONS BE STATED ON THE PLAN THAT WILL BE RECORDED AT THE REGISTRY OF DEEDS; AND**
- **THAT THE NUMBER OF PARKING SPACES BE NOTED ON THE PLAN.**

UNANIMOUS APPROVAL

MR. HOPKINSON MOVED, SECONDED BY MS. DECHANT, TO APPROVE THE SITE PLAN AS AMENDED.

UNANIMOUS APPROVAL

MR. HOPKINSON MOVED, SECONDED BY MR. FRASER, TO APPROVE THE HISTORIC DISTRICT AMENDMENT SUBJECT TO THE CONDITION THAT A COMPLETE, REVISED MATERIALS LIST BE SUBMITTED TO THE PLANNING DIRECTOR.

6 IN FAVOR (OXTON, FITZPATRICK, OMO, HOPKINSON, FRASER, DECHANT), 1 OPPOSED (HAYNES)

Other Business

Mr. Upham informed the Board that the City has been approved to continue a CDBG block grant for two projects – street, water, and sidewalk improvements for the Western Avenue and Richardson Street as well as a downtown façade improvement for participating businesses. Mr. Upham asked the Board to find that these proposed projects are in conformance with the Comprehensive Plan.

MR. HOPKINSON MOVED, SECONDED BY DR. HAYNES TO FIND BOTH PROPOSED PROJECTS IN HARMONY WITH THE COMPREHENSIVE PLAN

Ms. DeChant asked to recuse herself from the vote as she works for the Department of Economic and Community Development, the granting agency.

6 IN FAVOR (OXTON, FITZPATRICK, OMO, HOPKINSON, FRASER, HAYNES), 0 OPPOSED, 1 ABSTAINED (DECHANT,).

Mr. Upham also reminded the Board of the Gateway 1 meeting Thursday, May 8, 2008.

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

UNANIMOUS APPROVAL

Meeting adjourned 8:11 p.m.

Minutes prepared by Morgan Decker, Recording Secretary