

A regular meeting of the Bath Planning Board was called on 5-20-08 for the purpose of conducting regular business.

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

Seth Smith (non-voting student member)

**STAFF PRESENT**

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

Mr. Oxtan, Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, May 20, 2008.

Minutes of the May 6, 2008 meeting

**DR. HAYNES MOVED, SECONDED BY MS. FITZPATRICK, TO APPROVE THE MINUTES OF THE MAY 6, 2008, MEETING AS PRESENTED.**

**UNANIMOUS APPROVAL**

**Old Business**

**Item 1**

**Sign Amended Subdivision Plan** – Old Shipyard Land, LLC, applicant

Mr. Upham let the Board know a copy of the amended plan is in their packet, and all requested notes appear on the plan.

**MR. HOPKINSON MOVED, SECONDED BY MS. FITZPATRICK, TO SIGN THE AMENDED SUBDIVISION PLAN.**

**UNANIMOUS APPROVAL**

**Item 2**

**Historic District Approval** – 963 Washington Street (Map 26, Lot 200); Nancy Neble & James McMahon, applicants. (Continued from the March 15, 2008 meeting)

Mr. Hopkinson reminded the Board that he had represented the applicant and would recuse himself from acting on this Item.

Craig Palmer, representing the applicant said that the party interested in moving the barn has decided not to go through with that proposal. Mr. Palmer indicated that neighbors of the applicants would like some materials if the barn were to be demolished. Therefore, he said, the applicant is proposing to demolish the barn and offer material for interested parties to recycle. Mr. Palmer also said Les Fossel had looked at the condition of the barn and according to Mr. Palmer the barn is in very poor condition.

Dr. Haynes reminded the applicant that in order to approve demolition, the applicant must prove the barn is not of historical significance or there is no other option but to demolish.

Mr. Omo stated he would like to hear Les Fossel's comments after looking at the barn.

Dr. Haynes opined that even if repairing the barn were cost-prohibitive, that would not change the historical significance.

**DR. HAYNES MOVED, SECONDED BY MS. DECHANT, TO DENY THE REQUEST TO DEMOLISH THE BARN AT 963 WASHINGTON STREET.**

**3 IN FAVOR (HAYNES, FITZPATRICK, DECHANT); 3 OPPOSED (FRASER, OMO, OXTON); 1 ABSTAINED (HOPKINSON)**

**MOTION FAILS**

**MR. OMO MOVED, SECONDED BY DR. HAYNES, TO CONTINUE UNTIL THE JUNE 3, 2008, PENDING MORE INFORMATION FROM THE APPLICANT.**

**6 IN FAVOR (OMO, FITZPATRICK, OXTON, HAYNES, DECHANT, FRASER); 1 ABSTAINED (HOPKINSON)**

## **New Business**

### **Item 1**

**Public Hearing – Request for Contract Rezoning and Site Plan Approval – 11 Elsinore Avenue (Map 28, Lot 32); Glen and Simone Flaming, applicants.**

Mr. Upham informed the Board of a letter on their desks from Peter Owen, Public Works Director, in reference to storm water.

Charlie Wallace, of Resource Systems Engineering, representing the applicants, addressed the Board. Mr. Wallace spoke about the Contract Rezoning application and the site plan. He said that the project would improve the Route 1 gateway appearance, as well as improve the property. He said the applicants are proposing additional green space at the front and side of the building as well as enhancing the landscaping along the property lines. He told the Board that the applicants propose to move the access drive further away from Route 1 and install a 6-foot high wooden fence along the eastern and southern property lines. Mr. Wallace described a storm water management system of stone bio-filters surrounding the building, as well as

replacing 18-24 inches of clay soil under the proposed parking lot with gravel. He said that the parking lot would have a grade less than 1% in places as a way to slow down stormwater runoff. Mr. Wallace spoke about the method of protecting existing trees during construction.

Mr. Oxtan opened the public session of the meeting for members of the public wishing to comment. There being no one wishing to comment, Mr. Oxtan closed the public comment portion.

Tom Churchill of Facility Services, architect for the applicants, told the Board he had read Mr. Hoerth's letter and agreed with all his comments.

Dr. Haynes mentioned daffodils being represented on the site plan but not the planting list and asked the height of the stone planter. Mr. Churchill replied that the applicants will be planting the daffodils and those can be added to the planting list. He said the stone planter is proposed to be 30 inches tall.

Dr. Haynes asked what the proposed color change would be to the building. Mr. Churchill answered that the applicants are proposing a gray siding with white trim, a black roof, and red doors.

Dr. Haynes opined the half shutters on the west side should either be eliminated or the window dimensions changed to allow full shutters, and asked what additional lighting for decorative purposes was listed on the photometric plan. Mr. Churchill said the lighting is all listed on the plan.

Mr. Oxtan asked what the purpose of the post lantern is. Mr. Churchill said the lantern is for aesthetic purposes and to indicate where the walkway to the front door would be. He said the lighting would consist of 3 25-watt candelabra-style bulbs. Mr. Churchill added that a maximum total wattage of 75 could be a condition.

Dr. Haynes mentioned that specific dimensions and details of the fence should be shown on the plan and asked if the soil had been deemed appropriate for the species of plants proposed. Mr. Wallace pointed out several test-pit spots on the site plan and Mr. Hoerth agreed the soil is suitable for the plants. Dr. Haynes also asked if Mr. Hoerth would be amenable to having his letter regarding the project as a condition of approval. Mr. Hoerth agreed to this.

Mr. Omo added that snow storage should be indicated on the site plan.

**DR. HAYNES MOVED, SECONDED BY MR. OMO, TO APPROVE THE SITE PLAN SUBJECT TO THE FOLLOWING CONDITIONS:**

- **THAT THE SITE PLAN BE REVISED TO REFLECT MR. HOERTH'S 5/8/2008 LETTER INCLUDING THE GENDER OF GINGKO TREE, BEST MANAGEMENT PRACTICES FOR PLANTING, AND SNOW STORAGE LOCATION;**
- **THAT A STORMWATER PLAN BE PROVIDED TO THE PUBLIC WORKS DIRECTOR FOR REVIEW AND APPROVAL;**

- THAT THE LANDSCAPE PLAN SHOW A COMPLETE LIST OF SPECIES TO BE PLANTED AND BE SUBMITTED TO THE CITY ARBORIST FOR REVIEW AND APPROVAL;
- THAT THE PHOTOMETRIC PLAN BE AMENDED BY REPLACING NOTE 7 WITH A MORE COMPLETE, DETAILED NOTE INCLUDING WATTAGE LIMITS ON DECORATIVE LIGHTING;
- THAT SPECIFICS OF THE FENCE INCLUDING ITS FINISH AND MAINTENANCE BE ADDED TO THE SITE PLAN;
- THAT THE STONE WALL PLANTER, WITH DIMENSIONS, BE ADDED TO THE LANDSCAPE PLAN;
- THAT THE HALF-SHUTTERS ON THE WEST FAÇADE BE CHANGED OR REMOVED;
- THAT APPROVAL OF THE SITE PLAN IS CONTINGENT UPON CITY COUNCIL APPROVAL OF THE CONTRACT REZONING.

## UNANIMOUS APPROVAL

### Item 2

**Public Hearing** – Request for Contract Rezoning and Site Plan Amendment – 15 Congress Avenue (Map 29, Lot2); Douglas Rink, applicant.

Mr. Upham reminded the Board of the history of the application. Dr. Rink previously has asked (in August 2005) for contract rezoning for his expanded parking lot, which at that time was tabled by the City Council and it was expected by the Council that the then city manager would “work things out with the applicant.”

Dr. Rink told the Board that he now proposes to screen the dumpster and plant shrubs between the boulders that are at the edge of the parking lot. Dr. Rink also said he would like to divide the property in half, so he could sell the northern half of the lot.

Dr. Rink also told the Board that he wishes contract rezoning to allow him to divide the lot into two lots with the new lot line being at the edge of the existing parking lot.

Dr. Haynes asked the City Arborist’s feelings on the landscape plan. Mr. Hoerth replied that he approved of the plan.

Mr. Omo suggested that the proposed arbor vitae be planted around the north side of the dumpster to screen it from the north side of the lot, as any smaller plant may not screen from above.

Mr. Upham asked if a five-foot buffer would be appropriate for any plant species mentioned (crabapple trees, arbor vitae). Mr. Hoerth answered that five feet would be suitable for either species.

Mr. Hopkinson asked Mr. Upham if the City Manager has the authority to enter into a consent agreement. Mr. Upham replied that it was thought previously a consent agreement, contained in Section 3.08, would be inappropriate for this situation.

**MR. HOPKINSON MOVED, SECONDED BY MR. FRASER, TO CONTINUE THE REQUEST FOR CONTRACT REZONING AND SITE PLAN AMENDMENT TO THE JUNE 3, 2008, MEETING SO THAT THE PLANNING DIRECTOR COULD EXPLORE THE PROCESS THAT MAY BE ALLOWED BY LAND USE CODE SECTION 3.08.**

**UNANIMOUS APPROVAL**

**Item 3**

**Request for Site Plan Amendment** – 826 High Street (Map 26, Lot 1); Morse High School, applicant.

Pete Hudson, filling in for Dave Richard, representing the applicant, proposed replacing the existing 8-foot wooden fence that is around most of the perimeter of the High School lot with a 7-foot high PVC fence.

Dr. Haynes asked why the fence is not proposed to be the same height. Mr. Hudson replied the one foot loss in height would make the fence less susceptible to wind and would not buckle as much as the higher fence.

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

Bruce Brennan, 47 Lincoln Street, informed the Board that most of the plantings required were dead within two years, leaving only the wooden fence. Mr. Brennan said he feels the change of material would detract from the aesthetics, and mentioned losing a foot of height would allow viewing of his yard and first floor by the school cafeteria.

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

Dr. Haynes said she would like to see the original conditions of approval before making any decisions.

**DR. HAYNES MOVED, SECONDED BY MS. DECHANT, TO CONTINUE THE SITE PLAN AMENDMENT TO THE JUNE 3, 2008, MEETING**

**UNANIMOUS APPROVAL**

**Item 4**

**Request for Subdivision Amendment** – West Chops Point (Map 5, Lot 6); Homes by Kennedy (Peter Kennedy), applicant.

Mr. Upham gave a brief history of the subdivision and told the Board that the so-called Eagle Lot was not a developable lot when originally approved because of the recent presence of eagle nests. He said that since that time, the applicant has procured letters from IF&W as well as DEP stating no restrictions are needed on this lot as there is no eagle activity.

Mr. Kennedy said he had identified nine items to be amended in order to make the "Eagle Lot" saleable.

Paul Fenton, a resident at West Chops Point said there were other requirements as determined by litigation, and ask that the Board to consider these requirements.

Mr. Upham said that he would make the Board aware of these requirements.

**MR. HOPKINSON MOVED, SECONDED BY MR. OMO, TO APPROVE THE REQUEST TO REMOVE RESTRICTIONS ON THE SO-CALLED EAGLE LOT.**

**UNANIMOUS APPROVAL**

Hearing no further business before the Board, **MS. FITPATRICK MOVED, SECONDED BY MR. FRASER, TO ADJOURN THE MEETING.**

**UNANIMOUS APPROVAL**

Meeting adjourned 8:35 p.m.

Minutes prepared by Morgan Decker, Recording Secretary.