

A regular meeting of the Bath Planning Board was called on 6-3-08 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxtan, Chair
James Hopkinson, Vice Chair
Robin Haynes
Amy Fitzpatrick
Paul Fraser

MEMBERS ABSENT

Andy Omo
Jennifer DeChant

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, June 3, 2008.

Minutes of the May 20, 2008 meeting

MR. HOPKINSON MOVED, SECONDED BY DR. HAYNES, TO APPROVE THE MINUTES OF THE MAY 20, 2008, MEETING AS PRESENTED

UNANIMOUS APPROVAL

Old Business**Item 1**

Sign Amended Subdivision Plan – West Chops Point (Map 5, Lot 6); Homes by Kennedy (Peter Kennedy), applicant.

MR. HOPKINSON MOVED, SECONDED BY MR. FRASER, TO SIGN THE PLAN FOR LOT E-1

UNANIMOUS APPROVAL

Item 2

Historic District Approval – 963 Washington Street (Map 26, Lot 200); Nancy Neble & James McMahon, applicants. (Continued from the March 15 and May 20, 2008 meetings)

Mr. Upham told the Board he hoped to get a report of the structural condition of the building, but had not. The applicant, Mr. McMahon introduced himself and said he had received two letters from Les Fossil. Mr. McMahon distributed those letters to Board members for review.

Mr. Upham reminded the Board that Mr. Hopkinson would be recusing himself from all proceedings, as the applicant was a client of his.

Mr. McMahon stated that letters from Les Fossel were brought to become part of the record, and not because either letter enhances his position. Mr. McMahon said he doesn't believe the barn is historically significant as it has been moved more than once and is not part of the original structure. Mr. McMahon also said that he believes the lack of view from either Front or Washington Street diminishes the significance of the structure. Mr. McMahon asked the Board to consider these factors as well as the opinions of the abutters.

Dr. Haynes opined the barn has significance because of its association not only with the Torrey and Sewall families, but also being the first home of the Maine Maritime Museum. Dr. Haynes stated that barns are endangered and more so in an urban setting, and agreed with Mr. Fossel that the barn could be restored at a reasonable cost.

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

Jayne Palmer, 300 Front Street, repeated earlier comments (May 20, 2008) that her front door is 30-40 feet from the existing barn, and is an eyesore. Ms. Palmer expressed feelings that the barn is a poor fit for the property and any alternative use for this structure would negatively impact the property.

Elizabeth Knowlton, 969 Washington Street, said the house is magnificent and the barn is rather unsightly. Ms. Knowlton said that the streetscape would be much more attractive without the barn and that the structure should be demolished with as many components being recycled as practicable.

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

Mr. Fraser asked the applicant what would replace the barn were it to be removed.

Mr. McMahon replied that nothing would replace the barn and grass would be planted to restore the yard.

Dr. Haynes stated that barns are pragmatic buildings and not meant to be aesthetically pleasing. She said that she believes the barn is historically significant and the Land Use Code is very strict regarding this matter.

DR. HAYNES MOVED, SECONDED BY MS. FITZPATRICK, TO DENY THE APPLICATION FOR HISTORIC DISTRICT APPROVAL TO DEMOLISH THE BARN.

2 IN FAVOR (HAYNES, FITZPATRICK), 2 OPPOSED (OXTAN, FRASER), 1 RECUSED (HOPKINSON)

MOTION FAILED

MR. FRASER MOVED, SECONDED BY MR. OXTON, TO APPROVE THE DEMOLITION OF THE BARN AND RESTORE THE APPEARANCE OF THE REAR YARD.

2 IN FAVOR (OXTON, FRASER), 2 OPPOSED (HAYNES, FITZPATRICK), 1 RECUSED (HOPKINSON)

MOTION FAILED

DR. HAYNES MOVED, SECONDED BY MS. FITZPATRICK TO CONTINUE THE REQUEST TO THE JULY 1, 2008, MEETING.

4 IN FAVOR (HAYNES, FITZPATRICK, OXTON, FRASER) 1 RECUSED (HOPKINSON)

Item 3

Public Hearing – Request for Contract Rezoning and Site Plan Amendment – 15 Congress Avenue (Map 29, Lot 2); Douglas Rink, applicant (Continued from the May 20, 2008 meeting)

Mr. Upham said he had asked the City Manager if he would be willing to enter into a consent agreement for past work rather than applying for Contract Rezoning. Mr. Upham said that the City Manager agreed to this and that Dr. Rink had elected to withdraw his application.

Item 4

Request for Site Plan Amendment – 826 High Street (Map 26, Lot 1); Morse High School, applicant. (Continued from the May 20, 2008 meeting)

Dave Richards, Facility Director, described the proposal to replace the existing 6-foot plus 2-foot lattice top cedar fence with a 5-foot plus 2-foot lattice cap PVC version. Mr. Richards stated the proposed fence has a lifetime guarantee and would be better supported by the soil, which, he said, could not handle the 8-foot wooden version.

Dr. Haynes mentioned that the landscaping of the buffer and super-buffer originally required as a condition of approval need to be created and maintained.

Mr. Oxtton commented that he had been present at the meetings in 1994 and is not willing to approve any less than an 8-foot total fence height due to the view into neighbors' yards.

Mr. Richards stated the PVC version of the existing fence is much less expensive and virtually maintenance-free as it is guaranteed.

Mr. Oxtton opined a darker fence color would be more appropriate and blend in with landscape buffers, rather than the white fence.

MR. HOPKINSON MOVED, SECONDED BY MS. FITZPATRICK, TO APPROVE THE REQUEST WITH THE FOLLOWING CONDITIONS:

- **THAT THE FENCE BE 6 FEET TALL WITH A 2-FOOT LATTICE CAP (8-FOOT TOTAL HEIGHT);**
- **THAT THE ORIGINALLY REQUIRED LANDSCAPING BE RE-INSTALLED AND MAINTAINED; AND**
- **THAT THE FENCE COLOR AS REASONABLY AS PRACTICABLE BE EITHER DARK GREEN OR BROWN AND SUBMITTED TO THE PLANNING DIRECTOR FOR APPROVAL.**

UNANIMOUS APPROVAL

New Business

Item 1

Request for Pre-Application Workshop – Western Avenue (Map 31, Lot 69); Eco-Partners (Mike White), applicant

Mr. White described his proposed project, a four-lot subdivision consisting of super-insulated homes. He said that the homes being proposed would have passive solar cells for domestic hot water as well as photovoltaic cells for electric supply.

Some abutters spoke about a possible discrepancy with the southern property line. Mr. White said he would have this area re-surveyed prior to construction.

Mr. White addressed Board questions regarding plans, and accepted suggestions regarding City staff engineering concerns.

Item 2

Request for Subdivision Sketch Plan Review – Wing Farm Parkway (Map 24, Lot 7); City of Bath, applicant.

Jeff Aceto of SiteLines detailed the area of the proposed subdivision and spoke of concerns with water flow and with sanitary sewer capacity. He said that he and the City and Water District staff were working on alternative way to solve these problems. The Board agreed to do a site tour on Tuesday, June 17, at 5:30 p.m.

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

UNANIMOUS APPROVAL

Meeting adjourned 7:43 p.m.

Minutes prepared by Morgan Decker, Recording Secretary