

A regular meeting of the Bath Planning Board was called on 10-7-08 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxtan, Chair
James Hopkinson, Vice Chair
Andy Omo
Amy Fitzpatrick
Paul Fraser
Carolyn Lockwood
Donald Rogers
Kean McDermott (non-voting student member)

MEMBERS ABSENT**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, October 7, 2008.

Prior to beginning the meeting, Mr. Oxtan welcomed Carolyn Lockwood and Donald Rogers; the two new members of the Board. Kean McDermott, a non-voting student member was also welcomed.

Mr. Oxtan also said he was changing the order of items on the Agenda; that # 4 would be heard ahead of # 3.

Minutes of the September 2, 2008 meeting

MR. HOPKINSON MOVED, SECONDED BY MS. FITZPATRICK TO ACCEPT THE MINUTES AS PRESENTED

UNANIMOUS APPROVAL**Old Business**

None

New Business**Item 1**

Public Hearing – Land Use Code Amendment – Section 6.05, Non-conforming structures.
(Allowing the vertical expansion of non-conforming buildings)

Mr. Upham said he is hesitant to recommend this amendment, but that the amendment to Section 6.05, D should address issue raised by the City Council. Mr. Upham added that the Building and Life Safety codes should address any concerns pertaining to fire spread due to the close proximity of buildings.

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

Mr. Hopkinson requested that page 3, Section D (line 5) be amended to read: “must contain a surveyed legal description and be recorded at the Sagadahoc Registry of Deeds.”

MR. HOPKINSON MOVED, SECONDED BY MR. ROGERS, TO RECOMMEND THE CITY COUNCIL ADOPT THE PROPOSED CHANGE TO SECTION 6.05 OF THE LAND USE CODE AS AMENDED

UNANIMOUS APPROVAL

Item 2

Public Hearing – Land Use Code Amendment – Section 8.12, C and I, and Section 8.20, B.
(To remove the use of Contract Rezoning in the Historic Overlay District)

Mr. Upham informed the Board that Contract Rezoning has been allowed since February 2005 in the Historic Overlay District and doesn’t work well in a residential setting. Contract Rezoning will still be allowed downtown.

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

MR. HOPKINSON MOVED, SECONDED BY MS. FITZPATRICK, TO RECOMMEND THE CITY COUNCIL ADOPT REVISIONS TO SECTION 8.12, C AND I; AND SECTION 8.20, B AS PROPOSED

UNANIMOUS APPROVAL

Item 3

Request for Historic District Approval – 804 Washington Street (Map 27, Lot 77); Chocolate Church Performing Arts Center, applicant

Roo Dunn gave a brief history of the building. Mr. Dunn stated the building will not be able to continue to house visual and performing arts in its current condition. Mr. Dunn said creative intervention using twenty-first century techniques is a must. Michael Barndollar, Chocolate Church Board President, added that an estimate to restore the building to its original condition was around 5 million dollars and that the proposed renovations and repair would cost substantially less at 1.8 million dollars.

Thom Watson, who has been involved with the Chocolate Church for 25+ years, added that the proposal is to encapsulate the existing structure with a composite siding, which will

duplicate the quarter-sawn board and batten design. He said the existing trim will also be duplicated, and all water and air leaks will be repaired. He told the Board that the belfry also needs to be stabilized, and would most likely be repaired using wood.

Mr. Rogers asked how the proposed material compares to wood. John Theriault, a construction volunteer, replied that the composite material is warranted for 50 years, and appears the same as wood. He said that the material does not chip easily, and that there are formulas as to how to install given the temperature range at the time of insulation (to minimize warping).

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

Mark Lieberman, a member of the volunteer, advisory Historic District Architectural Review Committee (DARC), opined that something has to be done to save the building, as it has an unusual design and is important to the community. He said HDARC has serious reservations about using composite materials, and feels the applicant needs to address issues such as batten placement.

Judy Metcalf of 53 Pearl Street (former Chocolate Church Board President) said the building is protected by the National Historic Trust. Ms Metcalf asked if any other alternatives had been explored, and feels the application does not answer all the questions raised.

Greg Paxton, Executive Director of Maine Preservation, said the building is highly visible in the historic district and challenged that all alternatives had not been explored. Mr. Paxton said the material proposed is such an effective vapor barrier that it will hold in condensation, which will lead to further moisture damage to the structure. Mr. Paxton asked the applicant to look at a more preservation-based solution.

Elizabeth Lardie of 190 High Street said she has a long history of attending the performing arts center and has watched the building deteriorate over her lifetime. She asked that the Board consider the proposal, even if on a probationary basis.

Allison Freeman of Georgetown stated that she was part of the first group to perform in the building. She added that while the visual impact of the building is important, the use of modern materials is the best option.

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

Ms. Lockwood opined there is not enough information in the proposal to make an informed decision, and asked for specifics as to the material and its application, as well as exact paint colors and more construction detail.

Mr. Hopkinson echoed Ms. Lockwood's concerns, stating that detail in the form of architectural drawings, material specifications, and which historical details will be preserved.

MR. HOPKINSON MOVED, SECONDED BY MR. OMO, TO CONTINUE THIS ITEM TO THE NOVEMBER 4, 2008, MEETING TO GIVE THE APPLICANT TIME TO PROVIDE INFORMATION TO THE BOARD TO DEMONSTRATE THAT THE APPROVAL CRITERIA WOULD BE MET.

UNANIMOUS APPROVAL

Item 4

Request for Final Subdivision Approval – Wing Farm Parkway (Map 24, Lot 7); City of Bath, applicant

Jeff Aceto, project manager for Sitelines summarized the proposal as consisting of a 41-acre parcel divided into six lots, with the current Wing Farm Parkway being extended 800 feet to accommodate the new lots. Mr. Aceto updated approvals to include an agreed-upon amount for an impact fee to increase the capacity of the Hyde Park pump station, final design of the water main, coordination of tree plantings, and submission of DEP permit application. Mr. Aceto asked the Board for three waivers: a waiver of the high intensity soil survey, a waiver for a traffic study, and a waiver of certain road design standards.

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

Jeff Geiger of 3 Hemlock Lane said he is in favor of economic growth but is concerned the 50-foot buffer between the proposed subdivision and his property may be encroached upon. Mr. Geiger asked the Board to give appropriate consideration to this concern.

There being no other public comment, Mr. Oxton closed the public comment portion.

Mr. Upham read an excerpt of e-mail from Trevor Hunt, Superintendent of the Bath Water District, which asks for a note on the final plan pertaining to water valves.

MR. HOPKINSON MOVED, SECONDED BY MR. OMO TO FIND THE APPLICATION COMPLETE

UNANIMOUS APPROVAL

MR. HOPKINSON MOVED, SECONDED BY MS. FITZPATRICK TO APPROVE THE APPLICATION FOR SUBDIVISION APPROVAL SUBJECT TO THE FOLLOWING WAIVERS AND CONDITIONS:

- **WAIVE THE REQUIREMENT FOR A HIGH INTENSITY SOIL STUDY;**
- **WAIVE, AT THIS TIME, THE REQUIREMENT FOR THE APPLICANT TO SUBMIT A TRAFFIC STUDY;**
- **WAIVE CERTAIN MINIMUM ROAD STANDARDS OF SECTION 13.14, B, 2, INCLUDING: RIGHT-OF-WAY WIDTH, MAXIMUM LENGTH, ROADWAY WIDTH, TYPE OF DEAD-END, AND UNDERGROUND UTILITIES;**

- THAT THE RECORDABLE MYLAR CONTAIN THE CONDITION THAT IN THE EVENT THE APPLICANT OR ANY SUCCESSOR TO THE APPLICANT FOR LOTS 7-5 AND 7-6 ACQUIRE TITLE TO THE 50-FOOT STRIP ALONG THE NORTHERLY BOUNDARY OF THE PROPERTY THAT IT NOT BE USED FOR SETBACK REQUIREMENTS;
- THAT THE INSTALLATION OF A WATER LINE BE APPROVED BY THE BATH WATER DISTRICT;
- AT THE TIME OF SITE PLAN APPROVAL FOR EACH INDIVIDUAL LOT THAT A TRAFFIC STUDY BE COMPLETED TO ADDRESS IMPACT AT THE CONGRESS AVENUE INTERSECTION;
- THAT THE APPLICANT PAY A SEWER IMPACT FEE AS REQUIRED IN SECTION 13.13, F, 1, (C);
- THAT THE APPLICANT INCORPORATE COMMENTS FROM THE BATH WATER DISTRICT AS CONTAINED IN THE E-MAIL SUBMISSION DATED OCTOBER 2, 2008;
- THAT DETAILS FOR THE 50-FOOT WIDE RIGHT-OF-WAY (TO THE TERMINUS OF ANCHOR ROAD) DESIGN BE SUBMITTED TO AND APPROVED BY THE PUBLIC WORKS DIRECTOR;
- THAT THE REQUIREMENT OF SECTION 13.13, G, (SOLID WASTE CAPACITY) BE SATISFIED AT EACH SITE PLAN APPROVAL FOR EACH LOT;
- THAT DEED RESTRICTIONS ADDRESSING (AMONG OTHER THINGS) STORMWATER DETAILS BE SUBMITTED TO AND APPROVED BY THE PLANNING DIRECTOR;
- THAT THE APPLICANT OBTAIN D.E.P. APPROVAL;
- THAT THE APPLICANT RECEIVE SUBDIVISION APPROVAL FROM THE TOWN OF WEST BATH;
- THAT THE APPLICANT OBTAIN AND SUBMIT TO THE PLANNING DIRECTOR THE REQUIRED LETTERS FROM THE DEPARTMENT OF INLAND FISHERIES AND WILDLIFE AND THE MAINE HISTORIC PRESERVATION COMMISSION;
- THAT THE REQUIREMENTS CONCERNING STORMWATER MANAGEMENT DETAILS BE SATISFIED AT SITE PLAN APPROVAL FOR EACH LOT; AND
- THAT THE PROVISIONS OF SECTION 13.13, I, THE USE OF THE PROPERTY BE IN COMPLIANCE WITH THE PROVISIONS OF THE ZONE AND OTHER REQUIREMENTS OF THE LAND USE CODE, BE SATISFIED AT EACH SITE PLAN APPROVAL.

UNANIMOUS APPROVAL

Other Business
 Item 4
 Election of Officers

MR. OMO MOVED, SECONDED BY MR. HOPKINSON, TO ELECT MR. OXTON AS CHAIR

UNANIMOUS APPROVAL

MR. FRASER MOVED, SECONDED BY MS. FITZPATRICK, TO ELECT MR. HOPKINSON AS VICE CHAIR

UNANIMOUS APPROVAL

Mr. Upham said a third member of the Historic District Committee would be needed. Mr. Oxton appointed Ms. Lockwood.

Mr. Upham then asked for a volunteer from the Planning Board to be on the Gateway 1 Town Response Panel. Ms. Fitzpatrick agreed to do so and was appointed by Mr. Oxton.

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

UNANIMOUS APPROVAL

Meeting adjourned 8:15 p.m.

Minutes prepared by Morgan Decker, Recording Secretary