

A regular meeting of the Bath Planning Board was called on 11-18-08 for the purpose of conducting regular business.

MEMBERS PRESENT

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

MEMBERS ABSENT

STAFF PRESENT

Jim Upham, Planning Director
Marsha Hinton, Recording Secretary

Mr. Oxton, Chair, called the meeting to order in the second floor conference room at 6:00 p.m. on Tuesday, November 18, 2008.

Minutes of the October 7, 2008, meeting

MR. HOPKINSON MOVED, SECONDED BY MR. ROGERS, TO ACCEPT THE PLANNING BOARD MINUTES OF NOVEMBER 4, 2008 AS SUBMITTED.

UNANIMOUS APPROVAL

Minutes of the November 4, 2008, meeting

MR. FRASER MOVED, SECONDED BY MS. LOCKWOOD, TO ACCEPT THE PLANNING BOARD MINUTES OF NOVEMBER 4, 2008 AS SUBMITTED.

UNANIMOUS APPROVAL

Old Business

Item 1

Request for Historic District Approval – 804 Washington Street (Map 27, Lot 77); Chocolate Church Performing Arts Center, applicant. (Continued from November 4, 2008, meeting)

Mr. Upham informed the Planning Board that the applicant has requested that this agenda item be continued to a future Planning Board meeting.

There being no discussion by the Board **MR. ROGERS MOVED, SECONDED BY MR. HOPKINSON, TO CONTINUE CONSIDERATION OF THE REQUEST FOR HISTORIC DISTRICT APPROVAL FOR 804 WASHINGTON STREET (MAP 27, LOT 77) FOR THE CHOCOLATE CHURCH PERFORMING ARTS CENTER, APPLICANT.**

UNANIMOUS APPROVAL

New Business

Item 1

Request for Subdivision Approval – Four-lot Subdivision; Western Ave (Map 31, Lot 69); ECO Partners, LLC applicants.

ON A MOTION MADE AND SECONDED, THE BOARD VOTED THAT THE APPLICATION WAS COMPLETE.

Douglas Johnson discussed the location of the proposed subdivision, the plans for private sewer, the land conveyance to the three abutters, the common driveway for lots two and three, parking area, redesign of the intersection at Western and Redlon, language incorporated into the home owners agreement to assign responsibility for the sewer alarm system, permanent monumentation for the road line, the use of solar energy, landscaping, and provisions for recreation areas. He said that the easement for the sewer line across one of the abutting properties had not yet been signed.

Mr. Oxton, Chair, opened the floor to members of the public who wished to comment on this agenda item.

None being seen, Mr. Oxton closed the floor to comment from members of the public.

The Planning Board discussed the remaining agreement with the abutter, the fee in lieu of providing a recreation area, house design, responsibility for the sewer alarm, the number of entrances, pavement removal, vehicular traffic patterns, and pedestrian traffic patterns.

Mr. Upham reminded the applicant that there would be a sewer connection fee and an impact fee charged for each lot. He said the sewer ordinance required this and that it did not need to be a condition of the Planning Board's approval.

MR. HOPKINSON MOVED, SECONDED BY MR. ROGERS, TO APPROVE THE REQUEST FOR SUBDIVISION APPROVAL FOR A FOUR-LOT SUBDIVISION AT WESTERN AVENUE (MAP 31, LOT 69) FOR ECO PARTNERS, LLC APPLICANTS WITH THE FOLLOWING CONDITIONS:

THAT THE APPLICANT OBTAIN THE PRIVATE SEWER EASEMENT FROM THE ABUTTER AND SUBMIT THAT EASEMENT TO THE PLANNING DIRECTOR;

THAT THE APPLICANT COMPLETE THE WRITTEN EASEMENT WITH THE CITY OF BATH FOR THE LOCATION OF THE EXISTING STORM DRAIN LINE; AND

THAT THE APPLICANT PAY THE FEE IN LIEU OF A SEPARATE RECREATION AREA IN ACCORDANCE WITH LAND USE CODE § 13.13. H, 4, AT THE SAME TIME OR BEFORE ANY BUILDING PERMITS ARE ISSUED FOR LOTS IN THE SUBDIVISION.

UNANIMOUS APPROVAL

Item 2

Request for Site Plan and Historic District Approval – Construction of a 94-room hotel; Commercial Street (Map 26, Lots 260-263 and 270); Peter Anastos, applicant.

ON A MOTION MADE AND SECONDED, THE BOARD VOTED THAT THE APPLICATIONS WERE COMPLETE.

Mark Woglom Opechee Construction Corporation, described the hotel, utilities, C1 Zone, scale, access from Front and Commercial Streets, building materials, storm water, sewer, pedestrian traffic patterns, elevations, proximity to intersections, buried LP tanks, setbacks from surrounding street, and traffic impacts.

Mr. Oxton, Chair, opened the floor to members of the public who wished to comment.

Jeanne Thompson, 9 Linden Street, expressed her concerns for increased traffic, light pollution, noise levels, blasting and pile driving damage, housing values, and impact on the historic character of the neighborhood.

Justin Averaco, 11 Linden Street, expressed his concerns with the impact to the historic nature of the neighborhood, his displeasure with a corporate modular structure in this neighborhood, asked that the neighborhood be considered in regard to signage, and cautioned the Planning Board against gifts that may or may not be necessary. Mr. Averaco stated that he was a business owner and this was not a question of business versus residents, but a question of how the building looks.

John Bliss, 32 Oak Street, discussed how this proposal would not enhance the neighborhood or the City of Bath referencing the Brookings Report, importance of protecting the historic district, and the need to maintain harmony with the traditional downtown. Mr. Bliss pointed out the commercial nature of the proposal, the negative impact on the streetscape this proposal would cause, how the parking would hollow out downtown Bath, and how this proposal would set a pattern of pre-industrial modular structures for this historic neighborhood. Mr. Bliss stressed that there was a need to protect the quality that the neighbors wished to celebrate.

Marnie Stevens, owner of Tin Types on Front Street, stated that she understood how the residents felt about the neighborhood and their concern for the impact this proposal would have. She also stated that she felt that the proposal was incongruous with the area. Ms. Stevens added that as a business owner she welcomed a hotel in the downtown area.

Ed Rogers, Bath resident, stated that for 30 years he has worked to get a hotel in downtown Bath. Mr. Rogers described the need for a hotel, stated he didn't dislike the design, and felt that a majority of business owners would be in support of this proposal.

There being no further comments from members of the public seen, Mr. Oxton, Chair closed the public portion of the meeting.

Mr. Anastos stated that his goal was to build a building that reflects the history of Bath without trying to be a historic building. Mr. Anastos pointed out the benefits of having a hotel with a strong reservation system.

Mr. Woglom discussed traffic patterns for construction and guests of the hotel, lighting, soil stabilization, GEO piers, noise, and if necessary, blasting protocol.

Mr. Upham highlighted the sewer easement, the new utility pipes in the parking lot, the utility pipes layout to the middle of Commercial Street, the City's plans for the existing sewer pipe, construction truck routes, construction time, blasting protocol, traffic frequency, ordinance approval criteria, and pile driving. Mr. Upham stated that there are some buildings in the area that he would not want this structure to be compatible such as demolished buildings or buildings in disrepair. Mr. Upham added that part of the charm of Bath was not just it's consistency but it's inconsistencies as well.

Jane Morris, John D. Morris and Sons, owner of the property, stated that the proposed hotel was sited so that the view from the Patten Free Library would remain intact and that parking was situated so that residents of the Moses building could utilize it as well as employees of local businesses. Ms. Morris pointed out that most people seem to think that all of Bath's historic buildings come from the same period. Ms. Morris described how a tour of Bath's downtown would show that there are a variety of different eras represented in its structures. Ms. Morris added that Bath is a dynamic town growing into a future that pays tribute to the history of the City.

Mr. Hopkinson stressed the need to abide by the criteria and standards of the Land Use Ordinances.

MR. ROGERS MOVED, SECONDED BY MS. FITZPATRICK, TO APPROVE THE APPLICATION FOR HISTORIC DISTRICT APPROVAL FOR CONSTRUCTION OF A 94-ROOM HOTEL ON COMMERCIAL STREET (MAP 26, LOTS 260-263 AND 270) PETER ANASTOS, APPLICANT AS MEETING THE CONDITIONS AND STANDARDS FOR HISTORIC DISTRICT APPROVAL WITH THE FOLLOWING CONDITIONS;

THAT THE SITE PLAN SHOW THE ELEVATION VIEW OF THE DOOR ON FRONT STREET AND IT BE SUBMITTED TO THE PLANNING OFFICE FOR REVIEW AND APPROVAL BY THE HISTORIC DISTRICT COMMITTEE AND;

THAT A LIST OF MATERIALS BE PROVIDED TO THE PLANNING DIRECTOR.

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The Planning Board reviewed the approval criteria and discussed the roof line, the height, the width, window proportions, the Front Street access, methods used to direct pedestrian traffic, location of the building, traffic, air conditioning, roof forms, construction materials, the main lobby entrance, parking, elevations, sketches, downtown events, working hours during construction, signage, lighting, noise, GEO Piers, and blasting protocol.

MR. HOPKINSON MOVED, SECONDED BY MR. ROGERS, TO APPROVE THE REQUEST FOR SITE PLAN APPROVAL FOR CONSTRUCTION OF A 94-ROOM HOTEL ON COMMERCIAL STREET (MAP 26, LOTS 260-263 AND 270); PETER ANASTOS, APPLICANT WITH THE FOLLOWING CONDITIONS;

THAT A REVISED SITE PLAN BE SUBMITTED TO THE PLANNING DIRECTOR SHOWING THE DETAIL OF A SIDEWALK CONTINUING EAST FROM THE SOUTHERLY END OF THE PROPOSED SIDEWALK AND A CROSSWALK BE DEPICTED ON THE PLAN;

THAT A REVISED PLAN ALSO INCORPORATE ALL THE PROPOSED REVISIONS PER THE APPLICANT'S NOVEMBER 13, 2008, LETTER;

THAT IF PILE DRIVING ACTIVITIES ARE NECESSARY THAT THE APPLICANT REVIEW PILE DRIVING PROTOCOL WITH THE PLANNING DIRECTOR AND PUBLIC WORKS DIRECTOR;

THAT THE EASEMENT FOR THE SEWER IN FAVOR OF THE CITY OF BATH BE SUBMITTED TO THE CITY SOLICITOR FOR REVIEW BY THE APPLICANT;

THAT THE CONSTRUCTION EXIT ROUTE BE VIA COMMERCIAL STREET TO OAK STREET TO WASHINGTON STREET AND THE CONSTRUCTION ENTRANCE BE COMMERCIAL STREET;

THAT THE HOURS OF CONSTRUCTION ACTIVITY BE MONDAY THROUGH FRIDAY FROM 7:00 AM TO 5:00 PM;

THAT WEEKEND CONSTRUCTION ACTIVITY BE LIMITED TO INTERIOR WORK OR LANDSCAPING WITHOUT HEAVY EQUIPMENT;

THAT CONSTRUCTION ACTIVITY ARE TO CEASE FOR THE LENGTH OF THE CELEBRATION OF BATH HERITAGE DAYS; AND

THAT THE WAIVERS REQUESTED BE GRANTED FOR LAND USE CODE SECTION 10.02, L - PROXIMITY OF THE ACCESS DRIVE TO THE INTERSECTION, SECTION 10.15 - THE BURIED LP TANKS, AND SECTION 10.06, B, 8 - THE LOCATION OF THE PARKING LOT BETWEEN THE BUILDING AND THE STREET.

UNANIMOUS APPROVAL

There being no further business before the Board, MR. OMO MOVED, SECONDED BY MS. LOCKWOOD, TO ADJOURN THE MEETING AT 8:55 PM.

UNANIMOUS APPROVAL

Minutes prepared by Marsha Hinton, Recording Secretary