

A regular meeting of the Bath Planning Board was called on 12-02-08 for the purpose of conducting regular business.

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

Andy Omo

**STAFF PRESENT**

Jim Upham, Planning Director  
Marsha Hinton, Recording Secretary

Mr. Oxton, Chair, called the meeting to order in the Council Chambers at 6:00 p.m. on Tuesday, December 2, 2008.

**Minutes of the November 18, 2008, meeting**

**MR. HOPKINSON MOVED, SECONDED BY MS. LOCKWOOD, TO ACCEPT THE PLANNING BOARD MINUTES OF NOVEMBER 18, 2008, AS SUBMITTED.**

**UNANIMOUS APPROVAL**

**Old Business**

**Item 1**

**Subdivision Plan – Sign Mylar and Approve the Notice of Decision – Western Avenue (Map 31 Lot 69); ECO Partners, LLC, applicants**

Mr. Upham explained that the Planning Board would need to vote to sign the plan as well as vote to approve the Notice of Decision.

There being no discussion by the Board **MR. HOPKINSON MOVED, SECONDED BY MR. FRASER, TO APPROVE THE SUBDIVISION SITE PLAN FOR WESTERN AVENUE (MAP 31 LOT 69) SUBMITTED BY ECO PARTNERS, LLC.**

**UNANIMOUS APPROVAL**

**MR. HOPKINSON MOVED, SECONDED BY MS. FITZPATRICK, TO AUTHORIZE THE PLANNING BOARD’S SIGNATURE OF THE SUBDIVISION PLAN FOR WESTERN AVENUE (MAP 31 LOT 69) SUBMITTED BY ECO PARTNERS, LLC AND TO AUTHORIZE THE ISSUE OF THE NOTICE OF PLANNING BOARD DECISION BY THE PLANNING DIRECTOR FOR WESTERN AVENUE (MAP 31 LOT 69) TO ECO PARTNERS, LLC, APPLICANT.**

## **UNANIMOUS APPROVAL**

### **New Business**

#### **Item 1**

**Request for Site Plan and Historic District Approval** – enlarge the decks, and install awnings and make other façade changes; 99 Commercial Street (Map 32 Lot 272); New BathPort, LLC, applicant

Mr. Upham explained that the Planning Board does not need to vote until it is comfortable that it is a complete application. Mr. Upham informed the Planning Board that Scott Davis, Code Enforcement Officer, ruled that he would be able to enforce what the applicant has before the Planning Board this evening.

Robert Kahn, Douglas Richmond Architects, explained that the applicant was before the Planning Board with a conceptual design to use awnings and color to unify the building and identify it as separate storefronts. Mr. Kahn stated that the focus of the applicant would be on the Commercial Street side of the building.

The Planning Board held discussion on the Kennebec River side of the building, siding, whether the detail presented at this meeting was enough for someone to proceed with construction, whether a full application would be presented to the Planning Board, and authority of the Planning Board to approve a conceptual design.

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

None being seen, Mr. Oxton, Chair, closed the public portion of the meeting.

**MR. HOPKINSON MOVED, SECONDED BY MR. ROGERS, TO APPROVE THE APPLICATION FOR SITE PLAN AMENDMENT TO ENLARGE THE DECKS, INSTALL AWNINGS, AND MAKE OTHER FAÇADE CHANGES TO 99 COMMERCIAL STREET (MAP 32 LOT 272) FOR NEW BATHPORT LLC, APPLICANT, CONDITIONED UPON THE PLANNING BOARD'S HISTORIC DISTRICT APPROVAL FOR THIS SITE.**

## **UNANIMOUS APPROVAL**

Ed Rogers, applicant, stated that the goal of the application was to make the building more attractive to tenants, identify it as store fronts, and unify the overall appearance of the site.

The Planning Board held discussion on landscaping, paint schemes, timeline for painting the building, signage, awning colors, roof covering, the fact that the plan is only a concept, and whether a motion was required or not.

**MR. HOPKINSON MOVED, SECONDED BY MS. LOCKWOOD, TO CONTINUE INDEFINITELY THE PLANNING BOARD DISCUSSION OF THE APPLICATION FOR HISTORIC DISTRICT APPROVAL TO ENLARGE THE DECKS, INSTALL AWNINGS, AND**

**MAKE OTHER FAÇADE CHANGES TO 99 COMMERCIAL STREET (MAP 32 LOT 272) FOR NEW BATHPORT LLC.**

**UNANIMOUS APPROVAL**

**Item 2**

**Pre-application Workshop** – Discussion of a possible zone change at 619 High Street; (Map 32 Lot 118); Hyde School, applicant

Kevin Clark, Site Lines, stated that it was Hyde School’s desire to preserve the Merritt House and the building behind it that is used as a dormitory. Mr. Clark described how changing the zoning on the lot to a special purpose overlay zone would allow low impact businesses to make use of the building. Mr. Clark discussed the potential buyers for the site and Hyde School’s work with Sagadahoc Preservation Inc., with regard to this corner site.

Judy Barrington, Sagadahoc Preservation Inc., stated that the Merritt House was being used as an antique business prior to its purchase by Hyde School.

Scott Andres, Hyde School, explained the economic factors and preservation concerns that were driving the rezoning of the site. Mr. Andres pointed out that the buildings were in need of extensive repair.

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

David Desmond, abutter, stated that the building was used as a residence and antique business by Curtis Henderson. Mr. Desmond asked if the tax-free status would no longer be in place if Hyde School no longer owned it.

There being on other members of the public wishing to speak, Mr. Oxton, Chair, closed the public comment portion of this item.

Mr. Upham answered that the site would no longer be tax free if the school no longer owned it. Mr. Upham explained the creation of the special purpose overlay zone and how the applicant would have to voluntarily give up certain uses allowed in the C1 zone to gain Planning Board approval.

The Planning Board held discussion on special purpose overlay zoning, types of uses that would be inappropriate for this neighborhood, the historic nature of the buildings, and guidance from the Comprehensive Plan.

Mr. Oxton stated that he would have to be convinced that this proposal would not change the nature of the neighborhood.

Mr. Rogers stated that utilizing the dormitory as a residential use would be in keeping with the Comprehensive Plan’s guidance to maintain or increase residential uses.

Mr. Hopkinson stated that he would need to see more specificity with regard to the types of uses proposed.

Mr. Clark invited the Planning Board to tour the site.

The Planning Board discussed a site visit to the Merritt House and the dormitory at a later date.

**Other Business**

Mr. Upham explained changes to the notes on the Wing Farm Subdivision Plan that corrected the information on West Bath shore setback and height as well as a change to the note stating that the West Bath lot lines could not be located precisely to a note stating that the precise boundaries will be located by a surveyor.

**MR. HOPKINSON MOVED, SECONDED BY MS. FITZPATRICK, TO SIGN THE CORRECTED WING FARM SUBDIVISION PLAN.**

**UNANIMOUS APPROVAL**

There being no further business before the Board, **MR. HOPKINSON MOVED, SECONDED BY MR. ROGERS, TO ADJOURN THE MEETING AT 7:10 PM.**

**UNANIMOUS APPROVAL**

Minutes prepared by Marsha Hinton, Recording Secretary