

A regular meeting of the Bath Planning Board was called on 10-20-09 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxton, Chair
Andy Omo
Paul Fraser
Robin Haynes
Drew Molbowski (non-voting student member)
Kean McDermott (non-voting student member)

MEMBERS ABSENT

Donald Rogers
Amy Fitzpatrick
James Hopkinson, Vice Chair

STAFF PRESENT

Jim Upham, Planning Director
Marsha Hinton, Recording Secretary

Mr. Oxton, Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, October 20, 2009.

Minutes of the October 6, 2009, meeting

DR. HAYNES MOVED, SECONDED BY MR. OMO, TO ACCEPT THE PLANNING BOARD MINUTES OF OCTOBER 6, 2009, AS PRESENTED.

UNANIMOUS APPROVAL

Old Business

None

New Business

Item 1

Request for Site Plan Approval - 51 High Street (Map 45, Lot 8); Catherine Skove, applicant.

Mr. Eric Van Bock, caretaker for the property at 51 High Street, described the proposal to fill a large gully that is between the home and High Street.

The Planning Board discussed the completeness of the application.

DR. HAYNES MOVED, SECONDED BY MR. OMO, TO FIND THE APPLICATION COMPLETE WITH THE FOLLOWING LAND USE CODE ITEMS WAIVED: SECTION 12.08 SUBSECTIONS B, H, I, J, L, M, N, O, P, R AND S.

UNANIMOUS APPROVAL

The Planning Board discussed comments from the Department of Environmental Protection, comments from the Public Works Director, slopes, the culvert, materials to be used for

drainage, amount of fill needed, the steepness of the filled slope, the proposed bends in the culvert, the location of the culvert's discharge, comments from neighbors, and the soundness of the culvert over time.

Mr. Oxtan opened the floor to members of the public present who wished to comment on this agenda item.

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

Mr. Oxtan stated that the Planning Board can not approve something that would make an existing condition worse.

The Planning Board discussed changes to the proposed slopes, the stability of the fill, obtaining written comments or attendance at the Planning Board meeting of abutters, and the potential impact of covering the culvert.

MR. OMO MOVED, SECONDED BY DR. HAYNES TO CONTINUE THE REQUEST FOR SITE PLAN APPROVAL AT 51 HIGH STREET (MAP 45, LOT 8) FOR CATHERINE SKOVE, APPLICANT, TO THE NOVEMBER 3, 2009, MEETING OF THE BATH PLANNING BOARD TO OBTAIN COMMENTS FROM CITY STAFF, TO OBTAIN MORE INFORMATION ON THE OUTFLOW ANTICIPATED FROM THE CULVERT AND RESTRUCTURED SLOPE PLANS.

UNANIMOUS APPROVAL

Item 2

Request for Historic District Approval - 122 Front Street (Map 26, Lot 241); J.R. Maxwell & Co., applicant.

Mr. Ed Rogers, applicant, discussed the plans to improve the current façade by incorporating windows that could be opened for a more open air feel to the restaurant. Mr. Rogers pointed out that the proposed changes would actually return the facade to a more historic appearance. Mr. Rogers informed the Planning Board that the proposal would be a phased plan to eventually include handicapped accessibility and interior work. Mr. Rogers added that the applicants were open to any suggestion the Planning Board may have.

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

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

Ms. Judy Barrington, chair of the City's Historic Design and Architectural Review Committee, discussed various types of doors and windows that would be appropriate going back to the time of construction of the building in 1838.

Mr. Harry Story, contractor for the applicant, described the steel support structures on the front of the building, the air conditioning unit, and the plans to remove the existing bay window.

The Planning Board discussed the air conditioning unit, historic photographs of the store front, enlarging the awning to cover the air conditioning unit, handicapped accessibility, preventing the use of the opening as an access point, the need for a full plan including all the phases, and the type of windows to be used.

DR. HAYNES MOVED, SECONDED BY MR. OMO, TO APPROVE THE REQUEST FOR HISTORIC DISTRICT APPROVAL AT 122 FRONT STREET (MAP 26, LOT 241) FOR J.R. MAXWELL & CO., APPLICANT WITH THE FOLLOWING CONDITIONS:

- **THAT THE WINDOWS AND DOORS USE 6 LIGHTS OR PANES AS SHOWN ON THE PHOTO SIMULATION LABELED EXHIBIT A;**
- **THAT THE AWNING EXTEND TO COVER THE DOOR OF THE NORTHERN STORE FRONT AND AIR CONDITIONING UNIT AND THE AWNING MATCH AS CLOSELY AS POSSIBLE THE EXISTING AWNING;**
- **THAT THE DETAIL ON THE RAISED PANEL ON THE WINDOWS BE CONTINUED TO THE LINTELS AND WOODEN SHEATHING COVERING THE STEEL I-BEAMS;**
- **THAT THE WOOD BE FINISHED IN A NATURAL-COLORED VARNISH; AND**
- **THAT A PLAN INCLUDING THE ABOVE DETAILS BE SUBMITTED TO THE PLANNING DIRECTOR.**

UNANIMOUS APPROVAL.

Item 3

Planning Board discussion - possible amendments to Land Use Code Articles 8, 9 and 11 to implement the Comprehensive Plan pertaining to the creation of a Plant Home Zone.

Mr. Upham pointed out the changes as requested by the Planning Board at the last workshop to Land Use Code Articles 8, 9, and 11 and asked for comments, guidance, and suggestions from the Planning Board with regard to those modifications.

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

Mr. Tom Rice, 27 Washington Street, stated that while he was in full support of the Plant Home he was also concerned about the impact expansion would have on the neighborhood as well as the area wildlife.

Ms. Martha Anderson, 25 Washington Street, also expressed her concerns about the impact expansion would have on the integrity of the neighborhood, the wildlife, and the increase in traffic.

Ms. Victoria Jackson, Washington Street, also stated her support for the Plant Home but expressed her concern with the lighting having a negative impact on the abutters.

Ms. Phyllis Bailey, 16 Riverview Road, stated that she likes the quality of life and the rural character of her neighborhood and that she was concerned for the health of the nearby wetlands. Ms. Bailey stated that she would like copies of the materials being considered by the Planning Board.

Mr. Oxton stated that all materials are available for review at the Planning Office during business hours.

Mr. Don Capoldo, Director of The Plant Home, discussed the difficulties of having an assisted living facility broken up into several buildings that would result in the need to either have residents go to other buildings for meals or have multiple kitchens; as well as the need for additional staff.

Mr. Steve Normand, representing The Plant Home, described the conceptual layout, proposed site locations, view corridors, impact to the marshlands, height of the proposed building, use of facade treatments to break up the appearance of the structure, limitation on lot coverage, relocation of existing residential units, and existing vegetation.

Mr. Upham described the concern that the Planning Board and the community had for the Plant Home, the need to protect the neighborhood and facilitate expansion for The Plant Home, and the process taking place to enable the City to do both.

The Planning Board discussed the height limit, lot coverage, use as a meeting facility, the zoning, changes to Articles 2, 8, 9, and 11 and the time line if the proposed changes are adopted by the City Council. The Planning Board instructed the Planning Director to change the proposed language to limit lot coverage to 20 percent and the maximum height to 35 feet.

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

Ms. Bailey asked what the current height of the residential structure was and what the height of the proposed structure would be as well as the number of proposed units.

Mr. Normand stated that 44 new residential care units were proposed and that the existing duplex cottages were 14 to 15 feet high.

Ms. Joan Bishop, 18 Webber, asked where the people currently living in the cottages would go when these residential units were being removed.

Mr. Capoldo stated that they were not presently filling vacancies in the residential units in anticipation of that move.

The Planning Board was polled and it was agreed to set this agenda item for public hearing.

Item 4

Planning Board discussion - of draft "Smart Growth" criteria and possible amendments to Land Use Code Article 11.

Mr. Upham stated that there was no report from the committee but anticipated having something to bring to the Planning Board at the November 3, 2009 meeting.

DR HAYNES MOVED, SECONDED BY MR. OMO, TO CONTINUE THE DISCUSSION OF THE DRAFT SMART GROWTH CRITERIA TO THE NOVEMBER 3, 2009 MEETING.

UNANIMOUS APPROVAL

Adjournment

There being no further business before the Board, **DR HAYNES MOVED, SECONDED BY MR. FRASER, TO ADJOURN THE MEETING AT 8:11 PM.**

UNANIMOUS APPROVAL

Minutes prepared by Marsha Hinton, Recording Secretary