

A regular meeting of the Bath Planning Board was called on 10-5-10 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxtan, Chair
James Hopkinson, Vice Chair
Amy Fitzpatrick
Paul Fraser
Andy Omo
Donald Rogers
Robin Haynes
Drew Molbowski (non-voting student member)
Haley Grill (non-voting student member)

MEMBERS ABSENT**STAFF PRESENT**

Jim Upham, Planning Director
Marsha Hinton, Recording Secretary

Mr. Oxtan, Chair, called the meeting to order in the third floor conference room at 6:00 p.m. on Tuesday, October 5, 2010.

Minutes of the September 21, 2010, meeting

MR. FRASER MOVED, SECONDED BY MS. FITZPATRICK TO ACCEPT THE PLANNING BOARD MINUTES OF SEPTEMBER 21, 2010 AS SUBMITTED.

UNANIMOUS APPROVAL

Mr. Upham welcomed new non-voting student member Ms. Haley Grill who is a Junior at Morse High School.

Old Business

None

New Business**Item 1**

Request for Site Plan Approval - Reconstruction of a nonconforming structure as per Land Use Code Section 6.05, C, 2; Crawford Island (Map 10, Lot 12); Donald Mackay, applicant

Mr. Upham stated that the application before the Planning Board would have been heard by the Zoning Board of Appeals under the old Shoreland Zone requirements and that this was the first instance that the Planning Board has heard this type of application. Mr. Upham directed the Planning Board's attention to 6.05, C, 2 and 6.05, E, 2 a-b.

Mr. Donald Mackay explained that the cottage had been destroyed by a fire caused by a lighting strike and they were before the Planning Board to request approval to reconstruct the building destroyed on December 8, 2009.

Dr. Haynes asked if the trees being taken down were being removed because of the construction or because they were destroyed by the fire.

Mr. Mackay stated that the trees are dead because of the lighting fire and that they were planning to rebuild on the original site with a slightly different configuration. Mr. Mackay stated that they have managed the trees to insure erosion did not occur on the Island.

The Planning Board held discussion on whether the ordinance required replacement of the trees.

There being no further discussion from members of the Planning Board Mr. Oxton, Chair, opened the floor to members of the public present who wished to comment on this agenda item.

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

DR. HAYNES MOVED, SECONDED BY MS. FITZPATRICK, TO APPROVE THE REQUEST FOR SITE PLAN APPROVAL FOR RECONSTRUCTION OF A NONCONFORMING STRUCTURE AS PER LAND USE CODE SECTION 6.05, C, 2 ON CRAWFORD ISLAND (MAP 10, LOT 12) BY DONALD MACKAY, APPLICANT AS SUBMITTED.

UNANIMOUS APPROVAL

Other Business

Item 1

Request for Historic District Approval 104 Front Street (Map 27, Lot 117) Skip Taylor applicant.

Mr. Upham explained that this item was back on the agenda after the Historic District Committee failed to reach unanimous agreement. Mr. Upham informed the Planning Board that this was not a "de novo" (from the beginning) review.

Mr. Skip Taylor read a statement attached hereto and made a part hereof as Attachment A.

The Planning Board discussed the separator (mullion) width and configuration, the approval from the September 21, 2010, meeting, specific discussion items from the September 21, 2010, review of this agenda item, whether a review of a different configuration of mullions was appropriate, and narrower mullions.

MR. OMO MOVED, SECONDED BY MR. FRASER, TO APPROVE THE REQUEST FOR HISTORIC DISTRICT APPROVAL AT 104 FRONT STREET (MAP 27, LOT 117) FOR SKIP

TAYLOR APPLICANT WITH THE CONDITION THAT THE MULLIONS BE 1 ½ INCHES IN WIDTH AND THE COLOR MATCH THE REST OF THE BUILDING.

FIVE IN FAVOR (MR. HOPKINSON, MR. FRASER, MR. OMO, MS. FITZPATRICK, AND MR. ROGERS)

TWO OPPOSED (MR. OXTON AND DR. HAYNES)

MOTION PASSED

Item 2

Mr. Upham stated that on October 6, 2010, at the regular City Council meeting Council Chair Bernie Wyman will be reading a proclamation to celebrate National Community Planning Month by presenting a plaque to Mr. Oxton expressing the City's gratitude for the volunteer planners and the work they do for the City of Bath.

Adjournment

There being no further business before the Board, **MR. HOPKINSON MOVED SECONDED BY MR. ROGERS TO ADJOURN THE MEETING AT 6:38 PM.**

UNANIMOUS APPROVAL

Minutes prepared by Marsha Hinton, Recording Secretary

Attachment A

Statement read by Mr. Skip Taylor at the October 5, 2010, Planning Board Meeting

Judi's and my decision to open a new store in historic downtown bath, particularly in these unsettled economic times, was based in part to our positive observations of what the Downtown Bath Association and the City Planners have accomplished in recent time. All of which illustrates a dynamic merchant oriented business atmosphere that we could become a part of. My marketing due diligence consisted [among other things (handwritten note)] of many hours and days sitting in my car on Front Street watching the pedestrian traffic and counting shopping bags.

104 Front Street offered one of the best physical locations on Merchants row but had some serious drawbacks. Not the least is being located next door to a Pub with a constant flow of patrons and employees standing out front to smoke.

Next was the recessed and elevated front facade with a 18 inch raised landing that is an accident waiting to happen. However, the installation of a flower planter along the edge of the landing will eliminate that danger. But the biggest eyesore was arguably the ugliest front windows in town. A pleasing display window is a must particularly for a clothing store. This was such a issue, the replacement of these windows was included in our lease.

Inside the store was another story. A exposed original wood beam and a rear section with a wonderful tin ceiling. And best of all the discovery of a whole original brick wall hidden by the previous tenants slat board. Upon removal [of the slat wall (handwritten note)] and cleaning of the wall [brick (handwritten note)] I could practically hear the horse draw carriages outside.

We knew then that this was the right choice.

Our original plan for a new window was to simply replace the double hung window section with a 4 1/2 high double tempered plate glass set in a bronze frame very much like other windows on the street.

When I was told prior to the September 21 Planning Board meeting that a solid glass window was not acceptable I decided to add a wooden frame to cover the metal and install 2 vertical mullions on both sides of the glass to give them depth. This would break the large pane into 3 smaller panes. This treatment would allow good display and be similar to other neighbor windows. Also all trim work to be painted to match the existing dark burnt red color of the facade.

At the September 21 meeting I verbally submitted these changes. After discussion of the specifics of the proposal it was moved and seconded to approve the request for approval with the following conditions.

That the final color of the trim be submitted.

That the final drawing showing the location of the vertical separation be submitted.

This motion was carried.

I complied with the direction of the board and submitted the new drawing the next day to Mr. Jim Upham. I assumed that the new drawings, having met the criteria of the board, would then be approved.

Not so, Several days later Mr. Upham asked me to his office and showed me a letter and drawing from Robin Haynes rejecting my drawing.

Her drawing now shows the window being divided into 6 vertical sections with a top horizontal section being divided into 12 sections. With all due respect to Dr. Haynes this window looks like something from a jail and is completely unacceptable.

Most of the windows on Front Street are much taller than the available space of 4 1/2 foot in my store which is impossible to make taller

I believe the design I have submitted today is in keeping with the other neighboring stores. Perhaps not historically perfect but considering what I have to work with will be an attractive and positive addition to Front St Bath.

I ask that my application be approved as submitted.