

A regular meeting of the Bath Planning Board was called on 6-16-15 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxtan, Chair
James Hopkinson, Vice Chair
John Swenson
Andy Omo
John Sunderland
Albert Branca
Ricky Warren (non-voting student member)

MEMBERS ABSENT

Cal Stilphen

STAFF PRESENT

Andrew Deci, Planning Director

Mr. Oxtan, Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, June 16, 2015.

Minutes June 2, 2015, meeting

MR. HOPKINSON MOVED, SECONDED BY MR. SWENSON TO APPROVE THE MINUTES OF THE JUNE 2, 2015 PLANNING BOARD MEETING AS SUBMITTED.

UNANIMOUS APPROVAL**Old Business**

None

New Business**Item 1**

Request for Site Plan, Developmental Subdivision and Historic District Approvals - 133 Commercial Street (Map 26, Lot 258); JHR Development of Maine, LLC, applicant.

Mr. Deci described the proposal to develop the Coal Pocket property into forty residential units in five buildings, comments by city staff and third party reviewers, community interest in this project, and outstanding questions concerning sewer generation and storm water flow.

Hilary Rocket introduced the project and provided the history of this site, and neighborhood meetings.

Curt Neufeld, Sitalines, provided aerial views of the site, historical uses of the site, public walking trails, resident parking, sidewalks, landscaping, spacing of buildings, vehicular access, river views, outdoor patio area, staging of construction, shoreline enhancements, guest parking, irrigation, trash collection, lighting, DEP approvals, comments from Sagadahoc Preservation Inc., and utilities.

Ryan Senatore, architect, spoke about the zoning height requirements, different esthetic treatments of each of the buildings, the three story structures, construction materials, historic buildings in the area, historic district criteria, trim elements, roof forms, buildings colors, window proportions, entrance points, elevations, porches, fences, buffering, view corridors, and scale from the street.

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

Connie Burt, 286 Front Street, appealed to the board to preserve the character of the neighborhood and river views. Ms. Bert asked that the buildings four and five which are in a residential zone, be reduced in size and use an "L" to reconfigure the buildings to increase the river views for future generations.

C.R. Davis, Woolwich, stated that condominiums are lacking in Bath. Mr. Davis pointed out that Bath has a lot of things going for it, mentioning the YMCA and restaurants. Mr. Davis stated that this project would round out the city.

Robin Haynes, stated that the single style is not the dominant style in Bath. Dr. Haynes asked whether there would be underground utilities and that downtown housing on one level is a great thing. Dr. Haynes stated that she found the design to be relentlessly symmetrical but that the landscaping did not need to be relentlessly symmetrical and offered suggestions. Dr. Haynes mentioned the view sheds from the Kennebec River.

Jayne Palmer, pointed out that the size of the buildings were out of proportion to the residential building across the street, asked that consideration be given to moving the buildings to the center of the property, asked what the height of buildings four and five was, it feels like it just doesn't fit, and the mass that will be moving into this neighborhood.

Carol Stergio, 8 North Street, stated that she applauds the idea of the Coal Pocket being developed. Ms. Stergio discussed the mass of the project and the impact it would have on her river view. Ms. Stergio stated that moving the buildings back and making them lower would maintain the nature of the neighborhood.

Joe Byrnes, spoke in support of the development and Hillary Rocket as the developer. Mr. Byrnes discussed the need for housing in Bath and the positive impact on business and non-profits in Bath. He stated that this is a win-win for Bath.

Diane Moyer, Washington Street at the corner of North, stated that this project was needed in Bath and the tight market for condos in Brunswick. Ms. Moyer added that she hoped the views could be preserved for the neighbors.

Bill King, 300 Front Street, stated his concern with the mass and proportion pointing out Land Use Code guidance on proportion. Mr. King stated he was not wanting to torpedo the project, but concerned about the impact of the mass in the neighborhood of this project. Mr. King compared the size to the Hampton Inn and his own house. Mr. King described the loss of river

views and asked that the size be reduced and offered suggestions that he felt would make that feasible for the developer. He pointed out that there were ten houses that rely on that river view and have for a long time.

Carolyn Lockwood, 773 High Street, stated she was very excited about the project and is disappointed that the project was moved back. Ms. Lockwood stated that she wanted the rhythm of a building in the downtown Bath to be continued. Ms. Lockwood asked about the large buildings that had been at the Coal Pocket and the views at that time.

Elaina Vandervoort, Grove and Front Street, discussed the activity at the Coal Pocket, the dirty nature of the site and ships that serviced the Coal Pocket. Ms. Vandervoort stated that she has watched many exciting projects come so close and failed. Ms. Vandervoort added that this property proposal is a component that Bath desperately needs. She asked that the Planning Board work to make this project happen.

Gayle Hunt, Linden Street, as a business owner spoke in support of this proposal. Ms. Hunt stated that Main Street Bath was in support of this project.

Ed Rogers, 122 Front Street, stated that we now have a second chance to develop the Coal Pocket. Mr. Rogers pointed out that bringing new families and people into the downtown community will help the businesses in downtown Bath. He encouraged the Planning Board to approve this application.

David Matero, Raymond Court, architect, stated that it would be less for the developer to build one large building. Mr. Matero has been breaking this project up into separate buildings and offering view corridors. Mr. Matero stated that suburban sidewalks should not be our goal here in Bath.

Roger Heard, Chair of the Economic Restructuring Committee of Main Street Bath, 346 Old Stage Road Arrowsic Maine. Mr. Heard stated that more residential units were needed in the downtown area. Mr. Heard pointed out the underutilized and undeveloped lots. Mr. Heard said that Main Street Bath is strongly in favor of this development.

Douglas Gray, 22 North Street, stated that Bath had not ruined the historic sense of the community. Mr. Gray pointed out the distinctive character of individual structures in Bath. Mr. Gray said that this proposal would be monotonous. He asked not to sell out Bath for a little business.

Jen Gray, 1 North Street, asked that the community's voice be heard and to do it correctly, but had concerns about the wall this project would establish.

Halycon Blake, 12 School Street, stated that she was echoing the other merchants that have spoken. Ms. Blake stated that she is in support of the development and the developer.

Will Neilson, 128 to 134 Front Street, voiced his strong support for this project. Mr. Neilson stated that the mass is directly in conflict of the economic interest of the downtown area. He

pointed out that greater residential density would bring vibrancy to the downtown. Mr. Nelson stated that he sympathized with the people who will lose their view, but pointed out that their view will reduce the population. He said he thought this was a great project

Will Blake, 12 School Street, pointed out that most waterfront communities are struggling or dying along the Atlantic Coast and that Bath is doing well. Mr. Blake also pointed out that the Route One study highlighted the fact that in order for communities to survive they needed to move closer to the downtown. Mr. Blake voiced his support for this development to get people to move to the downtown area.

John Marsh, 16 Garden Street, expressed his concern with the negative impact of a delay in the project. Mr. Marsh urged that the Planning Board place this project on the fast track.

A citizen asked if is there something set up for public access and whether it was a gated community in any way.

There being no further comment from the members of the public present, Mr. Oxton closed the public portion of the meeting.

Curt Neufeld, stated the economics of the number of units and conformation with the ordinances requirements. Mr. Neufeld stated that 150 years ago the water came up to Front Street so the recreational area is not a great building space. Mr. Neufeld stated that the plan before the Planning Board is a thoughtful plan.

The Planning Board discussed setbacks, sidewalks, landscaping, views, waterside improvements, signage, subsurface structural integrity, blasting, existing concrete, snow removal and storage, access drive elevations, road construction, shingle building style, number of units per building, compatibility with the neighborhood, setbacks in the historic district, mass, zoning requirements, heights of nearby buildings, projected price point, the three requested approvals, the historic district ordinance standards, goals for the historic district, need for a landscaping plan, future maintenance and repair on the project, structure of the homeowners association if there is to be one, letter of credit or security for infrastructure improvements, pilings under the buildings, how systems for the building will be handled, discussed reconfiguring the buildings, historic setbacks, lawn area on neighboring structures, power lines, landscaping plan, type, height and number of proposed trees, proposed waterfront walk, location of wall pack lighting, landscape buffering for HVAC locations, exhaust through walls of the units, roof pipes, timeline for construction, workdays, hours needed for construction, volume of debris from the site, other agency approvals, conditions of approval, walking path easement, right title and interest, and waivers.

MR. HOPKINSON MOVED, SECONDED BY MR. SWENSON THAT THE REQUEST FOR SITE PLAN, DEVELOPMENTAL SUBDIVISION AND HISTORIC DISTRICT APPROVALS AT 133 COMMERCIAL STREET (MAP 26, LOT 258) FOR JHR DEVELOPMENT OF MAINE, LLC, APPLICANT TO BE DEEMED COMPLETE.

UNANIMOUS APPROVAL

MR. HOPKINSON MOVED, SECONDED BY MR. SWENSON TO APPROVE THE REQUEST FOR SITE PLAN, DEVELOPMENTAL SUBDIVISION AND HISTORIC DISTRICT APPROVALS ON THE APPLICATION OF JHR DEVELOPMENT OF MAINE, LLC, AT 133 COMMERCIAL STREET (MAP 26, LOT 258) FOR SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE PROJECT SHALL BE DEVELOPED IN CONFORMANCE WITH ALL MATERIALS SUBMITTED AS PART OF THE APPLICATION FOR SITE PLAN APPROVAL AND HISTORIC DISTRICT APPROVAL, AS LAST REVISED.**
- 2. ANY BLASTING SHALL BE PERFORMED IN CONFORMANCE WITH A BLASTING PLAN PREPARED BY A LICENSED BLASTING CONTRACTOR.**
 - A. PRIOR TO THE ISSUANCE OF A BLASTING PERMIT, THE APPLICANT SHALL PROVIDE TO THE CODE ENFORCEMENT OFFICER:**
 - I. A COPY OF THE BLASTING PLAN.**
 - II. EVIDENCE OF ATTEMPTS TO CONTACT PROPERTY OWNERS WITHIN 500' OF THE SITE (AS DEFINED BY THE PROJECT'S PARCEL BOUNDARY) AND OFFER PRE-BLAST SURVEYS OF THE BUILDINGS/FOUNDATIONS.**
 - III. COPIES OF ALL PRE-BLAST SURVEYS CONDUCTED ON PROPERTIES WITHIN 500' OF THE SITE (AS DEFINED BY THE PROJECT'S PARCEL BOUNDARY).**
 - B. PRIOR TO THE ISSUANCE OF A BLASTING PERMIT, THE APPLICANT SHALL PROVIDE A TRAFFIC CONTROL PLAN TO AND RECEIVE APPROVAL FROM THE CHIEF OF POLICE AND PUBLIC WORKS DIRECTOR.**
- 3. PRIOR TO THE COMMENCEMENT OF ANY PILE-DRIVING, THE APPLICANT SHALL PROVIDE TO THE CODE ENFORCEMENT OFFICER:**
 - A. EVIDENCE OF ATTEMPTS TO CONTACT PROPERTY OWNERS WITHIN 500' OF THE SITE (AS DEFINED BY THE PROJECT'S PARCEL BOUNDARY) AND OFFER PRE-CONSTRUCTION SURVEYS OF THE BUILDINGS/FOUNDATIONS.**
 - B. COPIES OF ALL PRE-CONSTRUCTION SURVEYS CONDUCTED ON PROPERTIES WITHIN 500' OF THE SITE (AS DEFINED BY THE PROJECT'S PARCEL BOUNDARY).**
- 4. PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, THE APPLICANT SHALL FURNISH TO AND RECEIVE APPROVAL FROM THE PUBLIC WORKS DIRECTOR A PLAN TO ADDRESS STORMWATER. THE STORMWATER PLAN SHALL EITHER:**
 - A. PROVIDE EVIDENCE OF SUFFICIENT CAPACITY IN THE DOWNSTREAM FACILITIES FOR STORMWATER; AND/OR,**
 - B. DIRECT STORMWATER TO THE KENNEBEC RIVER IN CONFORMANCE WITH APPLICABLE CODES.**
- 5. PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, THE APPLICANT SHALL FURNISH TO AND RECEIVE APPROVAL FROM THE PUBLIC WORKS DIRECTOR**

- A PLAN TO ADDRESS THE INCREASE IN SEWER GENERATION FROM THE PROJECT. THE PLAN SHALL INVOLVE EITHER:**
- A. THE PAYMENT OF AN IMPACT FEE TO OFFSET THE GENERATION; AND/OR,**
 - B. THE PHYSICAL SEPARATION OF COMBINED SEWER INFRASTRUCTURE WITHIN THE WATERSHED OF THE SITE.**
- 6. PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, THE APPLICANT SHALL FURNISH TO THE CODE ENFORCEMENT OFFICER:**
- A. EVIDENCE OF THE RECORDATION OF ALL NECESSARY ON-SITE AND OFF-SITE EASEMENTS (TEMPORARY AND PERMANENT), INCLUDING THOSE NECESSARY FOR SNOW STORAGE AND VEHICULAR TURNAROUND.**
 - B. EVIDENCE OF NOTIFICATION TO PROPERTY OWNERS WITHIN 500' OF THE SITE (AS DEFINED BY THE PROJECT'S PARCEL BOUNDARY), INFORMING THE OWNERS THAT CONSTRUCTION WILL BE TAKING PLACE AND PROVIDING CONTACT INFORMATION FOR AN INDIVIDUAL CAPABLE OF ADDRESSING COMPLAINTS RELATED TO THE PROPOSED CONSTRUCTION ACTIVITIES.**
 - C. EVIDENCE OF THE PROJECT'S APPROVAL BY THE MAINE HISTORIC PRESERVATION COMMISSION.**
 - D. EVIDENCE OF THE PROJECT'S APPROVAL BY THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION.**
 - E. EVIDENCE OF THE PUBLIC WORKS DIRECTOR'S APPROVAL OF ANY REQUIRED REVISIONS TO THE SANITARY AND/OR STORM WATER SYSTEMS, EITHER ON- OR OFF-SITE.**
- 7. NO CONSTRUCTION ACTIVITIES SHALL BE PERMITTED ON THE SITE ON WEEKENDS OR CITY, STATE, OR FEDERAL HOLIDAYS. HOURS OF WORK SHALL BE BETWEEN 7:00AM AND 4:30PM. INTERIOR CONSTRUCTION ACTIVITIES MAY BE ALLOWED ON SATURDAYS AT THE DISCRETION OF THE CODE ENFORCEMENT OFFICER.**
- 8. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY, THE APPLICANT SHALL FURNISH TO THE CITY PLANNER:**
- A. A SEALED AS-BUILT PLAN OF THE STORMWATER INFRASTRUCTURE, SANITARY SEWER INFRASTRUCTURE, AND WATER INFRASTRUCTURE. THE AS-BUILT PLAN SHALL BE FURNISHED IN AN ELECTRONIC FORMAT SATISFACTORY TO THE CITY.**
- 9. PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, THE APPLICANT SHALL FURNISH TO AND RECEIVE APPROVAL FROM THE CITY PLANNER:**
- A. A REVISED LANDSCAPING PLAN, SHOWING:**
 - I. ADDITIONAL SHADE TREES ON THE EAST SIDE OF THE PROPOSED BUILDING, TO PROVIDE BUFFERING OF THE BUILDINGS FROM THE PROPOSED PUBLIC ACCESS AND RIVER.**
 - II. AN ASSESSMENT OF THE TREES WITHIN THE GAPS BETWEEN PROPOSED BUILDINGS, TO THE EXTENT THAT THE TREES WILL MEET THE CODE, BUT PRESERVE THE VIEWS OF THE NEIGHBORS AS BEST AS POSSIBLE.**

- B. REVISED BUILDING ELEVATIONS AND/OR MATERIALS SPECIFICATIONS, SHOWING:**
 - I. THE LOCATION, DESIGN, AND SCREENING OF UTILITY INFRASTRUCTURE AND VENTILATION EQUIPMENT.**
 - II. THE LOCATION, DESIGN, AND COLOR OF ANY AND ALL EXTERIOR VENTING.**
 - III. THE LOCATION, DESIGN, AND COLOR OF ANY AND ALL ROOF PIPING.**
- C. THE PROPOSED CONDOMINIUM DOCUMENTS AND BYLAWS, INCLUDING A COST ESTIMATE FOR ANNUAL MAINTENANCE AND ASSOCIATION BUDGET AND FEES.**

UNANIMOUS APPROVAL

Item 2

Request for Historic District Approval – 244 Front Street (Map 26, Lot 250); El on Wheels, LLC, applicant.

Mr. Deci described the proposed to convert the building at 244 Front Street into a restaurant, comments from Sagadahoc Preservation Inc., and the need for historic district approval from the Planning Board

David Matero, described the proposal to establish a restaurant, unify the building, and transition from residential to commercial. Mr. Matero pointed out the use of siding, windows, ADA compliance, patio, lighting, vestibule, and refrigerator/freezer location.

MR. HOPKINSON MOVED, SECONDED BY MR. OMO TO FIND THE APPLICATION FOR HISTORIC DISTRICT APPROVAL FOR 244 FRONT STREET (MAP 26, LOT 250) EL ON WHEELS, LLC, APPLICATION TO BE COMPLETE.

UNANIMOUS APPROVAL

Bob Oxtan opened the public portion of the meeting to members of the public who wished to comment on this agenda item.

Halcyon Blake, 12 School Street, spoke in support of this project. Ms. Halcyon said it would draw people to downtown Bath and felt this was a good use for this building.

There being no further comment from the members of the public present, Mr. Oxtan closed the public portion of the meeting.

The Planning Board discussed the exterior gas lighting, the exterior siding and trim, windows, staff review process, time frame for construction, need for property survey, trash, parking, snow removal, zoning restriction, and staff parking.

MR. HOPKINSON MOVED, SECONDED BY MR. BRANCA TO APPROVE THE REQUEST FOR HISTORIC DISTRICT APPROVAL AT 244 FRONT STREET (MAP 26, LOT 250) FOR EL ON WHEELS, LLC, APPLICANT SUBJECT TO THE CONDITION THAT A FULL AND FINAL SPEC LIST BE SUBMITTED TO THE PLANNING STAFF PRIOR TO THE ISSUANCE OF A BUILDING PERMIT AND THAT INCLUDES FINAL DECISIONS ON THE GAS LIGHTING.

UNANIMOUS APPROVAL

Other Business

Mr. Deci stated that the quality of the comments from the community were very good and it is clear that everyone cares very much about Bath. Mr. Deci encouraged the public to continue to comment on items before the Planning Board.

There being no further business before the Board, **MR. BRANCA MOVED, SECONDED BY MR. HOPKINSON, TO ADJOURN THE MEETING AT 8:51 PM.**

UNANIMOUS APPROVAL

Minutes prepared by Marsha Hinton, Recording Secretary from video recording.