

A regular meeting of the Bath Planning Board was called on 11-7-17 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxton, Chair
John Sunderland
Russell Martin
Greg Johnson
Andy Omo
Cal Stilphen

MEMBERS ABSENT

James Hopkinson, Vice Chair

STAFF PRESENT

Andrew Deci, Dir. of Planning & Development

Mr. Oxton, Chair, called the meeting to order in the third-floor Council Chambers at 6:00 p.m. on Tuesday, November 7, 2017.

Minutes of October 3, 2017, meeting**MOTION MADE BY MR. STILPHEN, SECONDED BY MR. MARTIN TO APPROVE THE PLANNING BOARD MINUTES OF OCTOBER 3, 2017.**

Old Business **None**

New Business **Item 1**

Request for Historic District Amendment – 133 Commercial Street (Map 26, Lot 258); Bath Riverwalk, LLC, applicant.

Mr. Deci summarized the application and reminded the board of their previous review in October.

Ryan Senatore, Architect for the applicant, described the modifications made to the proposal and the issues

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

Mr. Anthony Graham, 22 North Street, questioned the validity of losing the ability to view the river from the street side and the historic character of the proposed structure. Mr. Graham states that by putting up the dormers you are losing the views. The standings of the historic district ordinance are vague- they talk about width, height, design, etc. They are much larger than anything across the street. The whole idea of compatibility was supported by the original meeting that it was a modified New England cottage style structure. He stated that what you have now, and what you had before is completely different as previously the mass would be broken up. Mr. Graham wanted clarification on what the standard is and does the proposed change meet the guidelines.

Mr. Sunderland asked Mr. Graham as to what standards would you like to have applied?

Mr. Graham and Mr. Sunderland discuss the scale of the building relative to the surrounding area as well as the height of the proposed addition

Planning and Development Director, Andrew Deci clarifies the height standards in C-1 zoning district north of oak street along the river- no maximum height- south of Oak Street along river there is a 35 feet height maximum. The height is controlled by Floor Area Ratio relationship of sq footage of the structure vs. sq ft of the land. Compatibility controls what can go in the zone. 1.5 years ago the board approved this project on its compatibility.

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

Mr. Sunderland stated that the Board is required to use the historic district standards, despite the feeling that the ordinance is too vague.

Mr. Sunderland also stated his concern about how to advise an applicant when the standards appear subjective and personal preference is affecting decisions. He was concerned with future legal ramifications if this continued to be the case.

Mr. Sunderland stated that the Hampton Inn was approved by the Planning Board and asked what factors made that project appropriate as defined by the standards and which factors made the current application inappropriate.

Mr. Sunderland inquired about the roof pitches of buildings in the surrounding area, asked about which portions of the roof pitch on the proposed amendment are the same as approved and how much it needs to be changed to allow for it to not meet the standards?

Kurt Neufeld, PE, engineer and agent for the developer, noted they are back with a similar design as they were unsure of the basis of the previous denial. The buildings near these structures vary in roof designs, mansard roofs, flat roofs, etc. He stated that the proposed amendment is 25 feet above grade and will not be noticeable from the street nor the water. He went on to say that the first two buildings erected had been reduced by one unit each and that these changes would allow the total number of units to remain unchanged. He asked for specific concerns and/or direction from the Board.

MR. OMO MOVED, SECONDED BY MR. SUNDERLAND, TO FIND THE APPLICATION FOR HISTORIC DISTRICT AMENDMENT COMPLETE.

UNANIMOUS APPROVAL

Mr. Sunderland and Mr. Oxton discussed the guidance of the code and the ability to interpret the guidelines.

MR. SUNDERLAND MOVED TO TABLE THE APPLICATION TO THE NEXT REGULAR MEETING.

NO SECOND BEING SEEN, THE MOTION FAILED.

MR. SUNDERLAND MOVED, SECONDED BY MR. JOHNSON, TO APPROVE THE REQUEST FOR HISTORIC DISTRICT AMENDMENT AT 133 COMMERCIAL STREET.

MOTION FAILED (SUNDERLAND, MARTIN, JOHNSON FOR; OXTON, OMO, STILPHEN AGAINST)

Mr. Sunderland requested that the Board issue a Findings of Fact to support the result.

Mr. Deci suggested reviewing the standards and developing explicit findings.

Mary Costigan, Attorney for the applicant, stated that the Board may want to confer with the City's Solicitor about options.

Other business

Mr. Deci stated that there will be a presentation of storm water management at 7 P.M. on Thursday. This presentation was in cooperation with KELT and would be held at the Maine Maritime Museum.

Mr. Deci also said that the new City planner will be here starting next week.

Mr. Deci said that he Planning Board would be holding a workshop in December to review some key issues that need to be addressed.

MR. OMO MOVED, SECONDED BY MR. JOHNSON TO ADJOURN THE MEETING AT 6:50 PM.

UNANIMOUS APPROVAL

Minutes prepared by Ben Averill, City Planner from video recording.