

A regular meeting of the Bath Planning Board was called on 11-1-16 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxton, Chair
James Hopkinson, Vice Chair
Greg Johnson
Andy Omo
Russell Martin
Cal Stilphen
Griffin Tibbitts (non-voting student member)

MEMBERS ABSENT

John Sunderland

STAFF PRESENT

Andrew Deci, Planning Director

Mr. Oxton, Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, November 1, 2016.

Minutes October 4, 2016 minutes

MR. HOPKINSON MOVED, SECONDED BY MR. OMO TO APPROVE THE MINUTES OF OCTOBER 4, 2016.

UNANIMOUS APPROVAL**Old Business**

None

New Business**Item 1**

Request for Site Plan Approval – Waterfront Setback Reduction Natural Resource Preservation Overlay District – 136 Butler Head Road (Map 4, Lot 15), Jennifer Guzikowski, applicant.

Mr. Deci discussed the application to demolish and reconstruct a new structure at 136 Butler Head Road and comments from City staff. Mr. Deci explained that the applicant was waiting for comments from the application has been forwarded to the Maine Department of Environmental Protection Agency, the Maine Historic Preservation Commission, and the Maine Natural Areas Program.

Ray Adams, General Contractor representing the applicants, described the water front property, explained that they recently had a house fire that destroyed their home. Mr. Adams discussed the plan to tear down the camp structure and replacing it with a structure with a full foundation, that only three or four trees would need to be removed, landscaping, erosion control, a planned relocation of the septic system, and the existing inground swimming pool.

The Planning Board discussed the waterfront setback, the thirty-percent allowed increase in size, erosion control plan, stormwater control plan, comments from the Maine Department of Environmental Control.

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

Mr. Jim Hummer, member of the Bath Community Forestry Committee, stated that the Bath Community Forestry Committee was notified as an abutter of this proposal. Mr. Hummer asked about the need for the hearing and the standards for accepting or rejecting this request. Mr. Hummer expressed his concern for the natural and scenic beauty of the area and that the Bath Community Forestry Committee prefers to see as little development in the lands adjacent to the Butler Head Preserve as possible. Mr. Hummer requested that this project be denied because Butler Head's natural beauty will be decreased as more year-round habitats are established in the area.

Mr. Deci explained the Land Use Ordinance development criteria that the project must meet and that if the Planning Board finds the project meets the criteria they must approve the project.

No further comments from members of the public being seen, Bob Oxton, Chair, closed the public portion of the meeting.

The Planning Board discussed, grading, side setback, elevations, basement walkout, excavation plans, number of bedrooms, and waivers.

The Planning Board reviewed the submission requirements in Land Use Code section 8.18.

- (a) A map of slopes greater than 25 percent, wetlands, water courses and water bodies, and significant wildlife habitats; a plan to protect these features.

The Planning Board stated more specific information on elevations on the sketch plan such as GIS based contour maps.

- (b) Reports from a hydrogeologist, the MEDEP, the Maine Department of Marine Resources, and/or other qualified persons deemed appropriate by the Planning Board Article 8 Page 31.

The Planning Board agreed that comments from the Department of Environmental Protection would be more than sufficient.

- (c) A report or statement from a licensed surveyor indicating that the development will not occur in a flood-hazard area.

The Planning Board agreed that staff review would be sufficient.

- (d) A statement by a registered professional civil engineer ensuring that the development will be built in accordance with Stormwater Management for Maine: Best Management Practices (November 1995).

The Planning Board agreed along with the comment in the justification letter states that they will abide with Stormwater Management for Maine: Best Management Practices (November 1995) and with the Code Enforcement Officer's approval would be sufficient.

- (e) A hydrogeologic evaluation conducted by a hydrogeologist certified in the state of Maine.

The Planning Board agreed this is an appropriate waiver.

- (f) An erosion and sedimentation control plan developed by a registered professional civil engineer in accordance with the Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, published by the Cumberland County Soil and Water Conservation District and the MEDEP (March 1991), as amended.

The Planning Board agreed that this requirement is necessary for the site.

- (g) Connection to the municipal sewage system or an on-site subsurface wastewater disposal system approved by the Local Plumbing Inspector.

The Planning Board agreed that the applicant has met this approval criteria in the application packet.

- (h) Plans or reports prepared by qualified individuals indicating that:

- (i) The building location may not be in open fields, and may be located only within forested portions of the lot. When the lot contains no forest or insufficient forested portions to include all buildings, the development must be designed to minimize the appearance of buildings when viewed from the water.

The Planning Board agreed that the applicant has met this approval criteria with the addition of a landscape management plan.

- (ii) The proposed development will not affect any historic or prehistoric site, as determined by the Maine Historic Preservation Commission.

The Planning Board stated that prior to approval comments from the Maine Historic Preservation Commission should be reviewed.

- (iii) Within the Shoreland Zone, there will be no cutting of vegetation for any purpose other than the principal and accessory structures, driveways, and sewage-disposal areas, or for safety purposes.

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The Planning Board stated that this should be a continuing restriction in that other than as noted in the application there should be no further cutting after the construction.

- (iv) All proposed restrictions placed on the land to protect important wildlife habitat identified by the MDIFW or rare or irreplaceable habitat identified by the Maine Natural Areas Program must be reviewed by either MDIFW or the Maine Natural Areas Program, with their comments presented in writing to the Planning Board.

The Planning Board stated that prior to approval comments from the state agencies should be reviewed.

The Planning Board discussed the specificity in the plans they requested from the applicant.

Mr. Adams informed the Planning Board of the time restrictions on this project. Mr. Adams suggested a site visit and requested reliance on the expertise of the Code Enforcement Officer.

MR. HOPKINSON MOVED, SECONDED BY MR. JOHNSON TO CONTINUE THE REQUEST FOR SITE PLAN APPROVAL FOR WATERFRONT SETBACK REDUCTION NATURAL RESOURCE PRESERVATION OVERLAY DISTRICT AT 136 BUTLER HEAD ROAD (MAP 4, LOT 15) FOR JENNIFER GUZIKOWSKI, APPLICANT, TO ALLOW TIME FOR THE COLLECTION OF ALL NECESSARY INFORMATION.

**FOUR IN FAVOR (MR. OXTON, MR. HOPKINSON, MR. JOHNSON, MR. MARTIN)
TWO OPPOSED (MR. OMO, MR. STILPHEN)**

Other Business

Election of Officers

MR. OMO, SECONDED BY MR. STILPHEN NOMINATED MR. OXTON AS PLANNING BOARD CHAIR.

UNANIMOUS APPROVAL

MR. OMO, SECONDED BY MR. STILPHEN NOMINATED MR. HOPKINSON AS PLANNING BOARD VICE CHAIR.

UNANIMOUS APPROVAL

MR. JOHNSON, SECONDED BY MR. STILPHEN NOMINATED MR. OMO TO THE HISTORIC DISTRICT COMMITTEE.

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There being no further business before the Board, **MR. OMO MOVED, SECONDED BY MR. STILPHEN, TO ADJOURN THE MEETING AT 6:59 PM.**

UNANIMOUS APPROVAL

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