

A regular meeting of the Bath Planning Board was called on 12-6-16 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, December 6, 2016.

Minutes

November 1, 2016 minutes

MR. HOPKINSON MOVED, SECONDED BY MR. JOHNSON TO APPROVE THE MINUTES OF NOVEMBER 1, 2016 AS SUBMITTED.

UNANIMOUS APPROVAL**Old 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. (Continued from November 1, 2016, meeting)

Mr. Deci pointed out the materials requested by the Planning Board at the November 1, 2016 meeting.

Ray Adams, representing the Guzikowski's, stated he was there to answer any questions the Planning Board may have.

The Planning Board discussed the Permit by Rule and the letter from the Department of Agriculture.

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

Elizabeth Haskell, Chair, Bath Community Forest Committee, stated as the body that it is tasked with being the caretakers of Butler Head which is a preserved easement.

Jim Hummer, 20 Varney Hill Road, stated the Committee is concerned that the preserved property's natural quality is being changed by the conversion of seasonal homes to year-round

homes. Mr. Hummer pointed out that there are 19 lots around the preservation and that with each year-round structure the wilderness will be diminished. Mr. Hummer read excerpts from Section H of the standards for approval and pointed out that Butler Head was an irreplaceable area.

No other comment from members of the public seen, Mr. Oxtan closed the public portion of the meeting.

The Planning Board discussed Section H of the approval standards, question from Inland Fisheries and Wildlife regarding protecting bats.

MR. HOPKINSON MOVED, SECONDED BY MR. OMO TO APPROVE THE REQUEST FOR SITE PLAN APPROVAL FOR A WATERFRONT SETBACK REDUCTION NATURAL RESOURCE PRESERVATION OVERLAY DISTRICT AT 136 BUTLER HEAD ROAD (MAP 4, LOT 15) FOR JENNIFER GUZIKOWSKI, APPLICANT, CONDITIONED UPON ALL THE REQUIREMENTS FOR APPROVALS FROM THE MAINE DEPARTMENT OF INLAND FISHERIES AND WILDLIFE AND MAINE HISTORIC PRESRVATION BE RECEIVED AND OBSERVED.

UNANIMOUS APPROVAL

New Business

Item 1

Request for Site Plan Amendment - 127 & 131 Court Street, 82 & 86 Floral Street (Map 28, Lots 81, 82, 153 & 154); TMC New England, LLC, applicant.

Mr. Deci stated the applicant's proposal to locate a trailer based store temporarily on the site while the soils stabilize.

Dave Fenstermacher, VHB engineer, described the issues with settlement of soils on the site, the termination of the lease for the current store, the proposal to construct a portion of the parking lot, location of the temporary dumpster, utilities, drainage, lighting, and the temporary trailers.

The Planning Board discussed the weight of the trailer, any other anticipated changes due to issues with the soils, timeline for location of the trailer, transition to the approved building, elevations, erosion control measures, lighting, landscaping timeline, fencing, construction vehicle access, parking lot lighting, anticipated traffic volume, and signage.

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

Elliot Mead, 54 Floral Street, asked that the fence between his property and the construction site be installed immediately, that a consistent traffic flow pattern for construction vehicles be established, that silt fences be mandatory, and issues with construction vehicle parking on Floral Street be addressed.

No other comment from members of the public seen, Mr. Oxton closed the public portion of the meeting.

The Planning Board discussed erosion control enforcement, enforcement of parking, number of parking spaces, storage containers near the temporary trailer, and landscaping.

MR. HOPKINSON MOVED, SECONDED BY MR. SUNDERLAND TO APPROVE THE REQUEST FOR SITE PLAN AMENDMENT AT 127 AND 131 COURT STREET, 82 AND 86 FLORAL STREET (MAP 28, LOTS 81, 82, 153 AND 154); TMC NEW ENGLAND, LLC, APPLICANT, AS REQUESTED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THAT PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR THE TRAILER THE APPLICANT SHALL PROVIDE A SURETY IN THE AMOUNT OF THE ENGINEER'S ESTIMATE INCLUDING THE TEN PERCENT ESCALATION FOR THE CONTROL OF EROSION AND SEDIMENTATION ON THE SITE. THE SURETY SHALL BE PROVIDED IN A FORM ACCEPTABLE TO THE CITY SOLICITOR;**
- 2. THAT THE PROPOSED TRAILER BE REMOVED FROM THE SITE WITHIN TWELVE MONTHS OF PLANNING BOARD APPROVAL;**
- 3. THAT UPON REMOVAL OF THE TRAILER, THE SITE SHALL BE BROUGHT INTO COMPLIANCE WITH THE ORIGINAL SITE PLAN APPROVAL DATED APRIL 17, 2015;**
- 4. THAT THE LANDSCAPING, LOAMING AND SEEDING ALONG FLORAL STREET TO THE INTERSECTION OF COURT STREET BE INSTALLED CONSISTENT WITH THE ORIGINAL SITE PLAN APPROVAL NO LATER THAN JULY 1, 2017;**
- 5. THAT UNSTABLIZED MATERIAL ALONG COURT STREET SIDE OF THE PROPERTY BE STABILIZED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT;**
- 6. THAT THE APPLICANT INSTALL THE FENCING AS PER THE ORIGINAL SITE PLAN APPROVAL ALONG THE NORTHWESTERLY SIDE IMMEDIATELY AFTER THE ISSUANCE OF THE BUILDING PERMIT AND NO LATER THAT THE OCCUPANCY OF THE TRAILER;**
- 7. THAT THE TREES AND LANDSCAPING THAT DO NOT INTERFERE WITH SITE PLAN IMPROVEMENTS ON THE NORTHWESTERLY SIDE ALONG WITH THE FENCING BE INSTALLED AND COMPLETED BY JULY 1.**

UNANIMOUS APPROVAL

Item 2

Request for Site Plan and Developmental Subdivision Approval – 2 Davenport Circle (Map 14, Loy 96-2); Affordable Midcoast Housing, LLC, applicant.

Mr. Deci pointed out that this application was two applications, site plan approval and subdivision approval.

Mr. Sean Thies CES, described the redevelopment of an existing building into eight residential units, parking, fencing, utilities, lighting, and location of dumpsters.

The Planning Board discussed lighting in the parking area, the playground area, exterior improvements, access from Washington Street, traffic patterns, landscaping plan, comments from city staff, signage, easements, and fencing around the dumpster.

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

Bob Barrows, 71 Winship Street, asked about the details of the proposal and occupancy. Expressed his concerns with an increase in vehicles, commercial vehicles traffic patterns, pedestrian traffic, and children's safety.

No other comment from members of the public seen, Mr. Oxton closed the public portion of the meeting.

The Planning Board discussed the need for additional guidance on landscaping, parking areas, snow storage, easements, lighting, and additional information from the applicant on how they meet the approval standards.

MR. OMO MOVED, SECONDED BY MR. STILPHEN TO CONTINUE THE REQUEST FOR SITE PLAN AND DEVELOPMENTAL SUBDIVISION APPROVAL AT 2 DAVENPORT CIRCLE (MAP 14, LOY 96-2) FOR AFFORDABLE MIDCOAST HOUSING, LLC, APPLICANT, TO THE JANUARY 3, 2017 PLANNING BOARD MEETING TO ALLOW FOR COLLECTION OF MORE INFORMATION.

UNANIMOUS APPROVAL

Other Business

No other business.

There being no further business before the Board, **MR. HOPKINSON MOVED, SECONDED BY MR. MARTIN, TO ADJOURN THE MEETING AT 7:46 PM.**

UNANIMOUS APPROVAL

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