

A regular meeting of the Bath Planning Board was called on 9-19-17 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxtan, Chair
James Hopkinson, Vice Chair
Greg Johnson
Cal Stilphen

MEMBERS ABSENT

John Sunderland
Russell Martin
Andy Omo

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, September 19, 2017.

Minutes

July 19, 2017, meeting

MR. HOPKINSON MOVED, SECONDED BY MR. STILPHEN TO APPROVE THE PLANNING BOARD MINUTES OF JULY 19, 2017 AS SUBMITTED.

UNANIMOUS APPROVAL**Old Business**

None

New Business**Item 1**

Request for Historic District Approval – 254 Front Street (Map 26, Lot 252); Elizabeth Akeley-Miller, applicant.

Mr. Deci, Planning Director, pointed out the absence of required materials in the submittal packet.

MR. HOPKINSON MOVED, SECONDED BY MR. STILPHEN TO TABLE THE REQUEST FOR HISTORIC DISTRICT APPROVAL AT 254 FRONT STREET (MAP 26, LOT 252) FOR ELIZABETH AKELEY-MILLER, APPLICANT UNTIL THE APPLICANT HAS HAD AN OPPORTUNITY TO SUBMIT A COMPLETE APPLICATION.

UNANIMOUS APPROVAL**Item 2**

Request for Site Plan Approval for Relocation of a Non-Conforming Structure in the Shoreland Zone– 128 Bayshore Road (Map 7, Lot 29); Joe & June Haines, applicants.

Mr. Deci, Planning Director, discussed the maps provided to the Planning Board members this evening and relocation requirements. Mr. Deci point out that this was a true camp with no running water, no electric power or any septic structure proposed. Bathroom facilities will be provided in the main house.

Andy Guerrette, described the current condition of the structure, tree removal and relocation. Mr. Guerrette stated the intention is for family use only.

The Planning Board discussed the lack of provisions for heating, footprint, removal of construction debris, soil stabilization on the site, and location.

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

Ashley Thayer, 165 Bayshore Road, stated that she is thrilled with the proposal. Ms. Thayer asked about the location of a right-of-way down to the camp and expressed her concern with erosion on her property.

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 formation of rights-of-way, right title and interest, and lack of Land Use Code standards for relocation of a building without utilities.

MR. HOPKINSON MOVED, SECONDED BY MR. JOHNSON TO APPROVE THE APPLICATION FOR THE RELOCATION OF THE NON-CONFORMING STRUCTURE IN THE SHORELAND ZONE AT 128 BAYSHORE ROAD (MAP 7, LOT 29) FOR JOE & JUNE HAINES, APPLICANTS AS REQUESTED, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THAT NO UTILITIES BE INSTALLED UNLESS AND UNTIL THE APPLICANT HAS SUBMITTED TO THE PLANNING BOARD A REQUEST FOR AMENDMENT OF THIS APPROVAL, SHOWING THAT THEY CAN INSTALL A SUBSURFACE WASTEWATER DISPOSAL SYSTEM IN ACCORDANCE WITH THE STATE LAW AND THE STATE OF MAINE SUBSURFACE WASTEWATER DISPOSAL RULES;**
- 2. THAT PRIOR TO RECEIVING A BUILDING PERMIT, THE APPLICANT SUBMIT TO THE PLANNING DIRECTOR A SIMPLE VEGETATION GROUND COVER PLAN THAT ESTABLISHES THE VEGETATION OR GROUND COVER AFTER REMOVAL OF THE EXISTING STRUCTURE.**

UNANIMOUS APPROVAL

Item 3

Public Hearing – Land Use Code Text Amendment – Revision of B & B definition.

Mr. Deci discussed the proposed language resulting from the Planning Board workshop addressing text amendments to Land Use Code requirements for activities hosted by B & Bs. Mr. Deci read the proposed language.

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

Elizabeth Knowlton, Inn at Bath, stated that she hosts holiday parties and weddings that include non-guests without complaints from neighbors.

Diane Racine, Mulberry House, pointed out, that restrictions prevented history roundtables, being included on the Art Walk, or part of the SBI tours because a B&B should only do things for their guests.

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

The Planning Board discussed what constitutes the main building, what is accessory to a primary use, creation of an event center, marketing restrictions, exclusions, enforcement, the existing uses under the Land Use Code, and the need for further discussion.

MR. HOPKINSON MOVED, SECONDED BY MR. JOHNSON TO SCHEDULE WORKSHOPS THAT INCLUDES INPUT FROM THE CODE ENFORCEMENT OFFICER ON REVISION OF B & B DEFINITION AT THE NEXT AVAILABLE DATE.

UNANIMOUS APPROVAL

Item 4

Public Hearing - Land Use Code Text Amendment – Life Safety requirements to be added to Article 10 & 12 in regard to Site Plan review.

Mr. Deci stated this agenda item addressed best practice life safety standards applicable to multi-family and non- residential units.

The Planning Board discussed the absence of necessary language in the Bath Land Use Code to require emergency vehicle access locations on site plans, crafting language specific to the Bath community, recommended language additions to the draft, and jurisdiction.

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

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

MR. HOPKINSON MOVED, SECONDED BY MR. JOHNSON TO TABLE THE PUBLIC HEARING ON A LAND USE CODE TEXT AMENDMENT TO ARTICLE 10 & 12 TO ADDRESS QUESTIONS ON E AND A SUITABLE STANDARD FOR D.

UNANIMOUS APPROVAL

Item 5

Public Hearing – Land Use Code Text Amendment – Revisions to suit FCC requirements for collocated antennas on cell towers.

Mr. Deci discussed the conflict between the federal standards and the local standards regarding mandating of Planning Board review of additional antennas.

The Planning Board discussed the federal standards.

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

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

MR. HOPKINSON MOVED, SECONDED BY MR. STILPHEN TO TABLE THE PUBLIC HEARING ON LAND USE CODE TEXT AMENDMENT REVISIONS TO SUIT FCC REQUIREMENTS TO COLLOCATED ANTENNAS ON CELL TOWERS UNTIL SUCH TIME THE PLANNING BOARD RECEIVES MORE INFORMATION.

UNANIMOUS APPROVAL

Item 6

Public Hearing – Land Use Code Text Amendment – Article 15 – Correct clerical omissions to align with State model.

Mr. Deci pointed out where the Bath Land Use Code differed from the state on language regarding value and size as well as clerical errors.

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

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

MR. HOPKINSON MOVED, SECONDED BY MR. JOHNSON TO RECOMMEND APPROVAL OF THE PROPOSED CHANGES TO ARTICLE 15.

UNANIMOUS APPROVAL

Other Business

Mr. Deci informed the Planning Board they were still seeking applications for a recording secretary.

Mr. Deci announced that the City of Bath was seeking a new City Planner; he would be retaining his title as Director of Planning & Development and absorbing some of the responsibilities of the Economic Development Director. The new City Planner would be the principal staff to the Planning Board.

Mr. Oxtan announced that September is election of Planning Board officers.

**MR. STILPHEN NOMINATED BOB OXTON AS CHAIR OF THE PLANNING BOARD.
UNANIMOUS APPROVAL**

MR. OXTON NOMINATED JOHN HOPKINSON AS VICE CHAIR OF THE PLANNING BOARD

UNANIMOUS APPROVAL

The Planning Board was polled and agreed to defer election of the review committee until a later date.

MR. HOPKINSON MOVED, SECONDED BY MR. STILPHEN TO ADJOURN THE MEETING AT 7:28 PM.

UNANIMOUS APPROVAL

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