

A regular meeting of the Bath Planning Board was called on January 9, 2018 for the purpose of conducting regular business.

**MEMBERS PRESENT**

Bob Oxtan, Chair  
James Hopkinson, Vice Chair  
Russell Martin  
Cal Stilphen  
John Sunderland  
Andy Omo  
Greg Johnson

**MEMBERS ABSENT**

(None)

**STAFF PRESENT**

Ben Averill, City Planner  
Karly Perry, Recording Secretary

Mr. Oxtan, Chair, called the meeting to order in the third-floor Council Chambers at 6:00 p.m. on Tuesday, January 9, 2018.

**Minutes December 5, 2017, meeting minutes**

**MR HOPKINSON MOVED, SECONDED BY MR. STILPHEN TO ACCEPT THE MINUTES OF DECEMBER 5, 2017.**

**UNANIMOUS APPROVAL**

Mr. Oxtan reviewed changes to the agenda with the Board. Mr. Oxtan announced requests from the applicants of items 2 and 3 of Old Business (McDonald's USA, LLC) to continue to the next meeting; February 6, 2018. Item 3 of New Business (RSU 1) was requested to be removed from the agenda by the applicant due to timing with a subsequent application at the West Bath Planning Board. Item 6 was re-arranged to be first in New Business, as to be heard first. There were no questions from the board.

**MR. OMO MOVED TO CONTINUE ITEMS 2 AND 3 UNDER OLD BUSINESS FOR PUBLIC HEARING AND SITE PLAN AMENDMENT 2 CHANDLER DRIVE TO THE FEBRUARY 6, 2018 MEETING, SECONDED BY MR. HOPKINSON.**

**UNANIMOUS APPROVAL****Old Business****Item 1**

**Request for Historic District Amendment – Approval of Finding of Facts – 133 Commercial Street (Map 26 Lot 258); Bath Riverwalk, LLC, applicant. (Continued from the December 5, 2017, meeting)**

Mr. Averill, City Planner, presented for approval the Findings of Fact prepared and reviewed by Attorney Katsiaticas, who reviewed his draft of findings, noting the misspelling of Mr. Sunderland's name and asked the board for any other edits. Mr. Sunderland clarified that these were the findings as presented at the last meeting, to which Mr. Hopkinson confirmed. Mr. Oxtan asked if there was any discussion, then suggested moving approval to the February

meeting to allow time to review. Mr. Sunderland noted several clerical edits to the findings. Mr. Oxtan suggested moving on to other items on the agenda, in order to give the Board time to review the material.

**New Business**

**Item 1**

**Request for Site Plan Amendment – 133 Commercial Street (Map 26, Lot 258); Bath Riverwalk, LLC, applicant**

Mr. Averill introduced the Site Plan Amendment presented by Bath Riverwalk LLC, and noted that this should have been completed previously, however it was overlooked during previous discussions. Mr. Averill noted that the packet includes the formal Site Plan Amendment Application and a rendering of the plan itself, with changes to floors and decks only.

Mr. Sunderland asked if these were included in the renderings previously received, to which Mr. Averill confirmed they were and only the physical application had been overlooked.

Curt Neufeld of Sitelines, introduced himself and reiterated that changes were architectural only, affecting the floor area ratio and limiting the buildable lot area. Mr. Neufeld went on to affirm that this lot is still well below the maximum allowable floor area ratio, further noting that there is still adequate parking and the number of rooms has not increased from the original approved number of 40, reiterating that this amendment is clerical only.

**MR. STILPHEN MOVED TO FIND THE APPLICATION BY BATH RIVERWALK, LLC, FOR 133 COMMERCIAL STREET COMPLETE, SECONDED BY MR. OMO.**

**UNANIMOUS APPROVAL**

Mr. Oxtan opened up the floor to public discussion, to which there was no public response.

**MR. OMO MOVED, SECONDED BY MR. MARTIN, TO APPROVE THE SITE PLAN AMENDMENT BY BATH RIVERWALK LLC FOR 133 COMMERCIAL STREET.**

**UNANIMOUS APPROVAL**

**Old Business**

**Item 1 (Continued)**

Mr. Oxtan suggested moving Item 1 of Old Business to the end of the meeting, to which Mr. Sunderland stated he was prepared to discuss now, offering several clerical edits to counsel.

**MR. HOPKINSON MOVED TO APPROVE THE REQUEST FOR HISTORIC DISTRICT AMENDMENT – FINDING OF FACTS, SECONDED BY MR. SUNDERLAND.**

**UNANIMOUS APPROVAL**

**New Business**

**Item 2**

**Public Hearing – Land Use Code Text Amendment – Article 9, Section 6.1.3 – Special Purpose Schools.**

Mr. Averill presented an amendment to the Land Use Code as reviewed and submitted by the City Council for Planning Board Review. Mr. Averill went on to explain the purpose of the amendment is to allow Special Purpose Schools within the neighborhood commercial zone. There is currently a school in operation in the neighborhood commercial zone and staff has been in contact with the applicant to rectify the issue. Mr. Averill reviewed the steps going forward, if the Planning Board finds the amendment to have merit.

Mr. Martin asked for the definition of a Special Purpose School. Mr. Averill presented the current school within the commercial zone. Mr. Hopkinson confirmed that there were no other issues with the school, other than zoning, to which Mr. Averill said there are none. Mr. Sunderland asked for a copy of the request to take action, Mr. Averill confirmed that there is an application that can be made available if the board wishes to review it.

**MR. OMO MOVED TO TABLE THE LAND USE CODE TEXT AMENDMENT TO THE FEBRUARY 6, 2018 MEETING, SECONDED BY MR. STILPHEN**

**UNANIMOUS APPROVAL**

**Item 3**

**Request for Conditional Certificate of Occupancy – 129 Court Street (Map 28, Lot 81); TMC New England, LLC, applicant.**

Mr. Averill asked the board to consider a request seeking approval for a Conditional Certificate of Occupancy, noting that the applicant has had difficulty completing the landscaping due to poor weather conditions, noting that the applicant is asking for conditional approval allowing them to open in the next couple of weeks. Mr. Averill added that the Code Enforcement Officer will follow up to ensure that work is completed.

Mr. Oxtan asked the board to suggest a conditional date.

Mr. Omo suggested June 20, 2018 as it is the first day of summer.

Ken Santos, a representative of the general contractor hired by TMC New England, confirmed that the project is 99% complete with 99% of the landscaping finished as well. Mr. Santos confirmed that the contractor is aware that the work needs to be completed and noted that it is weather dependent so he is unable to suggest a completion date. Mr. Santos assured the board that the contractor has a stake in completing the work in order to secure future contracts.

**MR. STILPHEN MOVED THAT THE APPLICATION BY TMC NEW ENGLAND, LLC FOR 129 COURT STREET IS COMPLETE, SECONDED BY MR. HOPKINSON.**

## **UNANIMOUS APPROVAL**

**MR. HOPKINSON MOVED TO APPROVE THE CONDITIONAL CERTIFICATE OF OCCUPANCY WITH THE CONDITION THAT ALL WORK IS COMPLETED BY JUNE 20, 2018, SECONDED BY MR. STILPHEN.**

**UNANIMOUSLY APPROVED.**

### **Item 4**

**Request for Subdivision Amendment – Western Avenue (Map 31, Lot 69) Redlon Western LLC, applicant.**

### **Item 5**

**Request for Site Plan Approval – Western Avenue (Map 31, Lot 69) Redlon Western LLC, applicant.**

Mr. Averill reviewed the pre-application workshop held at the December 5, 2018 meeting and presented the amendment and request for approval. Mr. Averill noted that applicant determined that the full vision should be completed in one step rather than two, following feedback from the workshop.

Todd Erickson, of Redlon Western, reviewed the history of the purchase of the property and confirmed that he believes the project is ready to move forward.

Mr. Hopkinson asked if the applicant's design specialists had a chance to review staff comments.

Mr. Erickson noted that he had not received the email with comments.

Mr. Martin asked if there was a date on the email (Mr. Averill noted that the email was sent last week).

Mr. Johnson clarification as to whether the board is voting on site plan, or approval to combine lots.

Mr. Oxtan noted that Items 4 and 5 of the agenda are together.

Mr. Sunderland asked if vacating the subdivision alleviated concerns regarding paving, which Mr. Averill confirmed was no longer an issue.

Discussion followed as to necessity of paving including an apron to the city road, the options of using pavers or gravel and the difficulty of snow removal with these options. The board further discussed fire safety and agreed that the plan will require further review.

Mr. Hopkinson offered his opinion that he approved of the project, however the applicant should be given the opportunity to review comments by Public Works and the Fire Chief. Mr. Hopkinson suggested the possibility of preparing a waiver for the next meeting.

Mr. Erickson asked the board if they had further comments.

Mr. Hopkinson confirmed that the buildings would have a single owner and be rentals only. Mr. Erickson said all buildings would be mutually owned and funded under one title. The board further discussed setback requirements and landscaping.

**MR. HOPKINSON MOVED TO CONTINUE THE APPLICATIONS BY REDLON WESTERN, LLC, TO THE FEBRUARY 6, 2018 MEETING, TO ALLOW THE APPLICANT TIME TO REVIEW STAFF COMMENTS, SECONDED BY MR. JOHNSON**

**UNANIMOUS APPROVAL**

**Other Business: NONE**

**MR. MARTIN MOVED TO ADJOURN, SECONDED BY MR. JOHNSON.**

**UNANIMOUS APPROVAL**

**MEETING ADJOURNED AT 6:55 PM.**

Minutes prepared by Karly Perry, Recording Secretary.