

A regular meeting of the Bath Planning Board was called on February 6, 2018 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxton, Chair
James Hopkinson, Vice Chair
Russell Martin
Cal Stilphen
Greg Johnson
Andy Omo

MEMBERS ABSENT

John Sunderland

STAFF PRESENT

Ben Averill, City Planner
Karly Perry, Recording Secretary

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

Minutes January 9, 2018, meeting minutes

MR HOPKINSON MOVED, SECONDED BY MR. STILPHEN TO ACCEPT THE MINUTES OF JANUARY 9, 2018.

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

Public Hearing - Request for Contract Rezoning – 2 Chandler Drive (Map 28, Lot 50); McDonald's USA, LLC, applicant. (Continued from the January 9, 2018, meeting)

Item 2

Request for Site Plan Amendment – 2 Chandler Drive (Map 28, Lot 50); McDonald's USA, LLC, applicant. (Continued from the January 9, 2018, meeting)

Mr. Averill, City Planner, announced that the applicant for these items has requested that they be moved to the next regular Planning Board meeting on Tuesday, March 6, 2018.

MR HOPKINSON MOVED, SECONDED BY MR. OMO, TO MOVE THE REQUEST FOR CONTRACT REZONING AND THE REQUEST FOR SITE PLAN AMENDMENT TO THE MARCH 6, 2018 PLANNING BOARD MEETING.

UNANIMOUS APPROVAL**Item 3**

Public Hearing – Land Use Code Text Amendment – Article 9, Section 6.1.3 – Special Purpose Schools (continued from the January 9, 2018 meeting)

Mr. Averill reviewed the previous discussion to change the Land Use Code within the Neighborhood Commercial Zoning District in order to accommodate an existing business.

Graydon Lewis, Owner of Krav Maga Force Maine introduced himself and handed out informational pamphlets to board members before asking if there were any questions from the public

Danielle Eifer asked what was taught at the school, to which Mr. Lewis explained that they teach Krav Maga to military and law enforcement groups, as well as to children.

Louis Galgano, a parent whose children attend the school spoke in support of allowing the school to remain in place, explaining that beyond self-defense, the school is a family friendly activity which they enjoy so much they travel from their home in Livermore Falls.

Mr. Lewis' landlord Kevin Fletcher introduced himself to the board, should they have any questions for him, and apologized for the oversight on his part.

Mr. Oxton opened the meeting up to the public – no public comment.

MR HOPKINSON MOVED, SECONDED BY MR. STILPHEN, TO RECOMMEND TO CITY COUNCIL THE AMENDMENT OF THE LAND USE CODE TO ALLOW SPECIAL PURPOSE SCHOOLS IN THE NEIGHBORHOOD COMMERCIAL DISTRICT.

UNANIMOUS APPROVAL

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 referred the board to information provided to them with a stormwater management plan and maps, provided by Redlon Western, LLC and introduced applicant Todd Erikson.

Mr. Erikson thanked the board and addressed comments received at the last Planning Board meeting, noting that they had accepted all requests from the City, including a stormwater management plan which has been submitted for review by the Board.

Mr. Averill confirmed that these comments were received at the last meeting and went on to address some concerns from the Fire Chief and Public Works Director including trash disposal and sewage/wastewater concerns.

Mr. Hopkinson asked if there was any comment by the City Arborist, to which Mr. Averill noted that Mr. Erikson is seeking conditional approval in lieu of having a completed landscaping plan.

Mr. Johnson asked if there was any depiction at all, or any guarantee to a potential landscaping plan, to which the applicant replied that due to the delay in receiving comments,

all effort was put into those responses and therefor the landscaping design has not yet been finalized.

Mr. Averill noted that to approve the site plan without landscaping is unprecedented.

Discussion followed as to whether or not the application could be found complete and what conditions the plan could be approved with.

Mr. Stilphen stressed to the applicant that landscaping in this location is critical and asked when the board could expect to see a landscape design.

The applicant responded that the landscaper has been waiting for the approval and has been using this time wisely. A landscape plan should be available for the March or April meeting.

The board went on to discuss landscaping around sewer and noted that there is not a large amount of space for landscaping.

Mr. Omo asked about the waivers in regards to solid waste and lighting.

Mr. Erikson commented that because the subdivision is private property, street lighting is not necessary, and continued on to say that the area is heavily lit by abutting properties. Mr. Hopkinson suggested that without buildings in place it may not be clear what lighting will be necessary.

Mr. Hopkinson went on to review the role of the CEO, and that he is satisfied with the waiver for road design as long as the fire chief approves.

Mr. Hopkinson went on to ask for clarification on refuse collection.

The applicant reviewed the plan for individual residences to have a collection area, in addition to a collection point for weekly trash pickup as a town vehicle would not be able to enter the subdivision.

Discussion followed as to the importance of trash and recycling containment as well as landscaping and snow removal.

Discussion followed as to whether the board could find the application complete at this time and went into detail on the waivers and the possibility of a conditional approval.

The applicant stressed that approval is crucial at this point so as not to lose investors, noting that buildings 1 through 4 are already built and awaiting delivery.

Mr. Hopkinson clarified that nothing has been delayed by the Planning Board and that the board is required to follow the codes and ordinances.

Mr. Hopkinson went on to reiterate the importance of landscaping in this location.

Mr. Hopkinson then suggested approving the plan under the condition that no buildings be constructed (including foundation work) and no further building permits issued until a satisfactory landscape plan has been approved.

Discussion followed as to solid waste waivers, and while Mr. Martin suggested that landscaping may address this issue, Mr. Stilphen suggested private waste pickup would be a much more realistic solution, to which the applicant agreed.

Mr. Oxtan opened the meeting up to the public – no public comment.

MR HOPKINSON MOVED, SECONDED BY MR. OMO, TO FIND THE APPLICATION COMPLETE AND APPROVE THE SITE PLAN AND SUBDIVISION APPLICATION WITH THE FOLLOWING CONDITIONS:

- **THAT A NOTE BE ADDED TO THE FINAL PLANS THAT WASTE REMOVAL IS PRIVATE;**
- **THAT EACH UNIT WOULD BE INDIVIDUALLY SPRINKLED;**
- **THAT NO WORK (INCLUDING FOUNDATION WORK), AND NO FURTHER PERMITS ARE TO BE ISSUED UNTIL LANDSCAPING HAS BEEN APPROVED; AND**
- **THAT SITE LIGHTING WILL BE WAIVED AS LONG AS THE INDIVIDUAL ENTRANCES ARE LIGHTED.**

MOTION CARRIES FIVE (5) IN FAVOR AND ONE (1) OPPOSED.

New Business

Item 1

Request for Historic District Approval – 327 Front Street (Map 21, Lot 243); David Povich, applicant

Mr. Averill introduced the request to the Planning Board, and invited the applicant to make his presentation.

David Mattero introduced himself to the board and explained his intent to destroy the metal building that is currently seated 25 feet from the shoreline and to replace it with a building that more closely resembles the main house. The shed is for boat storage with secondary storage and a washroom on the second floor.

Mr. Omo inquired whether the original house held any historical value, to which Mr. Mattero confirmed that it did not and was in fact, unremarkable.

Mr. Oxtan opened the meeting up to the public – no public comment.

MR HOPKINSON MOVED, SECONDED BY MR. JOHNSON, TO FIND THE APPLICATION COMPLETE AS PRESENTED.

UNANIMOUS APPROVAL

MR HOPKINSON MOVED, SECONDED BY MR. JOHNSON TO FIND THAT THE APPLICANTS HAS SATISFIED HISTORIC REQUIREMENTS AND THEREFORE IS APPROVED.

UNANIMOUS APPROVAL

Item 2

Request for Subdivision Amendment – (Map 24, Lots 4, 8, 13, and 15-20); RSU 1, applicant.

Mr. Averill invited the applicant to come forward to present their request.

Kylie Mason of Sebago Technics, representing RSU 1, introduced herself to the board, summarizing that she had previously spoken with the West Bath Planning Board and gained approval to combine the lots which had originally been subdivided and is looking to do the same with the Bath property, including abutting land purchased by RSU1.

Mr. Johnson confirmed that this was simply taking the subdivided lots and combining them to make a single buildable lot, to which Ms. Mason confirmed that this was part of the process necessary in order to begin the process to build the future high school.

Mr. Oxtan opened the meeting up to the public – no public comment.

MR OMO MOVED, SECONDED BY MR. JOHNSON, TO APPROVE THE REQUEST FOR SUBDIVISION AMENDMENT AS PRESENTED.

UNANIMOUS APPROVAL

Ms. Mason asked to leave mylar documents for signing along with DEP paperwork to file.

Item 3

Request for Site Plan Approval – 616 High Street (Map 31, Lot 22); Hyde School, applicant.

Mr. Averill presented the request by Hyde School, clarifying that this project is taking place on private land owned by Hyde School in order to renovate the student center.

Shawn Johnson, Director of Facilities introduced himself to the board and reviewed what Mr. Averill had said that this project is to remodel the student activities center in order to create a larger theater along with other improvements.

Mr. Hopkinson noted that he was satisfied with the presentation but asked for reaction from City staff.

Mr. Johnson noted that there is a mutual agreement between the City and the school, which he does not believe directly impacts the current project.

Lee Leiner, Public Works Director, introduced himself to the Board as having been recently hired by the City of Bath and, in working with Mr. Johnson, had discovered that there is a mutual agreement between Hyde School and the City regarding stormwater management, noting that all drainage lies on City property. Currently the agreement states that the city is responsible for all maintenance while Hyde School is responsible for funding any work to be done. Mr. Leiner stated that this agreement will need to be revisited and updated in the near future.

Mr. Omo asked if theater events would be open to the public and if so, does the school have enough parking to accommodate this.

The applicant was unsure of future plans to open the theater up to public events, but noted that parking on campus was currently insufficient. The applicant does not believe this renovation would further impact it.

Mr. Oxton opened the meeting up to the public – no public comment.

MR HOPKINSON MOVED, SECONDED BY MR. STILPHEN, TO FIND THE APPLICATION COMPLETE.

UNANIMOUS APPROVAL

MR HOPKINSON MOVED, SECONDED BY MR. OMO, TO APPROVE THE APPLICATION AS SUBMITTED AND FIND THAT THE APPLICANT HAS MET HIS BURDEN.

UNANIMOUS APPROVAL

Item 4

Request for Site Plan Approval – Waterfront Setback Reduction Natural Resource Preservation Overlay District – 10 Eagle Point Road (Map 5, Lot 6); Nathan Keppie and Danielle Eifler applicants.

Mr. Averill presented the request for Site Plan Approval noting that this specific request was uncharacteristically complete and should serve as a model for future requests. Mr. Averill commended the applicants for their effort and diligence.

Nathan Keppie and Danielle Eifler stepped forward to review their request, that they had purchased the land because of it's natural beauty, however the lot layout does not lend itself to construction by the current standards. The applicants are asking that setbacks be reduced to minimum requirements to allow them to build a modest home that strives to leave as much natural vegetation in place as practical, noting that the lot had been cleared prior to their purchase. The applicants proceeded to detail the environmental departments, civil engineer,

and city officials that they contacted to seek insight and approval, noting that they edited their plans to meet those suggestions.

Mr. Oxton opened the meeting up to the public – no public comment.

Mr. Martin inquired to the width of the driveway as noted by the fire chief. Mr. Keppie confirmed that the structure would be equipped with sprinklers in order to maintain a low profile with a small driveway. Mr. Hopkinson suggested that this be added as a condition of approval.

MR OMO MOVED, SECONDED BY MR. HOPKINSON, TO APPROVE THE REQUEST FOR SITE PLAN APPROVAL WITH THE CONDITION THAT THE DRIVEWAY CAN BE ANY WIDTH SO LONG AS THE BUILDING IS EQUIPPED WITH A SPRINKLER SYSTEM.

UNANIMOUS APPROVAL

Item 5

Request for Site Plan Amendment – 1 Town Landing (Map 20, Lot 340); City of Bath, applicant.

Mr. Averill presented an application by the City of Bath and advised the board that there is a follow-up letter from Wright Pierce in their packet as well.

Mr. Leiner presented plans to construct a third holding tank at the Bath Water Treatment plant. When asked if this would allow the City to process more waste, Mr. Leiner noted that to the contrary, this would allow the process to be more efficient, essentially eliminating some of the water waste currently removed from the facility.

Mr. Oxton opened the meeting up to the public – no public comment.

Mr. Martin asked about an anaerobic processor in Brunswick.

Mr. Leiner noted that he has not yet been contacted and believes that the business is in the process of restructuring, although the city would entertain working with such a company.

MR. OMO MOVED, SECONDED BY MR. HOPKINSON, TO WAIVE THE REQUIREMENTS FOR RIGHT TITLE OF INTEREST, NEED FOR SURVEY AND TOPOGRAPHY FOR THE SITE, AND FURTHER MOVED TO FIND THE APPLICATION COMPLETE WITH WAIVERS FOR IMPROVEMENTS, LOCATION, TECHNICAL AND FINANCIAL CAPABILITY, AND PERFORMANCE STANDARDS; AND THAT STANDARDS HAVE BEEN MET WITH NO OTHER WAIVERS.

UNANIMOUS APPROVAL

MR. OMO MOVED TO APPROVE, SECONDED BY MR. JOHNSON, TO APPROVE THE SITE PLAN AMENDMENT WITH WAIVERS.

Bath Planning Board
February 6, 2018

UNANIMOUS APPROVAL

Other Business: NONE

MR. OMO MOVED TO ADJOURN, SECONDED BY MR. STILPHEN.

UNANIMOUS APPROVAL

MEETING ADJOURNED AT 8:10 PM.

Minutes prepared by Karly Perry, Recording Secretary.