

A regular meeting of the Bath Planning Board was called on June 5, 2018 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxton, Chair
James Hopkinson, Vice Chair
Russell Martin
John Sunderland
Greg Johnson

MEMBERS ABSENT

Andy Omo
Cal Stilphen

STAFF PRESENT

Ben Averill, City Planner

Mr. Oxton, Chair, called the meeting to order in the third-floor Council Chambers at 6:00 p.m. on Tuesday, June 5, 2018.

Minutes May 1, 2018, meeting minutes

MR HOPKINSON MOVED, SECONDED BY MR. SUNDERLAND TO ACCEPT THE MINUTES OF MAY 1, 2018 AS PRESENTED.

UNANIMOUS APPROVAL**Old Business**

None

New Business**Item 1**

Public Hearing – Land Use Code Amendment – Article 2 – Elizabeth Knowlton, applicant

Mr. Averill reviewed the request to amend the definition of “bed and breakfast” within the Land Use Code (Article 2.02, Page 3). Proposed verbiage has been altered from original applicant request under the recommendation of the City Solicitor. The proposed amendment includes text that is crossed out with the intention of being deleted and underlined text to be added. The proposed text would remove the language that the occupied by the owner as his/her primary place of residence, and language would then be added that the dwelling must be occupied as the owner or resident manager as his/her principal place of residence. Mr. Averill then continued to explain the procedure required if the amendment is to be approved.

Mr. Johnson confirmed that there would be public comment.

Mr. Oxton opened the floor to public comment.

Ms. Knowlton introduced herself as the owner of the Inn at Bath on Washington Street and explained her intent to amend the Land Use Code to make her property more marketable, noting that surrounding municipalities allow for the owner not to live on-site. Ms. Knowlton further noted that for larger bed and breakfasts, this would allow flexibility for owners who employ a manager to run the inn.

Mr. Sunderland asked Mr. Averill if he has any knowledge of the policies of surrounding areas as Ms. Knowlton had mentioned.

Mr. Averill confirmed that this amended verbiage is similar to what other communities allow. During staff review the City Solicitor recommended the term “resident manager”.

Mr. Martin asked Mr. Averill if the state has requirements relating to this in terms of licensing. Mr. Martin also noted that there is some other language in the ordinance that should be underlined compared to the existing definition.

Mr. Averill stated that he does not know if the State has any preferences

Conversation followed regarding the practices of a bed and breakfast and home occupation, and the impact this change may have specifically on the R1 district.

Mr. Hopkinson asked if there is anything the board should be looking at from a planning perspective and further reflected on the difference between home occupation and manager-operated businesses in terms of planning.

Discussion followed regarding public input, noting that a public hearing was advertised and no members of the public attended to voice opinions.

Mr. Averill advised the board that there were multiple ways to review this request: that the revision may not meet the intent of the Comprehensive Plan, or that an ordinance change may alter the intent of use.

Discussion followed regarding whether the agenda item should be tabled.

MR. SUNDERLAND MOVED, SECONDED BY MR. MARTIN, TO FIND THE APPLICATION COMPLETE

UNANIMOUS APPROVAL

Mr. Martin pointed out that under the land use table, home occupation B and bed and breakfasts are all allowed in the residential zones with site plan review and appear to be treated generally the same.

MR. SUNDERLAND MOVED, SECONDED BY MR. MARTIN, TO TABLE THE SUBMISSION UNTIL JULY 10, 2018 AND REQUEST THAT STAFF RESEARCH INFORMATION INCLUDING THE CODES ENFORCEMENT OFFICER ON THE DIFFERENCES BETWEEN OWNER- AND MANAGER-RUN BED AND BREAKFASTS, TO REPORT TO THE BOARD TO RECONSIDER WITH THIS INFORMATION.

UNANIMOUS APPROVAL

Ms. Knowlton interjected, describing the process of converting a private home to a bed and breakfast including licensing and construction, impressing on the board that running a bed and breakfast is by no means a supplemental income.

Item 3

Request for Site Plan Approval and Contract Rezoning – 8 State Road (Map 31, Lot 65); Mark Sewall, applicant

Item 2

Public Hearing – Request for Contract Rezoning – 8 State Road (Map 31, Lot 65); Mark Sewall, applicant

Mr. Averill reviewed the request to create two separate structures. In those structures would be a 1600 sf laundromat, a 3400 sf exercise center, and a 3100 sf brewery and tasting room. The property is located in the C4 zone which does allow for contract rezoning. The applicant is proposing landscaping and screening and will also need contract rezoning to meet lawn and setback requirements. Mr. Averill also reviewed a response from Public Works on the project and a response from the applicant on wastewater management which has not yet been reviewed by Public Works due to staffing time constraints.

Mr. Sunderland commented that receiving a page of detailed information at the time of the meeting does not allow board members to properly digest and respond to information.

Discussion followed as to whether the board could find the application complete as presented.

Mr. Martin stated that it would be easier for the board to review an application once all comment and review has been finished by both parties.

Mr. Sunderland suggested that the board review what they can of the application, excluding information presented at the meeting to allow the applicant as much feedback as possible.

Mr. Oxtan confirmed that this is acceptable to the applicant.

Mr. Dewick of Pine Tree Engineering agreed that this is acceptable. Mr. Dewick went on to introduce the project and present illustrations on the project including abutters Cahill Tires, Mail It 4 U and Hawkes Greenhouse, VIP and BIW parking, as well as a significant amount of wetland. There was a 2100 sf building being used by Bath Bus which has recently been demolished. Mr. Dewick noted there are some culvert and drainage issues which will be addressed. He then went on to review the proposed footprint of the desired buildings which includes 37 parking spaces which will compromise yard area, very similar to neighboring properties have in place.

Mr. Dewick went on to review a grading plan for the property as well as storm water treatment and distribution plans.

Mr. Oxtan confirmed there is a proposed sidewalk which the applicant is now looking to eliminate, noting that there are no other sidewalks on that side of the road

Mr. Averill stated that the City would prefer to have a sidewalk at this property, although current plans are to build a sidewalk on the opposite side of the road.

Mr. Sunderland asked if the change in grade would impact abutting properties.

Mr. Dewick confirmed that in addition to the wetlands, there will be a large amount of grassed area which will improve storm water absorption and he does not believe there will be any impact on neighboring properties.

Mr. Johnson asked if there was an easement for grading beyond the southern property line.

Mr. Dewick noted that there has not been a discussion with the neighboring property owner, however the area is currently gravel and grading would be a presumed improvement.

Mr. Sewall noted that this land is owned along with the hotel and the encroachment was discovered during the survey. Mr. Sewall confirmed he has talked with the owner, although not specifically regarding grading, adding that the property owner had no interest in selling any of the land.

Mr. Johnson asked why the cement to the left of the property sketch is not being removed.

Mr. Dewick responded that the pad was previously for an oil tank containment and there is no need to remove it at this time. After some conversation by the board Mr. Dewick reasoned that the area is not significant enough to take advantage of.

Mr. Johnson asked if DEP has reviewed the wetland, to which the applicant referred to a letter from the DEP in the packet, noting an NRPA permit will be included as well. Mr. Johnson also discussed the distance of the buildings to the wetlands and whether that distance could be expanded.

Discussion followed regarding the parking lot waiver, which has the appropriate amount of spaces but is smaller in size and lacking in green area.

Mr. Hopkinson asked how far along the applicant is on landscaping.

Mr. Averill noted that there should be comments from March 22 by the City Arborist, but noted the applicant is requesting landscaping waivers.

Mr. Dewick noted that he has not seen landscaping comments either.

Mr. Sunderland noted that the perceived comments are that more detail is necessary.

Mr. Hopkinson noted his concerns with drainage including the possibility for a drainage easement, as well as comments from Public Works and the need for staff reactions. Mr. Hopkinson also commented on his desire for more information regarding a sidewalk as well as a complete landscaping plan and possible landscaping easement for adjacent property.

Mr. Dewick expressed his concerns on delaying Planning Board approval until July.

Discussion followed on possibly hearing the request again at the Planning Board Workshop on June 19.

Further discussion followed regarding improvements to the plan including sidewalk options and repositioning greenery to the front of the property (as long as the wetlands are not impacted), as well as lighting and the need for a photometric plan.

MR. HOPKINSON MOVED, SECONDED BY MR. MARTIN TO CONTINUE THE REQUEST FOR SITE PLAN APPROVAL AND CONTRACT REZONING TO THE NEXT AVAILABLE MEETING.

UNANIMOUS APPROVAL

Item 4

Request for Historic District Approval – 329 Front Street (Map 26, Lot 242); Poe Cilley, applicant

Mr. Averill reviewed the application for Historic District approval to modify the structure to construct a garage, as well as to remove and replace a portion of the house in the back, with a covered porch and a walkway at the front of the house. Mr. Averill went on to introduce the applicant for questions and noted a recommendation in the packet from a third party review of the application.

Ms. Cilley reviewed for the board her motivation for the requested changes: to accommodate her handicapped father who will be residing with her at the property. Ms. Cilley went on to credit her architect, whom Ms. Cilley hired specifically for her experience in restoring several (local) historic homes in order to respect the historical value of the building. Ms. Cilley noted concerns by the third part reviewer in her choice of siding, to which Ms. Cilley has brought a sample for the board should they have concerns, explaining that the product (a pressure-treated natural wood) was chosen for its durability. Ms. Cilley went on to note the condition of two chimneys on the house, which she intends to rebuild from the roofline up in order to keep the historic silhouette. Windows from the house will not be replaced rather they will be reconditioned and re-glassed as a necessary. Gabled windows in the attic currently do not meet code safety requirements and will need to be replaced entirely with a safer option as best can be matched to retain the integrity of the façade.

Mr. Martin noted the egress requirement on the gables is far more important than historic accuracy.

Mr. Oxtan opened the floor to public comment. Hearing none, Mr. Oxtan closed the public session.

Mr. Johnson noted his concern for the garage windows which are shuttered to the front of the building, but not the side. This difference will be visible approaching the building from the north, to which Mr. Johnson suggested that it may be better to not have shutters on the front of the building and more modest windows to match the sides.

Mr. Hopkinson agreed with Mr. Johnson's insight, but noted that he is satisfied with the application as is.

Ms. Cilley noted that she is agreeable to add shutters to the sides of the garage for continuity.

Mr. Sunderland also complimented Ms. Cilley on the completeness and attention to detail on her application.

MR. HOPKINSON MOVED, SECONDED BY MR. SUNDERLAND TO FIND THE APPLICATION COMPLETE AND APPROVE THE REQUEST FOR HISTORIC DISTRICT APPROVAL SUBJECT TO THE CONDITION THAT SHOULD THE APPLICANT DECIDE DURING CONSTRUCTION TO ADD SHUTTERS TO THE NORTH SIDE OF THE GARAGE THAT THIS WOULD ALSO BE APPROVED.

UNANIMOUS APPROVAL

Item 5

Request for Pre-application Workshop – Wing Farm Parkway (Map 24, Lot 5); Spaceman Self Storage, LLC, applicant

Mr. Averill reviewed the request, noting that this is a workshop and no action will be taken tonight. The applicant is proposing a three story, 13,000 sf storage facility with parking for five vehicles as well as shared spaces on the adjacent lot. Due to the nature of the workshop, there are limited items available in the board packets.

Mr. Clark of Sitelines reviewed the project, which is a continuation of a previous plan for storage units, and gave an overview of the property with several other buildings. Mr. Clark went on to discuss the general building layout, plans for storm water management, and grading of the lot.

Mr. Hopkinson asked about the access point, which is already constructed along with a prepped gravel area for the previously proposed storage area. Mr. Hopkinson also followed up on what and if multiple plans had been recorded, confirming that the board most likely will need to sign new Mylar plans.

Mr. Oxton asked who the parking is shared with, which is not the dance studio but rather the former CED building. On-site parking has not been reduced; rather this shared parking is supplemental.

Mr. Johnson asked for clarification on drainage; including flat-roof drainage (applicant noted the roof will have a slight pitch).

Mr. Clark asked if the board had any concerns on the general layout of the building.

Mr. Hopkinson asked if there are any parking requirements on the property, to which the applicant responded that this would be subject to the opinion of the board. Mr. Hopkinson followed up that he would like comparable information from similar buildings, as well as a plan for signage to the building, and also inquired as to landscaping plans (which have not yet been considered).

Mr. Oxton commented that the applicant will need to be mindful of property lighting.

Other Business

Mr. Averill confirmed the July meeting has been pushed back a week to July 10 to accommodate the holiday and asked for the board's preference as to receiving a packet on July 2 or the week prior (June 26) noting that the agenda should have at least 3 or 4 and as many as 6 items. The board agreed that a week prior is acceptable.

Mr. Hopkinson reaffirmed that the board would prefer not to receive information the night of the meeting as it is not possible to comfortably approve projects without notice.

MR. HOPKINSON MOVED TO ADJOURN, SECONDED BY MR. JOHNSON.

UNANIMOUS APPROVAL

MEETING ADJOURNED AT 8:31 PM.

Minutes prepared by Karly Perry, Recording Secretary.