

A regular meeting of the Bath Planning Board was called on September 11, 2018 for the purpose of conducting regular business.

**MEMBERS PRESENT**

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

**MEMBERS ABSENT****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, September 11, 2018.

**Minutes August 7, 2018, meeting minutes**

**MR. HOPKINSON MOVED, SECONDED BY MR. OMO, TO ACCEPT THE MINUTES OF AUGUST 7, 2018 AS PRESENTED.**

**UNANIMOUS APPROVAL****Old Business**

None

**New Business****Item 1**

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

Mr. Oxton announced that this item has been moved to the end of the meeting.

**Item 2**

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

Mr. Averill reviewed the information packet and introduced David Matero on behalf of the applicant, noting that the board has previously reviewed this application for which the applicant is submitting revisions.

Mr. Matero of David Matero Architecture reviewed changes to the original plan which includes a more defined second floor with two bedrooms, which has caused design changes to dormers and window design. Mr. Matero presented side-by-side comparisons of both the previous and proposed designs.

With no questions from the board, Mr. Oxton opened the floor to public comment. Hearing none, Mr. Oxton closed the Public Comment session.

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

**UNANIMOUS APPROVAL**

**MR. HOPKINSON MOVED, SECONDED BY MR. JOHNSON, TO APPROVED THE REQUEST FOR HISTORIC DISTRICT AMENDMENT.**

**UNANIMOUS APPROVAL**

**Item 3**

**Request for Historic District Approval – 1054 Washington Street (Map 21, Lot 8); Carolyn Lockwood, applicant**

Mr. Averill reviewed the application by Ms. Lockwood to renovated her home in order to bring the structure more in line with its original appearance.

Ms. Lockwood provided the board with handouts showing proposed improvements, then detailed plans to remove vinyl siding and insulation, then repair and repaint exposed siding and trim. Ms. Lockwood is also planning to replace the current windows with more historically accurate windows on the first and second floor, as well as to replace the current bulkhead. In addition, Ms. Lockwood is intending to eventually replace the outside doors of the building and provided the board with specs of the proposed replacements.

Mr. Hopkinson confirmed that Ms. Lockwood is withdrawing 4a and 4b from her plan.

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

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

**UNANIMOUS APPROVAL**

**MR. HOPKINSON MOVED, SECONDED BY MR. OMO, TO APPROVED THE APPLICATION AS AMENDED, WITHDRAWING 4A AND 4B.**

**UNANIMOUS APPROVAL**

**Item 1**

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

Mr. Averill reviewed the request for site plan amendment on a subdivision approved at the February meeting (with landscaping approved in May). The amendment is to reduce the density from 7 houses to 4 houses. Mr. Averill further referenced a memo dated September 8, and advised the board to review the memo as well as the R1 setback requirements (Section 10.34).

Mr. Sunderland expressed his objection to receiving information at the meeting, as the board does not have time to review information prior to discussion.

Mr. Hopkinson confirmed that the board would not be making any determination on the memo itself. Mr. Hopkinson also asked if the determination was that the original approval of the subdivision was fraud.

Mr. Averill clarified that the original approval is valid and that the applicant is making the choice to amend the density based on other factors.

Greg Shinberg of Shinberg Consulting, LLC introduced himself on behalf of the applicant, then reviewed the altered plans; noting that market conditions, as well as other reasons, have caused his client to reconsider the project density. Mr. Shinberg went on to state that his belief is that all setbacks have been met, then offered comparisons between the proposed buildings and surrounding structures. Mr. Shinberg reviewed adjustments to the layout of the building, also noting his previous experience designing for tight, urban areas and highlighting the energy efficient design of the buildings.

Mr. Martin referred to a letter dated August 30 referencing plans dated August 30, noting that the plans presented are dated August 6.

Mr. Shinberg acknowledged that he sent the previous plan by mistake, then confirmed that the plan being presented was indeed the most current plan.

Mr. Averill confirmed that all comments from City staff have been addressed by the applicant.

Mr. Hopkinson reviewed the landscaping plan, noting that there is no landscaping on the eastern side of the project.

Mr. Shinberg explained that the area is fairly wet, making it difficult to landscape, but assured the board that it will be bermed down, assuring the board that the area is heavily screened by abutting property.

Mr. Hopkinson asked if there were concerns from public works regarding stormwater.

Mr. Shinberg confirmed that the stormwater plan has been recalculated and revised appropriately.

Mr. Omo asked if this application is being reviewed as single-family housing.

Mr. Averill clarified that in lieu of appropriate land use categorization, the applicant is proposing that the standards for "other use" be applied, as this subdivision is not single-family nor is it duplex housing.

Mr. Hopkinson noted previous discussion that landscaping will be outside of the fence, noting that the fence should be moved in to allow landscaping on the property line.

Mr. Shinberg confirmed the intent to keep landscaping within the property line, discussion followed regarding the plans and the exact location of landscaping and fencing, determining that the plants will be jogged inside and outside of fencing to add interest.

Mr. Martin asked if there was any consideration to match landscaping with the neighboring hotel.

Mr. Shinberg noted the applicant's preference to not match the hotel for a more residential look.

Mr. Sunderland clarified concerns are not with the fence or landscaping, but more so the accuracy of the plans.

Discussion followed regarding the fencing and landscape design, and the board agreed that the note regarding fencing on the plans should be removed.

Mr. Sunderland confirmed the setbacks for single-family (10 feet), versus other use (20 feet) and also confirmed that there are no other changes besides the setback reduction (there are not).

Discussion followed regarding stormwater management.

Mr. Oxtan opened the floor to public comment.

Mason Loveitt, of 79 Richardson Street, introduced himself as an abutter to the project and expressed his concerns with the previous approval, as well as his objection to having fencing/landscaping on the shared property line. Mr. Loveitt also noted that the area is not well screened and also expressed concerns over the proposed reduction in setback.

Mr. Oxtan confirmed that State law does allow for fencing to be placed on a property line, however maintenance and servicing must be done from the owner's property as they are not allowed to trespass in order to provide for maintenance.

Seeing no further public comments, Mr. Oxtan closed the floor to public comment.

Discussion followed regarding whether or not there is fencing proposed on Mr. Loveitt's property line, to which the board determined there is not.

Mr. Sunderland agreed with Mr. Loveitt's determination that landscaping requirements have not been satisfied in the eastern portion of the plan.

Mr. Shinberg rebutted that the intent is to allow for green space as a common area, also noting that Mr. Loveitt's property is elevated from his. Further discussion followed with Mr. Shinberg agreeing that trees could be added alongside Mr. Loveitt's property to provide screening.

Mr. Oxtan went on to review the individual requirements set forth in Section 10.34, with all requirements in compliance except for the following:

10.34 D 1. – Mr. Shinberg confirmed that landscaping will need to be added.

10.34 D 3. – Discussion followed regarding parking requirements. The applicant agreed to add “No Parking” signage where appropriate.

Mr. Hopkinson asked if there were plans to create a condominium association (and requested that the plan note that the association will be responsible for maintaining fencing and landscaping) so that it may be recorded in the Registry of Deeds.

In further discussion regarding landscaping, Mr. Sunderland argued that the City Arborist will not be able to determine compliance in regards to 10.34 D 5., therefore plans will need to be reviewed by Mr. Averill as well as the arborist.

Mr. Sunderland suggested that this business item be tabled until revisions have been made.

Mr. Shinberg expressed his concerns that he had not received staff comments and other information in a timely fashion.

Mr. Hopkinson summarized the following board requests:

- Submit final updated plans
- Submit confirmation from Public Works regarding waste water plans
- Submit clarification on placement of fencing and planting locations along perimeter
- Add note to plan regarding unit owner’s maintenance responsibility (Mr. Shinberg offered to draw up a maintenance plan as well for clarification)
- Applicant must address screening on east side of property
- Submit detail on building designs to City Planner
- Applicant must address no parking areas with signage

**MR. SUNDERLAND MOVED, SECONDED BY MR. OMO, TO CONTINUE THE REQUEST FOR SITE PLAN AMENDMENT TO THE OCTOBER MEETING OF THE PLANNING BOARD.**

**UNANIMOUS APPROVAL**

**Other Business**

Mr. Oxtan asked for clarification on rules regarding the deadline for receiving materials.

Mr. Averill confirmed deadlines and noted that deadlines have been pushed back to give the city more time for review.

Discussion followed regarding setting a workshop to amend timelines to receive material, the board agreed not to hold a workshop at this time.

**MR. HOPKINSON MOVED TO ADJOURN, SECONDED BY MR. OMO.**

**UNANIMOUS APPROVAL**

**MEETING ADJOURNED AT 7:05 PM.**

Minutes prepared by Karly Perry, Recording Secretary.