

A regular meeting of the Bath Planning Board was called on February 5, 2019 for the purpose of conducting regular business.

MEMBERS PRESENT

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

MEMBERS ABSENT

Bob Oxtan, Chair
John Sunderland

STAFF PRESENT

Ben Averill, City Planner
Karly Perry, Recording Secretary

Mr. Hopkinson, Vice Chair, called the meeting to order in the third-floor Council Chambers at 6:00 p.m. on Tuesday, February 5, 2019.

Minutes January 8, 2019, meeting minutes

MR. STILPHEN MOVED, SECONDED BY MR. MARTIN, TO ACCEPT THE MINUTES OF JANUARY 8, 2019 AS PRESENTED.

UNANIMOUS APPROVAL**Old Business**

None

New Business**Item 1**

Public Hearing – Land Use Code Amendment – Article 18 and Article 11; Performance Standards, specific activities and land uses as related to establishing marijuana legislation.

Mr. Hopkinson introduced the Land Use Code amendments and asked the board that the item be moved to the end of the agenda, to which the board agreed.

Item 2

Public Hearing – Land Use Code Amendment – Request for Contract Rezoning and Site Plan Amendment – 432 Centre Street (Map 29, Lot 7); J Elwell, LLC, applicant.

Mr. Averill reviewed the request for rezoning and site plan amendment, stating that the applicant had previously been approved by the Staff Review Committee for a change of use to allow for an office to relocate into the structure on the property. Mr. Averill also noted that the previous site plan approval reconfigured the existing pavement to allow for the required number of parking spaces. Mr. Averill stated that the current proposal would adjust the number of parking spaces, as well as to increase the size of the front porch. Mr. Averill also noted that the project is in the C4 Zone and qualifies for contract rezoning, and also stated that the application has been reviewed by staff.

Mr. Stilphen asked if drainage questions brought by Public Works had been resolved to their satisfaction.

Mr. Averill presented responses by the applicant as well as Public Works, but stated that there may still be some concerns by Public Works.

Discussion followed regarding the site plan and the completeness of the application.

David Matero, Architect, introduced himself and reviewed the project noting that there will not be much in the way of actual site work other than moving the driveway and widening from ten feet to twenty feet, as well as adding two parking spaces at the existing grade with erosion control. Currently, there is a ramp that would be replaced with a new ramp as well as stairs. Mr. Matero went on to review the lighting plans for the property, noting improvements to the façade and reiterated that the site work will be minimal, and that he chose not to update the site plan as a cost saving measure for his client.

Mr. Hopkinson reviewed the paving, confirming that the final driveway will be repaved.

Mr. Matero expressed a desire by his client to repave the abutting property's driveway as well.

Mr. Stilphen noted concern by the Public Works Director regarding drainage, to which the applicant reviewed the current path of drainage, as well as possible improvements to drainage contingent on approval by the abutter.

Mr. Hopkinson opened the discussion up to the public.

Wendy Johansen, of Centre Street, introduced herself as the abutting property owner and stated that she has had no discussion with the applicant. She went on to state that her son, whom she has Power of Attorney for, owns the other property abutting the project and that both properties are currently for sale. Mrs. Johansen continued on to note several instances where both abutting properties were inaccessible due to construction vehicles, despite easement guidelines and promises to the contrary at prior public hearings. She also stated that the sewer line runs down the center of the driveway and may be impacted by the increased heavy vehicle traffic. Mrs. Johansen continued on to raised concerns regarding proposed setbacks, noting the impact this would have on the marketable value of her properties, which have already been affected by prior zoning changes.

Mr. Hopkinson acknowledged Mrs. Johansen's concerns and clarified the roles of both Planning Board and Codes Enforcement regarding parking issues

With no further comments, Mr. Hopkinson closed the discussion to the public.

Mr. Omo asked the applicant to review the current paving plan, to which the applicant reviewed the existing driveway, the approved improvements and the proposed improvements.

Discussion followed regarding setbacks and a town-owned parcel near the project.

Mr. Matero confirmed that the parking will be striped and agreed that signage may be appropriate to prevent parking outside of designated areas.

Mr. Martin asked about handicap parking, which is not required, and whether the applicant had considered locating parking behind the structure.

Jennifer Elwell, property owner, spoke to the frequency of traffic at the site with three employees and an average of three customers daily.

Discussion followed regarding the storm water plan and the concerns of the Public Works Department, as well as the usefulness of topographical notes to site plans.

Mr. Johnson confirmed that no signage has yet been decided, and confirmed that waste removal will be through a private service with no dumpster on site.

MR. OMO, SECONDED BY MR. JOHNSON, MOVED TO FIND THE APPLICATION COMPLETE IN ANTICIPATION OF WAIVER FOR STORMWATER PLAN.

UNANIMOUS APPROVAL

MR. OMO, SECONDED BY MR. STILPHEN, MOVED TO RECOMMEND THE REQUEST FOR CONTRACT REZONING FOR 432 CENTRE STREET TO THE CITY COUNCIL FOR APPROVAL.

UNANIMOUS APPROVAL

MR. OMO, SECONDED BY MR. JOHNSON, MOVED TO APPROVE THE REQUEST FOR SITE PLAN AMENDMENT WITH THE FOLLOWING CONDITIONS:

- **THAT THE APPLICANT SUBMIT ADDITIONAL DRAWINGS, IF ANY, TO INCLUDE TOPO AND ADDITIONAL INFORMATION SUFFICIENT FOR THE PUBLIC WORKS DIRECTOR TO APPROVE DRAINAGE.**
- **THAT THE APPLICANT ADD ADEQUATE SIGNAGE AND STRIPING TO THE EASTERN EDGE OF THE PARKING LOT TO CLARIFY THE BOUNDARY.**

UNANIMOUS APPROVAL

Item 3

Request for Final Subdivision Approval – Prospect Street (Map 20, Lot 121); MECAP, LLC, applicant.

Mr. Averill announced that the applicant has requested a continuance to the March meeting.

MR. STILPHEN, SECONDED BY MR. MARTIN, MOVED TO CONTINUE THE FINAL SUBDIVISION APPROVAL.

UNANIMOUS APPROVAL

Mr. Martin asked if studies conducted by the City's Public Works Department on drainage were available to the public, noting that he would be interested in reviewing them.

Item 4

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

Mr. Averill reviewed the request for site plan amendment for the purpose of adjusting the design of the houses, which will require review of the R1 setback plan, adopted in order to relax the setback requirements because the subdivision is considered an "other use".

Greg Shinberg, representative for Redlon Western introduced himself and the property owner to the board. He then continued to review the progress on the project and stated that the applicant is asking to remove windows from both the bedrooms and garage for both furniture placement as well as privacy. Mr. Shinberg also reviewed improvements planned to add glass windows to the doors in order to neutralize the loss of windows. He went on to say that there are no changes to the size of the building, however due to the low pitch of the roof he is requesting that the board approve the use of a rubber roof, as both metal and shingled roofs would not be suitably warrantied. Mr. Shinberg also conceded that the pitch could be adjusted if necessary, although in his opinion it would impact the modern look of the project. Mr. Shinberg concluded his presentation by reviewing the fencing and position of the stop sign, requesting that the height of fencing near the intersection be increased for privacy and soundproofing.

Mr. Stilphen asked if the increased height would impact the line of sight, to which the applicant stated it would not.

Mr. Johnson asked if the landscaping had changed, which it had not.

Mr. Hopkinson reviewed the fence, which is not a straight line, and discussed which plants are on the inside and outside of the fencing.

Mr. Averill confirmed that the plan has previously been approved by the City Arborist. Discussion followed regarding the landscaping to the proposed eight foot portion of fencing.

Mr. Omo recommended that a planned shrub be replaced with a taller plant to compensate for the slightly taller fence, to which the applicant agreed.

Mr. Stilphen asked for clarification on the warranty of roofing, to which discussion followed regarding roofing materials and the durability of the buildings to withstand snow, which would most likely not melt from the roof due to the energy efficiency of the buildings.

Mr. Shinberg went on to review the drainage off rooftops, which vary with the pitch.

Mr. Hopkinson opened the discussion up to the public.

Mason Loveitt, abutting property owner, voiced his displeasure at the previously approved boundary easements, noting that he does not believe he received proper notice from the applicant. He then went on to state that due to the elevation of his and neighboring properties, the roofing will be visible, citing the height and elevation of the local businesses with similar roofs which are not an issue. Mr. Loveitt restated that the applicant has the ability to change the pitch of the roof. He then concluded by stating that he is looking forward to the project moving forward and its completion.

Mr. Averill thanked Mr. Loveitt for his comments and confirmed that the applicant has requested a waiver which has not yet been approved and asked him to notify the Planning Department prior to meeting if he believes he has not received proper notification.

Discussion followed regarding the land use code and previous project approvals.

Mr. Hopkinson closed the discussion to the public.

Mr. Shinberg presented photos of neighboring houses with flat roofs noting that while they do not currently have rubber roofs, they would most likely be recommended when it is time for replacement.

Mr. Johnson asked if the roof is available in other colors and if a lighter color may be more acceptable to Mr. Loveitt, which it would not.

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

UNANIMOUS APPROVAL

Discussion followed regarding roof pitch and material, as well as the prior project approval of the low roof pitch.

MR. OMO, SECONDED BY MR. JOHNSON, MOVED TO DENY THE REQUEST FOR WAIVER FOR MAP 31 LOT 69, BY REDLON WESTERN, LLC.

UNANIMOUS APPROVAL

MR OMO, SECONDED BY MR. JOHNSON, MOVED TO APPROVE THE REQUEST FOR SITE PLAN AMENDMENT FOR 10.34.C.2 FOR WINDOWS AND TO APPROVE THE CHANGE TO THE FENCE TO AN EIGHT FOOT HEIGHT WITH THE CONDITION THAT THE DOUGLAS ARBOR BE EXCHANGED FOR A MORE SUBSTANTIAL TREE APPROVED BY THE CITY ARBORIST

UNANIMOUS APPROVAL

Item 5

Request for Site Plan Approval – 616 High Street (Map 31, Lot 22); Hyde School, applicant. Mr. Averill reviewed the previous approval on the project, which has lapsed and therefore must be requested again, noting that the applicant has made minor changes to the improvements.

Shawn Johansen introduced himself to the board and reviewed the changes to the original plan, including the removal of a proposed addition to the north side of the building in order to reduce the cost of the project. The applicant noted that he is requesting a one year approval.

Mr. Hopkinson confirmed that the Planning Board can only grant a six-month extension, which coupled with the six month approval, will give the applicant a year to begin work. Mr. Hopkinson then confirmed that the previous approval was not conditional.

Mr. Stilphen confirmed that the applicant has addressed concerns of the Public Works Department, which they have.

Mr. Johansen stated that the project has been reduced over all by 2000 square feet.

Mr. Martin observed that the storm water plan was revised in December.

Mr. Hopkinson opened the floor to public comment. Seeing none, Mr. Hopkinson closed the floor to public discussion.

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

UNANIMOUS APPROVAL

MR. OMO, SECONDED BY MR. JOHNSON, MOVED TO APPROVE THE REQUEST FOR SITE PLAN APPROVAL BY HYDE SCHOOL.

UNANIMOUS APPROVAL

MR. OMO, SECONDED BY MR. MARTIN, MOVED TO APPROVE THE SIX MONTH EXTENSION.

UNANIMOUS APPROVAL

Item 6

Request for Extension of Site Plan Approval – 10 Eagle Point Road (Map 5, Lot 6); Nathan Keppie and Danielle Eifler, applicants.

Mr. Averill reviewed the request for extension, recalling that the applicant was granted a previous extension, however there have been issues securing contractors. Mr. Averill also noted that the City Solicitor has confirmed that applicants are eligible for multiple extensions.

Mr. Martin recalled the completeness of the original application.

MR. MARTIN, SECONDED BY MR. JOHNSON, MOVED TO APPROVE A SIX MONTH EXTENSION OF SITE PLAN APPROVAL.

UNANIMOUS APPROVAL

Item 1 (continued)

Public Hearing – Land Use Code Amendment – Article 18 and Article 11; Performance Standards, specific activities and land uses as related to establishing marijuana legislation.

Mr. Averill reviewed the proposed Land Use Code amendment as discussed at Planning Board workshops, noting that the purpose of the Public Hearing is to seek input and possible recommendation to council. He then noted that the agenda item was pushed back in order to allow more public input, as well as input from board members. City Staff has reviewed the articles and the City Solicitor is currently reviewing articles. Mr. Averill also noted that due to time constraints, the land use table was omitted, but could certainly be added if the board wishes to postpone the item further.

Mr. Omo asked what the time frame would be to add material, citing concern from the public that the amendment has already been delayed.

The board agreed to postpone to the March Planning Board meeting in order to include the land use table and allow for public comment.

Other Business: None

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

UNANIMOUS APPROVAL

MEETING ADJOURNED AT 8:03 PM.

Minutes prepared by Karly Perry, Recording Secretary.