

A regular meeting of the Bath Planning Board was called on April 2, 2019 for the purpose of conducting regular business.

**MEMBERS PRESENT**

Bob Oxton, Chair  
James Hopkinson, Vice Chair  
Andy Omo  
Greg Johnson  
John Sunderland

**MEMBERS ABSENT**

Cal Stilphen  
Russell Martin

**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, April 2, 2019.

**Minutes March 5, 2019, meeting minutes**

**MR. HOPKINSON MOVED, SECONDED BY MR. MARTIN, TO ACCEPT THE MINUTES OF MARCH 5, 2019 AS PRESENTED.**

**UNANIMOUS APPROVAL****Old 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. (Continued from the March 5, 2019 meeting)

Mr. Averill, City Planner, announced that the Public Hearing has been postponed as decided at the workshop prior to the current meeting, noting that the language in the original amendment has changed substantially. The board will review further recommendations at a workshop on Tuesday, April 16, 2019 at 5:30 p.m., to which the public is welcome to attend.

Mr. Oxton then stated that the new business items would be moved ahead of old business.

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

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

Mr. Averill reviewed the application and then announced that the applicant has requested a continuance as she has substantially changed the design of the modifications to the existing structure due to financial constraints. The applicant has submitted a new plan to be reviewed by the Historic District Committee as only minor modifications to the structure are now proposed. After this review the applicant will reschedule with the Planning Board if necessary.

**MR. SUNDERLAND MOVED, SECONDED BY MR. HOPKINSON, TO CONTINUE.**

**UNANIMOUS APPROVAL**

**Item 2**

**Request for Historic District Approval – 1115 Washington Street (Map 21, Lot 189); Jacob Ackerman, applicant.**

Mr. Averill reviewed the application including a detailed write-up by the peer reviewer. The applicant is requesting to tear down the carriage house on his property, to which review notes it is not only in a state of disrepair, but also significantly modified from the original structure.

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

**UNANIMOUS APPROVAL**

Mr. Oxton opened to item to public comment.

Michael Mason of Washington Street, abutter, noted that the applicant has owned the property for years, noting the lack of property upkeep. Mr. Mason asked that the applicant remove the foundation as well as loam and reseed the land after removal of the structure. Mr. Mason also asked that the applicant remove the various propane tanks and unregistered vehicles from the property.

Mary Caron of Washington Street, abutter, expressed her concerns regarding wildlife living in the building to be demolished and the displacement of those animals into the neighborhood.

Richard Kessler of Washington Street reviewed the building as historical and emphasized that the building and property requires significant upkeep. Mr. Kessler reiterated Ms. Caron's concerns regard the wildlife residing on the property and asked that the board ask the applicant his intentions for the property.

Mr. Oxton closed the public comment session.

Mr. Oxton noted that many of the comments were not matters for the Planning Board and would need to be addressed by Code Enforcement.

Mr. Stilphen noted that the application states that the foundation will be filled, to which the applicant confirmed that the building would be knocked in, removed and the remaining foundation and fill would be leveled to grade.

Mr. Hopkinson suggested adding a requirement for the removal of the foundation and addition of loam and seeding, as well as a review by the Animal Control Officer.

Jacob Ackerman, applicant, agreed that this could be accomplished; however removing the foundation would add a cost increase to his client.

Mr. Omo asked if an erosion control plan was required.

Mr. Averill confirmed that no erosion control plan nor other aspects of a site plan review is required as this is an historic review only.

Discussion followed regarding whether to deny the application or approve conditionally.

**MR. HOPKINSON MOVED TO APPROVE, SECONDED BY MR. OMO, TO APPROVE THE APPLICATION SUBJECT TO THE FOLLOWING CONDITIONS:**

- **THE APPLICANT REMOVE FOUNDATION ENTIRELY**
- **THE APPLICANT FILL TO GRADE, LOAM AND SEED THE DISTURBED AREA AND MOW THE ENTIRE PROPERTY**
- **PRIOR TO WORK, APPLICANT MUST MEET WITH THE ANIMAL CONTROL OFFICERTO ENGAGE A PLAN TO DEAL WITH WILDLIFE AND FOLLOW THE RECOMMENDATIONS OF THE ANIMAL CONTROL OFFICER**

**UNANIMOUS APPROVAL**

**Old Business**

**Item 2**

**Request for Final Subdivision Approval** – Prospect Street (Map 20, Lot 121); MECAP, LLC, applicant. (Continued from March 5, 2019 meeting)

Mr. Averill reviewed the application, noting that the Planning Board has seen the application in pre- application workshop and sketch plan review, with continuance by staff to ensure that the subdivision meets the requirements of the subdivision ordinance.

Greg Carey of Carey Land Surveys reviewed the process, which has been going on for a long time due to the challenges of the site. Mr. Carey emphasized that his company is trying to work with the city. The applicant is requesting approval conditional on staff approval.

Mr. Sunderland asked what waivers the applicant is requesting, stating his difficulty with understanding the applicant's waiver requests and subdivision requirements checklist. Discussion followed regarding the subdivision requirement for soil testing and whether or not it applies to properties with public sewer.

Mr. Carey reviewed that the requested waiver is regarding the granite monument requirement as it relates to survey marker. The applicant is requesting that survey markings be set with rebar, which can be flush and picked up by metal detectors, noting that granite monuments are susceptible to plows and undetectable if covered.

Mr. Sunderland asked if this request had previously been granted.

Mr. Averill agreed to research the request to waive Section 13.14.I regarding monumentation.

Mr. Carey confirmed that the soil test waiver is because the requirement does not apply.

Scott Lalumiere of MECAP reviewed the intent to place money in escrow to be used continuing sidewalks from High Street to Park Street, as sidewalks are not required in the subdivision due to projected traffic volume.

Mr. Sunderland noted Public Works statements that sewer is at capacity, to which the applicant confirmed reviewing impact fees not yet finalized due to the uncertainty of building size. Mr. Sunderland went on to question the marketability of lots with such conditions.

Mr. Carey noted that he disagrees with some findings in the peer review. Mr. Carey also noted that the Public Works Department is satisfied with the site plan as well as the drainage and stormwater easement in place.

Mr. Sunderland confirmed that the solution for a sewer at capacity is to pay an impact fee and that no other options exist.

Mr. Averill discussed a review by Wright Pierce, the third party reviewer as expert, clarifying that there are options to address and mitigate the impact on City sewer.

Mr. Sunderland expressed further concern that the developer is not addressing sewer issues. Discussion followed regarding ordinance requirements, reiterating that impact fees and lot requirements must be addressed prior to the approval of the subdivision.

Mr. Averill clarified that waivers must be made for the entire subdivision and cannot be determined on a lot-by-lot basis.

Discussion followed by the board on conditional approval and whether the board could find the application complete.

Mr. Lalumiere asked if any other items are missing.

Mr. Averill suggested that waivers be clarified and separated.

Mr. Sunderland requested that the city review how surveying has been handled as well as impact fees on subdivisions.

Mr. Oxtton opened the item to public comment.

Aaron Park, of 24 Park Street, reviewed the history of sewage issues in the area and encouraged the board to look at the broad area when assessing sewage and drainage, and the profound impact this subdivision may have on the area. Mr. Park commended the applicant on offering sidewalks on the property and his accommodations to the city.

Mr. Sunderland confirmed that the sewer is combined, not separated for sanitary and stormwater systems.

Jane Eslinger of Park Street, who is the abutting owner to Henderson Street, asked if the applicant is looking to develop the street.

Mr. Lalumiere clarified that because this is an abandoned street it cannot be developed and the portion owned by MECAP will be turned over to property owners. Mr. Lalumiere went on to clarify the sewage and drainage easement and invited Ms. Eslinger to schedule a site visit to walk the property.

Kevin Shute of Mechanic Street, member of the Bike Ped Committee expressed his appreciation to the applicant for the sidewalk escrow account.

Mr. Lalumiere spoke to the City's need for small housing for the downsizing community, stating that while houses are expected to be built as three bedroom residences for resale value, most homes will be occupied by retired couples.

Mr. Oxtan closed the floor to public comment.

Mr. Carey asked that the request be tabled .

**MR. STILPHEN MOVED TO CONTINUE, SECONDED BY MR. HOPKINSON**

**UNANIMOUS APPROVAL**

**Other Business: None**

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

**UNANIMOUS APPROVAL**

**MEETING ADJOURNED AT 7:20 PM.**

Minutes prepared by Karly Perry, Recording Secretary.