

A regular meeting of the Bath Planning Board was called on Tuesday, February 7, 2023, for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxtan, Chair
Haley Blanco
Greg Johnson
Andy Omo
Cal Stilphen

MEMBERS ABSENT

James Hopkinson, Vice Chair
Mark Hranicky

STAFF PRESENT

Jenn Curtis, City Planner
Karly Perry, Recording Secretary

Planning Board chair Bob Oxtan, called the meeting to order in the third-floor Council Chambers at 6:00 pm on Tuesday, February 7, 2023.

Minutes: January 10, 2023, meeting

Mr. Johnson noted that at the bottom of page 1, Items 1 and 2 were tabled by Mr. Johnson, seconded by Mr. Stilphen.

MR. JOHNSON, SECONDED BY MR. STILPHEN, MOVED TO ACCEPT THE MINUTES OF JANUARY 10, 2023, AS PRESENTED.

UNANIMOUS APPROVAL.

Mr. Oxtan introduced Bath City Planner, Jennifer Curtis, and encouraged the public to reach out to the Planning Office with any questions or concerns.

Old Business**Item 1**

Request for Site Plan Approval – 361 High Street (Map 33, Lot 28); Shane & Kari McKenna, applicants. (Continued from January 10, 2023, meeting)

Ms. Curtis stated that the applicant has asked that the request for site plan approval be tabled indefinitely.

MR. JOHNSON, SECONDED BY MR. STILPHEN, MOVED TO TABLE THE REQUEST FOR SITE PLAN APPROVAL INDEFINITELY.

PLANNING BOARD UNANIMOUSLY APPROVED.**Item 2**

Request for Site Plan and Subdivision Approval – Western Avenue (Map 31, Lots 74-1 & 75-1); MLCU Holdings, LLC, applicant.

Item 3

Request for Site Plan Approval – 79 Richardson Street (Map 31, Lot 74); Mason Loveitt, applicant.

Joe Marden of Sitelines announced that he would be presenting Items 2 and 3 together, then began a slideshow of the project to construct an apartment building with parking and access drive. He then showed an aerial view of the property, summarizing the timeline for the project which will not require approval by either the Department of Transportation or Department of Environmental Protection.

Mr. Marden further reviewed the property which has an existing three-unit building, to which the applicant is seeking to add a four-unit building to the south. The existing parking lot would be improved to a thirteen-space lot with easements to the abutting property for utility access. He then presented a site plan, further reviewing improvements to the property including retaining walls and fencing.

Mr. Marden went on to address abutter concerns, noting that the plans have been revised in order to retain the existing building and redesigned to avoid developing the wooded area on the eastern lot. He then reviewed the location of a stormwater holding chamber, existing swale on the site, and a retaining wall as well as the location for an additional catch basin.

Mr. Marden reviewed R1 Setback Reduction plans to include fencing, shrubbery and trees along the property lines. He then presented elevation plans for the buildings.

Mr. Oxton asked for information on snow removal, to which Mr. Marden noted that most snow would be stored to the west of the parking area, which is thirty feet from the property line. This area includes a drainage path and catch basin for runoff.

Ms. Blanco asked if abutters had been notified, to which Ms. Curtis confirmed that they had.

Ms. Blanco asked if snow would melt onto neighboring driveways, to which Mr. Marden assured the Board that it would not.

Mr. Johnson asked how the access drive would be plowed.

Mr. Marden stated that while there is a small area for snow storage to the east of the access drive, the majority of snow would be pushed to the west of the parking area.

Mr. Oxton asked if the access drive is subject to a setback requirement.

Mr. Marden recalled discussion with former City Planner Ben Averill wherein it was determined that the parking lot and not the access drive is subject to setback requirements. He then noted the location of parking spaces and dumpster pad which meet setbacks.

Ms. Blanco asked for clarification on the landscaping plan. She then expressed her preference that shrubbery be located closer to the building.

Mr. Marden reviewed the location of retaining walls on the property, as well as grading by Western Avenue, noting that barriers have been placed to discourage pedestrian traffic along undeveloped portions of the property.

Ms. Blanco expressed satisfaction with the relocation of stairwells on the proposed building. She then asked why no lighting plan was submitted.

Mr. Marden stated the intention of the applicant to use basic, residential-scale lighting due to the residential nature of the project.

Ms. Blanco and Mr. Oxtan agreed that increased lighting would be better from a safety standpoint.

Mr. Stilphen asked if the property had significant ambient lighting, to which Mr. Marden stated that it does not.

Mr. Omo asked if screening is planned for the parking area to conceal headlights. Mr. Marden reviewed the fence running opposite the parking area.

Mr. Johnson asked if any landscaping was planned for the slope to the west of the parking lot. Mr. Marden stated that no landscaping is planned, however the applicant will install erosion fabric which will stabilize the slope until grass grows naturally at the site.

Ms. Curtis stated that while parking is not allowed within the setback, access drives are permitted as part of the R1 Setback Reduction Plan.

Mr. Omo reviewed Article 10.B.10, which allows for access drives for parking.

Mr. Johnson noted the land use requirements for landscaping between parking and abutting property, to which Mr. Marden stated that fencing at opposite the parking lot is intended to act as screening.

Mr. Omo asked if the existing vegetation to the west of the property will be retained.

Mr. Marden stated that the vegetation to the west is minimal brush. He then agreed to consider additional plantings to that portion of the property.

Mr. Johnson asked for the height of retaining, noting that engineering designs have not been provided. Mr. Marden described the retaining walls, which will be large, textured block.

Mr. Johnson observed trees along Western Avenue, but no landscaping to the west of the property. Mr. Marden stated that this is to allow for runoff. Mr. Johnson suggested plantings facing the neighbors, as well as at the retaining wall in the absence of a yard area.

Mr. Marden stated that the City Arborist approved the project as exceeding requirements.

Mr. Johnson noted that the City Arborist does not interpret the language of the Land Use Code.

Mr. Omo asked for the elevation of the building and retaining wall from Western Avenue, which is a difference of approximately four feet.

Mr. Johnson stated that this is an average height, observing eight- and nine-foot sections of wall. He suggested additional landscaping be added. Mr. Johnson then stated that fencing must allow for maintenance from the far side without trespassing on abutting property. Discussion followed by the Board on fencing details.

Mr. Marden noted the lot size limitations, further stating that the proposed project has a reduced impact from the plan originally presented to the Board.

Mr. Oxton noted that attempting to build a large development on a small lot would require significant waivers.

Ms. Blanco reiterated the need for lighting as well as possible sidewalks, in addition to landscaping along the west of the property.

Mr. Johnson noted the requirements for trees or shrubs, to which Mr. Marden stated that the areas referenced fall within the R1 Setback Reduction Plan.

Discussion followed regarding lighting.

Ms. Blanco asked for clarification on the drop-off, adjacent to walkways. She then noted that the Comprehensive Plan encourages pedestrian traffic and suggested railroad ties as a possible solution to encourage pedestrian traffic while maintaining a low impact to the property.

Mr. Omo asked if fill would be brought in. Mr. Marden confirmed that fill may be required for the building, but will not likely be needed for the parking area.

Mr. Marden reviewed the feedback received regarding landscaping, screening, and lighting.

Ms. Blanco asked that the applicant provide a revised plan showing the correct location of the stairwells.

Mr. Marden noted his intention to combine the lots as a condition of the approval, which will prohibit future development on the eastern lot which is currently undeveloped.

Mr. Omo asked about easements for the property, which would be a condition of approval.

Mr. Stilphen asked Mr. Marden if he was aware of concerns presented by the Bath Water District, to which he stated that he was.

Mr. Oxton opened the floor to public comment.

Judd Veer of Western Avenue stated that he is not an abutter to the property. He then expressed his concern for abutters that the access drive would angle headlights into abutting properties. He then noted that the property currently has three units, however there are four mailboxes.

Mr. Marden was not aware of the reason for the additional mailbox.

Seeing no further public comment, Mr. Oxton ended the public comment session.

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

PLANNING BOARD APPROVED WITH FIVE IN FAVOR AND ONE OPPOSED.

Mr. Johnson stated that the application does not include a lighting plan.

MR. OMO, SECONDED BY MR. JOHNSON, MOVED TO CONTINUE ITEM 3 TO THE NEXT MEETING IN ORDER TO ALLOW FOR REVISED LIGHTING AND LANDSCAPING PLANS.

PLANNING BOARD UNANIMOUSLY APPROVED.

Mr. Marden asked if a Public Hearing will be required, to which Ms. Curtis stated that the Board may decide whether to hold a Public Hearing.

MR. OMO, SECONDED BY MS. BLANCO, MOVED TO WAIVE THE PUBLIC HEARING.

PLANNING BOARD UNANIMOUSLY APPROVED.

MR. OMO, SECONDED BY MS. BLANCO, MOVED TO CONTINUE ITEM 2 TO THE NEXT MEETING.

PLANNING BOARD UNANIMOUSLY APPROVED.

Other Business

None

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

UNANIMOUS APPROVAL

MEETING ADJOURNED AT 7:15 PM.

Minutes prepared by Karly Perry, Recording Secretary