

A regular meeting of the Bath Planning Board was called on Tuesday, February 6, 2024, for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxton, Chair
James Hopkinson, Vice Chair
Greg Johnson
Cal Stilphen

MEMBERS ABSENT

Haley Blanco
Mark Hranicky
Andy Omo

STAFF PRESENT

Jenn Curtis, City Planner

Planning Board Chair, Bob Oxton, called the meeting to order in the third-floor Council Chambers 6:00 pm on Tuesday, February 6, 2024.

Minutes: January 8 and 9, 2024 meetings

MR. HOPKINSON, SECONDED BY MR. JOHNSON, MOVED TO ACCEPT THE MINUTES OF JANUARY 8 AND 9, 2024, AS PRESENTED.

UNANIMOUSLY APPROVED.

Old Business

None

New Business**Item 1**

Public Hearing – Request for Land Use Code Text Amendments – To allow and regulate electric vehicle charging stations as a requirement for new and reconstructed parking areas.

Ms. Curtis introduced the Land Use amendment, which was suggested in June 2023, with input from community stakeholders. The most recent Public Hearing held in January 2024 led to another workshop and the document currently before the Board.

Mr. Oxton asked the Board if they had any comments, to which there were none.

Mr. Oxton opened the floor to public comment, to which there was none.

Ms. Curtis noted that a suggestion was made by Brian Salter of Bath Iron Works that the amendment be updated to address potential parking garages. The Planning Board agreed and has included this in the current proposal.

Mr. Oxton reopened the floor to public comment, to which there was none.

MR. HOPKINSON MOVED, SECONDED BY MR. JOHNSON, TO RECOMMEND THAT THE CITY COUNCIL ADOPT THE AMENDMENT AS REVISED AND READ INTO THE RECORD.

UNANIMOUSLY APPROVED.

Item 2

Request for Site Plan Approval – 4 Goose Cove Road (Map 5, Lot 14); Eugene & Janet Pflueger, applicants.

Adrienne Fine, Civil Engineer for Terradyn Consultants, introduced herself on behalf of the applicants and reviewed the request for waterfront setback reduction. She presented aerial images of the location in the west of Bath. She noted that the property is within a subdivision plan approved in 2009 with a 125' setback, per DEP order. Because the property is within the shoreland overlay it is subject to a 150 setback unless a setback reduction is granted by the Planning Board.

Ms. Fine stated that a hydrogeological assessment has been completed, confirming that soil would not be impacted by the setback reduction. In addition, a septic design has also been completed with a proposed setback of more than 150'.

Ms. Fine confirmed that the applicant has been working with the Fire Chief, who agreed to an updated design that includes a turnaround.

Ms. Curtis noted that the Fire Chief has approved the proposed turnaround and requested that an updated site plan be included as a condition of approval, to which Ms. Fine confirmed that the applicant would be agreeable.

Dan DeBord, Midcoast Council of Governments (MCOG), stated that his review of the project included notes from City Staff on clerical errors on the site plan to be corrected, including Lot 24, which should be updated to Lot 14 in accordance with City property maps. Ms. Fine noted that the lot was previously numbered as 24 in the 2009 subdivision plan. Mr. Hopkinson recommended that both the tax map and lot and subdivision numbers be referenced on the plan.

Mr. DeBord confirmed that the applicant is John Libby Construction, who has issued a letter of authorization from Janet Pflueger with deed records confirming that Ms. Pflueger is the owner of the property. The application has been found to be complete by planning staff, with a recommendation for the request for waiver for setback reduction. City Staff agrees that the applicant has met the requirements of Section 8.18 to request the setback reduction. Article 10 performance standards, with the exception of 10.03 related to Fire Department approval. In addition to the standard conditions of approval, planning staff is suggesting two suggested conditions prior to issuance of building permit: that the applicant submit a written response from Maine Historic Preservation Commission confirming that the proposed development will not have an adverse effect on historic sites

in the area, and that the driveway be approved by the Fire Chief in writing in accordance with 10.03B.

Ms. Curtis clarified that condition regarding the Maine Historic Preservation Commission is in reference to Article 8.18 which covers the natural resource protection overlay setback reduction.

Mr. Oxtan asked the Board if they had any comments, to which there were none.

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

UNANIMOUSLY APPROVED.

Mr. Oxtan opened the floor to public comment, to which there was none.

MR. HOPKINSON MOVED, SECONDED BY MR. JOHNSON, TO APPROVE THE APPLICATION AND FORMALLY ADOPT AS THE PLANNING BOARD FINDINGS OF FACTS AND CONCLUSIONS, THOSE MATTERS LAID OUT AND FOR THE REASONS STATED IN THE PLANNING BOARD MEMO DATED JANUARY 30, 2024 WITH THE CONDITIONS OF APPROVAL BEING THE STANDARD CONDITIONS OF APPROVAL AS STATED AND THE ADDITIONAL CONDITION OF APPROVAL OF ITEM FOUR THAT AN UPDATED PLAN SHOWING THE DRIVEWAY TURNAROUND AS HAS BEEN APPROVED BY THE FIRE CHIEF BE SUBMITTED TO THE PLANNING DIRECTOR PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

UNANIMOUSLY APPROVED.

Item 3

Request for Historic District Approval – 25-29 Centre Street (Map 27, Lot 110); Solo Pane Group, LLC, applicant.

Ms. Curtis introduced the application through which the applicant is seeking to replace windows, paint, trim, and paneling, with the brick façade to remain unchanged.

Thomas Jonak, Project Manager for Woodhull, introduced himself on behalf of the applicant. He then presented images of the existing storefront, noting that windows will be double-paned aluminum and will keep the existing openings. Panes will be two over two as existing in the Paperback Trader building, along with the replacement of the storefront doors. Paint will be identical to the existing colors at Solo Pane with only damaged trim to be replaced as needed in the same style currently there.

Mr. Jonak presented detailed images of the trim work.

Mr. Johnson asked if the windows will be black. Mr. Jonak confirmed, noting that trim work will be painted taupe, consistent with the current façade of Solo Pane.

Mr. Johnson stated that the details do not show how windows will be attached. Mr. Jonak stated that the rough opening for windows will remain the same with more glazing to fit the windows, which will be banded in.

Ms. Curtis noted that the applicant has submitted a letter of ownership and that right, title, and interest has been met.

Mr. Oxton opened the floor to public comment, to which there was none.

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

PLANNING BOARD UNANIMOUSLY APPROVED.

MR. JOHNSON MOVED, SECONDED BY MR. STILPHEN, TO APPROVE THE APPLICATION AS PRESENTED.

MR. HOPKINSON MOVED, SECONDED BY MR. STILPHEN, TO AMEND THE MOTION BE SUBJECT TO THE PROPOSED CONDITIONS OF APPROVAL NUMBER 1, NOT NUMBER 2.

PLANNING BOARD UNANIMOUSLY APPROVED.

Other Business

None

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

MEETING ADJOURNED BY UNANIMOUS ACCLAMATION AT 6:28 PM.

Minutes prepared by Karly Perry, Recording Secretary