

A regular meeting of the Bath Planning Board was called Tuesday, October 7, 2025, for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxton, Chair
Robert Gersh
Greg Johnson
Andy Omo
Cal Stilphen

MEMBERS ABSENT

James Hopkinson, Vice Chair

STAFF PRESENT

Jenn Curtis, City Planner
John Rutecki, Assistant City Planner
Karly Perry, Recording Secretary

Planning Board Chair, Bob Oxton, called the meeting to order in the third-floor Council Chambers at 6:00 pm on Tuesday, October 7, 2025.

Minutes:**September 2, 2025 meeting**

MR. GERSH, SECONDED BY MR. JOHNSON, MOVED TO APPROVE THE MINUTES AS PRESENTED.

PLANNING BOARD UNANIMOUSLY APPROVED.

Old Business

None

New Business**Item 1**

Public Hearing – Request for Land Use Code Text Amendment – Article 8, Section 8.11 and Article 9, various sections, The Cannery Group, LLC, applicant

Ms. Curtis opened the Public Hearing to amend the C5 Zoning District proposed by The Cannery Group to support their envisioned project. She referenced documentation provided to the Board and advised them that they would need to determine whether the amendments comply with the Comprehensive Plan and whether or not to recommend approval to the City Council. Ms. Curtis noted staff recommendations stating that the portion of the Comprehensive Plan regarding the C5 District encourages public access to the waterfront. She then added that the applicant is agreeable to tabling the request to the November meeting in order for the Planning Board to further consider, as well as for the applicant to adjust their amendments based on public comment.

Sean Ireland, Lead Development Partner, introduced the proposal by describing the property as both unsafe and unsightly, as it has been abandoned for twenty years. He stated that the property has not been developed due to lack of public/private partnership as well as community support, then stated that The Cannery Group has been able to gain both of these in order to move forward, with a plan to have the property developed within five to ten years.

Mandy Reynolds, consultant for the project, recalled the history of the property from shipbuilding to canning, with the structure ultimately burning by arson and later purchased by The Cannery Group in 2023 with the intention to clean up the property and preserve the waterfront.

Ms. Reynolds described the previous two years of research and site cleanup in preparation of presenting the proposed development plan. The Cannery Group held public engagement meetings and surveyed the public to create a joint vision in compliance with the Comprehensive Plan, with the ultimate goal to create a climate resilient community space.

Planning expert Vanessa Farr detailed the text amendments submitted to the Planning Board, citing the intent of these amendments to create a marine-based development. Amendments include adjustments to dimensional standards in order to work within the natural constraints of the property and allow for more flexibility moving forward.

Ms. Farr noted that the amendments are based on the current Land Use Code, which is currently being re-coded. She detailed amendments to allow for residential structures within the district which will already be allowed under the re-code. She noted that under the re-code, housing would be allowed only on upper levels, which would be problematic for the vision and recommended that the board strike language limiting residential units to upper levels. In addition, The Cannery Group is recommending the addition of educational uses; cultural, lodge and community centers, and art studios to maximize opportunities for the property.

Ms. Farr then clarified that no project is being proposed tonight, rather the applicant seeks to set the property up for future development.

Mr. Ireland acknowledged the significant amount of information provided during the presentation and reiterated that the site is not yet ready for development and that the amendments are meant to prepare the site for future projects.

Mr. Oxton opened the floor to public comment.

Mason Loveitt introduced himself as a Bath business owner and expressed his support as a way to expand development within the City. He described the property laying dormant as unfortunate and encouraged the Board to move the amendments forward for approval.

Bill Bramly of York Street expressed support for the amendment and his interest in a potential riverwalk, which would also benefit from the development as a way to connect the community. He spoke to Mr. Ireland's previous projects, such as Union & Co., stating that they have enhanced the downtown area.

Jamie Dorr of Oak Street and Executive Director of Midcoast Youth Center & Skatepark expressed her support for the project, describing herself as a lifelong resident of the City.

Ms. Dorr complimented Mr. Ireland and Ms. Reynolds on their previous projects, noting that the current economic environment requires flexibility. Ms. Dorr concluded that The Cannery Group is the right applicant to develop the property.

Richard Kessler of Washington Street spoke to the difficulty of the site and the flexibility needed in order to develop it. He described the proposed project as inspirational and expressed his support as a positive change for the city.

Jeff Geiger of Washington Street spoke in support of the amendments, describing the potential opportunity that the property provides. He expressed his gratitude to the applicant, noting that he has attended meetings and events held by The Cannery Group. Mr. Geiger stated that he was surprised to learn of the zoning restrictions and stressed the need for the amendments in order for the property to realize its full potential.

Morgan Miller of Washington Street expressed her support based on the effort put forth, noting that the current zoning appears to be holding the property back from what the residents want. She added that as a small business owner herself, she is grateful for the recent amendments approved by the City.

Dave Holman, developer and property owner, expressed his support, noting the difficulty of developing land within the current economic environment.

Jeanne Twohny of Andrews Road spoke in support of the amendments, noting Mr. Ireland's history of successful projects. She described the dangerous conditions of the District for people walking and spoke to the usefulness of creating a diverse space that can be utilized by a larger portion of the public.

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

Mr. Stilphen agreed that the codes for the district are too restrictive and expressed his support.

Mr. Gersh recalled the tragedy of the fire and expressed his appreciation to the applicant, as well as his support for the amendments.

Mr. Omo expressed concern that there is no project associated with the proposed amendments, as the Planning Board was recently criticized for a similar situation. He then expressed concern that the area itself is tight for traffic and disagreed that the changes are modest.

Mr. Johnson expressed his support for mixed-use development, then spoke of his concern that the amendments as presented would create a zone with very little requirements. He stated that in his opinion the project should ultimately be marine related.

Mr. Ireland stated that there will not be a plan with a single use and that, as a developer, their job is to prepare the property for development. He stressed that the property was

previously marketed by a reputable and quality realtor who was unable to attract a buyer in 15 years. Mr. Ireland encouraged the Planning Board to support the flexibility needed to develop the property. He noted that the development would come at a significant cost which only an industrial business could afford but is unrealistic based on the neighborhood location.

Mr. Omo asked if the property would be subdivided, to which Mr. Ireland would not confirm but stated that subdivision is a possibility. Mr. Omo expressed concern that without bulk and space regulations the City would effectively be granting a blank check to developers.

Mr. Ireland stated that The Cannery Group's intent is to create a neighborhood.

Mr. Omo asked if the applicant would be agreeable to adopting the standards of neighboring districts, to which Mr. Ireland was unfamiliar.

Ms. Farr stated that the proposed amendments are in line with the Comprehensive Plan and meet the applicants need for flexibility.

Ms. Curtis acknowledged concerns regarding 100% lot coverage and asked the applicant if they were flexible on this amendment. Ms. Farr explained that the coverage allows for lots to be sold with a house only, noting that there are still other regulations in place such as shoreland zoning and parking.

Misty Parker, Director of Economic Planning and Development, introduced herself and spoke to her work with the applicant. She explained that The Cannery Group has been diligently researching site restrictions and described the obstacles that will need to be overcome in order to develop, including contaminated soils and flooding areas. She noted that improvements in traffic flow are already on the City's radar moving forward.

Mr. Omo asked Ms. Curtis if the district is eligible for contract rezoning.

Ms. Curtis reviewed the Land Use Code and confirmed that contract rezoning is prohibited.

Mr. Omo then expressed his support for amending the uses and that his concern lies with the space and bulk requirements.

Mr. Johnson agreed with Mr. Omo, noting a lack of setback specifically around the perimeter.

Mr. Ireland stated that the waterfront setbacks remain, adding that it would be difficult to build directly on the road and therefore the attributes of the property create natural setbacks as much of the site cannot be developed.

MR. GERSH, SECONDED BY MR. STILPHEN, MOVED TO RECOMMEND APPROVAL OF THE REQUEST FOR LAND USE CODE TEXT AMENDMENT BY THE CITY COUNCIL.

THE PLANNING BOARD VOTED WITH TWO IN FAVOR AND THREE OPPOSED, THEREFOR THE MOTION FAILED TO PASS.

MR. OMO, SECONDED BY MR. JOHNSON, MOVED TO CONTINUE THE REQUEST FOR LAND USE CODE TEXT AMENDMENT TO THE NOVEMBER PLANNING BOARD MEETING.

PLANNING BOARD UNANIMOUSLY APPROVED.

Item 2

Request for Site Plan, Developmental Subdivision and Historic District Approval – 120 Front Street (Map 26, Lot 241); Holman Homes, LLC, applicant.

Mr. Rutecki introduced the request to convert the second, third, and fourth floors of the existing structure to create eight new one-bedroom apartments. He noted that most improvements would be contained inside the existing building, with the exception being the exterior fire escape. Mr. Rutecki clarified that the properties involved are currently owned by two different entities, which will be resolved as part of the application. In addition, the applicant is requesting waivers regarding a survey of the sewer line and property, as well as a lighting waiver as proposed lighting may exceed standards. Mr. Rutecki then reviewed staff comments and recommendations.

Mr. Omo announced that he is currently a supplier for JR Maxwell, who is located within the property and asked the Board if they were comfortable with his participation. The Planning Board unanimously agreed to allow Mr. Omo to participate. The applicant said that he was comfortable with Mr. Omo's input as well.

David Holman reviewed the project to create walk-up apartment units, noting that the project itself is economically challenging, especially with the installation of the sprinkler system. He expressed that providing the required surveys would be an unnecessary hardship as all improvements are within the building envelope, with the exception of the stairwell which will be placed at the current location of the dumpster and therefore within the required setback.

Mr. Holman explained that he is currently under contract to purchase the additional property but is unable to receive final approval for purchase without project approval by the Planning Board. He expressed his resistance to providing a plumbing survey and assured the Board that all plumbing will be done to code and properly permitted.

Mr. Oxtton opened the floor to public comment.

Mr. Ireland expressed his support for adding housing to the downtown, which will further support local businesses and utilize the full space of the buildings.

Roland Wagner, owner of JR Maxwells, expressed previous difficulty renting the upstairs areas and stated that he is looking forward to having a landlord who will invest in the building.

MR. OMO, SECONDED BY MR. JOHNSON, MOVED TO FIND THE APPLICATION COMPLETE AND WAIVE REQUIREMENTS FOR BUILDING SURVEY AND SEPTIC SURVEY.

PLANNING BOARD UNANIMOUSLY APPROVED.

Ms. Curtis asked Mr. Holman how the subdivision will be recorded with the Registry of Deeds without a survey.

Scott Sancomb of David Matero Architecture noted that the only exterior addition is the fire escape.

Ms. Curtis clarified that because the development is technically a subdivision it must be recorded as such at the Sagadahoc County Registry of Deeds. After discussion, the Planning Board agreed that if approved this could be a condition of approval in order to allow parties to consult with legal counsel.

Mr. Omo asked Mr. Holman if he was familiar with the water and sewer lines. Mr. Holman confirmed that he was and that residential use would be less than commercial. He then reassured the Board that he will comply with all code requirements.

Mr. Johnson expressed that the fire escape, while unattractive, is comparable to surrounding buildings.

Mr. Omo asked if there was a cut sheet for the doors in order to comply with the historic district.

Mr. Holman stated that it was his intention to purchase an economical door that meets fire standards, noting that the rear façade of the buildings in this area appear to be less restrictive in regards to Historic District requirements.

Mr. Omo addressed concern by the Fire Chief on the location of the dumpster.

Mr. Holman stated that there are several locations that they are considering moving the dumpster to.

Mr. Rutecki requested that the final location of the dumpster be updated on the site plan.

Mr. Oxton asked the Board if there were any concerns regarding lighting, to which the Board agreed that additional lighting in this area would be beneficial.

MR. JOHNSON, SECONDED BY MR. STILPHEN, MOVED TO APPROVE THE REQUEST FOR SITE PLAN, DEVELOPMENTAL SUBDIVISION AND HISTORIC DISTRICT APPROVAL FOR 120 FRONT STREET WITH THE FOLLOWING CONDITIONS:

- **THAT A WAIVER FOR LIGHTING BE GRANTED**
- **THAT A SIX-MONTH EXTENSION BE GRANTED**
- **THAT THE APPLICANT PAY ANY NECESSARY SEWER IMPACT FEE PRIOR TO OBTAINING A BUILDING PERMIT**
- **THAT EXTERIOR IMPROVEMENTS SHALL BE VISUALLY COMPATIBLE WITH SURROUNDING PROPERTIES**
- **BEFORE OBTAINING A BUILDING PERMIT, THE APPLICANT MUST SUBMIT A REVISED PLAN INDICATING THAT PROPOSED LOCATION AND ENCLOSURE OF THE DUMPSTER WILL MEET NFPA STANDARDS**
- **BEFORE COMMENCING CONSTRUCTION, THE APPLICANT MUST SUBMIT A SITE SURVEY, DEED, OR OTHER DOCUMENTATION SUFFICIENT FOR RECORDING THE PROPOSED SUBDIVISION IN THE SAGadahoc REGISTRY OF DEEDS**

PLANNING BOARD UNANIMOUSLY APPROVED

Mr. Rutecki noted that the following three applications are for historic review only.

Item 3

Request for Historic District Approval – 125 Front Street (Map 26, Lot 268); First Federal Savings & Loan, applicant.

Mr. Rutecki introduced the request for Historic District approval in order to replace windows and exterior doors.

Eric Dube of Trillium Engineering introduced himself as representative for the applicant and noted that the project is fairly straightforward.

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

Mr. Gersh expressed his concern that the iconic porthole windows would be replaced.

Mr. Dube clarified that while the porthole windows will be painted, the existing design will remain.

MR. OMO, SECONDED BY MR. GERSH, MOVED TO APPROVE THE REQUEST FOR HISTORIC DISTRICT APPROVAL FOR 125 FRONT STREET AS PRESENTED

PLANNING BOARD UNANIMOUSLY APPROVED.

Item 4

Request for Historic District Approval – 42 Summer Street (Map 26, Lot 220); Louis Ensel, applicant.

Mr. Gersh announced that he is personal friends with the applicant, then assured the Board of his ability to be objective. Planning Board unanimously agreed to allow Mr. Gersh to participate. Mr. Ensel did not object.

Mr. Rutecki introduced the application, which is requesting to demolish and replace the two-story, three-bedroom structure. He noted that dimensions and setbacks will remain as is. City staff recommends a six-month extension for approval.

Mr. Rutecki noted that while the garage roof has a unique pitch, this detail does not detract from the neighborhood.

Keith Kitchens introduced himself as representative for the applicant. He noted that the existing structure is failing, including the foundation and roof. He assured the Board that all attributes to the structure will be identical to the existing building.

Mr. Omo asked that photos of the existing structure be submitted to the Bath History Room, to which the applicant agreed.

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

Mr. Johnson expressed concern that an engineer would submit a written opinion without physically inspecting the building. The Board agreed that the property is not structurally sound.

MR OMO, SECONDED BY MR. JOHNSON, MOVED TO APPROVE THE REQUEST FOR HISTORIC DISTRICT APPROVAL FOR 42 SUMMER STREET AS PRESENTED WITH THE CONDITION THAT THE BUILDING BE DOCUMENTED WITH PHOTOS PROVIDED TO THE BATH HISTORY ROOM, AND THAT A SIX-MONTH EXTENSION BE GRANTED.

PLANNING BOARD UNANIMOUSLY APPROVED.

Item 5

Request for Historic District Approval – 53 North Street (Map 26, Lot 188-1); Michael O'Malley & Kathleen Trainor, applicants.

Mr. Rutecki introduced the application to construct a new single-family home with outbuilding, noting that the City Assessor provided an address of 53 North Street. He further added that City Staff recommends approval with a six-month extension.

Kathleen O'Malley introduced herself, identifying the location of the property and presenting a site plan showing the location of structures, as well as renderings of the proposed gabled building and shed with corresponding color samples.

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

Mr. Gersh asked the height of the shed. Matthew Vickery of Boca Builders confirmed that the shed is 8' high and 11' deep.

Mr. Johnson noted the absence of jam trim around the windows. Ms. O'Malley expressed her desire for narrow trim.

Mr. Vickery confirmed that the trim is 2 ½ ".

Mr. Johnson asked if there is trim above the upper window on the street-facing side of the property.

Mr. Vickery confirmed that this trim was added to break up the space above the window and would be white.

Mr. Omo asked for the material for the eastern area.

Mr. Vickery described the screened enclosure as white aluminum with tempered glass and screens.

Mr. Omo requested that this information be submitted to staff as a condition of approval.

MR. OMO, SECONDED BY MR. GERSH, MOVED TO APPROVE THE REQUEST FOR HISTORIC DISTRICT APPROVAL FOR 53 NORTH STREET AS PROPOSED, SUBJECT TO THE STANDARD CONDITIONS OF APPROVAL AS WELL AS THE ADDITIONAL CONDITIONS OF APPROVAL INCLUDING THAT DETAILS FOR THE SCREENED ENCLOSURE BE PROVIDED TO PLANNING STAFF.

Other Business

Election of Officers

Ms. Curtis opened the floor to nominations.

MR STILPHEN, SECONDED BY MR. GERSH, NOMINATED BOB OXTON FOR PLANNING BOARD CHAIR.

MR. OMO, SECONDED BY MR. STILPHEN, NOMINATED JIM HOPKINSON FOR PLANNING BOARD VICE CHAIR.

PLANNING BOARD UNANIMOUSLY APPROVED.

Bath Planning Board
October 7, 2025

Mr. Oxtan appointed himself and Mr. Omo as representatives to the Historic District Review Committee.

Ms. Curtis announced that Phyllis Bailey has resigned from the Planning Board. The Planning Board thanked Ms. Bailey for her service on the Board.

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

MEETING ADJOURNED BY UNANIMOUS ACCLAMATION AT 8:21 PM

Minutes prepared by Karly Perry, Recording Secretary