

A regular meeting of the Bath Planning Board was called on August 4, 2020 for the purpose of conducting regular business.

MEMBERS PRESENT

Cal Stilphen
Greg Johnson
Russell Martin
Andy Omo

MEMBERS ABSENT

Bob Oxtan, Chair
James Hopkinson, Vice Chair

STAFF PRESENT

Ben Averill, City Planner
Karly Perry, Recording Secretary

City Planner Ben Averill called the meeting to order using Zoom conferencing at 6:00 p.m. on Tuesday, August 4, 2020. Mr. Averill then reviewed procedure for the meeting, further noting that because both the Chair and Vice Chair were not in attendance, an additional agenda item is added to elect both an acting Chair and Vice Chair for the August 4th meeting only.

MR. OMO, SECONDED BY MR. MARTIN, MOVED TO NOMINATE MR. STILPHEN AS PLANNING BOARD CHAIR FOR AUGUST 4, 2020.

MR. STILPHEN, SECONDED BY MR. JOHNSON, MOVED TO NOMINATE MR. OMO AS PLANNING BOARD VICE CHAIR FOR AUGUST 4, 2020.

ROLE CALL VOTE:

YEAS: MR. MARTIN, MR. JOHNSON, MR. OMO, MR. STILPHEN

NAYS: NONE

MOTION PASSED UNANIMOUSLY, 4-0

Minutes July 7, 2020, meeting

MR OMO, SECONDED BY MR. JOHNSON, MOVED TO ACCEPT THE MINUTES OF JULY 7, 2020 AS PRESENTED

ROLE CALL VOTE:

YEAS: MR. MARTIN, MR. JOHNSON, MR. OMO, MR. STILPHEN

NAYS: NONE

MOTION PASSED UNANIMOUSLY, 4-0

Old Business

None

New Business**Item 1**

Findings of Fact for Developmental Subdivision Approval – 26 Summer Street (Map 26, Lot 218); Szanton Monks Properties, LLC, applicant.

Mr. Averill reviewed the previous approvals of the subdivision at the May and July meetings including historic district approval, site plan approval and developmental subdivision approval to include the parking. The focus of the item is specifically to review the subdivision.

Mr. Martin noted that the Board had reviewed the standards at the July meeting and found them to be satisfactory.

Mr. Stilphen continued on to review findings of fact as follows:

1. The owner of the property and applicant is Szanton Monks Properties, LLC.
UNANIMOUS APPROVAL BY THE BOARD
2. The property is located at 26 Summer Street in the Downtown Commercial Zoning District (C1) and is identified as tax map 26, lot 218.
UNANIMOUS APPROVAL BY THE BOARD
3. The applicant is requesting the creation of a 60-unit housing development which will include 54 new units and 6 existing units in an adjacent mixed-use structure.
UNANIMOUS APPROVAL BY THE BOARD
4. The division of the existing vacant parcel, located at 26 Summer Street, into 54 residential dwelling units requires Subdivision Approval from the Planning Board according to Section 13.05 of the Land Use Code.
UNANIMOUS APPROVAL BY THE BOARD
5. The applications for Sketch Plan Review and Subdivision Approval were received in the Planning Office on April 7, 2020 and May 20, 2020, respectively.
UNANIMOUS APPROVAL BY THE BOARD
6. The application was presented by representatives from Szanton Monks Properties, LLC and Terradyn Consultants, LLC with review of the Sketch Plan application beginning at the May 5, 2020 Planning Board meeting.
UNANIMOUS APPROVAL BY THE BOARD
7. The Planning Board reviewed the Final Subdivision application at the July 7, 2020 meeting.
UNANIMOUS APPROVAL BY THE BOARD
8. The application was determined to be complete at the July 7, 2020 Planning Board meeting.
UNANIMOUS APPROVAL BY THE BOARD

Mr. Stilphen continued on to review the performance standards:

2-B. Pollution

Based upon plans and reports submitted by the applicant, the Board finds that this requirement has been met.

UNANIMOUS APPROVAL BY THE BOARD

C. Sufficient Water

The Board finds that based on plans and reports submitted, as well as the comments submitted by the Water District Superintendent, that this requirement has been met.

UNANIMOUS APPROVAL BY THE BOARD

D. Soil Erosion

The Board finds that based on plans and reports submitted by the applicant that this requirement will be met.

UNANIMOUS APPROVAL BY THE BOARD

E. Traffic Conditions

Based upon the traffic analysis submitted by the applicant this requirement will be met.

UNANIMOUS APPROVAL BY THE BOARD

F. Sewage Disposal

Based upon the wastewater analysis submitted by the applicant and comments from the Public Works Director the Board finds that this requirement will be met.

UNANIMOUS APPROVAL BY THE BOARD

G. Solid Waste

Based upon reports submitted by the applicant and recommendations from the Public Works Director, the Board finds that this requirement will be met.

UNANIMOUS APPROVAL BY THE BOARD

H. Impact on Natural Beauty, Esthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas, or Access to the

Based upon plans and reports submitted by the applicant the Board finds that this requirement will be met.

UNANIMOUS APPROVAL BY THE BOARD

I. Conformance with Ordinances and Plans

Based upon plans and reports submitted by the applicant the Planning Board finds that this requirement has been met.

UNANIMOUS APPROVAL BY THE BOARD

J. Financial and Technical

Based upon information in the application provided by the applicant the Board finds that this requirement has been met.

UNANIMOUS APPROVAL BY THE BOARD

K. Impact on Water Quality and

The Board finds that this requirement has been met.

UNANIMOUS APPROVAL BY THE BOARD

L. Impact on Ground Water Quality and Quantity

This subdivision will be connected to the public water system. Therefore, the Board finds that this requirement has been met.

UNANIMOUS APPROVAL BY THE BOARD

M. Floodplain Management

The Board finds that this requirement is not applicable.

UNANIMOUS APPROVAL BY THE BOARD

N. Identification of Fresh Water Wetlands

The Board finds that this requirement has been complied with.

UNANIMOUS APPROVAL BY THE BOARD

O. Storm Water Management

Based upon stormwater management plans submitted by the applicant and reviewed and approved by the Public Works Director, the Board finds that this requirement has been met.

UNANIMOUS APPROVAL BY THE BOARD

P. Spaghetti-Lots Prohibited

The Board finds that this is not applicable.

UNANIMOUS APPROVAL BY THE BOARD

Q. Impact on Adjoining Municipalities

The Planning Board finds that this is not applicable.

UNANIMOUS APPROVAL BY THE BOARD

MR. OMO MOVED, SECONDED BY MR. MARTIN TO ACCEPT THE FINDINGS OF FACT AS COMPLETE.

ROLE CALL VOTE:

YEAS: MR. MARTIN, MR. JOHNSON, MR. OMO, MR. STILPHEN

NAYS: NONE

MOTION PASSED UNANIMOUSLY, 4-0

Mr. Stilphen opened the floor to public comment. Seeing none, Mr. Stilphen ended the public comment session.

MR. JOHNSON, SECONDED BY MR. MARTIN, MOVED TO FIND THE APPLICATION COMPLETE AND APPROVE AS VOTED UPON.

ROLE CALL VOTE:

YEAS: MR. MARTIN, MR. JOHNSON, MR. OMO, MR. STILPHEN

NAYS: NONE

MOTION PASSED UNANIMOUSLY, 4-0

Item 2

Request for Historic District Approval – 37 Oak Street (Map 26, Lot 206); Martin Lakeman, applicant.

Mr. Averill reviewed the application which was previously approved at the October 2019 meeting. The applicant is now proposing a new design for the garage, which has been submitted to the Board.

Mr. Lakeman reviewed his previous application to build a two-story garage. After consulting with the Code Enforcement Officer regarding the standards and fire code requirements, the applicant has edited his design to a 24'x36' single story garage with two bays rather than three. All other details and trim remain the same.

Mr. Omo confirmed that the submitted design request is attachment 3.

Mr. Stilphen noted that the original garage was not historic and expressed his approval for the edited design.

Mr. Johnson asked if the applicant thought he may revisit the original plan at a later time to further utilize the upper storage area, to which the applicant confirmed he would not.

Mr. Stilphen opened the floor to public comment.

Seeing none, Mr. Stilphen ended the public comment session.

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

ROLE CALL VOTE:

YEAS: MR. MARTIN, MR. JOHNSON, MR. OMO, MR. STILPHEN

NAYS: NONE

MOTION PASSED UNANIMOUSLY, 4-0

MR. JOHNSON, SECONDED BY MR. OMO, MOVED TO APPROVE THE REQUEST FOR HISTORIC DISTRICT APPROVAL AS PRESENTED.

ROLE CALL VOTE:

YEAS: MR. MARTIN, MR. JOHNSON, MR. OMO, MR. STILPHEN

NAYS: NONE

MOTION PASSED UNANIMOUSLY, 4-0

Item 3

Request for Historic District Approval – 128 Front Street (Map 26, Lot 243); Robert Whisenant, applicant.

Mr. Averill reviewed both original and revised applications provided by the applicant for replacement of front façade windows, noting progress of historic reviews. The applicant has proposed two options for replacing windows as well as historic pictures. Mr. Averill further stressed that the applicant has been working with the Patten Free Library History Room.

Mr. Whisenant reviewed his proposal for double hung vinyl replacement windows, noting that the current windows are mismatched with no consistent design. The first option is for an open window design with a second option to add trim in order to simulate the design of the previously paned windows. Mr. Whisenant noted that due to the brick used the building has water issues which triggered the window replacement, stating that the vinyl will hold up best and also improve energy efficiency. The non-paned windows are preferred as they offer better visibility.

Mr. Omo asked if any other window styles had been considered.

Mr. Whisenant noted that the ability to open the windows was a priority to allow for improved airflow.

Mr. Omo countered that plate glass windows are more traditional to downtown and can be designed to vent as well.

Mr. Johnson observed that windows at the southern end of the building had been installed and that exposed used to fit the windows does not fit the historic nature of the area, noting that windows should be customized to fit the opening more precisely.

Mr. Whisenant stated that current windows are customized the windows, however due to the settling of the building even custom windows require adjustment.

Mr. Johnson countered that there was significant space (3") to be covered in trim and suggested that a more detailed design be presented.

Mr. Omo expressed his opinion that the door looked to be appropriate.

Mr. Johnson stated that he did not feel a straight aluminum door was appropriate for the area, further clarifying that although wooden door would be preferred, the finish should be light.

Mr. Averill reviewed an anonymous letter presenting concerns with the windows and stressing the historic nature of the structure as well as the entire downtown. The board expressed their dislike of anonymous letters.

Mr. Stilphen opened the floor to the public. Seeing none, Mr. Stilphen ended the public comment session.

Mr. Martin confirmed that some windows had already been installed prior to approval, to which Mr. Averill stated that the applicant was reminded by the Code Enforcement Officer that approval is required prior to installation and at that point installation ceased.

Mr. Stilphen expressed difficulty in making a determination due to a lack of detailed photographs, as windows are wrapped in plastic with no finish details.

Mr. Whisenant stated that his impression was that the grid pattern on windows was of the greatest concern to the board, noting that other windows in the downtown area are also vinyl.

Mr. Stilphen stated that style and fit is more important than material.

Mr. Whisenant compared other designs in the neighborhood, along with the multiple styles previously at his location.

Mr. Johnson clarified that he preferred that divided pans be on the outside of the window, and true paned windows would also be preferred. He encouraged the applicant to further research the historic area.

Mr. Averill stated that the application will need to be reviewed for completeness with components that include specific information on windows.

Mr. Johnson observed the variations in color of the windows on upper levels of property.

Mr. Stilphen asked if the Historic Review Committee could work with the applicant.

Mr. Averill noted that the Historic Review Committee had elevated the application to the Planning Board for review and offered that the applicant could speak with a historian at the Patten Free Library. Peer review for the application can also be requested.

Mr. Omo noted his satisfaction with the historical data, but that more detail for the design would be preferred.

The Board agreed that Mr. Whisenant provide more insight as to his vision and asked that he complete more research into the history of the property.

MR. JOHNSON, SECONDED BY MR. OMO, MOVED TO TABLE THE APPLICATION.

ROLE CALL VOTE:

YEAS: MR. MARTIN, MR. JOHNSON, MR. OMO, MR. STILPHEN

NAYS: NONE

MOTION PASSED UNANIMOUSLY, 4-0

Item 4.

Request for Sketch Plan Review of a Subdivision Amendment – Graffam Way (Map 43, Lots 46, 47, 48 & 54); Carl Graffam, applicant.

Mr. Averill reviewed the requested subdivision amendment in order to change lots, noting that this would be a review only and that the applicant would be back before the Board at a later date for final approval at which point they would supply a certified survey.

Mr. Graffam reviewed the subdivision amendment with the intent to divide the marsh land in the lower portion in order to add to the two lots below, both of which are currently for sale.

Mr. Omo confirmed that lots are in a resource protection zone and that marsh land would be divided into two parts and added to each lot, whereas current the marsh land spans both lots.

Mr. Graffam confirmed the original subdivision is from 1974 and marsh land was never divided.

Mr. Johnson asked for clarification on the benefit to splitting the marsh land, to which the applicant confirmed that adding a portion of land to each lot will increase square footage, justifying the cost of the waterfront property.

Mr. Omo asked if there were any further changes to the southerly portion, which there were not.

Mr. Stilphen opened the floor to public comment.

Seeing no, Mr. Stilphen ended the public comment session.

Mr. Martin confirmed that the board would review the subdivision in its entirety before final approval.

Mr. Stilphen thanked the applicant for their presentation.

Other Business:

Mr. Averill announced that the City Council would most likely be appointing the new Planning Board Member at their next meeting prior to the September Planning Board, which would alleviate concerns for a quorum moving forward.

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

ROLE CALL VOTE:

YEAS: MR. MARTIN, MR. JOHNSON, MR. OMO, MR. STILPHEN

NAYS: NONE

MOTION PASSED UNANIMOUSLY, 4-0

MEETING ADJOURNED AT 7:19 PM.

Minutes prepared by Karly Perry, Recording Secretary.