

A regular meeting of the Bath Planning Board was called on December 7, 2021, for the purpose of conducting regular business.

MEMBERS PRESENT

James Hopkinson, Vice Chair
Greg Johnson
Andy Omo
Cal Stilphen

MEMBERS ABSENT

Bob Oxtan, Chair
Haley Blanco

STAFF PRESENT

Ben Averill, City Planner
Karly Perry, Recording Secretary

Planning Board Vice Chair, James Hopkinson, called the meeting to order in the third-floor Council Chambers at 6:00 pm on Tuesday, December 7, 2021.

Minutes: November 16, 2021, meeting

MR. STILPHEN, SECONDED BY MR. OMO, MOVED TO ACCEPT THE MINUTES OF NOVEMBER 16, 2021, AS PRESENTED.

UNANIMOUS APPROVAL

Mr. Hopkinson announced that the Board will be taking agenda items out of order, beginning with New Business.

New Business**Item 1**

Request for Conditional Certificate of Occupancy – 137/141 Leeman Highway (Map 28, Lot 53); Highbrow Industries, LLC., applicant.

Item 2

Request for Site Plan Approval Extension – 137/141 Leeman Highway (Map 28, Lot 53); Highbrow Industries, LLC., applicant.

Mr. Averill reviewed the requests for Conditional Certificate of Occupancy and Site Plan Approval Extension, noting correspondence from the applicant. Mr. Averill then announced that the applicant had an unexpected conflict arise and is requesting a continuance on both items to the January regular meeting. Mr. Averill recommended approving the request for continuance, as this would further allow the City to finalize the bond agreement with the applicant as well.

Mr. Hopkinson reviewed the original approval of the application in January 2020, with a request for extension approved in January 2021. A Conditional Certificate of Occupancy was granted in March 2021, for which the landscaping conditions have not yet been satisfied.

Mr. Stilphen asked for clarification on the Board's options for approving or denying the requests as one of the buildings is currently in use to conduct business.

Mr. Averill stated that the Board may grant a continuance on the items, or address the items individually.

Mr. Johnson asked if the Conditional Certificate of Occupancy could be granted and the request for Site Plan Approval Extension denied.

Mr. Averill reviewed scenarios wherein granting a Conditional Certificate of Occupancy would allow the existing storefront(s) to operate. The Board may grant a Site Plan Approval Extension of up to six months. Denying the Site Plan Approval Extension would require the applicant to reapply for Site Plan Approval with the Planning Board. Denying the Certificate of Occupancy would require all current operations by Highbrow to cease until a new Site Plan Application has been approved and all requirements have been met.

Discussion followed regarding previous site plan review, specifically regarding a curb cut. Mr. Omo confirmed that the curb cut could still be required as a condition of the Certificate of Occupancy.

Mr. Hopkinson stated that the Board will first need to address the request for continuance.

MR. STILPHEN MOVED, SECONDED BY MR. OMO TO CONTINUE ITEMS 1 AND 2 TO THE JANUARY REGULAR PLANNING BOARD MEETING.

THE MOTION FAILED WITH 2 IN FAVOR AND 2 OPPOSED.

Item 1

Request for Conditional Certificate of Occupancy – 137/141 Leeman Highway (Map 28, Lot 53); Highbrow Industries, LLC., applicant.

Mr. Hopkinson asked if there was any comment from the Board regarding the request for Conditional Certificate of Occupancy, to which there was none.

Mr. Hopkinson opened the floor to public comment. Seeing none, Mr. Hopkinson closed the public comment session.

Mr. Averill reviewed an email from the applicant, stating that payment has not yet been made to the City for bond.

MR. OMO, SECONDED BY MR. JOHNSON, MOVED TO CONTINUE THE REQUEST FOR CONDITIONAL CERTIFICATE OF OCCUPANCY TO THE JANUARY MEETING.

MOTION APPROVED WITH 3 IN FAVOR AND 1 OPPOSED.

Item 2

Request for Site Plan Approval Extension – 137/141 Leeman Highway (Map 28, Lot 53); Highbrow Industries, LLC., applicant.

Mr. Hopkinson asked if there was any comment from the Board regarding the request for Site Plan Approval Extension to which there was none.

Mr. Hopkinson opened the floor to public comment. Seeing none, Mr. Hopkinson closed the public comment session.

Mr. Averill recalled the previous request for extension, granted in January 2021 and extended in September 2021 then stated that the board can approve an extension up to six months, continue the request to the next meeting, or deny the request.

MR. JOHNSON, SECONDED BY MR. STILPHEN, MOVED TO DENY THE REQUEST FOR SITE PLAN APPROVAL EXTENSION.

UNANIMOUS APPROVAL

Old Business

Item 1

Request for Historic District Approval – 58 Pearl Street (Map 21, Lot 31); David Strelneck & Michelle Lambert, applicants. (Continued from November 16, 2021, meeting.)

Mr. Averill reviewed the Request for Historic District Approval for the demolition and construction of a shed. He then reviewed new material submitted by the applicant with a new design for the project which will better comply with safety codes by removing windows on the structure.

Michelle Lambert, property owner, introduced herself to the Board.

Mr. Johnson confirmed that the new structure is not attached to the residence.

Mr. Omo confirmed that the structure will be narrower rather increase the distance from the house.

Ms. Lambert reassured the Board that the new structure will be more aesthetically pleasing to the area than the existing shed.

Mr. Hopkinson opened the floor to public comment. Seeing none, Mr. Hopkinson closed the public comment session.

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

UNANIMOUS APPROVAL.

MR. OMO, SECONDED BY MR. STILPHEN, MOVED TO APPROVE THE REQUEST FOR HISTORIC DISTRICT APPROVAL FOR 58 PEARL STREET (MAP 21, LOT 31) AS PRESENTED.

UNANIMOUS APPROVAL

Other Business

Election of Officers

Mr. Averill suggested that the election of officers be postponed to January to allow for as many Board members to be in attendance as possible, to which the Board agreed.

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

UNANIMOUS APPROVAL

MEETING ADJOURNED AT 6:25 PM.

Minutes prepared by Karly Perry, Recording Secretary.