

A regular meeting of the Bath Planning Board was called Tuesday, November 5, 2024, for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxton, Chair
James Hopkinson, Vice Chair
Phyllis Bailey
Robert Gersh
Greg Johnson

MEMBERS ABSENT

Andy Omo
Cal Stilphen

STAFF PRESENT

Jenn Curtis, 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, November 5, 2024.

Minutes: October 1, 2024, meeting.

MR. HOPKINSON, SECONDED BY MS. BAILEY, MOVED TO APPROVE THE MINUTES OF OCTOBER 1, 2024, AS PESENTED.

Mr. Gersh recommended that on page 2 paragraph one, 24 mph be changed to 25 mph. He then recommended that on page 5 paragraph 5 the word permeate be changed to penetrate.

MR. HOPKINSON, SECONDED BY MR. JOHNSON, MOVED TO APPROVE THE MINUTES OF OCTOBER 1, 2024, AS AMENDED.

PLANNING BOARD UNANIMOUSLY APPROVED.

Old Business

None

New Business**Item 1**

Public Hearing – Request for Contract Rezoning - 150 Congress Avenue (Map 24, Lot 1); Developers Collaborative Predevelopment LLC, applicant.

Ms. Curtis opened the Public Hearing by recalling the previous project review on October 1, 2024, by the Planning Board with questions and comments noted in the memo, along with draft findings, staff notes, additional site enhancements for Board discussion, as well as a note for Board consideration of including a performance guarantee as a condition of approval included in the drafted conditions of approval. She then turned the floor over to the applicant.

Steve Bushey, Engineer, of Gorrill Palmer introduced Mike Lyne of Developers Collaborative and Traffic Engineer Diane Morabito. He then gave a slideshow presentation of the project by Developers Collaborative to develop the second- of a three-

phase project planned for Congress Avenue. Phase II proposed an 84-unit workforce housing development to be built on 3.2 acres, with an additional 10 acres to be preserved as open space to satisfy density requirements under the proposed contract rezoning agreement.

Mr. Bushey referenced Ryan Senatore Architect, presenting the designs for the three buildings which will make up the development: two 30-unit L-shaped buildings to the right of a rectangular building which will hold the remaining 24 units. He recalled that the first phase of this project was to relocate and replace the existing Anchorage housing development which will provide 48 units. Phase three will seek to develop the current site of the Anchorage and provide an additional 75 units.

Mr. Bushey then reviewed the existing conditions for the 150 Congress Street, which has previously housed both a church and day care facility, as well as other businesses. Afterwards, he presented the proposed site plan including the three housing structures, noting that the previously proposed vehicular route between the buildings has been removed with input from the Fire Department, who recommended instead that the development include inlets for parking emergency vehicles.

The proposed development will have 130 parking spaces, including both accessible and EV parking. Mr. Bushey noted that the City provides credit for EV spaces which reduces the parking requirements. He then identified the location of solid waste storage areas and presented the lighting plan for the project.

Mr. Bushey presented the proposed driveway entrance, which would be relocated from the current driveway in order to improve sight distance. He recalled discussions with the Police Chief, who has expressed support for reducing the speed limit in the area to 25 mph so as to meet the Land Use Code sight distance requirements. Mr. Bushey clarified that under the current design, the entrance would meet DOT sight distance requirements, but not the more restrictive City standards.

Mr. Bushey presented the landscaping plan, highlighting the minimal clearing of the existing mature pines along Congress Avenue, as well as an additional 109 trees and 500+ shrubs to be planted. He noted the location of stormwater and drainage on the site plan, adding that the amount of impervious surface on the site will not increase significantly.

Overhead utilities will be utilized to connect the property to Congress Avenue, however the electricity on site will then be run underground. All buildings will be sprinkled and a third hydrant will be installed along to support the development. Developers Collaborative has not yet determined whether liquid propane will be required, but currently the site is planned to be fully electric.

Mr. Bushey emphasized the \$193,297 sewer impact fee to be paid to the City in order to offset the increased use by the buildings, noting both existing water and sewer are sufficient for the new structures.

Mr. Bushey presented a detailed lighting plan, contract rezoning for the entire three-phase project, floor plans with elevation plans, as well as digital renderings of the buildings showing green spaces including the pedestrian corridor between buildings.

Diane Morabito presented an overview of projected traffic statistics which suggest that the project will generate an additional 454 one-way or 227 round trips, including 39-42 one-way trips within peak hours. She noted that traffic volume has been decreasing year over year, however she included a .05% increase in her calculations. Ms. Morabito stated that the 15-minute peak times for both school and BIW shift changes received a D rating, however the hourly peak traffic has a B rating. She concluded that the project will not have a significant impact on traffic. Ms. Morabito then confirmed that the proposed entrance does not currently meet sight distance for the city but is compliant with current DOT standards.

Mr. Bushey continued his presentation by projecting occupancy for the project in the fall or winter of 2026. He listed technical issues to contend with including demolition which may include hazardous material such as asbestos. He stated that no blasting is expected on site and that utility relocation will be minimal. He concluded by reviewing the benefits of the open space to both the project as well as to the city.

Mike Lyne recalled previous conversations with City Council regarding contract rezoning and discussion surrounding public transportation. Suggestions to mitigate traffic include increasing the current City bus system, promoting programs that encourage ride sharing, and encouraging residents to utilize bicycles. He noted that BIW has increased the number of bike racks available and added incentives to employees who take advantage of biking to work. Mr. Lyne then noted the potential for hybrid work programs which allow employees to work remotely. He then testified to his personal site visits during peak times which he determined his project would have minimal impact on with staggered shifts. Mr. Lyne concluded by noting that commuting to BIW, only to park and walk an additional mile to work, will incentivize ride sharing among residents.

Mr. Hopkinson asked if the project would require a Permit by Rule from the DEP. Mr. Bushey stated that it will, however this permit would not be submitted until the project was a month away from starting construction. Mr. Hopkinson requested that the applicant provide copies of permits and approvals to the Planning Department.

Ms. Bailey asked that the presentation be shared with the Board, which Ms. Curtis agreed to provide.

Mr. Hopkinson asked what the process would be to reduce the speed limit along Congress Avenue. Ms. Morabito stated that the request would need to be made by the City and that the DOT would most likely review the request within 4 to 6 weeks.

Mr. Hopkinson asked Mr. Bushey how long before permits would be pulled. Mr. Bushey stated that it would be 3 to 4 months at least, with an expected start date for construction of Spring or Summer.

Mr. Gersh asked if fencing will be placed around the project during demolition. Mr. Lyne confirmed that the area will be protected by fencing during all phases of construction.

Ms. Bailey compared the digital renderings of the project to those by the Belfast project. Mr. Lyne clarified that the Belfast renderings were included for potential colors only and not for the architectural details.

Mr. Hopkinson asked if Developers Collaborative anticipates easements for sidewalks. Mr. Lyne stated that no consideration has yet been given, although significant time has been spent developing the sidewalks to ensure that traffic on Edgett Street is minimized. He agreed that easements with Bath Housing may be necessary.

Mr. Hopkinson asked Mr. Lyne the anticipated timeline for finalizing the conservation easement. Mr. Lyne stated that there is currently no definitive timeline for this easement.

Mr. Gersh complimented the applicant on their thoughtful responses to City Staff comments, specifically those by Public Works.

Mr. Oxton opened the floor to public comment. Seeing no comments, Mr. Oxton ended the Public Hearing.

Item 2

Request for Site Plan and Developmental Subdivision Approval – 150 Congress Avenue (Map 24, Lot 1); Developers Collaborative Predevelopment LLC, applicant.

Mr. Hopkinson asked Ms. Curtis what the internal process would be to change the speed limit. Ms. Curtis stated that the Board may recommend the change, then cautioned that DOT review may determine that the speed should be increased. She noted that the Land Use Code requires the applicant to provide substantial evidence that the standards have been met and noted that providing a traffic expert to speak to the safety of the entrance, she believes that this standard has been met.

Mr. Gersh expressed his opinion that the City should request a reduction in the speed limit in the interest of public safety, particularly prior to the start of demolition and construction.

Mr. Johnson asked how the open space would be accessed by the public. Mr. Bushey identified the location of existing easements along the Tedford Shelter property, which will be utilized for site access.

Mr. Gersh asked if the Tedford Shelter will need to be consulted to utilize these easements. Mr. Lyne stated that Tedford has already been consulted and has provided letters of support, noting that the Bath YMCA may also be able to provide additional access to future trail system.

Mr. Hopkinson asked if renderings of the buildings were developed using the actual landscaping plan. Mr. Bushey stated his belief that the renderings are accurate. Mr. Lyne confirmed that the vegetation used is consistent with those utilized at other projects by Developers Collaborative.

Mr. Oxtan confirmed with Mr. Bushey that emergency vehicle parking will be properly noticed with signage.

Mr. Johnson noted a lack of bike racks on plans and in renderings. Mr. Bushey acknowledged that this was an oversight, stating that the project will most likely install four 5-unit stands for a total of 20 spaces. Mr. Lyne noted that many bicycle owners tend to store their bikes inside to prevent theft. Discussion followed regarding electric bikes and the potential dangers of bicycle charging stations.

Mr. Gersh asked Ms. Morabito if a traffic light would be warranted. Ms. Morabito recalled DOT provisions for traffic lights, noting that even with the high school, traffic is nowhere close to the level of service required to warrant a traffic signal.

Ms. Curtis acknowledged Mr. Hopkinson's previous questions regarding the commencement of construction and recommended that the Board consider including an extension as a condition of approval.

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

PLANNING BOARD UNANIMOUSLY APPROVED.

MR. HOPKINSON, SECONDED BY MR. GERSH, MOVED TO APPROVE THE SITE PLAN, SUBDIVISION, AND CONTRACT REZONING APPLICATION FOR THE 3 STORY BUILDINGS WHICH CONTAIN 84 RENTAL UNITS AT 150 CONGRESS AVENUE TO BE APPROVED WITH THE FINDINGS OF FACT CONCLUSIONS AND CONDITIONS AS DOCUMENTED IN THE STAFF MEMO DATED NOVEMBER 5, 2024, AND WITH THE FOLLOWING ADDITIONAL CONDITIONS:

- **THAT THE APPLICANT WORK WITH THE CITY TO REQUEST THE DOT TO REDUCE THE SPEED LIMIT TO THE NORTH SUFFICIENT TO SATISFY THE CITY'S SIGHT DISTANCE REQUIREMENT.**
- **THAT THE PERMIT BY RULE APPLICATION BE SUBMITTED TO THE CITY PLANNER AT THE SAME TIME IT IS SUBMITTED TO THE DEP AND A FOLLOW-UP CONFIRMATION OF NO OBJECTION.**
- **THAT A FINAL RECORDED COPY OF THE CONSERVATION EASEMENT BE SUBMITTED TO THE CITY PLANNER.**

- **THAT THE FINAL ACCESS POINT TO THE CONSERVATION EASEMENT ALONG THE NORTHERLY BOUNDARY BE CONFIRMED TO THE CITY PLANNER.**
- **THAT A FINAL AREA AND LOCATION FOR BIKE RACKS BE SUBMITTED TO THE CITY PLANNER.**
- **THAT AN AGREEMENT WITH BATH HOUSING CONCERNING ACCESS FROM THE SOUTHERLY PROJECT TO THE CONSERVATION AREA AND FOR THE APPLICANT OVER BATH HOUSING'S CENTRAL CORRIDOR BE SUBMITTED TO THE CITY PLANNER.**
- **THAT THE APPLICANT RECEIVE AN EXTENSION OF SIX MONTHS ON THE TIME FOR INITIATING CONSTRUCTION.**

PLANNING BOARD UNANIMOUSLY APPROVED.

Other Business

Election of Officers

Mr. Oxton turned the floor over to Ms. Curtis for the Election of Officers.

Ms. Curtis stated that she has received an email from Mr. Stilphen that he is comfortable with the Board holding elections in his absence, with the recommendation that the Board maintain the current officers. She added that Mr. Omo was aware that elections would be held at this meeting and did not submit any comment.

MR. GERSH, SECONDED BY MS. BAILEY, MOVED TO SUPPORT MR. STILPHEN'S RECOMMENDATION.

PLANNING BOARD UNANIMOUSLY APPROVED.

Mr. Gersh asked for clarification on the definition of a performance guarantee. Mr. Hopkinson explained that it is a financial guarantee for the City to support infrastructure, such as a bond, letter of credit, or an escrow with the City.

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

MEETING ADJOURNED BY UNANIMOUS ACCLAMATION AT 7:25 PM.

Minutes prepared by Karly Perry, Recording Secretary