

A regular meeting of the Bath Planning Board was called on Tuesday, October 1, 2024, for the purpose of conducting regular business.

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

Andy Omo

**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, October 1, 2024.

**Minutes: September 3, 2024, meeting.**

**MR. JOHNSON, SECONDED BY MS. BAILEY, MOVED TO ACCEPT THE MINUTES OF SEPTEMBER 3, 2024, AS PRESENTED.**

**PLANNING BOARD UNANIMOUSLY APPROVED.**

**Old Business****Item 1**

**Request for Sketch Plan Review** – 150 Congress Avenue (Map 24, Lot 1); Developers Collaborative Predevelopment LLC, applicant. (Continued from September 3, 2024, meeting)

Ms. Bailey stated that she is on the Board for Bath Housing and recused herself from this item.

Ms. Curtis reviewed the project as previously seen by the Board, noting that the Board will not need to find completeness with the application as it is still in the review stage.

Steve Bushey of Gorrill Palmer introduced himself, then recapped his previous presentation of the project, the details for which have been further refined after discussion with the Board and City Staff. Mr. Bushey recalled the request for contract rezoning for both density and building height, adding that the height restriction in the C2 zone is 40', with the structures proposed having a height of 48'. He then presented the master plan, which includes the previously approved project to relocate The Anchorage housing unit, as well as a future project to rebuild on the site of the existing Anchorage location. Mr. Bushey identified local walking trails, existing parking and site access, as well as tree growth which Developers Collaborative seeks to maintain in the proposed project.

Mr. Bushey then presented a refined site plan to include a rectangular, 3-story building, along with two L-shaped buildings, none of which include elevators. He stated that the project would provide 130 parking spaces, which does not meet the current Land Use Code, 8 of which would be ADA compliant, with another 16 spaces designated for electric

vehicles. Mr. Bushey noted that the housing is intended to be workforce housing, possibly for Bath Iron Works.

Mr. Bushey presented the proposed entrance, site lines for which would meet DOT standards but fall short of City requirements. Developers Collaborative is currently seeking an agreement with the City wherein speed limit signs could be relocated in order to put the entire project in the 25 mph zone, which would in turn make the site lines compliant.

Mr. Bushey continued to present the parking lot design, which accommodates access for fire trucks around the lot with a circular turnaround, as well as a cut-through path, which may be paved using pavers in addition to sidewalks for pedestrian connectivity to neighboring projects, as well as the trail system.

Mr. Bushey briefly presented a landscaping plan noting that the proposed landscaping would add 83 new trees as well as 300-400 shrubs, increasing greenspace.

He then discussed stormwater controls, which will require a Permit by Rule but not substantially increase impervious surface on site. Mr. Bushey detailed the plan to add catch basins and increase stormwater management on site, with connection to the Edgett Street water main as approved by Bath Water District. The new water main will include fire suppression systems, as the building will be fully sprinkled. Sewage will also utilize Edgett Street access, impact fees for which will bring the City \$190,000 in revenue.

Mr. Bushey identified overhead power lines and waste collection locations. He summarized the traffic study, noting that Traffic Engineer Diane Morabito has worked previously with other developments along Congress Avenue, including the new high school.

Mr. Bushey briefly presented the lighting plan with photometrics.

Ryan Senatore, architect, detailed floor plans for the property. The rectangular building will be mostly 1-bedroom units with some studio apartments. The L-shaped buildings will include some 2-bedroom units as well. Mr. Senatore described the recessed façade which will add interest to the structures, with gables and traditional cedar shake appearance.

Mr. Bushey concluded with the timing of the project, with a goal for occupancy in the fall or winter of 2026. He noted that technical issues for the project would include demolition with potentially hazardous material, the low potential for blasting, and relocation of utilities.

Mr. Stilphen asked for clarification on the definition of workforce housing.

Mike Blyne of Developers Collaborative explained that workforce housing is specifically designed to address the housing gap for the “missing middle” as projects are often geared towards low-income housing or high-end housing. Developers Collaborative is working

with Bath Iron Works to identify their housing needs, although other entities will be considered as well, such as staff for RSU1. Once completed, Developers Collaborative will own and manage the property.

Mr. Oxton opened the floor to public comment.

Roo Dunn of Green Street, City Council Representative for Ward 4, asked how the project's main artery cut-through would be protected from through traffic and parking. He then asked whether the traffic study had considered the school buses, the timing for their exit lines up with the Bath Iron Works shift change.

Seeing no further public comment, Mr. Oxton closed the public comment session.

Mr. Bushey noted that the 16' mews would be for pedestrians and emergency access only, stating that signage and landscaping could be considered to discourage parking and through traffic. He then agreed that Ms. Morabito could review bus traffic patterns and attend a public hearing as needed.

Mr. Stilphen asked for information on snow removal.

Mr. Bushey identified snow storage locations on the site plan, adding that large storms may require snow to be removed from the site entirely.

Mr. Johnson expressed concern for the mews and suggested that unless it is required by the Fire Department it should be removed from the plan.

Mr. Bushey suggested that removable bollards could be installed to prevent through traffic.

Mr. Johnson stated his opinion that the project requires additional greenspace as well as playgrounds. He suggested an inclusive traffic study for the entire area to include the school as well as recreational areas.

Mr. Bushey restated that Ms. Morabito is familiar with these areas and could look at the area holistically.

Mr. Hopkinson spoke to previous discussion in September regarding van service, noting that if this is no longer the plan it may impact traffic as well and should be addressed. He then observed staff comments that have not been addressed.

Ms. Curtis confirmed that Developers Collaborative has supplied City Staff with additional information that is under review.

## **New Business**

### **Item 1**

**Public Hearing – Land Use Code Text Amendment – Article 5, Section 5.10, Conflict of Interest; David King, applicant.**

Ms. Curtis introduced a memo from City Staff addressing the suggested changes to the Land Use Code, including recommendations to draft bylaws which may be adopted in tandem with updates to the Land Use Code currently underway. Ms. Curtis then reviewed legal guidance on how to reduce perceived public perception of impropriety, noting common practices which could be included in language. She then recalled the Board's handling of the recent question of conflict, stating her opinion that no sizable issue exists currently.

Mr. Stilphen expressed concern that proposed language is heavy handed and agreed that bylaws may be more appropriate.

David King of Mill Pond Drive stated that he was compelled to pay the submission fee for the proposed amendment based on the prior incident and question the ability of a Board member to be truly analytical and put the City first. He spoke to public perception and the influence this Board member may have on other members of the Planning Board.

Mr. Oxton opened the floor to public comment.

Mr. Dunn expressed his appreciation for Mr. King's thoughts, then spoke against the language as being harsh and recommended a more inclusive approach to consider proposed language based on the size of the community.

Mr. Oxton closed the public comment session.

Mr. Hopkinson spoke to the advice of the City Solicitor and recommended that the Planning Board consider adding alternate members to the Board, and that recommended changes be considered while rewriting the Land Use Code.

Ms. Bailey spoke in favor of implementing bylaws in order to expedite changes, with a long-term plan to include provisions in future Land Use Code edits. She then suggested that general practice be clarified. She noted that in the meantime she would recuse herself from discussion involving Bath Housing if necessary.

**MR. HOPKINSON MOVED, SECONDED BY MR. STILPHEN, TO RECOMMEND TO CITY COUNCIL TO ALLOW THE MATTER TO MOVE FORWARD AND PERMIT THE PLANNING BOARD TO ENGAGE WITH THE CITY SOLICITOR FOR ADVICE AND RECOMMENDATION ON THE COMBINATION OF LANGUAGE IN THE ORDINANCE THAT CAN BE ADOPTED AS PART OF THE OVERALL LAND USE ORDINANCE UPDATE AND ALSO TO AUTHORIZE THE PLANNING BOARD TO ENGAGE IN DISCUSSIONS WITH THE CITY SOLICITOR ON BYLAW CHANGES WHICH WOULD INCLUDE THE POSSIBILITY OF ADDING ALTERNATES.**

Ms. Bailey suggested that language should address any member on any board, then cautioned the Planning Board from becoming too restrictive.

**PLANNING BOARD UNANIMOUSLY APPROVED.**

**Item 2**

**Request for Site Plan Approval** – 11 Detritus Drive (Map 10, Lot 14 & Map 15, Lot 44); Revision Energy, Inc., representing City of Bath, applicant.

Ms. Curtis presented the project previously seen by the Board to construct a solar project with the City of Bath and Revision Energy as co-applicants. She noted that City Staff has reviewed the project with no issues observed.

Alex Roberts-Pierel of Revision Energy presented a slideshow in which he identified the location of the project at the southern end of the Bath City Landfill. The City of Bath will be the sole beneficiary, with approximately half of the energy load for the City being offset by energy produced. He then detailed the equipment to be installed, energy load, and the location of areas which will be disturbed. Mr. Roberts-Pierel confirmed that Revision has worked closely with Public Works and the DEP to gain compliance.

The project will operate on the capped landfill and is designed to not penetrate the cap or exceed its weight rating.

Ms. Curtis noted that DEP approval would be required as an additional condition of approval.

Mr. Roberts-Pierel reviewed studies performed during the planning process, including natural resources located in the surrounding area of the project, as well as IFW and Historic District Review Committee reviews. He then presented aerial photos for the project, identifying the point of interconnection with Central Maine Power, including pad-mounted transformer, gravel pad for inverters, and existing overhead lines which will transition to ballasted conduit.

Ms. Bailey asked how the plan would work with the proposed plan for the landfill closure.

Mr. Roberts-Pierel explained that the project is entirely within the southern zone, which is currently a closed area. This project would be a revision to the existing DEP closure plan already in place and would not compromise any future closures.

Mr. Roberts-Pierel continued to present slides to show limited tree removal for equipment storage as recommended by Public Works. He displayed photos of racking systems which prevent penetrating the landfill cap using geoballasts filled with crushed stone, as well as fencing, modules, and the bridge over conduit to allow access for mowing.

Ms. Curtis asked for clarification on whether the applicant would require an extension.

Mr. Roberts-Pierel confirmed that a six-month extension is preferred.

Mr. Oxton opened the floor to public comment.

Robert Gersh of Bedford Street asked if consideration had been given to nuisance glare. Mr. Oxton closed the public comment session.

Mr. Roberts-Pierel asked for clarification on the location of Mr. Gersh's house, which would not be impacted, although previously others were impact by glare from materials on site. Mr. Roberts-Pierel noted that the lower elevation of the panels would mitigate glare, adding that modern modules absorb reflection much better than glass or tarps with water.

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

**PLANNING BOARD UNANIMOUSLY APPROVED.**

**MR. HOPKINSON MOVED, SECONDED BY MS. BAILEY, TO APPROVE THE APPLICATION IN ACCORDANCE WITH THE FINDINGS OF FACT, CONCLUSIONS AND CONDITIONS AS DOCUMENT IN THE STAFF MEMO DATED SEPTEMBER 23, 2024, SUBJECT TO THE STANDARD CONDITIONS OF APPROVAL AND THE ADDITIONAL CONDITION THAT THE DEP PERMIT BE RECEIVED BY THE PLANNING DIRECTOR PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.**

**PLANNING BOARD UNANIMOUSLY APPROVED.**

**MR. JOHNSON MOVED, SECONDED BY MR. HOPKINSON, TO PROVIDE A SIX-MONTH EXTENSION.**

**PLANNING BOARD UNANIMOUSLY APPROVED**

### **Item 3**

**Request for Pre-Application and Sketch Plan Review – 540 Centre Street (Map 29, Lot 8); Bath Housing Development Corporation, applicant.**

Ms. Bailey reminded the Board that she is on the Board for Bath Housing.

Mr. Hopkinson clarified that the Board would not be voting on the application at this meeting.

Ms. Curtis added that this is the first time this project is being presented to the Board. The Planning Board will need to determine whether a site visit of the property is necessary.

Tom Saucier presented Phase II of a project currently underway at 520 Centre Street. This project will be located at 540 Centre Street, creating a 5000 sf, 24-unit housing

project. The building will be three stories and include 27 parking spaces. Mr. Saucier identified locations of waste storage and utilities. He noted that construction is anticipated to begin in fall of 2025, pending approval by the Planning Board.

Mr. Senatore presented renderings of the building similar to those in Phase I, with traditional double-hung windows, flat roof with cornices, and cutouts for interest.

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

Mr. Hopkinson recalled previous discussion on Old Business Item 1 regarding traffic concerns.

Mr. Saucier acknowledged these concerns, noting that Ms. Morabito was the Traffic Engineer for this project as well and could provide additional insight.

The Planning Board agreed that an additional site walk for the property was not necessary as they had visited the site during Phase I.

Ms. Bailey expressed interest in taking a site walk as she was not on the Board at the time Phase I was approved.

Mr. Stilphen objected to a private site walk based on concerns regarding ex parte communications.

Ms. Curtis agreed a private site visit may not be appropriate.

### **Other Business**

#### **Election of Officers**

Mr. Oxtan observed that the full Board is not currently present, noting that typically Ms. Curtis would email members to poll their interest if they would not be in attendance. The Board agreed to postpone the election to November.

**MR. HOPKINSON, SECONDED BY MS. BAILEY, MOVED TO ADJOURN.**

**MEETING ADJOURNED BY UNANIMOUS ACCLAMATION AT 8:07 PM.**

Minutes prepared by Karly Perry, Recording Secretary