

A regular meeting of the Bath Planning Board was called on October 20, 2020 for the purpose of conducting regular business.

MEMBERS PRESENT

Bob Oxtan, Chair
James Hopkinson, Vice Chair
Cal Stilphen
Greg Johnson
Russell Martin

DRAFT**MEMBERS ABSENT**

Andy Omo
Haley Blanco

STAFF PRESENT

Ben Averill, City Planner
Karly Perry, Recording Secretary

Chair Bob Oxtan called the meeting to order using Zoom conferencing at 6pm on Tuesday, October 20, 2020. Mr. Averill then reviewed procedure for the meeting.

Minutes October 6, 2020, meeting

MR HOPKINSON, SECONDED BY MR. STILPHEN, MOVED TO ACCEPT THE MINUTES OF OCTOBER 6, 2020 AS PRESENTED

ROLE CALL VOTE:

YEAS: MR. STILPHEN, MR. JOHNSON, MR. HOPKINSON, MR. MARTIN, MR. OXTON

NAYS: None

MOTION PASSED UNANIMOUSLY, 5-0

Old Business**Item 1**

Request for Historic District Approval – 128 Front Street (Map 26, Lot 243); Robert Whisenant, applicant. (Continued from the August 4, 2020 meeting)

Mr. Averill reviewed the request for historic district approval as previously seen by the Board, noting that the item had been continued in order to meet requirements. The applicant is seeking to improve the windows at 128 and 132 Front Street as well as the doors on the façade of these buildings. After initial review by the Planning Board, the City Planner requested a peer review which has been supplied to the Board.

Rob Whisenant, applicant, reviewed his proposal to install two panel by two panel vinyl windows, also reviewing the aluminum clad doors which the applicant compared to those commonly seen on Front Street. Mr. Whisenant further reviewed details of the doors as presented to the Board.

Mr. Johnson reviewed the Board's previous request for more detail including how the windows will fit the openings, which was not submitted. Mr. Johnson requested that the applicant provide detailed dimensions and expressed his opinion that double hung windows are not appropriate, also noting that aluminum doors should be painted as suggested in the peer review.

Mr. Whisenant reviewed irregularities in the openings which he preferred to maximize, further explaining that in order to make the windows uniform framework will be necessary.

Mr. Johnson referenced other buildings along the street, further stressing that 3 inches of framework seems excessive.

Mr. Averill reviewed the procedure for public comment through the Zoom platform.

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

Mr. Hopkinson reviewed that the request is for historic district approval, most requirements of which are not applicable. Mr. Hopkinson further stated that the applicant is not requesting any changes to how the windows attached as well as minimal edits to the actual masonry. Mr. Hopkinson expressed his opinion that the applicant has met its burden.

Mr. Johnson spoke to the vagueness of the proportion requirements which he does not believe the applicant has met with the replacement windows.

Mr. Hopkinson acknowledged that the historic district criteria needs to be reviewed, then went on to compare windows in abutting buildings.

MR. HOPKINSON, SECONDED BY MR. STILPHEN, MOVED TO APPROVE THE REQUEST FOR HISTORIC DISTRICT APPROVAL WITH THE CONDITION THAT THE APPLICANT PROVIDE SKETCHES OF WINDOWS TO THE PLANNING DIRECTOR.

[Mr. Oxton was disconnected from Zoom at this time, Mr. Hopkinson took over as chair]

ROLE CALL VOTE:

YEAS: MR. STILPHEN, MR. MARTIN, MR. HOPKINSON

NAYS: MR. JOHNSON

Mr. Averill suggested that the Board table the Item in order to allow Mr. Oxton time to return to the meeting.

Board members agreed to table the item by unanimous acclamation.

New Business

Item 1

Findings of Fact for Final Subdivision Approval – Graffam Way (Map 43, Lots 46, 47, 48 & 54); Carl Graffam, applicant.

Mr. Averill reviewed the subdivision as approved at the October 6, 2020 Planning Board, to which the Board is now required to approve Findings of Fact for the amendment. It is at the discretion of the Board as to whether or not to waive the full reading of the Findings of Fact. If approved, subdivision plans will be signed by members of the Board separately at the Planning Office.

Mr. Hopkinson asked the Board if all members had been able to review the Findings of Fact, and if so, were there any questions or changes. The board unanimously acclaimed that the Findings of Fact were acceptable.

MR STILPHEN, SECONDED BY MR. JOHNSON, MOVED TO WAIVE THE READING OF THE FINDINGS OF FACT.

ROLE CALL VOTE:

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

NAYS: None

MOTION PASSED UNANIMOUSLY, 4-0

MR. JOHNSON, SECONDED BY MR. MARTIN, MOVED TO APPROVE THE FINDINGS OF FACT AS PRESENTED.

ROLE CALL VOTE:

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

NAYS: None

MOTION PASSED UNANIMOUSLY, 4-0

Item 2

Request for Subdivision Amendment Approval – West Chops Point Subdivision (Maps 1 & 5, Var Lots); West Chops Point Homeowners Association, applicant.

Mr. Averill reviewed the request as required by Section 13.14.C.1.E which requires all infrastructure to be installed underground. The applicant is requesting a waiver in order to add additional high speed internet using above ground cables. Other requirements are requested to be waived as there are no other changes to the subdivision.

Christian Leger, Vice President of the West Chops Point Subdivision Association introduced Joan Troy, President; and Mark Oullette, President of Axiom, which will be providing installation.

Mr. Leger then went on to review the subdivision, plans for which did not originally account for internet access. Mr. Leger noted the difficulty the homeowners association has had finding a company willing to work with the subdivision. Axiom has proposed the installation of fiber optic cable to be laid away from roads and driveways, among brush and in the tree line, and then buried as necessary when crossing both driveways and roads. The method has been used successfully in many island communities as well as by larger companies when addressing multiple-housing units. The applicant stressed that the project is especially necessary now that many residents are working and learning remotely and other solutions have not been successful.

Mr. Stilphen asked for clarification on the origination of the cable, which will begin at an existing pole at Eagle Point Road.

Mr. Martin asked if the cable would be located in the right of way, which it will, and if plowing will disturb the infrastructure.

Mr. Leger stated that plow contractors and homeowners have been contacted to discuss the installation, however because the line will be buried near roads and driveways plowing should not disturb the infrastructure.

[Mr. Oxtan rejoined the meeting]

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

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

ROLE CALL VOTE:

YEAS: MR. STILPHEN, MR. MARTIN, MR. OXTON, MR. JOHNSON, MR. HOPKINSON

NAYS: None

MOTION PASSED UNANIMOUSLY, 5-0

MR. STILPHEN, SECONDED BY MR. JOHNSON, MOVED TO APPROVE THE WAIVER REQUEST AS PRESENTED.

ROLE CALL VOTE:

YEAS: MR. STILPHEN, MR. MARTIN, MR. OXTON, MR. JOHNSON, MR. HOPKINSON

NAYS: None

MOTION PASSED UNANIMOUSLY, 5-0

Old Business

Item 1 (Continued)

Request for Historic District Approval – 128 Front Street (Map 26, Lot 243); Robert Whisenant, applicant. (Continued from the August 4, 2020 meeting)

Mr. Hopkinson reviewed the vote taken in the absence of the chair, which stands with three in favor and one opposed.

Mr. Oxtan had no further questions or comments and agreed to move forward with a second vote on the motion.

[MR. HOPKINSON, SECONDED BY MR. STILPHEN, MOVED TO APPROVE THE REQUEST FOR HISTORIC DISTRICT APPROVAL WITH THE CONDITION THAT THE APPLICANT PROVIDE SKETCHES OF WINDOWS TO THE PLANNING DIRECTOR.]

ROLE CALL VOTE:

YEAS: MR. STILPHEN, MR. MARTIN, MR. HOPKINSON

NAYS: MR. JOHNSON, MR. OXTON

Mr. Averill reviewed the quorum requirements, which state that four votes are required for a motion to pass when only four members are present; however a motion may pass with three votes when there are five members present.

MOTION PASSED, 3-2

Mr. Hopkinson asked if Mr. Oxton would prefer to take back the chair, to which Mr. Oxton suggested that Mr. Hopkinson continue should there be any further technical issues.

Item 3

Request for Site Plan Approval – 658 Washington Street (Map 27, Lot 143); Durp LLC, applicant

Mr. Averill reviewed the request for site plan approval for the addition of six parking spaces on the lot, as well as a request for shared parking at 658 and 662 Washington Street.

David Matero, Architect, reviewed a sketch of the proposed plan which includes parking in multiple areas on the lot with a total of 750 square feet of paving to be added. Slope and erosion control has been added to meet the request of the Public Works Department, as well as additional screening throughout the lot.

Mr. Johnson asked if the building on the lot is residential.

Mr. Matero stated that the building is commercial and the owner has entered into an easement agreement which allows the business to share parking with the neighboring property which houses a church.

Mr. Averill asked the applicant if the southwest corner would include new shrubs.

The applicant confirmed that new shrubbery would be added to the southwestern and southeastern corners of the lot, as well as a maple tree to be located towards the northeastern corner of the lot.

Mr. Averill suggested that the applicant take a six month extension in order to extend the approval past the approaching winter season, to which the applicant agreed was appropriate.

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

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

ROLE CALL VOTE:

YEAS: MR. STILPHEN, MR. OXTON, MR. JOHNSON, MR. MARTIN, MR. HOPKINSON

NAYS: None

MOTION PASSED UNANIMOUSLY, 5-0

MR. JOHNSON, SECONDED BY MR. MARTIN, MOVED TO APPROVE THE REQUEST FOR SITE PLAN APPROVAL AS PRESENTED.

ROLE CALL VOTE:

YEAS: MR. STILPHEN, MR. OXTON, MR. JOHNSON, MR. MARTIN, MR. HOPKINSON

NAYS: None

MOTION PASSED UNANIMOUSLY, 5-0

MR. OXTON, SECONDED BY MR. STILPHEN, MOVED TO GRANT A SIX MONTH EXTENSION FOR THE BUILDING PERMIT.

ROLE CALL VOTE:

YEAS: MR. STILPHEN, MR. OXTON, MR. JOHNSON, MR. MARTIN, MR. HOPKINSON

NAYS: None

MOTION PASSED UNANIMOUSLY, 5-0

Other Business:

Mr. Averill stated that the Board has yet to vote on the election of officers. After some discussion, the Board agreed to postpone the vote until the November meeting to allow for the entire Board to be present.

Mr. Averill asked if the Board would prefer to transition to hard copies of agenda packets, to which the Board concurred that paper packets are preferred.

MR. OXTON MOVED TO ADJOURN, SECONDED BY MR. STILPHEN.

MOTION PASSED UNANIMOUSLY, 5-0

MEETING ADJOURNED AT 7:05 PM.

Minutes prepared by Karly Perry, Recording Secretary.