

West Bath Planning Board Meeting Minutes **Tuesday, August 10, 2021**

Planning Board: Darlene Estabrook, Chair - Present
Gerry Mitchell, Vice Chair - Present
Jeremie Whorff - Present
Jay Paris - Present
Jim Williams - Absent

Select Board Liaison: Suzanne Andresen - Present

Staff: Jonathan Beane, Code Enforcement Officer
Karly Perry, Town Clerk

Public: Anthony Keefe

The West Bath Planning Board held a meeting on **Tuesday August 10, 2021, at 6:00 pm**, at the West Bath Town Hall, 219 Fosters Point Road, West Bath, Maine.

I. CALL TO ORDER:

Ms. Estabrook called the meeting to order at 6:00 pm.

II. ATTENDANCE AND ESTABLISHMENT OF QUORUM:

A quorum was established.

Planning Board members introduced themselves and stated their names for the record.

III. AMENDMENTS TO AGENDA: None

IV. APPLICANTS: None

V. PUBLIC INFORMATION AND COMMENT

Anthony Keefe introduced himself, then presented a survey for his 15- acre lot on Campbells Pond Road. Mr. Keefe noted that the property has a 250' shoreland setback on both sides due to the water body's significance to Maine IF&W. He then presented his plan to build a cluster subdivision with duplex buildings, seeking guidance from the Board.

Ms. Estabrook stated that the highwater mark and setback will need to be clearly marked on final plans.

Mr. Whorff confirmed that there is an existing building on the property.

CEO Beane shared with the Board his previous visit to the property with Mr. Keefe.

Ms. Andresen asked how many condos were planned, to which Mr. Keefe stated that the plan was originally for five condominiums, each with two units, however Mr. Keefe has been made aware by his surveyor that he has 15 acres rather than 20 acres, as he had originally thought.

Ms. Estabrook confirmed that with the current building on the property, an additional six dwelling units would be allowed as the zone requires two acres per dwelling unit, not per building.

Mr. Keefe went on to detail the condominium design, to which the Board complimented the buildings.

Mr. Whorff asked Mr. Keefe if he knew how many acres were available adjacent to the property to expand the acreage, to which Mr. Keefe was unsure. The Board went on to discuss options to maximize the property. Ms. Estabrook reviewed the application process for subdivisions for Mr. Keefe.

Mr. Keefe thanked the Board for their time.

VI. OTHER BUSINESS

1. Ms. Estabrook announced that the Town Attorney (Jensen Baird) has invited the Planning Board to attend the Municipal Client Seminar, Thursday, September 16 at 5:30pm.
2. Municipal Officer Andresen announced that MCEDD (Midcoast Economic Development District) will be attending the Select Board meeting on Thursday, September 2 at 5:30 pm to discuss their proposal to revise the Land Use Ordinance and Comprehensive Plan and encouraged members of the Planning Board to attend. Ms. Estabrook shared with the Board her conversation with the Select Board when they discussed appointing the Planning Board to serve as the Comprehensive Plan Committee, the proposal is due to the lack of volunteers willing to serve on the Comprehensive Plan Committee. Mr. Paris stressed the importance of competency when selecting an organization to assist in writing both the Land Use Ordinance and Comprehensive Plan, also asking if MCEDD has submitted a new proposal. Municipal Officer Andresen stated that a new proposal has not yet been submitted, but she expects it will be presented at the September meeting and encouraged the Board to attend and ask questions at the meeting.
3. Ms. Estabrook discussed the ordinance changes voted on and approved at Town Meeting, versus what was proposed and clarified which changes were implemented. She has also verified the language is correct in the new Land Use Ordinance books presented at the July 2021 meeting.
4. Mr. Paris expressed frustration with ordinance language which still needs to be addressed. Discussion followed on presenting ordinance changes at the November Election, to which Town Clerk Karly Perry reviewed the timeline for submitting articles. Discussion then followed regarding shoreland setbacks and DEP setback requirements for structures within the shoreland.
5. Ms. Estabrook presented a draft application for non-conforming building expansion as drafted by Mr. Williams, noting that the first three items on application are consistent with current applications. The Board went on to discuss the details of the form which directly address non-conforming structures.

Mr. Paris suggested edits to the calculations list, also noting that the mean high-water line is required on plans when located in the shoreland zone. Mr. Paris also suggested that the application include a place for the applicant to certify intent to conform to the Land Use Ordinance.

The Board went on to review the checklist for relevance. Ms. Estabrook stated that she would make the changes as discussed, and a new draft application will be forwarded to the Board for review.
6. The Board went on to discuss upcoming applications, to which CEO Beane shared that Mr. Kelly is awaiting a property survey in order to move forward with his application. Discussion followed on whether a survey is necessary for Board review or if revised deeds and a sketch supporting deed language would be sufficient. The Board agreed that revised deeds and a sketch of the property line to be altered should be sufficient and that a full survey of both lots is not required.
7. Ms. Estabrook asked if all Board members have returned tax forms, to which Ms. Perry noted that she has not received information from all members, although some members have chosen to forego the stipend.
8. Mr. Mitchell asked to review how building height is calculated, to which Ms. Estabrook read aloud the definition for "height of structure" as written in the Land Use Ordinance. In other parts of the ordinance the language is different, causing confusion. The issue will need to be addressed; however, no changes may be made until the May Town Meeting at the earliest.

9. Discussion continued on Land Use Ordinance changes and inconsistencies within the document which need to be addressed. Municipal Officer stated that ordinance changes have legal review. Ms. Estabrook shared with the Board a discussion with the Town Administrator a couple of months ago regarding clerical and formatting errors that she had found. She requested that they be presented to the Select Board to decide the next course of action, to which Municipal Officer Andresen stated that the Select Board has not yet been presented with the information.

VII. ADJOURNMENT

**Mrs. Estabrook moved to adjourn, seconded by Mr. Whorff.
Meeting adjourned by unanimous acclamation at 8:02 pm.**

A true, attested copy

Karly A. Perry, Town Clerk