

West Bath Planning Board Meeting Minutes

Tuesday, October 19, 2021

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

Select Board Liaison: Suzanne Andresen - Absent

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

Public: Derek Dudzic

The West Bath Planning Board held a regular meeting on **Tuesday, October 19, 2021**, at 6:00 pm, at the West Bath Fire Hall, 192 State 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 because there were at least 3 members present. Planning Board members stated their names for the record.

III. AMENDMENTS TO AGENDA:

Removal of other business agenda item 1: Ms. Estabrook stated that the “Non-Conforming Expansion Application” is not ready to be discussed at this time.

IV. APPLICANTS

None

V. PUBLIC INFORMATION AND COMMENT

Derek Dudzic asked the Board for their opinion on what businesses would best fit the Wing Farm Industrial Park. Mr. Dudzic further explained that he had been approached by breweries interested in properties within the Wing Farm subdivision (who are also interested in the possibility of a food truck). Ms. Estabrook clarified that Planning Board approval is based on the Land Use Ordinance, which details approved uses for the Urban Development Park (UDP) regardless of the Board’s opinions.

Ms. Estabrook opened up the ordinance to check the use table in the UDP zone, then asked if the potential development would be used for retail sales in addition to brewing, which Mr. Dudzic confirmed as a possibility.

Mr. Mitchell stated that beverage bottling is allowed within the UDP. Mr. Paris added that establishments for eating and drinking (Section E.8) are only allowed within the Business and Commercial Zone and Mobile Home Park Overlay Zone. Mr. Mitchell suggested that because eating and drinking would not be the sole purpose of the business, it may be allowable. Discussion followed on whether dining would be allowed as an accessory use and if bottling also included the brewing of beverages. Ms. Estabrook reviewed other allowable uses within the UDP.

The Board agreed that the business would be good in the Wing Farm but the ordinance does not appear to allow it, to which Ms. Estabrook suggested Mr. Dudzic approach the Select Board to propose Ordinance language changes through a Town Meeting.

Mr. Dudzic noted that he had also been approached on a potential developer who would be bottling for other breweries.

Ms. Estabrook stated that she would contact the Town Attorney for a legal opinion on if “bottling of beverages” (Section G.3) is synonymous with a brewery use.

Ms. Estabrook stated that the language of Section E.8 is restrictive and that the Board may wish to remove the “no” in front of dancing and live entertainment. Mr. Paris offered that the Board may also look into updating language to include both indoor and outdoor dining.

Ms. Estabrook outlined for Mr. Dudzic the procedure for ordinance changes as detailed in the Land Use Ordinance, which can be presented at the Budget Town Meeting or in a Special Town Meeting.

Mr. Dudzic inquired that if a hotel wanted to build within the UDP with a restaurant, that this would be allowable under the current Ordinance. Mr. Paris stated that there had been some previous discussion when the UDP was developed many years ago to accommodate a potential development by Marriott that might include a restaurant.

Mr. Dudzic stated that he would discuss the changes with the Select Board.

Mr. Paris expressed concern in changing the ordinance to suit potential developments, as new opportunities may continue to arise. Ms. Estabrook agreed, concluding that the decision ultimately falls to the Select Board. Mr. Mitchell expressed frustration with Ordinance language, to which the Board agreed that the Ordinance requires many updates.

VI. APPROVAL OF MINUTES

Mr. Mitchell moved to approve the minutes of September 14, 2021, as written, seconded by Mr. Paris. Planning Board unanimously approved.

Mr. Mitchell moved to approve the minutes of September 28, 2021, as written, seconded by Mr. Paris. Planning Board unanimously approved.

VII. OTHER BUSINESS

1. Discuss Ordinance Change Priorities

Ms. Estabrook announced that Max Johnstone of Mid Coast Economic Development District (MCEDD) is scheduled to begin work with the Comprehensive Plan Committee on November 1st and at the same time look for any updates which will also apply to the Land Use Ordinance. In addition, the Planning Board will also suggest changes to the Land Use Ordinance which Mr. Johnstone will work to edit with Planning Board oversight.

Mr. Paris discussed existing inconsistencies such as how road setbacks are measured. Ms. Estabrook confirmed that these discrepancies would need to be identified for the MCEDD rewrite. Mr. Paris and Ms. Estabrook agreed that putting notes pointing to issues and potential edits throughout both ordinances into a spreadsheet would be an effective way to gather information for Mr. Johnstone to review and work from. Ms. Estabrook suggested

that Board members add the items they have noticed so far into the spreadsheet, then the Board will review priorities as a group.

Discussion followed on other inconsistencies with UDP setbacks as well as discrepancies between the Commercial Zone and the MHP Overlay Zone, all of which the Board agreed should be reviewed.

Discussion followed on updating the Development Review Ordinance as well, both need to be updated along with the definition section. Ms. Perry added as suggestion by the Town Administrator to further divide the Ordinance to separate subdivision and shoreland zoning. The Board is open to different organization but agreed that they would prefer to keep the Ordinance as one book with different sections. Ms. Estabrook stated that previously worked on ordinance changes should be on the list and that the Board may also consider incorporating parts or all of DEP Chapter 1000, adding that to the list to get Mr. Johnstone's opinion would be useful. Mr. Paris cautioned that adopting Chapter 1000 may have unintended consequences and should be carefully considered.

Ms. Estabrook asked CEO Beane if he had any specific items to add to the list, to which CEO Beane referenced language worked on last year concerning signs as well as wording on setbacks for docks. Ms. Estabrook stated that she would also send CEO Beane the spreadsheet.

The Board went on to discuss the process, noting that the list should be discussed and prioritized prior to submission to MCEDD. The Board also agreed that it is important to put forward as many changes as possible for review.

Mr. Paris asked if CEO Beane is issuing certificates of occupancy for commercial businesses. CEO Beane stated that he has not had to yet, but that he will be soon and that certificates of occupancy at commercial developments have previously been issued by the Town.

Ms. Perry asked for clarification on how the Board would move forward. Ms. Estabrook stated that the Board will review the ordinances individually, input issues and potential edits into a spreadsheet, review suggestions as a Board at a workshop, send to MCEDD for review, then review with Mr. Johnstone in a workshop with the Board.

VIII. ADJOURNMENT

**Mr. Mitchell moved to adjourn, seconded by Mr. Paris.
Meeting adjourned by unanimous acclamation at 7:50 pm.**

A true, attested copy

Karly A. Perry, Town Clerk