West Bath Planning Board Meeting Minutes
Tuesday, July 12, 2022

Planning Board:	Darlene Estabrook, Chair	- Present
	Gerry Mitchell, Vice Chair	- Present
	Jeremie Whorff	- Absent
	Jim Williams	- Present
Select Board Liaison:	Suzanne Andresen	- Present
Staff:	Jonathan Beane, Code Enforcement Officer Karly Perry, Town Clerk	
Public:	Mark Jorgensen, Andrea Galuza	

The West Bath Planning Board held a regular meeting on **Tuesday, July 12, 2022,** at 6:00 pm, at the West Bath Town Hall, 219 Fosters Point Road, West Bath, Maine.

I. CALL TO ORDER:
Darlene 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.

III. AMENDMENTS TO AGENDA:
Mr. Williams, seconded by Mr. Mitchell, moved that approval of minutes be moved to follow Public Information and Comment on the agenda. Planning Board unanimously approved.

IV. APPLICANTS

1. Name: Mark Jorgensen
   Reason: New Business
   Location: 263 & 269 State Road
   Map/Lot: U07/12 & 13

   Mark Jorgensen introduced himself and Andrea Galuza. He then announced that he is looking to purchase two adjacent properties on State Road with partner Jason Lang for his existing landscaping business. Currently the lots contain two buildings with two businesses leasing the structure, which will remain in place until the leases expire. Mr. Jorgensen explained that the location currently housing the tattoo studio would become the location for his office, with the shop area located in the rear building and storage of landscaping materials such as mulch, compost, and stone would be on site. Ms. Estabrook verified that Mr. Jorgensen would be the owner and added his name to the application, which was filed naming only Mr. Lang as the applicant.

   The Board reviewed the application. Ms. Estabrook asked for clarification on a DEP Voluntary Response Action Plan regarding Robbins' junkyard, which was previously located on this site. Mr. Jorgensen stated that the lot was contaminated by the junkyard and therefore cannot support a well. Buildings on site are currently serviced by the Bath Water District. A copy of the DFP Findings of Fact for the Response Action Plan have been provided with the application.

   Mr. Jorgensen stated that he is seeking approval prior to purchasing the property to ensure that he will be able to conduct his business at this location later.

   Ms. Estabrook asked if any structures will be added to the site, to which Mr. Jorgensen stated his plan to increase the paved area and potentially add container boxes for salt storage in the future, but no buildings at this time. Ms. Estabrook stated that since the buildings and new pavement are not being added at this time, an application is not needed. Adding a container box to the site or a small shed would require a building permit from the Code Enforcement Officer.

Mr. Jorgensen stressed his need to receive approval prior to making a significant purchase. Discussion followed on the approval process with the Planning Board and that the lot zoning allows the landscaping business. Any new building or pavement need to stay within the setbacks and would need approval. Approvals expired after twelve months.

Mr. Jorgensen asked if there are any restrictions regarding additional buildings, to which Ms. Estabrook stated that the applicant is only restricted by setback and lot coverage requirements, which are found in the Land Use Code, but the lot acreage will only support two businesses.

Mr. Jorgensen stated that he is considering adding pavement to the site soon, which would require an application. The current application does not reflect the addition of pavement.

Discussion continued on how to move forward with the application. Mr. Jorgensen stated that he is looking to move his business there in October 2023.

Mr. Mitchell, seconded by Mr. Williams, moved to table the application to a later date. Planning Board unanimously approved.

V. PUBLIC INFORMATION AND COMMENT:
None

VI. APPROVAL OF MINUTES:
June 21, 2022
Ms. Perry noted that on page 2, paragraph 4, "unites" should be edited to "units".
Ms. Estabrook noted that on page 6, paragraph 2, should read "Ms. Estabrook stated"
Mr. Estabrook moved, seconded by Mr. Mitchell, to approve minutes as amended.
Planning Board unanimously approved.

V. OTHER BUSINESS

1. Ms. Perry presented the Board with information regarding the Freedom of Information Act, training for which is required by State mandate. Ms. Perry asked that the Board complete the training within thirty days, noting that the certificate of completion can be returned at the August meeting.

2. Ms. Estabrook recalled discussion at the June 21 Planning Board Meeting at which the Board agreed to hold a joint workshop with the Select Board and Town Staff. The Select Board has proposed a date of Wednesday, August 10th, to which the Board agreed to attend. Town counsel will facilitate the workshop, a time for which has not yet been set.

3. Ms. Estabrook presented a draft document with recommendations for revisions to the Town website as well as the first few sentences on all applications. Ms. Perry suggested that the additional copies of applications required for meetings should be restated as a reminder to applicants. After discussion, the Board agreed that applicants should submit three additional copies to the CEO prior to being placed on the agenda.

4. Ms. Estabrook presented a draft application for non-conforming lot expansion. Discussion followed on how best to title the application. The Board then continued to review the document. Mr. Williams asked what the date for "grandfathered" lots is, to which Ms. Estabrook stated is typically 1972, although there are some exceptions which are detailed in the ordinances.

   The Board then reviewed Article 1, Section F.3. of the Land Use Ordinance and discussed the checklist, agreeing that it would be helpful to include information on tree cutting to be approved by Code Enforcement, as well as a place to document if a percentage of the allowable expansion has previously been used.

The Board continued to suggest edits to the checklist for the site plot plan and supporting data, agreeing to request applicants to provide three copies of the complete application as well as photos from all sides of the existing structure. Discussion followed on whether to include Winnegance when referencing phosphorous controls. The Board agreed Winnegance should not be included based on the determination made by the State and printed as a footnote on the Town Zoning Map. The Board then discussed whether to include floor plans and agreed that the number of bedrooms should be added to the application.

5. The Board was given a copy of legislative updates received from the Town Attorney. Municipal Officer Andresen highlighting the importance of recent legislation regarding accessory dwellings (LD 2003). The Board agreed to review the information individually following the meeting and discuss at a later date.

6. CEO Beane requested a determination by the Board. He presented a scenario by which the owner of a non-conforming lot is looking to put a roof above their existing deck. He stated his belief that because the structure is not enclosed that the addition of a roof would not be considered adding volume to the structure and therefore does not require review by the Planning Board. The Board agreed that this would not qualify as an expansion and does not require review but that the building permit should be noted appropriately when filed, to which CEO Beane agreed.

7. CEO Beane requested a determination by the Board. He stated that Trinken Brewing is currently in the process of obtaining a state license to serve additional alcohol to those brewed on site. He then noted that the business is also discussing adding a brick oven in order to serve pizza. The Board agreed that this would not be considered a change of use because the use for the business approval includes dining (Land Use Ordinance Article II, Table of Uses, Section E.8.). The business would require Planning Board review only if an additional structure or permanent fixed outdoor pizza oven was added.

VI. SET NEXT MEETING DATE

The Board set their next meeting to Tuesday, August 9, 2022, at 6:00pm.

VII. ADJOURNMENT

Mr. Mitchell moved to adjourn, seconded by Mr. Williams
Meeting adjourned by unanimous acclamation at 8:32 pm.

A true, attested copy

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Karly A. Perry, Town Clerk