West Bath Planning Board Meeting Minutes
Tuesday, June 13, 2023

Planning Board:	Darlene Estabrook, Chair	- Present
	Gerry Mitchell, Vice Chair	- Present
	Jaime Wallace	- Present
	Gabriel Whitney	- Present
	Jim Williams	- Present
	Jeremie Whorff, Alternate	- Absent
Select Board:	Kathleen Lavallee, Chair	
	Suzanne Andresen	
Staff:	Karly Perry, Town Clerk	
Public:	Abby Cassidy, Ted Crooker, Dan Diffin, Diane Morabito, Megan Sawyer, Lisa Yorke, Michael Yorke	

The West Bath Planning Board held a regular meeting on **Tuesday, June 13, 2023,** at 6:10 pm, following a Public Hearing 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 6:10 pm on Tuesday, June 13, 2023.

II. ATTENDANCE AND ESTABLISHMENT OF QUORUM:
A quorum was established because there were at least 3 members present.

III. AMENDMENTS TO AGENDA:
None

IV. APPLICANTS

1. Name: Lisa and Michael York
   Reason: Non-Conforming Expansion
   Location: 24 Bruce's Byway
   Map/Lot: U27 26

   Megan Sawyer, architect, introduced herself and presented the project on behalf of the applicant, her parents. The project is to expand the camp on the 0.14-acre lot. The property includes an existing float, shed, and gray water septic system, all of which will remain. An outhouse located on both Lot 26 and the abutting lot (27), which is also owned by the applicant, was previously removed.

   Ms. Estabrook asked Ms. Perry if the CEO had verified that the application was complete and that there had been no previous expansion to the property. Ms. Perry stated that she had not spoken to CEO Beane regarding the application. Ms. Estabrook suggested written documentation from the CEO be recorded for the file in the future in case he is unable to attend.

   Mr. Whitney asked if the abutting property will be improved to add a bathroom. Ms. Sawyer stated that a black water tank will be installed on the abutting property.

   Ms. Sawyer reviewed the expansion, which will include removing the front deck and adding a second floor for a small bedroom. The basement will be less than 6' in height and has not been included in the calculations.

   Mr. Mitchell stated that he had reviewed the septic design and found it to be acceptable.

   Mr. Williams asked what the volume of the outhouse was, to which Ms. Sawyer stated that it was 96 sf, all of which is included in the calculations and that CEO Beane verified it before the outhouse was removed. She noted that the applicant has no intention to expand the dwelling on the abutting property.

Mr. Williams asked for clarification on the pyramid volume formula for the roof of 21'x13' and suggested that it should be 21'x21'. Mr. Williams noted that the discrepancy does not create an issue for the project as it does not utilize the entire 30% available but may be useful for future expansion. Discussion followed on further calculations with the Board agreeing that the square footage for the project should be 1890 sf and 945 cu ft.

Ms. Estabrook stated for the record that the calculation provided in the application is more than the correction, therefore it is still under 30%. She suggested that the Board may approve the application as-is and request that the calculations be corrected prior to filing the affidavit.

The Planning Board reviewed the application checklist, verifying ownership of the property and confirming that no trees will be removed within the shoreland zone. The property has no covenants or restrictions.

Mr. Williams moved, seconded by Mr. Wallace, to approve the request for non-conforming expansion as presented with the condition that the final calculations are under 30%. Planning Board unanimously approved.

2. Name: West Bath Parking LLC
   Reason: Site Development – Preliminary Review
   Location: State Road
   Map/Lot: U07/10

   Ms. Estabrook introduced the project, noting that the application was previously reviewed by the Board at the May 9, 2023, meeting there were concerns, and the vote was to deny Preliminary Approval. The applicant has updated the application and Ms. Estabrook stated that the Board will be taking a fresh look at the application.

   The Planning Board began review of the application checklist, with Mr. Williams noting that the property is now owned by West Bath Parking, LLC. Mr. Diffin confirmed that the property has transferred ownership from Maine Gravel Services to West Bath Parking LLC.

   Mr. Diffin then presented the project, which will increase parking from approximately 220 parking spaces utilized at this time to 830 spaces. The project will include a shelter area for bus pickup and there will be no dumpsters located on site. The property has no easements, restrictions, or covenants besides the landfill permit restrictions.

   Mr. Williams asked if there were any changes to the plan since the last meeting. Mr. Diffin noted that the plan now includes lighting, which will be ballast supported so as not to impact the capped landfill. Mr. Crooker added that video surveillance will be installed with lighting to deter theft. Mulch will be used as a sediment barrier for the project.

   Ms. Estabrook asked if the project had received approval from the Fire Chief. Mr. Diffin stated that a request for assessment had been sent on August 10, 2022. The Fire Chief has verbally approved the project but not provided written approval. The Board agreed that the parking lot will not require the traditional support of sprinklers as there is no building associated with the project.

   Ms. Estabrook asked if the DOT had approved the traffic plan, which Mr. Diffin verified the DOT had approved the plan with the condition that the left turn lane be added.

   Mr. Williams asked which allowed use the project fall under within the Land Use Ordinance. Discussion followed regarding whether the project was grandfathered under previous use as a parking lot as allowed by I.8 as an accessory use and that the storage was allowed under H.2 as a principal use. Mr. Williams expressed his opinion that the project is not an allowable use.

   Mr. Crooker noted that the original Town approval for the 200+ space parking lot was granted around 1997.

Mr. Mitchell stated that previous approval does not automatically allow for the expansion of that use. Discussion followed on the original Town approval and approved uses within the Business and Commercial Zone.

Mr. Diffin asked if DEP approval would be required for final approval. Ms. Estabrook confirmed it would.

Mr. Mitchell asked whether the Board believed that parking is an allowable use. Mr. Williams stated that the Land Use Ordinance should be amended to specifically include parking as a primary use. Mr. Wallace confirmed with the Board that if the use is not outlined in the Ordinance, it is not allowed. The Board then agreed that parking could fall under use H2.

Mr. Whitney asked what the timeline for the project is. Mr. Crooker stated his goal for the project to be completed between Fall 2023 to Spring 2024.

The Board then reviewed the performance standards for site development, confirming that there would be no signage outside of the those required by MDOT on the roadway. Mr. Williams asked for the height of lighting poles, which will be 20'-25'. Ms. Estabrook requested that the applicant present a spec sheet for lighting for the final application.

Ms. Estabrook asked if the Board had any remaining concerns with the entrances and exits.

Mr. Williams expressed his concern about allowing traffic to exit onto State road from either side of the lot and head either east or west. Ms. Morabito stated that 92% of exiting traffic will head west. Mr. Williams spoke to the hazardous conditions created by traffic leaving, resulting in aggressive driving. Ms. Morabito explained that because drivers would be arriving at the parking lot by bus, this would slow the flow of departing traffic compared to Bath and Brunswick locations.

Mr. Williams asked if the applicant had considered the western entrance being restricted to right turn only when exiting. Ms. Morabito stated that a very low percentage (8%) of traffic will be exiting to the left, with most going to the right.

Mr. Williams asked if the applicant had any suggestions to alleviate aggressive driving.

Mr. Mitchell asked Ms. Morabito if she had visited the site when traffic is exiting. Ms. Morabito confirmed that she had. Mr. Mitchell then testified to his experience with traffic being backed up due to traffic exiting the parking lot. Ms. Estabrook asked how many vehicles 8% is estimated to be. Ms. Morabito stated that 8% of traffic would be approximately 16-24 cars per hour at peak traffic.

Municipal Officer Lavallee expressed her concern regarding school bus traffic during the peak time of 3:30-4:30. She then testified to the aggressiveness of drivers. Ms. Estabrook suggested that the Select Board speak with the Sagadahoc County Sheriff's Department to address this issue.

Municipal Officer Andresen suggested that the traffic light could be reprogrammed to improve traffic flow. Mr. Mitchell spoke against altering the light to benefit the parking lot traffic to the detriment of residents of the Town. Municipal Officer Lavallee agreed with Municipal Officer Andresen that adjusting the light could be beneficial to all parties.

Ms. Estabrook asked if Ms. Morabito could look into adjusting the traffic light. Mr. Williams suggested that Ms. Morabito work with the Select Board regarding the traffic light. He then stressed the need to take any precaution available to make the area safer. Discussion followed regarding adding a traffic light to the site. Ms. Morabito stated that Federal thresholds govern the installation of traffic lights and the counts do not qualify the intersection for a light.

Mr. Wallace suggested that reducing the number of exits would help to manage traffic. Ms. Cassidy countered that reducing the exits would be detrimental should an emergency arise. The Board agreed that in the event of an emergency both entrances could be used as exits. Mr. Diffin agreed that the change could be made with DOT if the decision is made to reduce the number of exits.

Mr. Mitchell asked what the net increase on traffic would be exiting to the State Road with the expansion. Ms. Morabito stated that exiting traffic would increase from 119 to 276 vehicles during peak hour.

The Board agreed to allow the Select Board to decide whether the timing of the light should be changed. Discussion followed on the merits of changing the traffic light, which would also allow for changes to be made during school release hours.

Mr. Williams emphasized the importance of signage at the entrances to the parking lot. Mr. Whitney noted that the eastern entrance should be reduced to discourage traffic from unauthorized exiting.

The Board continued to review noise and screening standards and stormwater management.

Mr. Williams asked Mr. Crooker to identify the alternate drainage location proposed by the Road Commissioner (which was not on the site plan, but rather located to the south of State Road). Mr. Crooker spoke to the challenges DOT is facing and apologized for his previous assertions, stating that it is now his opinion that the water level south of State Road may have risen up to 2' higher than it was prior to the replacement of the culvert.

Municipal Officer Andresen asked why the swale would not be improved immediately rather than wait until the culvert is relocated. Mr. Diffin explained that fixing the swale would not improve drainage until the culvert is lowered.

Mr. Mitchell asked if the applicant is monitoring the area for gas from the landfill. Mr. Diffin stated that monitoring is no longer required due to an extended period of site surveys with no found issues.

Mr. Williams asked the Board if they believe the applicant has satisfied the site plan standards, noting that distance and setbacks are not shown. Ms. Estabrook noted that the project does not utilize the entire property. Mr. Williams suggested that a property survey be overlaid on the plan. The Board agreed that the 50-scale plan is acceptable and asked that the final plan show metes and bounds.

Mr. Williams asked if the shelter would have waste receptacles, to which discussion followed on the pros and cons to providing trash cans. The Planning Board asked that two trash barrels be provided at the pickup/dropoff shelter.

Mr. Williams asked the applicant if the proposed use will be parking, to which the applicant confirmed that the use will be parking only and that the lot will no longer be used for material storage.

Mr. Mitchell expressed concern that by approving the application, the Board would be adopting the traffic issues currently experienced in the City of Bath. He then spoke to the negative impact of the landfill on West Bath, referencing the report regarding contaminated groundwater. Mr. Mitchell reviewed the DEP report with Mr. Diffin and verified that the language found in the report was referencing data prior to the landfill being capped.

Mr. Wallace moved, seconded by Ms. Estabrook, to approve the application as presented with conditions to be provided for final approval. Motion failed with two in favor and two opposed.

Those opposed refused to provide cause for inclusion on the approval form. Ms. Estabrook referenced the Maine Municipal Association Planning Board manual and read aloud the portion which addresses decision making. The Board members did not change their votes.

Municipal Officer Lavallee spoke to the Land Use Ordinance and the need to further clarify permitted uses.

Ms. Estabrook asked that the Select Board confer with the Town Attorney and ask them to meet with the Planning Board to advise them on process and next steps.

Ms. Estabrook stated that the applicant may appeal the decision to the Board of Appeals or they may resubmit their application to the Planning Board.

Mr. Diffin questioned whether or not the Board of Appeals would be able to act on a preliminary review denial. Ms. Perry stated that the Town would reach out to the Town Attorney to further advise on how the applicant may move forward, and will reach out to him.

V. PUBLIC INFORMATION AND COMMENT:
None

VI. OTHER BUSINESS
Ms. Estabrook confirmed that all Board members have the materials for the workshop on June 20, 2023 at 6pm and asked Ms. Perry to provide copies of maps for the meeting.

Ms. Estabrook announced that approved legislation LD 2003 was replaced with LD 1706, which effectively delays implementation until July 1, 2024. She noted that this will allow changes to be implemented as part of the update to the Land Use Ordinance.

Ms. Estabrook stated that it was determined that the proposed communications tower falls within an area leased for a solar project and that the Select Board was unsure of how to address the fall zone. Municipal Officer Lavallee stated that the project is under review and may not be coming before the Planning Board. Mr. Williams suggested that the fall zone could be resolved by easement from the Town.

Ms. Estabrook announced that the Planning Board is required to vote in a Chair and Vice Chair every June. The Board agreed to vote at the meeting on June 20 if the full Board is present. Ms. Perry suggested that the workshop be held as a meeting in order to allow the vote to be on the agenda.

VII. APPROVAL OF MINUTES: April 11, 2023
Ms. Estabrook moved, seconded by Mr. Wallace, to postpone the approval of the minutes due to the late hour. Planning Board unanimously approved.

VIII. SET NEXT MEETING DATE
The Board set their next meeting to Tuesday, June 20, 2023, at 6:00pm.

IX. ADJOURNMENT
Mr. Williams moved to adjourn, seconded by Mr. Mitchell.
Meeting adjourned by unanimous acclamation at 8:47 pm.

A true, attested copy

_____
Karly A. Perry, Town Clerk