

## **SPECIAL MEETING AGENDA**

**Bath City Council**

**Wednesday, June 9, 2021 6:00 PM**

**Hybrid Meeting**

**Bath City Hall**

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I. Acceptance of Election Tabulations for the RSU#1 Budget Validation Referendum Election held on June 8, 2021.

II. ORDINANCE: LUC Amendment – 2 Davenport Circle (Map 14, Lot 96-2) *(first passage)*

III. ORDINANCE: LUC Amendment – 9 Park Street (Map 14, Lot 96) *(first passage)*

IV. ORDINANCE: Contract Rezoning - 55 Congress Avenue (Map 29, Lot 5) *(first passage)*

V. ORDER: Approving payment of a property tax abatement involving Bath Iron Works as a credit against future tax years

ADJOURN:

EXECUTIVE SESSION:

Discuss a property tax abatement matter (1 M.R.S. § 405(6)(E); 36 M.R.S. § 706-A)

Discuss Personnel Matter per 1 MRSA §405(6)(A)

# City of Bath

55 Front Street  
Bath, Maine 04530

Dept: 207/443-8363  
Fax: 207/443-8389



**Planning &  
Development**

## MEMORANDUM

**TO:** Aaron Park, Chair  
City Councilors

**FROM:** Ben Averill, City Planner

**DATE:** June 4, 2021

**RE: Land Use Code Map Amendment, 2  
Davenport Circle**

### Background

Sitelines on behalf of the owner of the property is requesting a land use code map amendment to amend the zoning on the parcel located at 2 Davenport Circle (tax map 14, lot 96-2) from the R-2 Zoning District to the R-1 Zoning District. The intent of the map amendment request is to allow the parcels the ability to utilize the space and bulk requirements of the R1 zoning district for any future developments on the parcel (particularly the density requirement). The applicants are not proposing a development currently but would like the ability to have more flexibility for future development on site.

The Planning Board held a public hearing on the proposed ordinance at the May 4, 2021 Planning Board meeting and recommended the ordinance for review by the City Council.

### Council Action

If the Council determines that the Land Use Code change request has merit the Council can approve the request. If the Council determines that the request lacks merit, then action on the map amendment to the Land Use Code will cease.



## ORDINANCE

**WHEREAS, THE CITY COUNCIL OF THE CITY OF BATH, AS PART OF THE ADOPTION OF THE BATH LAND USE CODE ON JULY 19, 2000, EFFECTIVE AUGUST 9, 2000, DEPICTED THE BOUNDARIES OF ALL LAND USE DISTRICTS ON A ZONING MAP OF THE CITY OF BATH, ALSO DATED JULY 19, 2000, INCORPORATED BY REFERENCE INTO THE LAND USE CODE PURSUANT TO THE PROVISIONS OF SECTION 7.02 OF THE SAID CODE, AND**

**WHEREAS, IT IS NECESSARY AND APPROPRIATE THAT THE BOUNDARIES OF THE LAND USE DISTRICTS BE, FROM TIME TO TIME, ADJUSTED AND AMENDED, IN ORDER TO CREATE NEW DISTRICTS AND ADJUST BOUNDARY LINES OF EXISTING DISTRICTS,**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE ZONING MAP OF THE CITY OF BATH, DATED JULY 19, 2000, BE AND HEREBY IS AMENDED IN ACCORDANCE WITH THE SKETCH PLAN ATTACHED HERETO AND MADE A PART HEREOF. THIS CHANGE SHALL BE INCORPORATED INTO AND BE PART OF THE OFFICIAL ZONING MAP OF THE CITY OF BATH. THE SPECIFIC ADJUSTMENT IS:**

Rezoning of property designated as 2 Davenport Circle and further designated as lot 96-2 on tax map 14. The proposed Land Use Map rezoning is to rezone the existing zoning on the lot from its current R2 Medium Density Residential Zoning District to R1 High Density Residential Zoning District.




CITY OF BATH  
PLANNING DEPARTMENT  
(207) 443-8363

APPLICATION FOR LAND USE CODE MAP AMENDMENT

To: The City Council and the Planning Board of Bath, Maine  
Date: February 18, 2021  
Name: Kennebec Landing, LLC Telephone #: 207-841-1470  
Address: 2 Davenport Circle

hereby petition to amend the Land Use Code of the City of Bath, Maine, by reclassifying from  
R2 zone to the R1 zone the property outlined in red on the  
map(s) attached, which are part of this application, and described as follows:

Address of property (if any)	2 Davenport Circle
Total area (acres or square feet)	1.83+/- Acres
Property location (general) - i.e. south side of Washington St. 400 yards east of North St.	North and West of Davenport Circle, 265'+/- West of Washington Street
Legal description of property	Map 14 Lot 96-2
Existing use	Apartments (Multi-family Residential) Previously Medical Offices
Proposed use	Apartments
Name/address of owner of record	Name Robert Smith - Kennebec Landing, LLC Address P.O. Box 512, Bath, ME 04530
Name/address of contract owner (if such)	Name Address
Signature of owner/contract owner	 (AGENT)
Representative of applicant	Name Kevin Clark - Sitelines, PA Address 119 Purinton Rd, Ste A, Brunswick, ME 04011

Return form to Planning Dept. - City Hall - Bath, Maine

For a project to be scheduled for review, we must have the complete application in the Planning Office **four weeks** prior to the date of the meeting. You or someone representing you must be present at that hearing to present this request to the Planning Board. The Planning Board will then make a recommendation on the amendment and forward its recommendation to the City Council. The City Council will then take final action on the amendment.









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**Planning &  
Development**

## MEMORANDUM

**TO:** Aaron Park, Chair  
City Councilors

**FROM:** Ben Averill, City Planner

**DATE:** June 4, 2021

**RE:** Land Use Code Map Amendment, 9  
Park Street

### Background

Sitelines on behalf of the owner of the property is requesting a land use code map amendment to amend the zoning on the parcel located at 9 Park Street ( tax map 14, lot 96) from the R-2 Zoning District to the R-1 Zoning District. The intent of the map amendment request is to allow the parcels the ability to utilize the space and bulk requirements of the R1 zoning district for any future developments on the parcel (particularly the density requirement). The applicants are not proposing a development currently but would like the ability to have more flexibility for future development on site.

The Planning Board held a public hearing on the proposed ordinance at the May 4, 2021 Planning Board meeting and recommended the ordinance for review by the City Council.

### Council Action

If the Council determines that the Land Use Code change request has merit the Council can approve the request. If the Council determines that the request lacks merit, then action on the map amendment to the Land Use Code will cease.



## ORDINANCE

**WHEREAS, THE CITY COUNCIL OF THE CITY OF BATH, AS PART OF THE ADOPTION OF THE BATH LAND USE CODE ON JULY 19, 2000, EFFECTIVE AUGUST 9, 2000, DEPICTED THE BOUNDARIES OF ALL LAND USE DISTRICTS ON A ZONING MAP OF THE CITY OF BATH, ALSO DATED JULY 19, 2000, INCORPORATED BY REFERENCE INTO THE LAND USE CODE PURSUANT TO THE PROVISIONS OF SECTION 7.02 OF THE SAID CODE, AND**

**WHEREAS, IT IS NECESSARY AND APPROPRIATE THAT THE BOUNDARIES OF THE LAND USE DISTRICTS BE, FROM TIME TO TIME, ADJUSTED AND AMENDED, IN ORDER TO CREATE NEW DISTRICTS AND ADJUST BOUNDARY LINES OF EXISTING DISTRICTS,**

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Rezoning of property designated as 9 Park Street and further designated as lot 96 on tax map 14. The proposed Land Use Map rezoning is to rezone the existing zoning on the lot from its current R2 Medium Density Residential Zoning District to R1 High Density Residential Zoning District.



**CITY OF BATH  
PLANNING DEPARTMENT  
(207) 443-8363**

**APPLICATION FOR LAND USE CODE MAP AMENDMENT**

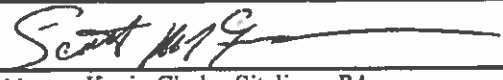
To: The City Council and the Planning Board of Bath, Maine

Date: February 18, 2021

Name: SRMAC Holdings, LLC Telephone #: 207-754-9980

Address: 9 Park Street

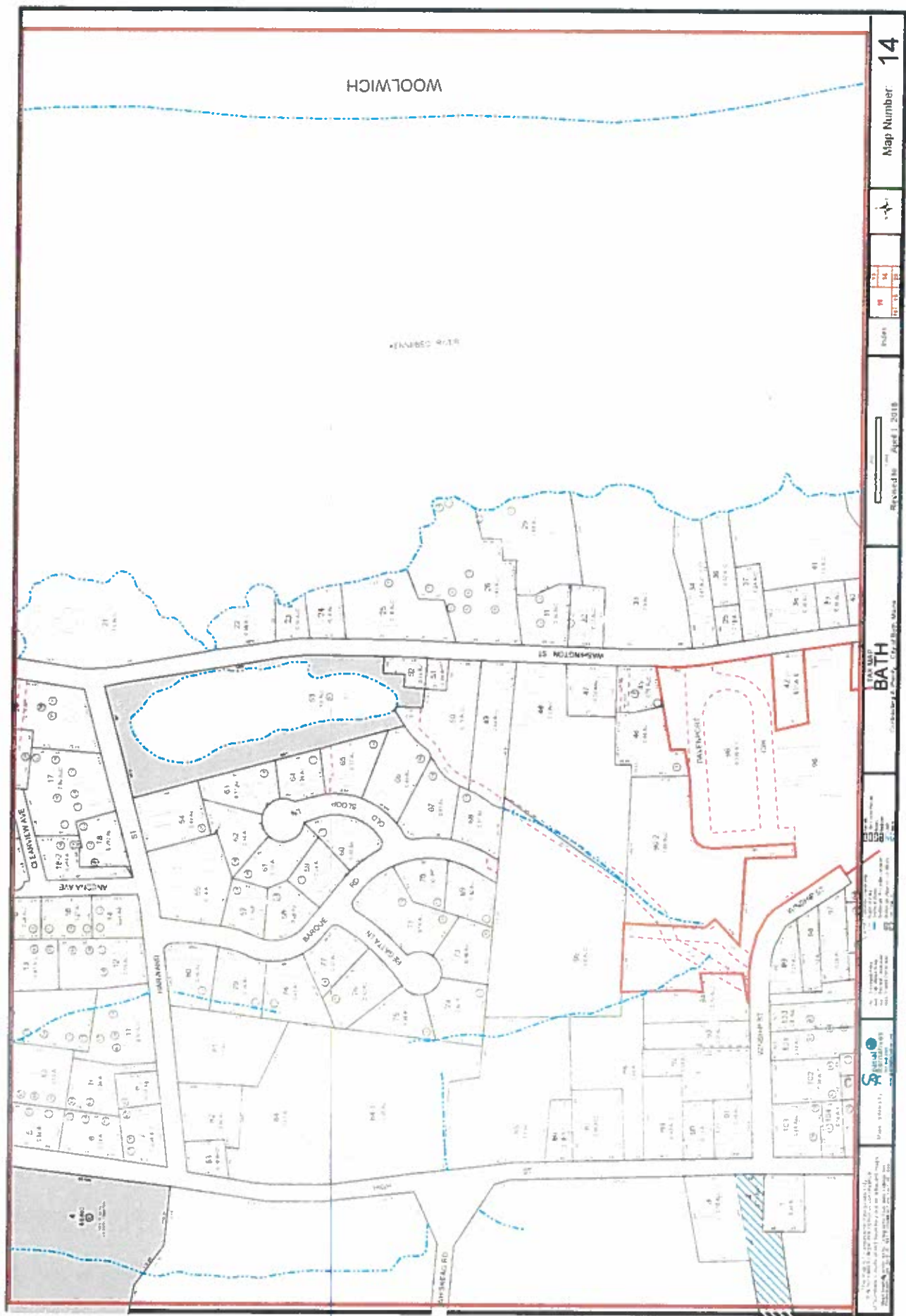
hereby petition to amend the Land Use Code of the City of Bath, Maine, by reclassifying from  
R2 zone to the RI zone the property outlined in red on the  
map(s) attached, which are part of this application, and described as follows:

Address of property (if any)	9 Park Street
Total area (acres or square feet)	6.34+/- Acres
Property location (general) - i.e. south side of Washington St. 400 yards east of North St.	Northerly side of Park Street & Westerly side of Washington Street
Legal description of property	Map 14 Lot 96
Existing use	Commercial & Residential Apartments
Proposed use	Commercial & Residential Apartments
Name/address of owner of record	Name Scott McFarren - SRMAC Holdings, LLC Address 248 US Highway 202, Leeds, ME 04263
Name/address of contract owner (if such)	Name Address
Signature of owner/contract owner	
Representative of applicant	Name Kevin Clark - Sitelines, PA Address 119 Printon Rd, Ste A, Brunswick, ME 04011

**Return form to Planning Dept. - City Hall - Bath, Maine**

For a project to be scheduled for review, we must have the complete application in the Planning Office four weeks prior to the date of the meeting. You or someone representing you must be present at that hearing to present this request to the Planning Board. The Planning Board will then make a recommendation on the amendment and forward its recommendation to the City Council. The City Council will then take final action on the amendment.









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## Planning & Development

### MEMORANDUM

**TO:** Aaron Park, Chair, and City of Bath City Council members

**FROM:** Ben Averill, City Planner

**DATE:** June 4, 2021

**RE:** Contract Rezoning at 55 Congress Avenue

#### Background

Casco Bay Engineering, on behalf of First Federal Savings and Loan, is requesting Site Plan Approval as well as contract rezoning for a modification to the site at 55 Congress Avenue. The Applicant proposes to construct an approximately 188 sq foot addition onto the existing structure. The new addition will serve as a new entryway into the bank

The project requires contract zoning as the project as proposed will not meet the setback and yard area requirements. The project necessitates Contract Zoning in order to meet the yard area and setback requirements to allow for the placement of the parking area, existing structure and to allow construction of the proposed addition. The project is located in the C4 zoning district, which allows contract rezoning.

The project received site plan approval at the Planning Board meeting held on May 4, 2021 with the following conditions:

- The applicant receives City of Bath City Council approval of contract rezoning
- The applicant submit a planting plan and landscaping maintenance plan to be reviewed and approved by the City Arborist

Additionally, the Planning Board recommended review and approval of the Contract Zoning application for 55 Congress Avenue by the City Council at the Planning Board meeting held on January 5, 2021. The conditions of approval for Contract Zoning recommended by the Planning Board include:

- Work to meet the City's goal of increased pedestrian access to services by regrading the parking lot and improving the pedestrian access to the site.
- Improve the appearance of the Congress Avenue gateway with enhanced landscaping.

- Contribute \$1,000 to meet the City's goal of pedestrian safety and increased pedestrian access to services for improvements along Congress Avenue.

**Council Action**

If the Council determines that the Contract Rezoning request has merit the council can vote to approve the request and the subsequent amendment to Article 16 (16.31) of the Land Use Code. If the Council determines that the application lacks merit action on the application will cease.

## ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE LAND USE CODE OF THE CITY OF BATH ADOPTED JULY 19, 2000, AND SUBSEQUENTLY AMENDED, BE HEREBY FURTHER AMENDED AS FOLLOWS:

Amend Article 16, by adding Section 16.31, as follows:

### **SECTION 16.31 55 CONGRESS AVENUE CONTRACT ZONE**

#### **District Designation**

The property designated for contract rezoning is the property located on Congress Avenue, being identified as Lot 5, on City of Bath Tax Map 29 dated April 1, 2020.

#### **Findings**

The property is located in the Route 1 Commercial Contract Zone (C-4) Zoning District. The City Council makes the following additional findings:

1. Contract Rezoning is allowed in the Route 1 Commercial Contract Zone
2. The project consists of a proposed 188 square foot addition to the existing structure on the southeasterly corner of the building. The addition will allow a new entrance to be constructed for the existing branch of First Federal Savings and Loan located in the existing structure.
3. Contract rezoning is allowed on the parcel per section 8.10 (D) of the Land Use Code.
4. Without the creation of a contract zone, the minimum yard area is 20 feet from the side, front, and rear of the parcel. The parking lot and existing building as well as the proposed building addition violate the yard area requirement and necessitate.
5. Without the creation of a contract zone, the minimum rear setback is 30 feet from the rear lot line. The structure is proposed to be constructed within 30 feet from the rear lot line, necessitating contract zoning.
6. The rezoning of the parcel is consistent with the Comprehensive Plan of the City of Bath.
7. The project is consistent with the mandatory conditions set forth in Land Use Code Section 18.20 paragraph D, 1.

8. The applicant is proposing the following voluntary, Discretionary Conditions in exchange for Contract Rezoning:

- Work to meet the City's goal of increased pedestrian access to services by regrading the parking lot and improving the pedestrian access to the site.
- Improve the appearance of the Congress Avenue gateway with enhanced landscaping.
- Contribute \$1,000 to meet the City's goal of pedestrian safety and increased pedestrian access to services for improvements along Congress Avenue.

### **Zoning Provision Affected**

This contract zoning amendment is intended to relax the minimum setback and yard area requirements pursuant to Section 8.10 of the Land Use Code, by allowing the construction of the structures and other site improvements depicted on the Site Plan approved, with conditions, by the Bath Planning Board on May 4, 2021.

This contract zone is intended to relax the following space and bulk standards of the Route 1 Commercial Contract Zoning District (C-4):

1. Minimum Rear Setback (reduce the requirements from 30 feet to 15 feet, as depicted on the approved site plan).
2. Minimum Front, Rear, and Side Yard Areas (reduce the requirement from 20 feet to 10 feet, as depicted on the approved site plan).

### **Conditions of Approval**

This Contract Rezoning Ordinance requires full and complete compliance with all conditions of approval, which are part of the Site Plan approval, granted to Trademark Properties, LLC, by the Bath Planning Board on May 4, 2021 including the following conditions:

- The applicant receives City of Bath City Council approval of contract rezoning
- The applicant submit a planting plan and landscaping maintenance plan to be reviewed and approved by the City Arborist

EXIST. PAVEMENT

TREE PLANTINGS AT SOUTH PROPERTY LINE; ONLY TREES (SHRUBS WILL LIKELY NOT SURVIVE HERE WITHOUT AN IRRIGATION SYSTEM)

30' SIDE SETBACK

(16)

(29)

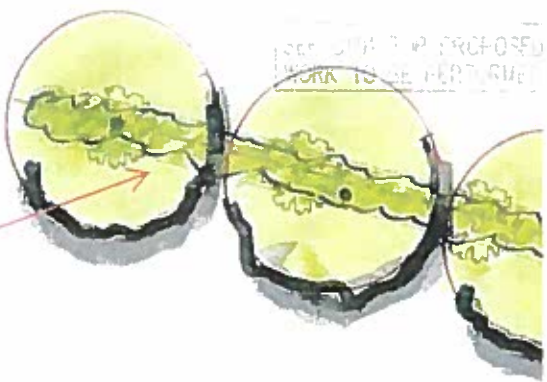
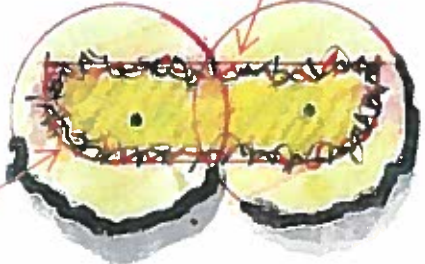
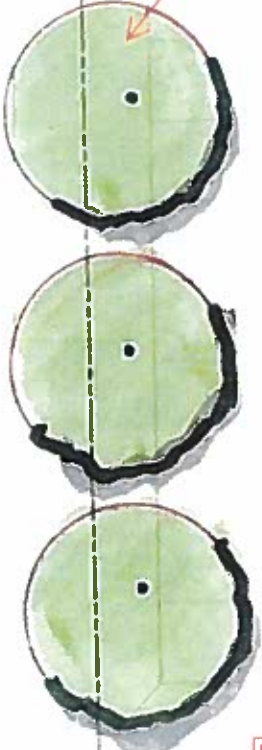
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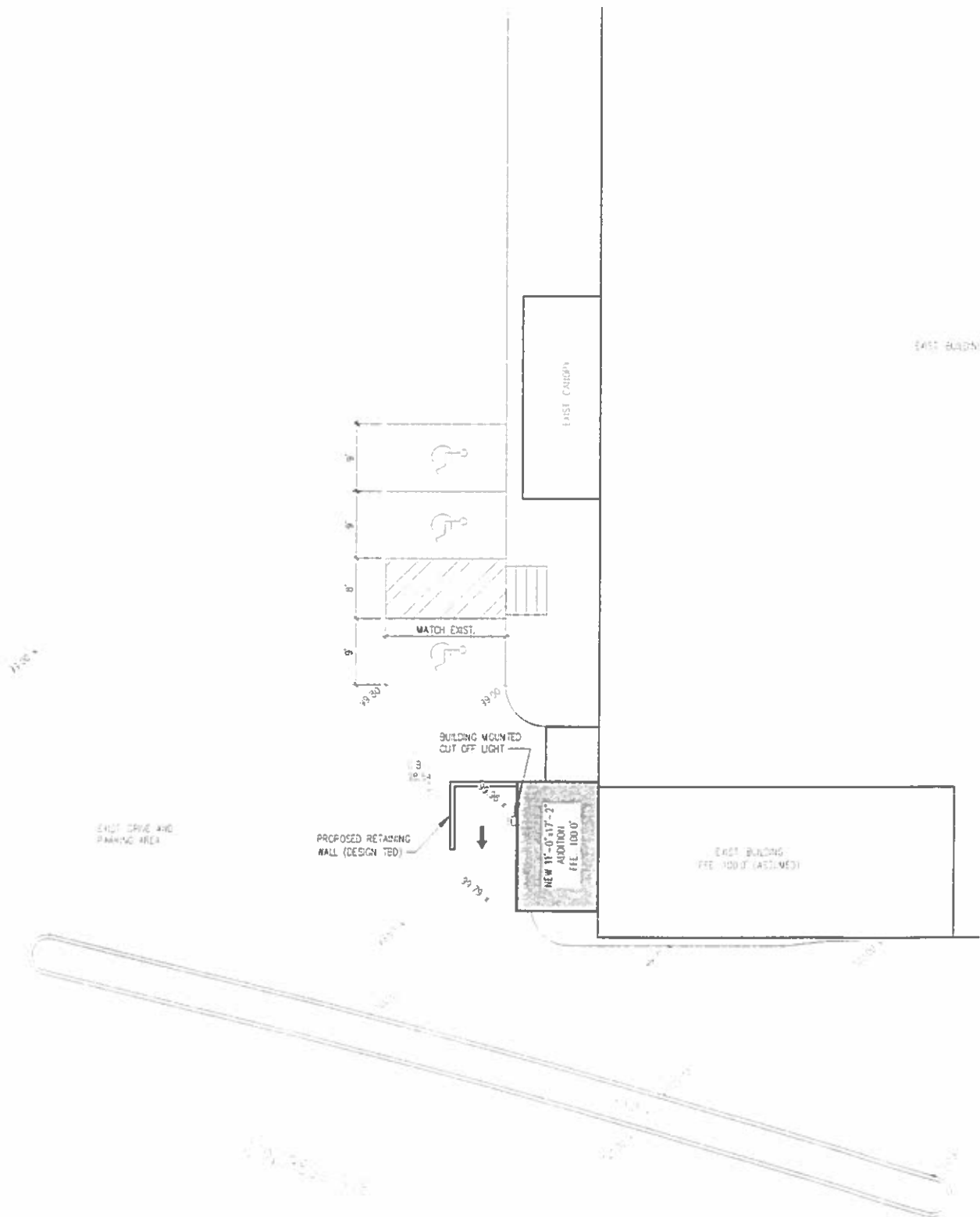
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SEE SHEET 2 FOR PROPOSED WORK TO BE PERFORMED

TREES AND PERENNIALS AS SPECIFIED IN ORIGINAL PROPOSAL











✓

## **ORDER**

### **Approving payment of a property tax abatement involving Bath Iron Works as a credit against future tax years**

To authorize that the property tax abatement expected to be approved by the City Assessor with respect to Bath Iron Works property be applied as a credit to Bath Iron Works' future property tax liability in equal amounts over the following applicable assessment dates: April 1, 2023, April 1, 2024, and April 1, 2025.

