

A regular meeting of the Bath Planning Board was called on 12-4-01 for the purpose of conducting regular business.

**MEMBERS PRESENT**

Bob Oxtan, Chair  
Jim Harper, Vice Chair  
Marjorie Hawkes  
David King  
Paul Karass  
Robin Haynes  
George Pollard

**MEMBERS ABSENT**

None

**STAFF PRESENT**

Jim Upham, Planning Director  
Mary Jane Sullivan, Recording Secretary

Bob Oxtan, Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m.

**Minutes of November 20, 2001 meeting**

**JIM HARPER MOVED, SECONDED BY MARJORIE HAWKES, TO APPROVE THE MINUTES OF THE NOVEMBER 20, 2001, MEETING AS WRITTEN.**

**UNANIMOUS APPROVAL****Old Business:**

**Request for Site Plan Approval** – Expansion of business including filling and grading; Upper High Street (Map 12, Lot 1); Peter J. Kelley, applicant. (Tabled from the November 20, 2001, meeting)

**DAVID KING MOVED, SECONDED BY JIM HARPER, TO REMOVE THE ITEM FROM THE TABLE.**

Bob Oxtan, Chair, recognized Charlie Wiercinski of Sitelines in Brunswick who spoke on behalf of the applicant. Mr. Wiercinski referred to the corrections that have been made to the plan. Jim Upham advised him that the Planning Board members now had the most recent plan date-stamped at the Codes and Planning Office on December 3, 2001. Mr. Wiercinski continued his report that the silt fence has been installed according to plan, and that the notes have been modified: note 2 Erosion Control Plan, Note 9 on Tree Planting and Note 10 on six additional pine trees in the field to compliment what is there. The concrete culvert that Marjorie Hawkes pointed out at the last meeting now shows on the plan. He also pointed out the memo from Landcrafters, in which they have made a commitment to install the plantings for the price quoted to Mr. Kelley in

their letter of November 28, 2001. (Jim Upham handed out Landcrafters quote to the Planning Board members.)

Bob Oxtan, Chair, then called on Jim Upham for his comments.

Jim Upham reported that Roger Therriault (City Solicitor) has worked with the bank to get a wording change to the letter of credit and has given his verbal approval. He commented that the date of completion of the landscaping as indicated on the plan needs to be the same as in the letter of credit. The date on the plan is May 15 and it is June 1 in the letter. He said that if the Planning Board gets to approval, it should be contingent on the dates being made consistent, the amount of the bond needs to be established and approved by the Board, and also conditioned on approval of the letter of credit (in writing) by the City Manager and City Solicitor. He pointed out that the major item that needed to be decided was whether the landscaping along High Street was adequate to meet the requirements of the Code, Section 12.10.

Bob Oxtan asked the Board for their input for discussion and questions. Marjorie Hawkes noted that on the drawings' planting detail it said 2 ½ inch caliper and 5-6 foot high for the pine trees, and 5-8 foot for the fir trees. She said that to reach 2 ½ caliper, the trees need to be 10-12 feet tall. She asked Charlie Wiercinski what size he meant. She would like to see bigger trees and more, but conceded that whatever they do will enhance and hide some of that's behind it.

Charlie Wiercinski noted that ledge prevents putting trees in some of the gaps. George Pollard asked if it would make sense to have a representative of the Planning office be out there prior to planting. Bob Oxtan suggested the City Arborist. David King recommended the Board designate Jim Upham to represent the Planning Board and be present to approve prior to planting.

David King asked Marjorie Hawkes whether the price estimates was adequate, should Landcrafters go out of business. Marjorie Hawkes said she has priced the 10-12 foot trees at \$232.50 to \$245.40, and feels that Landcrafters price of \$100 each for the smaller 5-6 foot trees is reasonable.

Discussion centered on whether six trees will be enough. Some Board members wanted more if they can't have bigger. Mr. Wiercinski observed he would end up doing test holes to see where he's able to plant, and suggested the Board allow Jim Upham flexibility to decide on maybe five extra trees or not when it comes time to plant.

Discussion concluded that the performance bond could be increased and should be 10% over the estimated price. Robin Haynes said 5 more trees would bring the cost to \$2850 plus 10% would make \$3135. David King recommended making it an even \$3200.

The chair thanked the applicant for an excellent plan.

**JIM HARPER MOVED, SECONDED BY DAVID KING, THAT THE PLANNING BOARD APPROVE THE REQUEST FOR SITE PLAN APPROVAL – EXPANSION OF BUSINESS INCLUDING FILLING AND GRADING; UPPER HIGH STREET (MAP 12, LOT 1); PETER J. KELLY, APPLICANT, WITH THE FOLLOWING CONDITIONS:**

- 1) THE PLAN APPROVED IS THE PLAN STAMPED RECEIVED DECEMBER 3, 2001, BY BATH CODES AND PLANNING OFFICE;**
- 2) THAT THE PLANTINGS REFERRED TO IN NOTE # 10 BE A TOTAL OF 11, 5 TO 6 FEET IN HEIGHT AND PLACED TO THE SATISFACTION OF THE CITY PLANNING DIRECTOR; AND**
- 3) THAT THE CONTRACT FOR THE LANDSCAPING AND THE PERFORMANCE BOND BE MODIFIED TO REFLECT A VALUE OF \$3200; AND THAT THE BATH PLANNING BOARD RECEIVE WRITTEN APPROVAL OF THE BOND (LETTER OF CREDIT) FROM THE CITY SOLICITOR AND THE CITY MANAGER.**

**UNANIMOUS APPROVAL**

## **Item 2**

**Request for Site Plan Approval and Contract Rezoning – for construction of new buildings; Leeman Highway (Map 28, Lots 53 and 54); Mark Sewall, applicant. (Tables from the October 2, 2001, meeting)**

**DAVID KING MOVED, SECONDED BY JIM HARPER, THAT THE ITEM BE REMOVED FROM THE TABLE.**

**UNANIMOUS APPROVAL**

In the interest of clarity, Jim Upham explained to the Planning Board why Mark Sewall was not present. Mark Sewall is in process of buying from the DOT the triangular piece of land along Route 1 and the land east of the existing car wash. As of now, however, he does not have standing to come before the Board with a plan that uses land he does not own. In light of this, Jim Upham talked to the chair and agreed to call Mark Sewall to inform him that the item would be tabled.

**DAVID KING MOVED, SECONDED BY JIM HARPER, THAT THE REQUEST FOR SITE PLAN APPROVAL AND CONTRACT REZONING – FOR CONSTRUCTION OF NEW BUILDINGS; LEEMAN HIGHWAY (MAP 28, LOTS 53 AND 54); MARK SEWALL, APPLICANT, BE TABLED TO THE JANUARY PLANNING BOARD MEETING.**

**UNANIMOUS APPROVAL**

**New Business: None**

**DAVID KING MOVED, SECONDED BY ROBIN HAYNES, THAT THE MEETING BE ADJOURNED.**

**UNANIMOUS APPROVAL**

Adjourned 6:37 p.m.

Minutes prepared by Mary Jane Sullivan, Recording Secretary