

A regular meeting of the Bath Planning Board was called on 6-18-02 for the purpose of conducting regular business.

**MEMBERS PRESENT**

Bob Oxton, Chair  
Jim Harper, Vice Chair  
Paul Karass  
Marjorie Hawkes  
George Pollard  
Robin Haynes

**MEMBERS ABSENT**

David King

**STAFF PRESENT**

Jim Upham, Planning Director  
Mary Jane Sullivan, Recording Secretary

Bob Oxton, Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, June 18, 2002.

**Minutes of June 4, 2002, meeting**

Jim Upham reported that the minutes were not ready.

**JIM HARPER MOVED, SECONDED BY ROBIN HAYNES, TO TABLE THE APPROVAL OF THE MINUTES OF JUNE 4, 2002, TO THE NEXT MEETING.**

**UNANIMOUS APPROVAL**

**New Business:**

**Item 1**

**Approval of a 50-foot wide private way;** off from Graffam Way; Carl Graffam, applicant.

Before the applicant spoke, Jim Upham explained that in the R6 zone lots must have frontage on a "street" equal to the lot width requirement of the zone. The applicant would like to connect the existing right-of-way off Graffam Way to a new 50-foot wide right-of-way over which there will be a private way built. He said the ordinance does not include approval criteria for such private way. He said it amounts to a driveway for two or three families, but it needs to be adequate to be used by City emergency vehicles.

Carl Graffam, 14 Graffam Way, told the Board that he and his sister were planning to buy land if it had space for two building lots. He said a survey showed it would. He told the Board that Tom Sturgeon at Crooker's laid out the road in the 50-foot wide right-of-way. And that the radii on the corners are 30 feet inside radius and 40 feet outside radius.

Bob Oxtan, Chair, opened the meeting for public comment.

John W. Voorhees, attorney for the seller, explained that this property had been in the seller's family for a long time. He said from a land use and safety aspect, selling to Carl Graffam seemed like the best choice because they already have access to the property through land they currently own. He told the Board he has reviewed the engineer's report and thinks it was thoughtfully done and anticipates public safety needs.

Richard Skinner, 9 Graffam Way, said that the proposed private way will abut the rear of his property. He said after looking at the sketch it appears to him that the edge of the roadway as planned will be 15 feet off of his property line. He asked if there is a setback distance required. He said he would like to see the distance to the property line added to the sketch.

Jim Upham said the setback distance and the yard area standards are both 20 feet and he thinks the road has to be that far from the property line. He said that for good-neighbor relations it is fair to ask if the road could be moved 5 feet further from the property line.

Jim Harper said that could be added as a note if the Board decides to approve.

Carl Graffam indicated that if the road was moved over 5 feet, all that would do would make an even gentler curve for the emergency vehicles.

Bob Oxtan said this could be a condition of approval.

Carl Graffam asked if moving the roadway might create the same problem on the other side if that other piece of property sold. There was considerable discussion about moving the roadway an additional 5 feet to the south, reconfiguring the right-of-way, and the need to have an acre lot in the Resource Protection District,

Jim Upham suggested the Board ask if it is okay with the applicant to approve with the condition that the roadway be moved so it is 20 feet from the north abutters' property lines and it would be up to the applicant to figure out with City staff what would meet the setback requirements.

John Voorhees asked if the item would have to come back to the Planning Board. Bob Oxtan, Chair, said it would not have to come back to the Board.

**ROBIN HAYNES MOVED, SECONDED BY PAUL KARASS, TO APPROVE THE CREATION OF A PRIVATE WAY OFF FROM GRAFFAM WAY, WITH THE CONDITION THAT THE ROADWAY BE PLACED 20 FEET FROM THE ABUTTING PROPERTY LINE ON THE NORTHEAST.**

**UNANIMOUS APPROVAL**

Jim Upham said he would talk to Scott Davis in the morning and call Carl Graffam.

## **Item 2**

**Planning Board Approval of Conditional Certificate of Occupancy for Gardiner Savings;** Bath Shopping Center (Map 28, lots 51 & 52); Eastern Development, applicant.

Jim Upham told the Planning Board that the applicant and the City Solicitor have been working on a letter of credit. He said that cover letter dated June 11, 2002, handed out that evening, replaces a piece in your packet. He said the Public Works Director is comfortable with the costs contained in the letter of credit.

Bob Oxton, Chair, called on the applicant. Tim Sullivan, representing Eastern Development, told the Board he is asking approval of a Conditional Certificate of Occupancy for the Gardiner Savings Institution building at the Bath Shopping Center. He said that the development involves four major components:

- The new Gardiner Savings Bank
- The new 10,000 sq ft retail center that fits between
- The Shaw's expansion
- The improvements to Chandler Drive and Congress Avenue intersection

He said that Shaw's cannot expand until the bank moves out of its current branch. The bank relocation is scheduled to occur in July 2002 so that Shaw's can begin the expansion in August 2002 and be done before Winter 2003.

Bob Oxton asked for any comments or questions from the Board. Paul Karass commented that Chandler Drive was poorly maintained, and full of potholes and could not wait until 2004 to be fixed. Jim Harper said the Board is concerned with the damage directly in front of the Gardiner Savings building.

Tim Sullivan said they will be paving the road edges before the bank opens. Jim Harper said the Board could make it a condition that the newly damaged portion of Chandler Drive be repaired. Tim Sullivan said this is good timing because our property manager is meeting with the paving people on Thursday night. Paul Karass said that dodging potholes might cause a head-on collision. Tim Sullivan said he would take a look tonight on his way home.

Bob Oxton, Chair, opened the meeting for public comment. There was none, so this portion was closed.

Jim Upham asked Mr. Sullivan to explain to the Board the changes worked out with the City Solicitor. He said that the date for executing the Letter of Credit was changed from May 30, 2004, to April 30, 2004. Tim Sullivan said that the April 30, 2004, date is a cushion for weather.

Jim Harper asked the Board what they thought about the condition of the roadway. Paul Karass said he did not feel the Board needed to put the paving into its approval.

Tim Sullivan said Eastern Development will take care of the potholes. Robin Haynes felt the paving should be put in so everyone knows what the Board is expecting.

**JIM HARPER MOVED, SECONDED BY PAUL KARASS, TO APPROVE THE REQUEST FOR THE CONDITIONAL CERTIFICATE OF OCCUPANCY FOR GARDINER SAVINGS, IN ACCORDANCE WITH THE REQUIREMENTS IN THE LETTER OF CREDIT DATED JUNE 11, 2002, ADDRESSED TO JIM UPHAM, WITH THE FOLLOWING CONDITION: THAT REPAIRS BE MADE TO THE ROADWAY IN THE IMMEDIATE VICINITY OF GARDINER SAVINGS BUILDING.**

**UNANIMOUS APPROVAL**

The next Planning Board meeting will be Tuesday, July 9, three weeks from tonight.

Jim Upham said it has been suggested that the Planning Board meet with the City Council to discuss various issues including an update of the Comprehensive Plan. Paul Karass asked to have a probable agenda written for this meeting. Jim Upham and Bob Oxtan suggested the week of August 12 for a tentative time.

Paul Karass asked Jim Upham if he had heard from Mark Sewall. Jim Upham said his application was tabled to the July 9<sup>th</sup> meeting and a letter has been sent to him, suggesting that he be at that meeting, but that he has not yet responded.

Jim Upham said he would like to do a tour of the City this Summer to visit project sites. He asked the Board to be thinking of places they would like to see.

**WITH NO OTHER BUSINESS TO COME BEFORE THE BOARD, GEORGE POLLARD MOVED, SECONDED BY MARJORIE HAWKES, TO ADJOURN THE MEETING.**

**UNANIMOUS APPROVAL**

The meeting was adjourned at 7:03 p.m.

Minutes prepared by Mary Jane Sullivan, Recording Secretary