

PLANNING BOARD OF THE CITY OF BANGOR

MEETING OF MARCH 18, 2014

MINUTES

Board Members Present:

**Paul Bolin, Vice Chairman
Charles Boothby
John Kenney
Wayne Mallar
Dora McCarthy, Alternate Member
John Miller
Julie Williams**

City Staff Present:

**David Gould
Peter Witham**

Vice Chairman Bolin called the meeting to order at 7:00 p.m. In the absence of Chairman Sturgeon, Alternate Member McCarthy was asked to vote.

CONSENT AGENDA

Item No. 1: Site Location of Development Modification approval to revise the lot lines of three lots located off of Balsam Road (Lots 3, 4, and 59) in the Judson Heights Subdivision in a Low Density Residential District. Jane Shubert, applicant.

Mr. Boothby moved to approve the Consent Agenda. Mr. Kenney seconded the motion, which carried by a vote of 7 to 0.

PUBLIC HEARINGS

Item No. 2: To amend the Land Development Code by changing two parcels of land located at 1129 and 1139 Stillwater Avenue from Rural Residence and Agricultural District to General Commercial and Service District and one parcel of land located at 349 Longview Drive from Shopping and Personal Service District to General Commercial and Service District. Said parcels containing approximately 2.9 acres. Cross Realty, LLC, applicant. C.O. # 14-110.

Vice Chairman Bolin opened the Public Hearing and asked for a presentation from the applicant or their representative.

Attorney Andrew Hamilton indicated that his client Cross Realty, LLC was requesting a rezoning of three parcels of land totaling approximately 2.9 acres. Mr. Hamilton noted the request was consistent with the City's Comprehensive Plan and he was confident that all public utilities could be provided to the site.

There were no other proponents or opponents to the rezoning request. Vice Chairman Bolin closed the Public Hearing and asked for Staff comments. Planning Officer Gould explained that in 2003 when several adjacent parcels were rezoned the property at 1139 Stillwater Avenue was a residence. The City's Land Use and Zoning Policy is for commercial zoning and General Commercial and Service District is consistent.

Based on its consistency with the Comprehensive Plan and the other adjacent properties, Mr. Miller made a motion to recommend the proposed zone change to the City Council. Ms. Williams seconded the motion. The Board voted unanimously in favor of the motion to recommend that the City Council approve the rezoning from RR&A to GC&S and S&PS to GC&S as contained in C.O. # 14-110.

Item No. 3: To amend the Land Development Code by changing parts of two parcels of land containing approximately 1.79 acres from a Rural Residence and Agricultural District to a Low Density Residential District. Sonja Bernier and Galen and Mary Elaine Furge, applicants. C.O. # 14-111.

Vice Chairman Bolin opened the Public Hearing and asked for a presentation by the applicants or their representative.

Mr. Darrell Ginn, Professional Land Surveyor, indicated he represented Sonja Bernier and Galen and Mary Elaine Furge. Mr. Ginn noted that the request was based on some prior development activity that encroached onto Mr. Furge's property. The rezoning was part of the solution to resolve setback and encroachment issues.

Mr. Galen Furge, of 970 Kenduskeag Avenue, noted that the rezoning would help resolve the existing development dilemma that exists on the property.

No one spoke in opposition to the request. Vice Chairman Bolin closed the Public Hearing and asked for Staff comments. Planning Officer Gould explained that this portion of Kenduskeag Avenue is served by public sewer and water. While the area has been historically zoned Rural Residence and Agriculture, it is suited to a more urban, low density development. Both the homes in question are single-family residences and the change benefits the properties due to the reduction in required setbacks from a

rural side yard of 20 feet to an LDR setback of 10 feet. The City's Land Use and Zoning Policy is for low density residential zoning along the Kenduskeag Stream.

Vice Chairman Bolin asked if there were other options available to the applicants to resolve the development issue. Mr. Gould noted there were but rezoning is one which does involve the Planning Board and City Council. Based on its consistency with the Comprehensive Plan and the existing uses not likely to change it was one option that did not involve radical alterations to the structures or property lines.

Mr. Kenney moved to recommend to the City Council the proposed zone change from RR&A to LDR as contained in C.O. # 14-111. Mr. Miller seconded the motion and the Board voted unanimously to recommend that the City Council adopt C.O. # 14-111.

APPROVAL OF MINUTES

Item No. 4: Planning Board Approval of Minutes.

Vice Chairman Bolin indicated that the Minutes of the March 4, 2014 Meeting were in order. Mr. Boothby pointed out that Chairman Sturgeon's last name was misspelled in the first paragraph on Page 1 and moved to amend the Minutes with the correct spelling. Mr. Miller seconded the motion. The Board voted 7 to 0 in favor of the motion.

The meeting was adjourned at 7:23 p.m.