

PLANNING BOARD OF THE CITY OF BANGOR

MEETING OF TUESDAY, MAY 6, 2014

MINUTES

Board Members Present:

**Andrew Sturgeon, Chairman
Paul Bolin
Charles Boothby
John Kenney
Wayne Mallar
John Miller
Julie Williams**

City Staff Present:

David Gould

Chairman Sturgeon called the meeting to order at 7:00 p.m.

CONSENT AGENDA

As no one wished to remove the item for discussion, Chairman Sturgeon asked for a motion. Mr. Kenney moved to approve the Consent Agenda. Ms. Williams seconded the motion. The motion carried by a vote of 7 to 0. The item approved is as follows:

Item No. 1: Site Development Plan approval to construct an additional 846 sq. ft. of mezzanine space at 33 Dowd Road in an Industry and Service District. MBAA Services, LLC, d/b/a ABM Mechanical, Inc., applicant.

PUBLIC HEARINGS

Item No. 2: To amend the Land Development Code by changing a portion of a parcel of land located at 2630 Outer Broadway from Rural Residence and Agricultural District to a Contract Urban Industry District. Said parcel containing approximately 5.07 acres. American Iron and Metal, LP, applicant. C.O. # 14-155.

Chairman Sturgeon opened the Public Hearing and asked for a presentation from the applicant.

Chip Haskell of CES, represented American Iron and Metal (AIM). He noted it was the applicant's intent to match the zoning district's boundaries to the facility's existing footprint. Mr. Haskell noted that the new owner only recently became aware that some of the site and its improvements were beyond the Urban Industry District boundary. The most recent construction was a stormwater pond constructed to be in compliance with State of Maine Solid Waste Bureau regulations.

Planning Officer Gould explained the history of zoning on the parcel. In 1991, Bangor Investment Company requested a contract rezoning of 7 acres of land for recycling of metal and other materials. Based on the 1979 Land Use Plan, historic industrial use of the property, and other adjacent land uses, the City approved the contract rezoning with some limitations to make it compatible with adjacent residential neighbors. Since the 1979 Land Use Plan the designation of industrial has not been depicted in the Comprehensive Plan for this location. It is not that the City's intent is to eliminate the district but it has concerns about the impacts that expanding the district may have on rural residential property owners.

Mr. Gould noted that one portion of the site was not owned by the applicant in 1991 so it was not rezoned. That building is now surrounded by industrial zoning and it would make sense to include it.

Mr. Gould noted that the Planning Office's attempts to bring the site into compliance via subsequent approvals have been unsuccessful. What the Board needs to decide is whether the proposed rezoning is a minor adjustment or an expansion beyond what was contemplated for this area.

As there were no other proponents or opponents to the rezoning request, Chairman Sturgeon closed the Public Hearing.

The Board asked if the Planning Office had heard from any of the abutters. Mr. Gould noted that one of the abutters called and indicated his belief was that property owners ought to have the right to use their property as they see fit.

The Board questioned why so much area was being requested, which appeared beyond the existing operations and abutting some other properties on Old Broadway. The Board asked if the Land Development Code would require buffers between this use and residential neighbors. Mr. Gould noted that wherever commercial or industrial uses abut residential uses certain buffers are required but are not to the extent that are proposed in the contract conditions.

Planning Officer Gould noted that the Board was not required to make a recommendation this evening. The Land Development Code gives the Board 30 days from the close of the hearing. The Board noted they were thankful to have this discussion with the applicant and did not want to hold them up. The Board did express concerns as to the area proposed to be rezoned and the scope of the proposed buffer.

The Board concluded it would not be productive to continue the discussion but to make a recommendation with the application before it.

Based on its consistency with the Comprehensive Plan and the other adjacent properties, Ms. Williams made a motion to recommend the proposed contract zone change to the City Council. Mr. Boothby seconded the motion. The Board voted unanimously against the motion to recommend that the City Council adopt the rezoning proposed from a Rural Residence and Agricultural District to a Contract Urban Industry District as contained in C.O. # 14-155.

Item No. 3: To amend the Land Development Code by changing part of a parcel of land located off of Corporate Drive and Venture Way from Government and Institutional Service District to Technology and Service District. Said part of a parcel containing approximately 6.85 acres. City of Bangor, applicant. C.O. # 14-156.

Chairman Sturgeon opened the Public Hearing. Planning Officer Gould explained that the rezoning request was the first step in expanding the Maine Business Enterprise Park (MBEP). Back in 2005 while preparing the Comprehensive Plan, the Planning Office envisioned a new zoning district that would better suit the needs of the Business Park. The Industry and Service District is better suited to old heavy manufacturing uses than the medical and office uses that have been attracted to the park. The 2005 Comprehensive Plan's Zoning Policy listed the park as "Business Park" awaiting the new district to be concluded. The land proposed to be changed is 6.85 acres just east of the current MBEP boundary.

There were no other proponents or opponents to the rezoning request. Chairman Sturgeon closed the Public Hearing.

Mr. Bolin noted that his employer controls two of the adjacent properties. The Board concluded that with the City acting as the applicant, no conflict existed for Mr. Bolin.

Based on its consistency with the Comprehensive Plan and the other adjacent properties, Mr. Kenney made a motion to recommend approval of the proposed zone change to the City Council. Mr. Miller seconded the motion. The Board voted six in favor and one opposed to the motion to recommend that the City Council approve the rezoning from Government and Institutional Service District to Technology and Service District as contained in C.O. # 14-156.

APPROVAL OF MINUTES

Item No. 4: **Planning Board Approval of Minutes.**

There were no Minutes for Board approval.

As there was no further business to discuss, the meeting was adjourned at 7:45 p.m.