

**PLANNING BOARD OF THE CITY OF BANGOR**

**WEDNESDAY, JANUARY 2, 2013**

**MINUTES**

**Board Members Present:**

**Miles Theeman, Chairman  
Paul Bolin  
Charles Boothby  
Doug Damon  
John Kenney  
John Miller  
Andy Sturgeon  
Julie Williams**

**City Staff Present:**

**David Gould  
Peter Witham**

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

**CONSENT AGENDA**

As no one wished to remove either item for discussion, Chairman Theeman asked for a motion. Mr. Sturgeon moved to approve the Consent Agenda. Mr. Miller seconded the motion, which passed unanimously. The items approved are as follows:

**Item No. 1: Site Development Plan approval to fill and grade property located at 1110V and 1120V Stillwater Avenue in a General Commercial and Service District. Epstein Rhode Island, LLC and Stillwater Realty Trust, LLC, applicants.**

**Item No. 2: Site Development Plan approval for placement of a 1,440 sq. ft. modular office building located at 422 Perry Road in an Industry and Service District. Freightliner of Maine, Inc., applicant.**

## **PUBLIC HEARINGS**

**Item No. 3: To amend the Land Development Code by changing three parcels of land located at 1049 Broadway from Low Density Residential District to Shopping and Personal Service District. Said parcels containing approximately 6.2 acres. Leadbetter Realty Trust, applicant. C.O. # 13-052.**

Chairman Theeman opened the Public Hearing and asked for comments from the applicant. Mr. Sean Thies, PE of Civil Engineering Services representing Leadbetter Realty Trust indicated they were seeking to rezone 6.2 acres from Low Density Residential District to Shopping and Personal Service District. Mr. Thies indicated the property was located between two commercial properties on Broadway and they felt their request was consistent with other commercial zoning around them. He didn't feel it was an attractive lot to redevelop as low density residential use.

As no one else spoke in favor of the request, Chairman Theeman asked for comments from opponents. Mr. John Rebar of 39 Woodland Drive indicated the rezoning was very close to his residential property on Woodland Drive. He was comfortable with the residential rezoning around his home, in that only other housing would be developed there. Mr. Rebar said that he received notice of the rezoning proposal from the Planning Office and they were very helpful in answering his questions. He felt that once a property is zoned commercial it likely never returns to residential use. He was concerned that redevelopment of this lot as commercial would affect his property values. Mr. Rebar indicated that if the applicant came back with a different plan that did not include the parcel which abuts his property he would be in favor of commercial zoning along Broadway.

Mr. Jeff Leadbetter of Leadbetter Realty Trust indicated that he would be happy to designate some of the property adjacent to Hemlock Ridge into open space. He indicated that he was willing to look at other options.

Planning Officer Gould noted that the request for 6.2 acres which was advertised and being heard by the Board cannot be amended by the Board at this point. Certainly Mr. Leadbetter could reapply with a different proposal if he wishes to.

As no one else spoke, Chairman Theeman closed the Public Hearing and asked for Staff comments. Mr. Gould noted that the City's Land Use Policy for this portion of Broadway has been consistent for the last 40 years. In those intervening decades land consistent with that Land Use Policy has been rezoned and a portion of it developed. The property in question is beyond what was envisioned as commercial. The existing insurance building which was formerly zoned Institutional was rezoned as a contract zone limited to the existing building and office use only.

Mr. Gould noted that while he was sympathetic to Mr. Leadbetter's predicament over the cost of commercial property, he did not feel rezoning residential property to commercial was in the best interest of Broadway. He noted the troubled 50-unit attached residential project on Essex Street which caused a great deal of anxiety with residents of the Darbro Subdivision. On this parcel one could fit up to 30 units of attached residential and access Broadway directly. Mr. Gould noted that Mr. Harold Johnson of 55 Woodland Drive, who developed Hemlock Ridge, indicated that he was okay with some commercial development on Broadway but there should be an outlet to Burleigh Road so as not to create traffic congestion on Broadway. Mr. Johnson did not want commercial zoning to abut his property.

Mr. Gould and the Board discussed the options for contract rezoning and other options Mr. Leadbetter could pursue. Planning Officer Gould indicated there are options that they could explore, but there would remain a basic land use conflict with the Comprehensive Plan.

Chairman Theeman asked for a motion. Mr. Sturgeon moved to recommend to the City Council that the zone change request for three parcels of land located at 1049 Broadway from Low Density Residential District to Shopping and Personal Service District for 6.2 acres for Leadbetter Realty Trust. C.O. # 13-052 be approved. Mr. Damon seconded the motion. The Planning Board voted none in favor and seven opposed to recommending to the City Council that the zone change request contained in C.O. # 13-052 be approved. Therefore, the motion failed.

### **APPROVAL OF MINUTES**

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

Chairman Theeman indicated that the Minutes of the December 18, 2012 Meeting were in order. Mr. Bolin moved to approve the Minutes of the December 18, 2012 Meeting, as printed. The motion was seconded by Mr. Kenney and it passed unanimously.

Planning Officer Gould indicated that the zone change would go before the City Council on January 14, 2013.

There being no further items for discussion, the meeting was adjourned at 8:00 p.m.

**PLANNING BOARD OF THE CITY OF BANGOR**

**MEETING OF JANUARY 15, 2013**

**MINUTES**

**Board Members Present:**

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

**City Staff Present:**

**David Gould  
Jen Boothroyd**

The meeting was called to order by Planning Officer David Gould at 7:00 p.m. Mr. Gould welcomed newly appointed Alternate Member Wayne Mallar to the Board.

**Item No. 1:        **Election of Officers for 2013.****

Planning Officer Gould asked for nominations for Chairman of the Planning Board for 2013. Mr. Kenney nominated Mr. Damon as Chairman. Mr. Boothby nominated Mr. Sturgeon as Chairman. Nominations ceased. Planning Officer Gould asked for a vote. The Board voted two in favor and five opposed to elect Mr. Damon. The Board then voted five in favor and two opposed to elect Mr. Sturgeon as Chairman of the Planning Board for 2013.

Planning Officer Gould then asked for nominations for Vice Chairman of the Planning Board for 2013. Mr. Boothby moved to nominate Mr. Damon as Vice Chairman. Nominations ceased. The Board voted 7 in favor and 0 opposed to elect Mr. Damon as Vice Chairman for 2013.

Planning Officer Gould handed the meeting over to Vice Chairman Damon who also welcomed Mr. Mallar to the Board.

## **PUBLIC HEARINGS**

**Item No. 2: Conditional Use/ Site Development Plan approvals to add a gasoline pump and construct a 3,135 sq. ft. building for use as a convenience store (Chapter 165-102D(2)) located at 633 Hogan Road in a General Commercial and Service District. Irving Oil Marketing, Inc., applicant.**

Vice Chairman Damon opened the Public Hearing. Jim Katsaficas, an attorney representing the applicant, Tammy Fisk with Irving Oil Marketing, Inc., Franklin Montiero with MHF Design Consultants, and Traffic Engineering Heather Monticup were present in support of this application.

Mr. Katsaficas indicated that the applicant is applying for Conditional Use/Site Development Plan and Planned Group Development approvals in order to construct a 3,135 sq. ft. building for use as a convenience store and add a gasoline pump at their present site at 633 Hogan Road. Mr. Katsaficas discussed the conditional use criteria of the Land Development Code as well as the General Commercial and Service District indicating that this project meets those standards.

Frank Montiero with MHF Design Consultants, discussed the Site Development Plan outlining existing on-site conditions and their proposed site development. He said that he felt that the applicant had met the standards for both approvals. They plan to remove the existing kiosk and replace it with a gasoline pump, and construct a 3,135 sq. ft. building for use as a convenience store. He also discussed the proposed landscaping, utilities, lighting, parking and drainage.

Mr. Boothby asked which direction the wastewater from the car wash was directed. Mr. Montero indicated that it runs across the back of the property into an existing line.

Ms. Williams asked about the exit from the car wash and if this is also going to be used by those exiting the gas station. Mr. Montiero indicated that it will be used by both.

Mr. Katsaficas indicated that they are also requesting an amendment to the approved Planned Group Development. The proposed improvements are mostly on the Irving property site. He noted that two light lamps are moved from other areas within the PGD onto the Irving site as well as a drainage easement for the stormwater outflow.

Vice Chairman Damon asked for proponents. As there were no proponents or opponents the Public Hearing was closed and Vice Chairman Damon asked for Staff comments. Planning Officer Gould indicated that this is a request for three different

approvals; Site Development Plan, Conditional Use, and Planned Group Development. This application is a conditional use largely because the applicant is proposing to add a new gasoline pump on the site. The convenience store is a permitted use. This site was originally approved in 1986 and at that time there was no impervious surface area standard. The buffer standards in place were much smaller. The applicant has agreed to go back to the original design for landscaping to include what was originally approved.

Planning Officer Gould discussed the conditional use standards regarding traffic, provision of utilities, and architectural compatibility with other buildings in the area within 500 feet of the site. He noted that the Board needs to determine whether the proposed building meets the architectural standards of other buildings within 500 feet of the area in which it is sought. The applicant submitted revised plans to remove a trash receptacle which was originally placed over a sewer easement which addressed concerns of the City Engineer's office. This area of Hogan Road is in a nonattainment water shed. Because of the limited new activity, the applicant will not have much to do to comply. They have added amenities on the site such as a tree boxes, etc. which will help to mitigate effects.

Vice Chairman Damon asked if the swale between this property and McDonalds goes to the Penjajawoc Stream. Mr. Gould indicated that it does. Mr. Damon asked if any spills would be clean before the runoff reaches the stream.

Mr. Montiero indicated that it is their intent with their new design to control and contain any potential spill. He said that there will be a mat under the canopy that will slow the runoff of any spill, and then it will go through several catch basins with hooded outlets.

As there was no further discussion, Vice Chairman Damon asked for a motion. Mr. Bolin moved to grant Conditional Use and Site Development Plan approvals to add a gasoline pump and construct a 3,135 sq. ft. building for use as a convenience store (Chapter 165-102D(2)) located at 633 Hogan Road in a General Commercial and Service District, Irving Oil Marketing, Inc., applicant. The motion was seconded and it passed unanimously. Mr. Kenney moved to amend the motion to grant the request for Planned Group Development approval for the same project. Mr. Bolin seconded the motion. The motion carried unanimously.

**Item No. 3: To amend the Land Development Code by changing part of a parcel of land located on Godfrey Boulevard and Maine Avenue from Industry and Service District and Government and Institutional Service District to Shopping and Personal Service District. City of Bangor, applicant.**

Planning Officer Gould indicated that the applicant requested that this item be withdrawn.

### **APPROVAL OF MINUTES**

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

Vice Chairman Damon indicated that the Minutes of the January 2, 2013 Meeting were in order for approval. Mr. Boothby moved to approve the Minutes of the January 2, 2013 with an amendment on Page 2, Paragraph 2, line 5, to add "Mr. Rebar." The motion was seconded by Ms. Williams and the motion passed unanimously.

As a point of business, Mr. Gould asked the Board Members to indicate to staff whether or not they wished to give staff permission to use their e-mail addresses and make that information available to the general public.

There being no further business, the meeting was adjourned.

**PLANNING BOARD OF THE CITY OF BANGOR**

**MEETING OF FEBRUARY 5, 2013**

**MINUTES**

**Board Members Present:**

**Andy Sturgeon, Chairman  
Paul Bolin  
Charles Boothby  
Doug Damon  
Wayne Mallar, Alternate Member  
John Miller  
Julie Williams**

**City Staff Present:**

**David Gould  
Peter Witham**

Chairman Sturgeon opened the meeting at 7:00 p.m. In the absence of Board Member Kenney, Alternate Member Mallar was asked to vote.

**PUBLIC HEARINGS**

**Item No. 1: Conditional Use/Site Development Plan approvals to construct a 4,574 sq. ft. building for use as a restaurant with a dual drive-thru located at 665 Hogan Road in a General Commercial and Service District. McDonald's USA, Inc., applicant.**

Mr. Miller indicated that he rents a parcel on Main Street to McDonald's USA. He indicated that he did not feel that he had a conflict with this particular site and asked the Board to determine whether or not he has a conflict on this item. Mr. Bolin moved that Mr. Miller has a conflict of interest in this case. The motion was seconded by Mr. Damon. The motion failed unanimously (no conflict). Mr. Bolin disclosed that he is the Director of Human Resources at Eastern Maine Medical Center and that the franchise owner, Mr. Eckmann, is a volunteer Board Member of the hospital. He wished to disclose this but said that he did not feel it was a direct conflict. Mr. Damon moved that Mr. Bolin has a conflict of interest in this matter. The motion was seconded and failed to pass (no conflict).

Chairman Sturgeon opened the Public Hearing and asked for comments from the applicant. Anthony Guba, with Ayoub Engineering, along with Tessa Bernstein, with McDonald's USA, and Gary Eckmann, the franchise owner were present in support of this application. Mr. Guba explained that the applicant is proposing to construct a 4,574 sq. ft. restaurant almost in the same location as the existing one. There will be no change to driveways, topography, and the traffic pattern on the site. The trash enclosure will remain and the landscaping will stay. The buffer along the front of the site will be enhanced by adding evergreens and plantings with a number of plantings against the building. Parking will remain on the outside edges of the building and they do not expect any increase in traffic. They are proposing to add a dual ordering point that they feel makes the site more efficient and the on-site movement better. Impervious area and runoff will be reduced. Mr. Guba indicated that they will also need to obtain SLODA approval. That application is presently being reviewed by Staff to be sent on to DEP. When DEP gives Bangor delegated authority they will be back before the Board. Regarding the Conditional Use standards, Mr. Guba indicated that the proposal meets the standards for the district, will not create traffic issues, there are adequate utilities provided, and the use and the architecture of the site conform with the general nature of the neighborhood.

Mr. Damon asked if the cars at the outside ordering stations have to mesh traffic. Mr. Guba explained that the windows will operate the same. The first window is for payment and the second window is for food pick-up.

Chairman Sturgeon asked for proponents. There being none he asked for opponents. There being none, he closed the Public Hearing and asked for Staff comments. Planning Officer Gould explained that this is an application from McDonald's USA for Conditional Use and Site Development Plan approvals to replace the existing McDonald's on the site. The points of access will not change, circulation is essentially the same, and they will keep the trash structure in the back corner. Regarding new features, they are installing two new tree box filters to make improvements to stormwater handling on the site. Originally built in the late 70's the setbacks aren't the same as today's standards and many of the elements are grandfathered. They have proposed a "B" bufferyard on Hogan Road. As to the conditional use standards relative to a drive-up use they must demonstrate that they will not increase traffic, they are providing adequate utilities, and the architectural aspects are consistent with other buildings within 500 feet of the site. All of the details are in order. Mr. Gould noted that they will need to do a modification to the Maine Square Mall Site Location of Development Permit.

Chairman Sturgeon asked for a motion. Mr. Bolin moved to grant Conditional Use and Site Development Plan approvals to construct a 4,574 sq. ft. building for use as a restaurant with a dual drive-thru located at 665 Hogan Road in a General Commercial and Service District. McDonald's USA, Inc., applicant. The motion was seconded and the Board voted five in favor and none opposed.

## **NEW BUSINESS**

**Item No. 2: Site Development Plan approval to construct a 6,824 sq. ft. addition for use as a place of worship and to construct a parking lot addition at 375 Mt. Hope Avenue in a Contract Government and Institutional Service District. Pilgrim Orthodox Presbyterian Church, applicant.**

Mr. Sean Thies, with CES, Inc. representing the applicant explained that they are proposing to construct a 6,824 sq. ft. addition on the back side of the existing church with some additional parking to accommodate the expanded building. The site is complicated because there is a deep drainage channel that runs down the site. They have had to put parking on the opposite side of the channel. They have applied for a Natural Resource Protection Permit for that process from DEP to cross this drainage channel. Also, there were specific buffering requirements under the Contract Zone Change Conditions. They have provided the necessary screening on the west side of the site to compensate for that transition yard, all utilities are provided and a stormwater treatment area has been proposed in the southwest corner to help with the runoff from the new parking area.

Mr. Bolin asked about the treatment area and if it would be used as a snow dump area. Mr. Thies explained that originally a guard rail was proposed on the southwest corner to keep kids from playing there. It wasn't an issue to keep cars out of there. In looking at this area which is a 2.5 foot gentle drop off to a depressed grass area, they did not feel that a guard rail was necessary. They do not plan to use this area to dump snow.

Mr. Boothby asked if the depressed area has standing water or if it is a place for water to seep. Mr. Thies indicated that it is designed to drain dry in 24 hours and it is usually too dry to grow vegetation.

Chairman Sturgeon asked for Staff comments. Planning Officer Gould explained that the applicant is requesting Site Development Plan approval to expand the Pilgrim Orthodox Presbyterian Church on Mt. Hope Avenue. Mr. Gould gave a history of the site noting that in 2002 the Church brought forward the existing Contract Zone Change. The existing conditions deal with lot coverage, building size, Impervious Surface Ratio, parcel setbacks, signage, minimum building height, and buffer yards from the adjacent neighboring properties. The designers have met all of the Contract Zone Change conditions and zone standards. Without the contract conditions the Government and Institutional Service District would allow an 80' tall building and would not have an Impervious Surface Ratio.

Mr. Gould explained that the building will essentially double in size with both a lower level and an upper level. There is a gully/drainage way that bisects the site that poses certain limitations and they have provided a culvert to cross the drainage channel to access additional parking. The City Engineer has approved their drainage amenities, but does have concerns regarding the installation of a guard rail. The CZC conditions dictate what the buffers are to be. Staff has no concerns and suggested that the Board take note of the City Engineer's concern regarding the guard rail.

As there was no further discussion, Chairman Sturgeon asked for a motion. Mr. Miller moved to approve the Site Development Plan to construct a 6,824 sq. ft. addition for use as a place of worship and to construct a parking lot addition at 375 Mt. Hope Avenue in a Contract Government and Institutional Service District. Pilgrim Orthodox Presbyterian Church, applicant. Mr. Boothby seconded the motion. The Board voted unanimously in favor of the motion.

**Item No. 3: Site Development Plan and Site Location of Development Modification approvals to construct a 55,000 sq. ft. retail building and a 7,200 sq. ft. building to be used as a restaurant and a 10,000 sq. ft. mixed use building at 461 Stillwater Avenue in a Contract Shopping and Personal Service District. Stillwater Crossing, LLC, applicant.**

Chairman Sturgeon indicated that he had a conflict of interest as he is a principal with the firm that prepared the plans for this project. Mr. Miller moved that Mr. Sturgeon has a conflict of interest. Mr. Damon seconded the motion. The Board voted unanimously in favor of the motion.

Vice Chairman Damon asked for a presentation by the applicant. Mr. Aaron Shaw, P.E. with Sewall Company, Vincent Maietta, Jeff Davis and John Theriault also with Sewall Company were present representing the applicant. Mr. Shaw explained that originally Shaw's Supermarket planned to develop this site but later decided not to. The owner of the parcel went ahead and constructed the utilities on the site. The applicant is now proposing to construct three buildings: a Hobby Lobby which will be a 55,000 sq. ft. anchor store; a 7,200 sq. ft. Buffalo Wild Wings restaurant, and 10,000 sq. ft. building for a combination of restaurant and retail space. The public utilities are already in place, there will be 295 parking spaces. The internal green space is approximately double the size of what is required and the landscaping will be updated once the construction starts. There will be sidewalks from Stillwater Avenue into the site to connect the buildings and a sidewalk from the site to a bus stop. The stormwater system is already in place which consists of a large storage system underground and it has another bio retention system that will connect into the City's system. The site holds a valid Maine Department of Transportation Traffic Movement Permit.

Ms. Williams asked if traffic will be able to make a left hand turn coming off the interstate at the light. Mr. Shaw indicated that it will remain the same for the time being.

Mr. Damon asked if there was any stormwater runoff draining into a wetlands across Stillwater Avenue. Mr. Shaw indicated that there is a large unnamed wetland that is part of the existing drainage.

Mr. Miller asked if they had looked into adding another exit. Mr. Shaw indicated that he thought that the contract zone change conditions only allows one exit.

Mr. Tim Doody who manages the Parkade property for Inland Western across Stillwater Avenue indicated that their concern with this project is with traffic coming off the highway doing u-turns into their property. Mr. Damon indicated that this is a concern shared by everyone in the City but is not something that the Board can address.

Mr. Vince Maietta, owner of Stillwater Crossing LLC indicated that he has taken Mr. Millers suggestion about an additional exit. He indicated that they would be willing to add this and come back before the Board in the future if this is something that it feels necessary.

Planning Officer Gould indicated that this application is for Site Development Plan and Site Location of Development Act approvals. A large part of the ground work and utilities were installed when the site was originally approved for a proposed Shaw's grocery store. Because this application doesn't have any drive-up uses or car washes proposed it is a permitted use in the zone. The Contract Zone Change dealt with the pedestrian friendliness of the site, green space in the parking lot, a bus shelter and other elements that are part of the plan. Details were reviewed by the City Engineer's Office and the Planning Office and found to be satisfactory. Mr. Gould indicated that there has been talk about a change in the square footage for a potential retailer. If this should change then they will need to come back before the Board. All the plans sets approved by the Board and the architectural plans that are submitted subsequently need to be consistent so that there aren't any internal conflicts within the plan sets. The applicant provided elevation drawings of building exteriors. Under Site Law there is a visual quality standard and the general architecture depicted is consistent within the commercial development in the Stillwater area.

Mr. Gould noted that the Parkade Development is on the boundary of a nonattainment watershed (Penjajawoc) and they were able to build their pond next to Drew Lane Site and pipe the outflow west of Stillwater Gardens to drain into an attainment watershed. Much of the impervious area is treated by a system under the parking lot. Mr. Gould noted that all of the off-site improvements were done several years ago.

Vice Chairman Damon asked for a motion. Ms. Williams moved to approve Site Development Plan and Site Location of Development Modification to construct a 55,000 sq. ft. retail building, a 7,200 sq. ft. building to be used as a restaurant and a 10,000 sq. ft. mixed use building at 461 Stillwater Avenue in a Contract Shopping and Personal Service District. Stillwater Crossing, LLC, applicant. The motion was seconded by Mr. Boothby, and it passed unanimously.

### **APPROVAL OF MINUTES**

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

Planning Officer Gould indicated that there were no minutes for consideration.

#### **Other Business**

Planning Officer Gould noted that because of School vacation there would not be a meeting scheduled the third week in February. He also noted that Staff has scheduled a Public Hearing for the Comprehensive Plan 2012 Update 30 days in advance of the March 5, 2013 Meeting to meet State requirements.

There was no further discussion and the meeting was adjourned.

**PLANNING BOARD OF THE CITY OF BANGOR**

**MEETING OF MARCH 5, 2013**

**MINUTES**

**Board Members Present:**                    **Andy Sturgeon, Chairman**  
   **Paul Bolin**  
   **Charles Boothby**  
   **Doug Damon**  
   **Wayne Mallar, Alternate Member**  
   **John Miller**  
   **Julie Williams**

**City Staff Present:**                         **David Gould**  
   **Jen Boothroyd**

**City Councilors Present:**                 **Councilor Civiello**  
   **Councilor Longo**

Chairman Sturgeon called the meeting to order at 7:00 p.m. In the absence of Board Member Kenney, Alternate Member Mallar was asked to vote.

**CONSENT AGENDA**

**Item No. 1:**                    **Site Location of Development Modification approval to construct a 4,574 sq. ft. building for use as a restaurant with a dual drive-thru located at 665 Hogan Road in a General Commercial and Service District. McDonald's USA, Inc., applicant.**

Mr. Damon moved to approve the Consent Agenda. Mr. Miller seconded the motion. The motion passed unanimously.

**PUBLIC HEARINGS**

**Item No. 2:**                    **To amend the Land Development Code by changing two parcels of land located at 1049 Broadway from Low Density Residential District to Shopping and Personal Service District. Said parcels containing approximately 3.1 acres. Leadbetter Realty Trust, applicant. C.O. # 13-094.**

Chairman Sturgeon opened the Public Hearing and invited the applicant to make a presentation.

Mr. Sean Thies, PE with Civil Engineering Services representing Leadbetter Realty Trust indicated they were seeking to rezone 3.12 acres from Low Density Residential District to Shopping and Personal Service District. Mr. Thies indicated the property was located between two commercial properties on Broadway and they felt their request was consistent with other commercial zoning around them.

Dr. Bran Brozman of 45 Woodland Drive indicated that he had concerns with the last rezoning request as it abutted his property; and, while he found this application better, he was concerned about whether this would set about other changes that may come in the future.

Planning Officer Gould read into the record an e-mail from Mr. John Rebar of 39 Woodland Drive indicating that he was much more comfortable with the revised rezoning that left a 3-acre parcel Low Density Residential which would offer some buffer to his residential property on Woodland Drive.

There being no others who wished to speak, Chairman Sturgeon closed the Public Hearing and asked for Staff comments. Planning Officer Gould noted that he had met with the applicant and reviewed various development options with them. The City's Land Use Policy for this portion of Broadway has been low density residential for several decades, to depart from that development policy needs to be done very carefully. Mr. Gould noted that if the Board comes to a different conclusion as to land use policy it should state clearly those reasons such that the Staff and Board will be consistent with the next applicant.

Ms. Williams asked if the rear lot, which is not being considered for re-zoning at this time, could be developed as residential property. Mr. Gould indicated that it could.

Alternate Member Mallar asked how long the abutting parcels had been zoned as Shopping and Personal Service. Mr. Gould explained since 1978 this stretch of Broadway has always been planned as commercial land use. There has been opposition to commercial development from neighboring residential landowners but the commercial policy has generally been followed. He cited the Gifford's ice cream stand and the adjacent convenience store, as examples.

Board members noted the property was in between two existing commercial zones, property fronting on Broadway should be given preference to commercial zoning, and the two lots proposed to be changed were unlikely to be developed as single-family homes. Mr. Gould noted the importance of stating reasons for how the Board makes its decision.

Mr. Damon indicated that it is the job of the Planning Board to look at how zone changes affect the areas around them. He indicated that because this proposal abuts commercial development and provides a parcel between residential and proposed commercial development that he would be in favor.

Mr. Bolin noted that he did not feel that the two parcels were suitable for residential development as they are sandwiched between commercial lots.

Mr. Mallar pointed out that there is a portion of HDR zoning that directly abuts the commercial development. Mr. Gould noted that any development will need to comply with buffer regulations for approval.

Mr. Damon moved to recommend approval to the City Council of the zone change request located at 1049 Broadway from Low Density Residential District to Shopping and Personal Service District as contain in C.O. # 13-094. Mr. Miller seconded the motion. The Board voted six in favor and one opposed.

**Item No. 3:           Public Hearing on proposed revisions to the Comprehensive Plan 2010 Update – Comprehensive Plan 2012.**

Chairman Sturgeon opened the Public Hearing and asked Mr. Gould to make a presentation. Mr. Gould gave a brief history on the City's Comprehensive Plan and its approval and consistency status since the early 2000s. Currently, several additions have been made to the most recent version of the Plan to meet consistency standards for the State. These additions are now before the Planning Board for approval and will be forwarded to the City Council for adoption.

Mr. Gould summarized the seven changes and additions:

Vision Statement-The City Council's vision statement was added to the plan.

Demographics and Population-This information was updated to include data from the 2010 Census. Mr. Gould noted the relatively stagnant growth in wages, the aging of the population, and the increase in the percentage of residents living in poverty in recent decades.

Natural Resources- This chapter and the habitat map were updated to reflect the most current data from the State.

Agricultural and Forestry- The chapter was updated with new tree growth and farm and open space data from Assessing

Implementation Plan was added.

List of Appendices was added.

Evaluation Plan –This was required by the State. Mr. Gould has proposed a yearly report to the Planning Board that will summarize certain relevant factors from the past year (such as the number of housing units, etc.)

Mr. Gould reminded the Board that, under the City's Charter, the Comprehensive Plan is an element of the Planning Board only. However, the State's Growth Management Act requires that it also be adopted by the City Council. Mr. Gould recommended that the Board approve the summarized changes to the Comprehensive Plan and recommend to City Council its adoption.

Chairman Sturgeon asked for comments from the audience. Lucy Quimby, a member of the Comprehensive Plan Committee, urged the Board to respect the many hours of work and discussion that have gone into the production of the document.

Councilor Civiello asked when a copy of the Comprehensive Plan would be available for review. Mr. Gould indicated that it is currently available on-line, and that the members of the Council will be given copies before it is presented to them for a vote. Councilor Civiello asked when the Growth Management Act was enacted. Mr. Gould explained that it was enacted around 1989, and briefly summarized the history of the City with the Growth Management Act. Councilor Civiello asked if there is a financial benefit to having a comprehensive plan. Mr. Gould said that funding from state grants is often tied to having an adopted, consistent comprehensive plan. He also mentioned the potential costs associated with litigation regarding zoning decisions where a city's zoning is not based on an adopted consistent comprehensive plan.

As no one else spoke, Chairman Sturgeon closed the Public Hearing.

Mr. Bolin thanked everyone who worked on the Comprehensive Plan, and asked when the Board should vote on it. Mr. Miller asked if the plan was complete or whether changes were on-going with the document. Mr. Gould indicated that the plan before the Board has been accepted by the State. Additional changes made from here on would require further hearings and resubmittal to the State for approval.

Mr. Miller asked when the Comprehensive Plan will be revisited. Mr. Gould stated that he was not sure. Currently, this plan will be adequate for the State for 12 years. However, evolving changes in the City, such as the study being proposed in the Neighborhood Revitalization Strategy Area, may result in land use changes that should be reflected in the Comprehensive Plan.

Board Members discussed the next step in the approval of the document.

Ms. Williams added her thanks to those that worked on the plan, and stated that she has found it to be a very valuable document. Mr. Damon echoed the thanks mentioned by other members, and especially thanked the City Staff who spent time coming to Board meetings to answer questions and offer explanations during the drafting of the Plan. He mentioned that he would like to see additional details about the Bus system included in the Fiscal Plan on page 171. Mr. Gould stated that the staff could look into that, and that the Bus funding involves some federal cost-sharing.

Chairman Sturgeon asked if the data proposed to be presented in the evaluation reports is available now. Mr. Gould stated that staff could begin compiling the data as soon as the Plan becomes official.

Mr. Damon indicated that he is in favor of passing the Plan. Mr. Boothby said that he thought a vote should be made as soon as possible, but not before each Board Member has had a chance to thoroughly review the document. He recommended voting on the plan during the first meeting in April. Ms. Williams said that given the previous approval of the Board and the summary of the additions, she was comfortable voting at this time.

Mr. Damon moved to approve the Comprehensive Plan as written and forward it to the City Council with a recommendation for approval. Ms. Williams seconded the motion. The motion passed by a vote of six in favor and one opposed.

### **APPROVAL OF MINUTES**

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

Chairman Sturgeon indicated that the Minutes of the January 15, 2013 meeting were in order for approval. Mr. Boothby made a motion to approve the Minutes as written. Mr. Bolin seconded the motion. The motion passed unanimously.

There being no further business, the meeting was adjourned at 8:11 P.M.

**PLANNING BOARD OF THE CITY OF BANGOR**  
**MEETING OF MARCH 26, 2013**  
**POSTPONED FROM MARCH 19, 2013**

**MINUTES**

**Board Members Present:**

**Andy Sturgeon, Chairman**  
**Paul Bolin**  
**Charles Boothby**  
**Doug Damon**  
**John Kenney**  
**Wayne Mallar, Alternate Member**

**City Staff Present:**

**David Gould**  
**Jeff Allen**  
**Lynn Johnson**

Chairman Sturgeon called the meeting to order at 7:00 p.m. In the absence of Board Members Miller and Williams, Alternate Member Mallar was asked to vote.

**CONSENT AGENDA**

Mr. Kenney indicated that he had a conflict of interest as his employer is the firm that prepared the plans for Item No. 1. It was moved, seconded and unanimously approved that Mr. Kenney has a conflict of interest. Mr. Bolin indicated that Acadia Hospital and Eastern Maine Medical Center, where he is employed are peer members of the Eastern Maine Healthcare System and asked the Board to determine whether or not he has a conflict of interest. After some discussion, the Board voted five in favor and none opposed to a motion that Mr. Bolin does not have a conflict of interest.

Mr. Boothby moved approval of the Consent Agenda. The motion was seconded by Mr. Damon. The Board voted 5 to 0 in favor of the motion. The items approved are:

**Item No. 1:**            **Site Location of Development Modification approval of minor modifications to the existing site located at 268 Stillwater Avenue in a Government and Institutional Service District. Acadia Hospital, applicant.**

**Item No. 2:**            **Site Development Plan approval to construct a 446 sq. ft. addition at 570 Main Street in an Urban Service District. Timka, Inc., applicant.**

### **PUBLIC HEARINGS**

**Item No. 3:**            **Conditional Use/Site Development Plan approvals to construct an 8,040 sq. ft. building for retail auto service use located at 962V Stillwater Avenue in a Shopping and Personal Service District. Town Fair Tire, applicant.**

Chairman Sturgeon opened the Public Hearing and asked for a presentation. Mr. Joseph Marden with Site Lines, indicated that the applicant is requesting approvals to construct an 8,040 sq. ft. building on a site at Stillwater Avenue and Hogan Road. Mr. Marden discussed the Conditional Use standards of the district as well as the four standard conditions of the Land Development Code. He indicated that he felt that this proposal met all of those standards. He presented the Board with a rendering of the architectural style of the proposed building indicating that it is in keeping with the architectural style of other buildings in the area.

Chairman Sturgeon asked for comments from proponents and opponents. There being none, he closed the Public Hearing and asked for Staff comments.

Planning Officer Gould indicated that the applicant is requesting Conditional Use and Site Development Plan approvals to construct an 8,040 sq. ft. building for retail auto service use located at 962V Stillwater Avenue in a Shopping and Personal Service District. Staff indicated that the Conditional Use standards have been met in that the site would be developed without any variances, it would not create any unreasonable traffic congestion, and adequate utilities would be provided. The applicant provided a schematic of the proposed building in support of the standard that the building be compatible with other buildings within 500 feet of the site. Staff felt that this was a good use for this location and recommended approval. The City Council deeded ½ of the roadway (former Kittredge Road) to the applicant. The applicant has also applied for a stormwater permit because it is in a nonattainment watershed (Penjajawoc Stream).

Mr. Kenney moved to grant approval of the Conditional Use/Site Development Plan to construct an 8,040 sq. ft. building for retail auto service use located at 962V Stillwater Avenue in a Shopping and Personal Service District. Town Fair Tire,

applicant. Mr. Bolin seconded the motion. The Board voted 6 to 0 in favor of the motion.

**Item No. 4: To amend the Land Development Code by changing a portion of a parcel of land located at 108 Odlin Road from Urban Residence One District to Neighborhood Service District. Said portion of a parcel containing approximately 16,987 sq. ft. Thirty Three Realty LLC, applicant. C.O. # 13-101.**

Chairman Sturgeon opened the Public Hearing and asked for a presentation by the applicant. Ms. Jane Skelton, Esq., the applicant, explained that she is requesting a zone change for a 16,987 sq. ft. parcel of land which she purchased from the abutting property owner (The Elks Club). She presently has her law office at 33 Mildred Avenue. When looking into the possibility of expanding her building, she discovered that she would not meet the required 20' setback. In order to have enough land area she purchased the property under consideration for the zone change. She indicated that she felt that Neighborhood Service District zoning was compatible with the surrounding properties.

Chairman Sturgeon asked for comments from proponents and opponents. No one spoke either in favor of or in opposition to the request. Chairman Sturgeon closed the Public Hearing and asked for comments.

Planning Officer Gould explained that to provide a buffer between the Elks Lodge and the single-family dwellings which abut it, approximately 100 feet of land was zoned Residential 5. Subsequent to that, the property at 33 Mildred Avenue was rezoned to Commercial One District in 1981 (now Neighborhood Service District). Recently the applicant was exploring the potential of adding a second structure on the Mildred Avenue property and was surprised to find the adjacent residential zone in between two commercial uses. The juxtaposition between the two districts calls for additional setbacks and buffer yards which cause some limitation of development options. The proposed rezoning would provide a uniform zone and eliminate the "buffer zone" which is no longer needed. The Land Use and Zoning Policy in the Comprehensive Plan both represent the residential neighborhood adjacent to a commercial district off Odlin Road. Where the two properties are both commercially zoned, it is time to let the buffer zone expire and allow the applicant the additional space to develop what is allowed under the Neighborhood Service District.

Mr. Bolin moved to recommend to the City Council that the zone change request at 108 Odlin Road from URD-1 to NSD as contained in C.O. # 13-101 be approved. Mr. Boothby seconded the motion, which passed by a vote of 6 to 0.

**Item No. 5: To amend the Land Development Code by changing two parcels of land located at 900 and 954 Broadway from Contract Government and Institutional Service District to Contract Government and Institutional Service District to amend the contract conditions. Said parcels containing approximately 20.3 acres. St. Joseph Healthcare and M & J Company, applicants. C.O. # 13-102.**

Chairman Sturgeon indicated that he had a conflict of interest as he is a principal of the firm that is representing the applicant. Mr. Bolin moved that Mr. Sturgeon had a conflict of interest. Mr. Boothby seconded the motion. The Board voted 5 to 0 in favor of the motion. Chairman Sturgeon turned the meeting over to Vice Chairman Damon who opened the Public Hearing and asked for a presentation.

Mr. Aaron Shaw, of the James Sewall Company, representing the applicant, explained that the applicants, St. Joseph Healthcare and M&J Company, are requesting a zone change from a Government and Institutional Service District to Government and Institutional Service District with revised contract conditions. The property consists of two parcels previously zoned Contract Government and Institutional Service District. Unfortunately, the parcels were rezoned at different times and have somewhat differing contract conditions which would make development straddling both parcels overly complicated. In talking with the Planning Staff they recommended, and the applicants agreed, that one unified set of zoning conditions would clarify any concerns about the two parcels' use and development standards. Mr. Shaw indicated that it is the applicants' plan to construct another office building on the site.

As no one spoke either in favor of or in opposition to the zone change request, Vice Chairman Damon closed the Public Hearing and asked for Staff comments.

Planning Officer Gould indicated that this is a request to rezone two parcels of land from one contract zone change to another to amend the contract zone change conditions in order for them to be consistent for both parcels of land. Mr. Gould indicated that the applicants are considering additional office buildings that would span between both properties. After review of several conceptual plans it was recommended that a uniform set of development standards apply to all 20 acres. The contract conditions would replace both of those previously approved. Mr. Gould indicated that the proposed conditions include a fairly low Impervious Surface Ratio (ISR) for commercial development as the District does not have an ISR limitation, and includes a height limitation of 35 feet. The proposed single access limitation deals with access management, and the setback and buffer yard standards are carried forward from the original concept to soften the hard edge on Broadway. The Land Use and Zoning Policy in the Comprehensive Plan both represent this as an institutional setting with Husson University and Bangor High School facilities nearby. Planning Officer Gould indicated that the Planning Staff found the revised contract conditions maintain the intent of the

two original contracts and should continue a sound development policy on this stretch of Broadway. Staff recommended that the Board make a positive recommendation to the City Council on C.O. #13-102.

Alternate Member Mallar was concerned about the condition relative to cutting down 50 feet of existing vegetation and/or the provision of a 25' buffer. Mr. Shaw indicated that the applicants would like to have that option. The driveway will need to be closed off and new plantings will be installed. Mr. Kenney indicated that he would not have a problem with this because he felt that the 50 feet of existing vegetation would have no bearing as the ordinance only requires 25 feet. Mr. Mallar questioned this especially at the back end of the lot only requiring a 25' buffer. Planning Officer Gould indicated that they would still have to have a setback of 50 feet. Mr. Gould noted it was the intent that where existing vegetation was present within the 50 foot setback it would be maintained and that if there was no existing vegetation that a B buffer would be provided. The fifty foot area cannot be occupied by parking or buildings.

Mr. Kenney moved to recommend to the City Council that the Contract Zone Change request contained in C.O. # 13-102 be approved. Mr. Boothby seconded the motion, which carried by a vote of 5 to 0.

Planning Officer Gould indicated that Items 6, 7, and 8 have not been referred to the Board by the City Council, but because they were advertised as public hearings, they were placed on this agenda. Mr. Gould indicated that Staff recommended that the Board open the public hearings and continue them to a meeting after they have been referred by the City Council to preserve the advertising costs.

Chairman Sturgeon opened all three Public Hearings. Mr. Damon moved to continue all three public hearings until such time as they are referred to the Planning Board by the City Council. Mr. Bolin seconded the motion. The Board voted unanimously in favor of the motion. The three Public Hearings that were continued are as follows:

**Item No. 6:**            **Amending the Land Development Code – Chapter 165-92 – Urban Service District and Chapter 165-97 Government and Institutional Service District to add emergency shelters as a permitted use. City of Bangor, applicant. C.O. # 13-104.**

**Item No. 7:**            **Amending the Land Development Code – Chapter 165-13 – Definitions – to add definitions for Transitional Housing and Emergency Shelters. City of Bangor, applicant. C.O. # 13-105.**

**Item No. 8: Amending the Land Development Chapter 165-97 – Government and Institutional Service District to add transitional housing as a conditional use. City of Bangor, applicant. C.O. # 13-106.**

**NEW BUSINESS**

**Item No. 9: Site Development Plan and Site Location of Development approvals to construct a compressed natural gas facility along with accessory structures and other site amenities located on the corner of Godfrey Boulevard and Maine Avenue in an Industry and Service District and a Government and Institutional Service District. Global Montello Group Corp., applicant.**

Patrick Coughlin, with St. Germain & Associates, represented the applicant, Global Montello Group Corp. Mr. Coughlin explained that this proposal is for a new compressed natural gas facility that would provide service to customers within a 100-mile radius. The applicant is also seeking SLODA Modification approval. Mr. Coughlin explained the site development plan. He indicated that trucks would come to the site to fill up compressed natural gas. Each truck would take about one hour to fill and the facility would be open 24 hours a day. He discussed the Site Location of Development Modification application noting that they were seeking approval of the area considered under the Site Development Plan as well as an access road.

Mr. Damon expressed his concern that this type of development was going to occur on one of the most highly visible lots at the entrance to the City's Airport. He also expressed his concern as to buffering this site from the view of those driving into the Airport. Mr. Coughlin indicated that they worked with City Staff for a way to show off this new technology while at the same time trying to hide it. He said that this is one of the more challenging sites they have worked with due to the underground utilities, existing fuel lines, and the type of soils.

Mr. Boothby asked if there would be any full time employee(s) on the site. Mr. Coughlin indicated that the system will be fully automated. The site will be equipped with an alarm system and monitored. They will be a customer of Bangor Gas Company which is located nearby.

Alternate Member Mallar asked if there would be water, sewer, or restroom facilities on site. Mr. Coughlin indicated that there would be no water, sewer or restroom facilities.

Mr. Kenney asked about the proposed stormwater treatment. Mr. Coughlin discussed the proposed stormwater system on the site and noted that this development would be a decrease in impervious area.

Mr. Damon asked if the site was tamper proof. Mr. Coughlin indicated that the site will be enclosed by an electric fence and will be monitored by video cameras. Trailers take about an hour to fill and this will be a 24 hour a day operation. The applicant has had a great deal of experience with these types of facilities. The site will be monitored from Chelsea, Massachusetts. If there is an emergency, the Fire Department will be notified.

Mr. Bolin asked if individuals would be allowed to use the facility. Mr. Coughlin indicated that it will only be available for commercial deliveries at this time.

Board Members had questions as to whether or not there would be noise, odors and any conflicts with the Airport.

Planning Officer Gould indicated that this is an application for Site Development Plan and Site Location of Development Act Modification approvals to construct a compressed natural gas facility for fueling of fleet vehicles on a parcel of land owned by the City and within Bangor International Airport (BIA). The proposed location is a part of the City's Airport property along Godfrey Boulevard, the primary entrance to Bangor International Airport. Improvements to the Airport's stormwater system were done at this location in 2009. The City is leasing a 5-acre site to Energy West Resources Group who in turn is subleasing to Global Montello Group. The site is primarily zoned Industry and Service District with a small portion zoned as Government and Institutional Service District (remnant of the former public works facility). The basic operation of the facility takes natural gas from Bangor Gas's line, compresses it, and loads it onto trucks with storage containers for transport to users that do not have access to natural gas lines. There are multiple devices on the site that are involved in the compressing, storing and filling the transport vehicles. The system is automated to the extent that it operates without specific on-site personnel. The entire facility will be enclosed by security fencing and access will be controlled by automated gates. All the proposed site lighting is being designed to comply with the City height and cutoff fixture standards. The designers have agreed to provide a full "B" buffer along Godfrey Boulevard and Maine Avenue to soften the visual impacts of the trucking facility.

Planning Officer Gould indicated that the applicant is also requesting modification to the BIA Site Location of Development Permit. The site contains remnants of the former runway and taxiways of DOW AFB (existing impervious) and the site of the 2009 treatment systems constructed with "Stimulus Money." Overall, the project will reduce impervious cover around 30,000 square feet. An additional underdrained soil filter will treat most of the new impervious to be added. Staff noted that the plan proposes a "future development" element that the applicant is seeking SLODA approval for but not

Site Development Plan approval. All the other details of the application are in order and Staff recommended approval of both applications with the noted elements.

Mr. Bolin moved to approve the Site Development Plan for Global Montello Group to construct a compressed natural gas facility along with accessory structures and other site amenities located on the corner of Godfrey Boulevard and Maine Avenue in an Industry and Service District and a Government and Institutional Service District. Mr. Boothby seconded the motion. The motion carried 6 to 0. Mr. Bolin moved that the Board grant Site Location of Development Act approval. Mr. Kenney seconded the motion. The motion passed by a vote of 6 to 0.

### **APPROVAL OF MINUTES**

#### **Item No. 10:      **Planning Board Approval of Minutes.****

Mr. Boothby moved to approve the Minutes of the February 5, 2013 and March 5, 2013 Planning Board Meetings, as printed. Mr. Bolin seconded the motion, which carried unanimously.

#### **Other Business**

Mr. Gould discussed the potential meetings dates should the need arise for a special meeting.

There being no further items for discussion, the meeting was adjourned at 8:32 p.m.

**PLANNING BOARD OF THE CITY OF BANGOR**

**MEETING OF APRIL 2, 2013**

**MINUTES**

**Board Members Present**

**Andy Sturgeon, Chairman  
Paul Bolin  
Charles Boothby  
Doug Damon  
John Kenney  
Wayne Mallar (Alternate Member)  
John Miller  
Julie Williams**

**City Staff Present:**

**David Gould  
Jen Boothroyd**

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

**PUBLIC HEARINGS**

**Item No. 1: Conditional Use and Site Development Plan approvals to construct a 3,473 sq. ft. drive-thru restaurant with associated site work and parking located at 56 Bangor Mall Boulevard in a Shopping and Personal Service District and a Stream Protection District. Restwend, LLC, applicant.**

The Public Hearing was opened by Chairman Sturgeon. Planning Officer Gould indicated that the applicant has requested that this item be continued. Mr. Bolin moved that the Board continue this Public Hearing. Mr. Boothby seconded the motion, which passed unanimously.

**Item No. 2: To amend the Land Development Code by changing a parcel of land located at 275 Center Street from Urban Residence Two District to Government and Institutional Service District. Said parcel containing approximately 13,120 sq. ft. M. & J Company, applicant. C.O. # 13-115.**

Chairman Sturgeon indicated that because the company that he works for is representing the applicant, he had a conflict of interest. Mr. Bolin moved that Chairman Sturgeon had a conflict of interest. Ms. Williams seconded the motion. The Board voted four in favor and three opposed. Vice Chairman Damon was asked to preside and Alternate Member Mallar was asked to vote.

Vice Chairman Damon opened the Public Hearing and asked for a presentation by the applicant. Mr. Aaron Shaw, P.E. with the James W. Sewall Company, represented the applicant. Mr. Shaw explained that the applicant is requesting a zone change from Urban Residence Two District to Government and Institutional Service District in order to make it more compatible with hospital uses.

Mr. Boothby asked what the applicant is proposing to use the parcel for. Mr. Shaw indicated that they are hoping to make it into a parking area.

No one from the audience spoke either in favor of or in opposition to the zone change request. Vice Chairman Damon closed the Public Hearing and asked for Staff comment. Planning Officer Gould gave a brief history of the zoning of the St. Joseph Hospital campus. The proposed zone change is consistent with the City's Land Use Policy of the Comprehensive Plan which calls for government and institutional uses and Staff recommended approval to the Board.

Mr. Boothby recalled a similar situation when Eastern Maine Medical Center proposed to demolish two historic structures to make way for parking. They were asked to reconsider their options, and eventually chose instead to construct a parking garage on existing owned land. He suggested that it may be time for St. Joseph Hospital to similarly reconsider their long-term parking situation.

Mr. Miller moved to recommend to the City Council that the zone change from Urban Residence Two District to Government and Institutional Service District for M & J Company at 275 Center Street as contained in C.O. # 13-115 be approved. Mr. Kenney seconded the motion. The motion passed, 6 voting in favor and 1 opposed.

## **NEW BUSINESS**

**Item No. 3:      Site Development Plan approval to construct an 8,200 sq. ft. building for retail sales and service use (lawn and garden equipment) at 1209 Hammond Street in an Urban Industry District. Kurt Thomas, applicant.**

Mr. Fred Marshall with Plymouth Engineering represented the applicant and explained that this is a proposal to construct an 8,200 square foot commercial building to be built on the former Linnehan's used car lot at 1209 Hammond Street. Mr. Marshall discussed the proposed Site Development Plan.

Mr. Bolin asked if the outstanding issues identified in the Staff Memorandum had been resolved. Mr. Marshall stated that they had been addressed.

Planning Officer Gould indicated that this parcel is part of the BanAir Industrial Park, developed by the City. This parcel will have a connection to the applicant's adjacent property. At the time that the Staff Memorandum was written there were unresolved items on the site development plan. Since that time, revised plans have been submitted addressing those concerns. As the plans are now in order, Staff recommended approval.

Mr. Kenney asked if the BanAir Industrial Park has a Site Location of Development Act (SLODA) permit. Mr. Gould stated that this subdivision is covered by a SLODA Permit and that lot build-out is pre-approved under that permit.

Mr. Kenney made a motion to grant Site Development Plan approval to construct an 8,200 sq. ft. building for retail sales and service use (lawn and garden equipment) at 1209 Hammond Street in an Urban Industry District for Kurt Thomas, applicant. Mr. Bolin seconded the motion. The motion passed unanimously.

**Item No. 4: Final Subdivision Plan Revision and Planned Group Development Revision approvals to modify an existing three lot subdivision located at the EMMC Campus at 489 State Street in a Government and Institutional Service District. Eastern Maine Medical Center, applicant.**

Mr. Bolin stated that he had a conflict with this item, as he is an employee of Eastern Maine Medical Center (EMMC). Mr. Miller disclosed that he is a member of EMMC's Board of Directors, and noted that the Board has found this not to be a conflict in the past. Ms. Williams moved that Mr. Bolin had a conflict of interest. Mr. Boothby seconded the motion. The Board voted unanimously in favor. Alternate Member Mallar was asked to vote.

Mr. Jeff Mylen with Eastern Maine Medical Center (EMMC) addressed the Board, stating that development on the campus in recent years seemed to suggest that a Planned Group Development was the best approach. Mr. Doug Rice, P.E. with Wright-Pearce stated that the proposal does not include the creation of any new lots, just redefining the lot lines for one of the existing lots.

Attorney Andrew Hamilton noted that a Planned Group Development is important for campus-type developments like hospitals, where development can proceed regardless of internal lot lines, in favor of viewing the campus as a whole.

Chairman Sturgeon asked if any lot dimensions are changing. Mr. Hamilton stated that they were.

Planning Officer Gould indicated that a Planned Group Development (PGD) is used when an entity may want to own a piece of a development, like a building within a hospital campus. A PGD allows us to look at the complex as a whole, instead of individual ownership. He stated that Orchard Hills is a residential example of a PGD, where owners own their unit, and the land underneath it, individually, but the entire development is viewed as a whole for planning and development purposes. A PGD allows the standards normally associated with individual lot lines within a development to be disregarded. Mr. Gould noted that the City's subdivision standards state that a plat must be presented at a 1"=100' scale, and the applicant has proposed at a 1"=120' to allow the subdivision to fit on a standard-sized sheet of mylar. The ordinance permits the Board to waive the 1"=100' requirement if they feel it is appropriate. The proposal is for the same number of parcels as before, but the applicant is redefining the boundaries of one parcel.

Mr. Damon moved to waive the standard requiring the subdivision plat to be presented at a 1"=100' scale, and to allow this proposal at the 1"=120' scale. Ms. Williams seconded the motion, which passed unanimously.

Ms. Williams made a motion to approve the Final Subdivision Plan Revision and Planned Group Development Revision approvals to modify an existing three-lot subdivision located at the EMMC campus at 489 State Street in a Government and Institutional Service District, Easter Maine Medical Center, applicant. Mr. Boothby seconded the motion, which passed unanimously.

**Item No. 5:            Site Development Plan and Site Location of Development Modification approvals to construct a 294 sq. ft., two-story press box at the existing softball field at the Husson University Campus located at One College Circle in a Government and Institutional Service District. Husson University, applicant.**

Sean Thies from CES, Inc. spoke on behalf of the applicant. He indicated that the applicant is proposing to build a two-story press box at the softball complex. The press box will be located behind existing bleachers, will utilize underground electric, and will be sited on existing impervious space.

Planning Officer Gould noted that is important to recognize that when Husson University comes in for amendments to their SLODA and Site Plans, they may concentrate on one small section of the campus, and show only that portion on their plans. This does not negate all other approvals in place for all other areas of the campus. Mr. Gould indicated that when Husson University received approval for the

baseball field, a condition of that approval was that they would provide periodic monitoring of noise levels. This has only been done once in the past ten years. The Planning Office received a noise complaint and he recommended that the Board show support for having Husson do sound monitoring as conditioned in their prior approval.

Mr. Damon asked if the proposed structure will increase the number of night games. Mr. John Rubino, of Husson University, responded that there are no new lights proposed as part of the press box project. Ms. Williams asked if the sound testing requirement applied to the softball field, or only to the baseball field. Mr. Gould said that it was part of the approval of the baseball field. Mr. Damon asked if the sound testing would involve testing the baseball field or only the softball field.

Chair Sturgeon asked if there had been many complaints about noise levels since the development of the baseball and softball fields. Mr. Gould said that there has only been one recent complaint. He noted that the sound standards are for total sound limits on the site.

Mr. Bolin stated that there is no evidence of a new sound system being proposed for the press box. Mr. Gould confirmed that the applicant had said there would be no new sound equipment at the press box.

Mr. Damon suggested that a new sound system might solve the problem if it was designed to project noise away from abutting properties. Mr. Gould indicated that the abutting complainant believes that the existing system is exceeding noise standards.

Ms. Williams asked whether the noise standard applies to all noise in general or to noise from crowds or sound systems. Mr. Gould said that the sound standard does not apply to crowd noise.

Mr. Kenney moved that the Board grant Site Development Plan and Site Location of Development approvals to construct a 294 sq. ft., two-story press box at the existing softball field at the Husson University campus located at One College Circle in a Government and Institutional Service District, Husson University, applicant, with the condition that the approval applies only to the press box application as shown on the site plans, and with the condition that the Board strongly recommends that Husson monitor sound as suggested. The motion was seconded by Mr. Boothby.

Mr. Miller asked whether Member Kenney's language of "strongly recommend" conveyed Mr. Gould's intent. Mr. Kenney offered to rescind the second condition so that that issue could have a separate vote. Mr. Gould stated that their condition of approval was to "periodically" test, and it has been done once in the ten years since that approval.

Ms. Williams asked if the Planning Division has the authority to direct Husson to do the sound testing. Mr. Gould said that he was not sure if the Division had that authority. He brought the issue up hoping that the Board would show support for the idea.

Chairman Sturgeon asked whether Husson has received any noise complaints in the last two years. Mr. Rubino indicated that they had not.

Mr. Boothby asked that as a community with SLODA delegated Authority, if the Board was authorized to regulate SLODAs and if noise is regulated by a SLODA. Mr. Gould indicated they are. Mr. Boothby felt it is within the Planning Board's authority to ask Husson University to do sound testing and because the previous approval included a condition requiring periodic noise tests that once in ten years it not periodic.

Member Williams suggested that the second condition of Member Kenney's motion be rescinded, and that the Board direct the applicant to do the noise testing.

Board Members had questions regarding when the noise study should be done, and if the Board could place a condition on a plan that is separate from the application under review.

Mr. Kenney rescinded the second condition of his motion. Mr. Boothby agreed to the change to his second to the motion. The Board voted unanimously in favor of Mr. Kenny's motion as amended.

Attorney Andrew Hamilton addressed the Board, stating that Husson University has heard the message and will pursue voluntary compliance with periodic noise testing.

## **APPROVAL OF MINUTES**

### **Item No. 6:           **Planning Board Approval of Minutes.****

Chairman Sturgeon indicated that there were no minutes available for the Board to approve.

There being no further business or discussion, the meeting was adjourned at 8:11 P.M.

**PLANNING BOARD OF THE CITY OF BANGOR**

**MEETING OF MAY 7, 2013**

**MINUTES**

**Board Members Present:**

**Andy Sturgeon, Chairman  
Paul Bolin  
Charles Boothby  
Doug Damon  
John Kenney  
Wayne Mallar, Alternate Member  
John Miller  
Julie Williams**

**City Staff Present:**

**David Gould  
Peter Witham**

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

**CONSENT AGENDA**

**Item No. 1:        **Site Location of Development Permit Transfer approval to Global CNG LLC. Global Montello Group Corp., applicant.****

Mr. Damon asked about the relationship between Global CNG, LLC and Global Montello Group Corp. and if the Global CNG LLC proposed to operate the facility the same as that proposed by Global Montello Group Corp. Patrick Coughlin with St. Germain Collins representing the applicant explained that the parent company to Global Montello Group is Global Partners, LP. They are simply creating a new entity underneath their company called Global CNG which will be the same entity with all of the same resources.

Mr. Bolin moved to approve the Consent Agenda. Mr. Miller seconded the motion. The Board voted 7 to 0 in favor.

## **PUBLIC HEARINGS**

### **Item No. 2: Amending the Land Development Code – Chapter 165-92 – Urban Service District and Chapter 165-97 Government and Institutional Service District to add emergency shelters as a permitted use. City of Bangor, applicant. C.O. # 13-104.**

Chairman Sturgeon indicated that Items No. 2, 3, and 4 were very similar and it was the consensus of the Board to discuss them at the same time but vote on them separately. Planning Officer David Gould reviewed C.O. # 13-104 which is an amendment to the Urban Service District and Government and Institutional Service District (G & ISD) to provide for emergency shelters as a permitted use in those two districts. Previously, shelters were allowed as a community service organization as defined in Urban Service District and under the general category in G&ISD as "facilities operated by public agencies or private nonprofit organizations..."

C.O. # 13-105 is an Amendment to Chapter 165-13 which provides two new definitions for the Land Development Code. One is for transitional housing and the second one for emergency shelters.

The third amendment as contained in C.O. # 13-106 is an amendment to the Government and Institutional Service District that would add transitional housing as a conditional use within the G & ISD.

Planning Officer Gould noted that approximately a year ago this issue was before the Board regarding an expansion or changes at Hope House relative to transitional housing and shelter use. Hope House has been there for a number of years but the uses aren't defined with the Land Development Code. In the Government and Institutional Service District (G & ISD) the district is largely driven by the nature of the entity. If you are a nonprofit government agency then most of the things that you do are allowed in the district without the district defining, specially, what those uses are. There are a broad range of uses from the Eastern Maine Medical Center campus, Husson University and their sports stadium, or a small pump station off of Odlin Road that all come under that category of G & ISD. There have been concerns about the growth and expansion of Hope House. One way that the City was able to get a handle of that was to very specifically define those particular uses to limit their ability to expand beyond that. This situation is somewhat complicated in that the Hope House leases property that the City owns. The lease contains a lot of terms about that arrangement.

Mr. Gould indicated that the proposed shelter definition has a limitation of 70 people within the shelter. In some ways it is very good to define the term so we can deal with them specifically. The concept is that a person can live in transitional housing up to two years and then they are supposed to move on somewhere else. The intent is that it is not an overnight shelter. Relative to the Government and Institutional Service District, Staff took the same position last time this was before the Board in that they seem to be uses that fit within the district. This approach defines uses rather than keeping them broad. There are people who have concerns about the Hope House and its expansion. This was one way for the City to

address this. A question was raised if there was another ice storm and the need arose to house people on an emergency basis if this would be allowed. Under an emergency situation most anything would be allowed. This amendment is about a homeless shelter. The two Districts where homeless shelters would be allowed are in an Urban Service District (where the Bangor Area Homeless Shelter is on Main Street) and a Government and Institutional Service District (which is the district where Hope House is).

Ms. Williams asked if the level of transitional housing and emergency shelter standards were the same in both districts. Mr. Gould indicated that they were.

Mr. Boothby asked if the amendment would authorize what is already at Hope House or authorize their expansion. Planning Officer Gould explained that the Board has approved the site plans for what Hope House has now and their use would fit the proposed definition.

Mr. Damon was concerned that if approved, shelters would be allowed in any Government and Institutional Service District or Urban Service District.

Planning Officer Gould noted that the Board didn't support the prior amendment to the G & ISD. This amendment is similar to that prior amendment.

Chairman Sturgeon asked if there had been a lot of community comment on this as it has been advertised. Planning Officer Gould indicated that there has been quite a bit of discussion before Council Committees.

Chairman Sturgeon opened the Public Hearings for all of the amendments and asked for public comment. Lori Dwyer, Esq., General Counsel representing Penobscot Community Health Care, reviewed discussions with the City Council regarding Hope House and noted that the City's lease did have other conditions that were not within the Land Development Code revisions.

Mr. Damon questioned why the amendment was back before the Board when the Board voted down what he felt was the very same thing a year ago. He was concerned about shelters in this district because he has had experiences where business and industry can't operate because there is housing in the G & ISD where noise is a problem for them. He was also concerned that if this amendment were to pass it would make the G & ISD something else. He wondered if changing these definitions then changes the whole G & ISD so it becomes something else.

Lori Dwyer explained that this had been part of a larger discussion with the City Council and lots of changes have been made that the Board may or not be aware of to the Hope House renovation that is going to take place. As part of that it was pointed out by the Legal Staff that Hope House already has approval in this district. It was the feeling of the City Council that it wanted to be able to control future development and limit the type of development. She indicated that they have agreed to cap the number of folks in the shelter to 66 so in essence there is no expansion of capacity in the new proposal. She indicated that they are shifting the number of people that were in the emergency shelter over to more

stable, permanent transitional housing units. There will be an increase in transitional housing units and a decrease in the shelter beds so that overall numbers will stay the same.

Mr. Bolin questioned why the need for the change at all if everything is staying the same and if it would prohibit them from expanding in the future why would they be in favor of it.

Planning Officer Gould indicated that the Hope House property is owned by the City of Bangor and leased to Hope House which affords the City the ability to have regulations and stipulations on the property outside of the Land Development Code. The amendments before the Board strictly deal with the Land Development Code. Mr. Gould told the Board that it needs to be aware that the amendment not only deals with Hope House but with every other Government and Institutional Service District in the City.

Chairman Sturgeon pointed out that presently there is no limit on the number of beds in an overnight shelter. Mr. Kenney question the limit of 70 beds to just overnight shelters when there's no limit on transitional housing and at one facility you can have a mixture of both so. He felt that it seemed odd to have a limit because it's the same room size but one can stay longer at one than the other.

Mr. Bolin indicated that while he does not have an issue with Hope House he is concerned that this is going to change other areas in the City that are not owned and leased by the City.

Mr. Damon asked if there is a prohibition regarding housing in the G & ISD and if the amendment would remove any prohibition to allow housing. Mr. Gould indicated that the amendment is only relative to transitional housing which is not like traditional rental market housing. It's a very structured entity that has other programs that go with it, a time duration and is a transition from homelessness to non-homelessness.

Board discussed the various types of housing options in the Government and Institutional Service District such as the dormitories at Husson University, beds in nursing homes, beds in a hospital, etc.

Ms. Williams asked why transitional housing was proposed as a conditional use. Planning Officer Gould didn't know the rationale for this but offered that one advantage would be an additional level of notification and the opportunity for people to come and speak at a public hearing.

No one spoke in opposition. Chairman Sturgeon closed the Public Hearings. Mr. Bolin moved that the Board recommend approval to the City Council of the amendment to the Land Development Code – Chapter 165-92 – Urban Service District and Chapter 165-97 – Government and Institutional Service District to add emergency shelters as a permitted use and contained in C.O. # 13-104. Mr. Boothby seconded the motion. The Board voted 3 in favor and 4 opposed.

**Item No. 3: Amending the Land Development Code – Chapter 165-13 – Definitions – to add definitions for Transitional Housing and Emergency Shelters. City of Bangor, applicant. C.O. # 13-105.**

(The Public Hearing was opened and discussed under Item No. 2.) Chairman Sturgeon closed the Public Hearing and asked for a motion.

Mr. Kenney moved to recommend approval to the City Council of the proposed text in the zoning amendment as contained in C.O. # 13-105. The motion was seconded by Mr. Miller. The Board voted 6 in favor and 1 opposed.

**Item No. 4: Amending the Land Development Code Chapter 165-97 – Government and Institutional Service District to add transitional housing as a conditional use. City of Bangor, applicant. C.O. # 13-106.**

(The Public Hearing was opened and discussed under Item No. 2.) Chairman Sturgeon asked for a motion.

Mr. Bolin moved to recommend approval to the City Council of the zoning amendment to Chapter 165-97 – Government and Institutional Service District as contained in C.O. # 13-106. Mr. Miller seconded the motion. The Board voted 4 in favor and 3 opposed.

**Item No. 5: Amending the Land Development Code – Section 165-135 – Schedule B – General Commercial and Service District – Buffer Yard Type. City of Bangor, applicant. C.O. # 13-140.**

Chairman Sturgeon opened the Public Hearing. Planning Officer David Gould reviewed the history of buffer yards in the Land Development Code starting with the 1991 version.

Mr. Gould indicated that buffer yards were intended as minimal landscaping standards for development in the developing portions of the City. The Districts would include LDR, HDR, S&PS, GC&S and I&S. The same range of buffers was used for parking lots and transition areas between residential and commercial districts.

Around 2005 there was concern that the buffers for parking areas were insufficient and the plant numbers were dramatically increased. After a short while Staff revised the buffer requirements and proposed to eliminate buffer yard plantings for permitted uses within the Developing Areas Districts. That process started with Shopping and Personal Service (S&PS) Districts and Industry & Service (I&S) Districts. It was noted that the General Commercial and Service District (GC&S) still had buffer yard requirements for permitted uses, even those that were duplicated from the S&PS District.

The proposed amendment would eliminate buffer yard requirements for permitted uses in GC&S for those uses identified in 165-101 C (permitted uses in S&PS). The standards for parking lots, outdoor storage, and transition yards would not change.

There were no proponents or opponents speaking to the above zoning amendment. Chairman Sturgeon closed the Public Hearing and asked for a motion.

Mr. Damon moved that the Board recommend approval to the City of Bangor of the amendment to the Land Development Code - Chapter 165-135 Schedule B Buffer Yard Type, as contained in Council Ordinance 13-140. Mr. Bolin seconded the motion. The motion passed by a vote of 7 to 0.

## **NEW BUSINESS**

**Item No. 6:      Site Development Plan approval to amend the previously approved Site Development Plan at 878 Stillwater Avenue in a Shopping and Personal Service District to enlarge three of the four approved buildings. ALSID, LLC, applicant.**

Fred Marshall with Plymouth Engineering represented the applicant. The amended plan is to change a previously approved retail building (Building A) from 5,000 sq. ft. to 7,150 sq. ft. The square footage of the other approved buildings is not being changed. Three buildings on the site are built, the majority of the parking lot is built, and all of the infrastructure is in place.

Mr. Mallar was concerned that the plans only show one handicap space in front of the building. Mr. Marshall indicated that the proposed handicap spaces on the site plan are in accordance with all Ordinance requirements.

Planning Officer Gould indicated that this has been before the Board for numerous revisions. As a typical multi-building site development, every time they sign a new leasehold the plan changes. Now, Building A went from 5,000 sq. ft. to 7,150 sq. ft. Some Board Members may recall that when this was originally before the Board it was at the time of the construction of the Super Wal-Mart. With the increase of this building it was necessary for the applicant to go back to MDOT to review the impact from the additional floor area to make sure that the prior Traffic Movement Permit would still work. The analysis came back as 99 trips different than the original Permit approval and this would not necessitate their doing any additional off-site improvements. In response to Mr. Mallar's concern about handicap spaces, Mr. Gould indicated that the number of spaces is determined by the uses on the site. The spaces are not necessarily allocated in front of the buildings but are located on the site. All of the other details of the plan are as they have been and Staff recommended approval.

Ms. Williams moved to grant Site Development Plan approval to amend the previously approved Site Development Plan at 878 Stillwater Avenue in a Shopping and Personal Service District to enlarge one of the four approved buildings for ALSID, LLC, applicant. Mr. Boothby seconded the motion which passed unanimously.

**Item No. 7: Site Development Plan approval to construct a 7,500 square-foot addition for medical office use at 78 Ridgewood Drive in a General Commercial and Service District. Downeast Orthopedics, LLC, applicant.**

Rob Ervin, Ervin Architecture, represented the applicant who is requesting approval to construct a 7,500 sq. ft. addition at 78 Ridgewood Drive. He explained the aspects of the site development.

Planning Officer Gould explained that this is an expansion of an existing medical office building in a General Commercial and Service District in the Oak Ridge Business Park and all the details of the plan meet ordinance requirements of the district and for submittal. The default buffer yards are in place. In reviewing this project Staff also reviewed the Oak Ridge Subdivision development. The original developer paid \$34,000 in impact fees but only a fraction of the lots had been developed. That amount was for all of the impact fees for a certain amount of the subdivision. The applicant provided a traffic analysis based upon a hypothetical model of the usage within the park that designated a certain amount of retail, general office and medical office uses. Shortly after this plan was filed, staff discovered that the development has far exceeded its allotment of medical office space within the subdivision. Staff has talked with the original subdivider and his attorney to determine how to fix this. Staff has suggested the details of this plan are in order, but would suggested that there be a reassignment of the floor area (46,000 sq. ft. was allowed for retail space that has not been developed) for more medical office space. By doing so, the end result is that the trips out of the subdivision would not be any more or less than was originally approved and would allow them to continue to develop medical office space. Staff is comfortable approving this as long as there is a condition that the details of that subdivision get amended. Planning Officer Gould also noted that the subdivision plat itself seems to be devoid of any public notice or warning that in addition to Bangor's zoning rules and regulations, there are a host of other limitations that apply to these lots that the average buyer may not know such as limitation of certain uses, and pre-review and approval of any building design in advance.

Mr. Kenney moved that the Board grant Site Development Plan approval to construct a 7,500 sq. ft. addition for medical office use at 78 Ridgewood Drive in a General Commercial and Service District for Downeast Orthopedics, LLC with the condition that the Building Permit not be issued until the land use limitations of the subdivision approval are adjusted and complied with. Mr. Bolin seconded the motion. The Board voted 7 to 0 in favor.

**APPROVAL OF MINUTES**

**Item No. 8: Planning Board Approval of Minutes.**

Chairman Sturgeon indicated that the Minutes of the April 2, 2013 and March 26, 2013 Meetings were in order. Mr. Bolin moved to approve the Minutes of the April 2, 2013 and March 26, 2013 Meetings. The motion was seconded by Ms. Williams. The Board voted 7 to 0 in favor.

### Other Business

Planning Officer Gould updated the Board noting that the Wendy's development is anticipated to come back before the Board at its meeting on May 21<sup>st</sup>.

Presently there is a moratorium on new quarries and City Staff has been looking at requirements and locations within the city.

There being no further items for discussion, the meeting was adjourned at 8:20 p.m.

**PLANNING BOARD OF THE CITY OF BANGOR**

**MEETING OF MAY 21, 2013**

**MINUTES**

**Board Members Present:**

**Andy Sturgeon, Chairman  
Charlie Boothby  
Doug Damon  
John Kenney  
Wayne Mallar, Alternate Member  
John Miller  
Julie Williams**

**City Staff Present:**

**David Gould  
Peter Witham**

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

**CONSENT AGENDA**

Chairman Sturgeon indicated that he had a conflict of interest as he is employed by the firm that prepared the plans for this project. Ms. Williams moved that Chairman Sturgeon had a conflict of interest. Mr. Miller seconded the motion, which passed by a vote of 6 to 0.

Vice Chairman Damon asked for a motion. Mr. Kenney moved to approve the Consent Agenda. Ms. Williams seconded the motion. The Board voted 6 to 0 in favor of the motion. The item approved is as follows:

**Item No. 1:      **Site Development Plan and Site Location of Development Modification approvals to construct a 35-space parking lot expansion located at 275 Center Street in a Government and Institutional Service District. St. Joseph Hospital, applicant.****

## **PUBLIC HEARINGS**

**Item No. 2:      **Conditional Use and Site Development Plan approvals to construct a 3,473 sq. ft. drive-thru restaurant, site work, and parking located at 56 Bangor Mall Boulevard in a Shopping and Personal Service District and a Stream Protection District. Restwend, LLC, applicant.****

Chairman Sturgeon opened the Public Hearing and asked for a presentation. Elliot Thayer, Thayer Engineering along with Jason Gall, principal, with Restwend, LLC, were present in support of this application. Mr. Thayer discussed the components of the conditional use application, as well as, the elements of the Site Development Plan. He explained that this is a rebuild of an existing site. The proposed restaurant building will be slightly larger. They will be reducing the driveway and parking areas so the total impervious area will be reduced by about ten percent. The circulation, parking and queuing will be similar to what is there. They are providing 38 parking spaces where 26 are required. Mr. Thayer indicated that the project met all submittal requirements. There is a field area next to the Penjajawoc Stream that the applicant deeded an easement to the City of Bangor that they intend to keep mowed and maintained as a meadow buffer area. They will be adding some underground storm drainage to accommodate new roof drains that will go down into under drains along the side of the building and they are adding a catch basin in the parking lot. There will be a new storm drain from left to right across the front of the building and run off will exit toward the stream into a new level spreader. Proposed lighting will be accordance with the City's lighting standards.

No one from the audience spoke either in favor of or in opposition to the proposal. Chairman Sturgeon closed the Public Hearing and asked for Staff comments.

Planning Officer Gould indicated that this is a request for Conditional Use and Site Development Plan approvals to construct a new 3,473 sq. ft. drive-thru restaurant at 56 Bangor Mall Boulevard in a Shopping and Personal Service District (S & PS) and a Stream Protection District. The drive-thru restaurant is a Conditional Use in the S & PS District. In addition to the normal Site Plan review standards the applicant has to demonstrate to the Board that the architecture of the building is compatible with other buildings within 500 feet of it, the project will not cause unreasonable traffic congestion at this site; adequate utilities will be provided, and it will meet the basis standards of the S & PS District without a variance. Even though this site was originally developed in 1978 not many changes were necessary to bring it into compliance with today's standards. The City had the opportunity to obtain an easement from the applicant to gain access to the Penjajawoc Stream. The City has a requirement to bring nonconforming watersheds up to standards. The applicant was gracious enough to give the City this access. It doesn't mean that they can't build on their property but it gives the City the right to go onto that property to access the Penjajawoc Stream. Planning

Officer Gould indicated that Staff feels that all of the details of conditional use and site plan are in order.

Chairman Sturgeon asked for a motion. Mr. Miller moved that the Board grant approval of the Conditional Use and Site Development Plan to construct a 3,473 sq. ft. drive-thru restaurant at 56 Bangor Mall Boulevard in a Shopping and Personal Service District and a Stream Protection District for Restwend, LLC, applicant. Mr. Boothby seconded the motion. The Board voted 7 in favor and 0 opposed.

**Item No. 3: Approvals for Conditional Use, Site Development Plan, and Site Location of Development Modification of the approved plans for a detached single-family dwelling complex to add one building, move another building, and reduce the size of another building located at Mt. Hope Avenue and Chickadee Lane in a Low Density Residential District. Meadowbrook Ridge, LLC, applicant.**

Chairman Sturgeon opened the Public Hearing and asked for a presentation. Mr. Fred Marshall with Plymouth Engineering represented the applicant, Julie Sites, who was also present. Mr. Marshall explained that the project has been before the Board several times. It has been constructed in phases because of permitting issues and to test the market. The entire project has essentially been completed and all of the infrastructure is in. This change would add back one building that was deleted in a revision last year, move another building and reduce the size of another building. There have been some changes to the stormwater treatment and the impervious area on the site. Mr. Marshall noted that there are two buildings proposed on Mt. Hope Avenue and those have yet to be constructed.

Ms. Williams noted Staff's concern regarding fire access. Planning Officer Gould indicated that the fire people have said that they were comfortable with the narrow driveway that goes down the bank to access the two units. They have created an area to allow fire trucks to turnaround. What the applicant needs to be aware of is that this turnaround needs to be plowed and maintained. If the snow isn't plowed, the fire department won't be able to turnaround down there as anticipated. The plan proposes some pervious pavers to give access so the fire trucks can turn and get back out, but if they don't maintain it and plow it in the winter, it will not serve that purpose.

Mr. Marshall indicated that the condominium association has a maintenance contract and this is included in their contract.

No one spoke either in favor of or in opposition to the proposal. Chairman Sturgeon closed the Public Hearing and asked for Staff comments.

Planning Officer Gould explained that this is an application which proposes to add back one duplex building. They have demonstrated that there is enough land area such that they would not exceed the impervious surface ratio which was one of the issues Staff had in the past. It is a conditional use because they are building a new building that opens the review to those standards. Staff feels that the proposal meets the conditional use standards in that the architecture of the building is compatible with other buildings within 500 feet; will not create unreasonable traffic congestion, there are adequate utilities; and the site will be developed without requiring a variance of any of the development standards for the district. The plans, as submitted meet the submittal requirements for both Site Development Plan and Site Location of Development Modification approvals, and Staff recommended approval.

Chairman Sturgeon indicated that he would entertain a motion. Mr. Damon moved to approve the Conditional Use, Site Development Plan and Site Location of Development Modification to add one building move another building and reduce the size of another building located at Mt. Hope Avenue and Chickadee Lane in a Low Density Residential District for Meadowbrook Ridge, LLC, applicant. Mr. Miller seconded the motion, which passed by a vote of 7 to 0.

**Item No. 4: To amend the Land Development Code by changing a parcel of land located at 759 Union Street from Urban Residence One District to Contract Urban Residence Two District. Said parcel containing approximately 41,500 sq. ft. Bangor Baptist Church, applicant. C.O. # 13-158.**

Mr. Damon indicated that he has a conflict of interest as he is representing the applicant in the real estate transaction. The Board voted unanimously that Mr. Damon has a conflict of interest.

Chairman Sturgeon opened the Public Hearing and asked for proponents. Barbara Ford, Executive Director of Shepherd's Godparent Home, a ministry of Bangor Baptist Church, indicated they are interested in using the building to provide housing for pregnant women in need of safe and secure housing. The building will fit their needs with a limited amount of work.

As no one spoke in opposition to the request, Chairman Sturgeon closed the Public Hearing and asked for Staff comments. Planning Officer David Gould indicated that the City's Comprehensive Plan designates this area of the City as low density residential. The property is just under an acre in size and abuts an existing Urban Residence 2 District. The buildings in town of this one are two thru four family structures. Across Union Street are professional office buildings and multi-unit housing. With the proposed contract condition limiting the property to one primary use structure and a maximum of two dwelling units it seemed a reasonable use for this large property

which would be the transition between multi-family on one side and single-family homes on the other side.

Member Williams asked if the property could be used as a group home. Planning Officer Gould noted that if she meant Community Living Arrangement (CLA) which was discussed as an option, the State of Maine provides for a housing facility of eight or fewer persons with disabilities to be treated as a single-family home if approved, authorized or licensed by the State. The Code Enforcement Office had concerns that the proposed occupancy did not meet the State criteria for a CLA.

Mr. Kenney moved to recommend to the City Council that the Contract Zone Change request contained in C.O. # 13-158 be approved. Mr. Boothby seconded the motion. The Board voted 6 to 0 in favor of the motion.

## **NEW BUSINESS**

**Item No. 5:      Site Location of Development Act Modification approval to construct a 42,560 square-foot building, parking area, and utility upgrades located on Hayes Street and Florida Avenue in Airport Development and Government and Institutional Service Districts. Maine Army National Guard, applicant.**

Mr. Don Becker, from CES, Inc, representing the applicant explained that this is a proposal to build an aviation readiness center that will be a part of their weekend training. Some of the building is on existing helicopter parking area. In some cases they will be modifying existing impervious surface. There is a net increase and they are within an impaired watershed so they have two treatment devices in place that we have reviewed through the City Engineering Staff. They are also proposing a parking area for military parking. Because of the change in impervious area it was necessary to modify their Site Location of Development Act Permit. The parcel is located on federal land and, therefore, they do not need to seek site development plan approval.

Planning Officer Gould indicated that this is a somewhat unique project in that this is a federal property which is exempt from local rules and regulations. However, they are not exempt from Site Law review. He noted that at the time the Staff Memorandum was written there were some outstanding issues regarding stormwater which have since been addressed. He noted that Jeff Allen from the City Engineering Department was present to answer questions. Staff indicated that in its review of the Site Law standards, staff recommended that the Board grant Site Location of Development Modification approval.

Mr. Kenney asked Mr. Allen to comment on the stormwater element of the plan. Mr. Jeff Allen, with the Engineering Department, explained that they are proposing to

do a gravel wetland. It is a new type of treatment for this area but has been highly successful for the University of New Hampshire Stormwater Center. It essentially takes the runoff from a couple of parking areas. The gravel creates a media for the bacteria to grow on and treat the water. This will get the water underground for treatment. At the Airport creating any type of pond needs to be avoided as it would attract ducks which in turn are hazardous to planes.

Mr. Damon asked how this would handle deicing fluid. Mr. Allen indicated that he did not believe that they do any deicing in this area. It is taking runoff from parking lots and equipment storage.

Ms. Williams moved to approve the Site Location of Development Act Modification to construct a 41,560 sq. ft. building, parking area, and utility upgrades located on Hayes Street and Florida Avenue in an Airport Development District and a Government and Institutional Service District for Maine Army National Guard. Mr. Miller seconded the motion, which passed unanimously.

**Item No. 6:            Site Development Plan approval to construct a 15,000 square foot building, parking area, and storage area for office and storage use at 203 Hildreth Street North in an Urban Industry District. Dunbar and Brawn, applicant.**

Randy Bragg from Carpenter Associates represented the applicant. He explained that the applicant is proposing to construct a 15,000 sq. ft. structure at the end of Hildreth Street North. They have previously been before the Board for approvals for a gravel pad and an entrance to the site and they are now ready to start the building phase. The new building is proposed to have up to 3,000 sq. ft. of office space and the rest of the building will be used for storage of materials. There is an easement on the site to allow Brake Service & Parts and the Guard to access their lot. Also within that right-of-way is a private waterline which is owned by the Reserves where Milk Street intersects that road. The sewer line is part of the District's sewer line. For that reason, the applicant has proposed a well for water service because in this case it would be difficult to get a water connection there. They will connect to the existing sewer line. They have proposed a stormwater management system which is a soil filter which is a long trench which is downstream of all development within the property. They will be collecting and treating nearly 100 percent. Mr. Bragg also explained that lighting meets Ordinance requirements.

Mr. Damon asked if they proposed to store any dynamite on the site. Mr. Bragg indicated that they did not.

Planning Officer Gould indicated that this is an application for Site Development Plan approval to build a storage/construction building off of the end of Hildreth Street North. One of the issues that Staff has wrestled with is that the property has a right-of-

way that runs through it. Essentially they are not located directly on a public street. There typically is a defined width of right-of-way then within that right-of-way is a travel way, the part that is paved. They propose two driveways off of the travel way. The parking spaces are within the right-of-way. If there were a City right-of-way there would be a setback standard from the right-of-way and parking would have to be setback 10 feet. It is a private ROW that's on their property. The Board has the ability to evaluate the applicant's plan relative to access and parking and whether the landscaping is consistent with what it deems appropriate under the site plan review standards. Relative to lighting, it has come to Staff's attention that some of the lighting that's proposed to be on the building may be adjustable such that if it is not mounted correctly it will not provide 100 percent level cutoff. It needs to be clear that the fixture needs to have no light above 180 degrees.

Chairman Sturgeon indicated that because it is not a public road and they are not proposing any permanent structures he would not have a problem with this. If there is a conflict down the road then they will have to deal with it.

Ms. Williams moved to approve the Site Development Plan to construct a 15,000 sq. ft. building, parking area, and storage area for office and storage use at 203 Hildreth Street North for Dunbar and Brawn, applicant. Mr. Boothby seconded the motion. The Board voted 7 to 0 in favor of the motion.

**Item No. 7: Site Development Plan approval to construct a 6,440 square foot building, replace a 2,500 seat stadium, and associated pavement at 175 Fruit Street in a Government and Institutional Service District and 304 Garland Street in a Park and Open Space District. Bangor School Department, applicant.**

Randy Bragg, with Carpenter Associates, explained that the School Department intends to replace the aging Cameron stadium by demolishing it and replace it with a new set of bleachers, new press box, and a separate building. The new seating is proposed to be about the same as what they have there now. The only difference with the new design is that it is a little narrower and takes up a little more length along the field. Due to the design, they are proposing a separate building to house public restrooms, storage and locker room space (which is presently underneath the existing stadium). Overall they are proposing to reduce the amount of impervious area. Stormwater will be handled by another soil filter which will be underneath the entire stadium and drain into an existing nearby catch basin. Any run off from the building will be captured with a drip edge filter and will be processed through an existing catch basin, as well. The applicant proposes to replace the existing 6 stadium lights with 4 lights that have 12 fixtures a piece on them.

Mr. Damon asked what they use for a broadcast system noting the noise issues at Husson University. Mr. Bragg indicated that they were not proposing any changes to the PA system at this time. Alan Kochis, Director of Business and Betsy Webb, Superintendent with the Bangor School Department were present to answer questions.

Alan Kochis indicated that over the years they have had very few complaints regarding the PA system.

Mr. Boothby asked if the engineering concerns had been resolved. Jeff Allen indicated that revised plans were submitted addressing their concerns.

Chairman Sturgeon asked for Staff comments. Planning Officer Gould indicated that this application is for Site Development Plan approval to rebuild the grandstand at Cameron Field and to build a new facility over on the school side of the parcel in the Government and Institutional Service District to provide for restrooms at the site. Since the time that the Staff Memo was written, revised plans were submitted addressing the Engineering Department's concerns. Mr. Gould indicated that Staff felt that the proposed lighting should be clarified by the applicant. Another concern of Staff is that there is one house that "juts" out toward the School Department's parcels which is in a Low Density Residential District and provision should be made for an "A" buffer in that area. Mr. Gould indicated that all of the elements of the plan are in order. Staff and the applicant have been working fast and furious under a tight schedule to get this onto the Agenda.

Mr. Bragg indicated that the applicant was more than happy to put in an "A" buffer and asked if it could be made as a condition of approval.

Board Members discussed the "A" buffer, the proposed lighting. Chairman Sturgeon asked what they are proposing for lighting. Mr. Bragg indicated that at present that it is somewhat less than the 50' right now but he didn't know the exact level but the standard that they need to shoot for safe play is 50 foot candles. He said that they were focusing on using four poles to light the field.

Chairman Sturgeon asked Jeff Allen asked if he was comfortable with what they are proposing for lighting. Mr. Allen indicated that they will still have the same number of lights but they are being distributed differently and focused more toward the field. Chairman Sturgeon indicated that he liked the idea of reducing the six poles to four. Kenney agreed and added that he would like for the record to see a photometric plan that shows where the light levels are.

Chairman Sturgeon opened up the discussion to those in the audience. Margaret Gardner, 180 Fruit Street, which is directly across from Fruit Street School asked if there were going to an access to the site from Fruit Street. Presently when events are going on at the stadium there is a lot of traffic, people are parking in "no

parking areas," and it is noisy. However while the PA system is loud for certain events, they end at an appropriate time. She indicated that in the past that she has placed calls to the Police Department regarding traffic and noise.

Chairman Sturgeon indicated that the plans do not propose any changes to the access. With the same number of seats he did not foresee any change in traffic. Chairman Sturgeon recommended that she continue to express her concerns about the traffic to the Police Department.

Superintendent of Schools Betsy Webb thanked the City staff and everyone for their support. The timeline has been tight but they really had to address safety and code issues.

Mr. Kenney moved to approve the Site Development Plan to construct a 6,440 sq. ft. building and replace a 2,500 seat stadium at 175 Fruit Street in a Government and Institutional Service district and at 304 Garland Street in a Park and Open Space District for Bangor School Department with the conditions that the applicant provides for an "A" buffer along the residential boundary and provide lighting details to the satisfaction of the City Engineer's Office. Mr. Damon seconded the motion, which passed unanimously.

### **APPROVAL OF MINUTES**

#### **Item No. 8:           **Planning Board Approval of Minutes.****

There were no Minutes for consideration. The meeting was adjourned at 8:35 p.m.

**PLANNING BOARD OF THE CITY OF BANGOR**

**MEETING OF JUNE 4, 2013**

**MINUTES**

**Board Members Present:**

**Andy Sturgeon, Chairman  
Paul Bolin  
Charles Boothby  
Doug Damon  
John Kenney  
Wayne Mallar, Alternate Member  
John Miller  
Julie Williams**

**City Staff Present:**

**David Gould**

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

**NEW BUSINESS**

**Item No. 1: Final Subdivision Plan Revision approval to amend the lot lines of Lot 13B in the Fairways Subdivision in an Urban Residence One District. Nathaniel S. and Virginia K. Putnam and Jon and Nancy Dawson, applicants.**

Member Williams disclosed that while she has no direct financial interest in the subdivision she is a relative of one of the applicants.

Mr. Bolin made a motion that Member Williams had a conflict due to her relationship with the applicant. Mr. Damon seconded the motion. The Board voted 5 to 2 in favor of the motion that Ms. Williams should be excused from voting.

Chairman Sturgeon indicated member Mallar could vote on this item in the absence of member Williams.

Mr. Sturgeon asked the applicant or their representative to give the Board a brief overview of the proposal. Jonathan Pottle, Esquire, indicated he represented Nathaniel S. and Virginia K. Putnam. The plan before the Board indicated that a portion of the formerly retained land held by the developers was conveyed to the owners of lot 13A. These revised plans were prepared such that it would accurately reflect that in the Registry of Deeds.

Mr. Mallar asked if the 60-foot buffer that was indicated on the plan was conveyed in the deed. Attorney Pottle indicated it was not a restriction in the deed, but he was anticipating that the designation on the subdivision plan would suffice. Mr. Mallar was concerned that the people may be confused as to what the intent was and where the buffer should be located. Chairman Sturgeon noted in his many years in survey work it seemed clear to him what the intent was.

Planning Officer David Gould explained that the Planning Office raised the two issues of eliminating the retained land as it had become very small and extending the buffer concept to the area of retained land as it will no longer be designated as retained. Mr. Gould noted that the Planning Office has had a long standing position that a developer may designate land as retained, but that land cannot be developed as it is not a parcel within the subdivision. In the Fairways instance the land had a significant area of freshwater wetland which rendered it not easy to develop, so it was designated as retained. As the lots were built adjacent lot owners had some desire for additional space so portions of the retained land were conveyed to them. At this point the remaining land is less than 3,000 square feet. So they chose to merge it with a lot on Silver Road.

Mr. Kenney noted that if the buffer is related to the subdivision then it would not apply to the retained area whether it is conveyed to an abutter or not. Mr. Kenney suggested that the note on the plan that indicated that the buffer would apply to both parcels was likely inaccurate and it should only apply to the portion that is labeled as 13-B.

Mr. Gould indicated if the Board wanted that change they could approve the plan with a condition and Staff would direct the applicant to amend the note on the plan and resubmit it for the Board to sign.

Mr. Bolin moved to approve the revised Final Plan for the Fairways Subdivision Lot 13-B and retained land with the condition that the note as to the 60-foot buffer be limited to the land being added to lot 13 being designated as 13-B only and not the retained land being conveyed to the abutter on Silver Road. Member Boothby seconded the motion, and the Board voted 7 to 0 in favor.

Ms. Williams rejoined the Board.

## **APPROVAL OF MINUTES**

### **Item No. 2:        **Planning Board Approval of Minutes.****

Chairman Sturgeon indicated that the Minutes of the May 7, 2013 Meeting were in order. Mr. Bolin moved to approve the Minutes as written. The motion was seconded by Member Miller. The Board voted 7 to 0 in favor.

### **Other Business**

Planning Officer Gould noted that the Planning Consultant for the Third and Main Project will be doing a presentation soon which the Planning Board will be invited to attend. Planning Officer Gould noted that the plan has a wide variety of recommendations dealing with commercial and residential development in the project area.

There being no further items for discussion, the meeting was adjourned at 7:32 p.m.

**PLANNING BOARD OF THE CITY OF BANGOR**

**MEETING OF JUNE 18, 2013**

**MINUTES**

**Board Members Present:**

**Andy Sturgeon, Chairman  
Paul Bolin  
Charles Boothby  
Doug Damon  
John Kenney  
Wayne Mallar, Alternate Member  
John Miller**

**City Staff Present:**

**David Gould  
Peter Witham**

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

**NEW BUSINESS**

**Item No. 1: Final Subdivision Plan Revision approval to amend the Covenants relative to land use limitations and trip generation for the Oak Ridge Subdivision located on Ridgewood Drive in a General Commercial and Service District. Dr. Bernhoff Dahl, applicant.**

Nathan Dane, Esq., representing the applicant, explained that this project originally proposed 46,000 sq. ft. of retail use, 34,500 sq. ft. of medical office use and 34,500 sq. ft. of general office use and based on this assumption the applicant had a traffic study done. However, this is not the way that the subdivision has been developed over the last 20 years. Because of the shift in use to medical office this should have been addressed 20 years ago when the development took a different path.

Mr. Dane indicated that an amended declaration of restrictions for the subdivision has already been recorded reflecting this change. The applicant is now seeking final subdivision revision approval to account for this shift in use.

Planning Officer Gould explained that review of a recent site development plan for a medical office building uncovered that the original traffic study done for this subdivision was based upon a traffic model of what the future development would be. It was brought to Staff's attention that off-site traffic improvements under this assumption were done in anticipation of that build out. The applicant paid impact fees in advance of the build out and a number of years went by and many people forgot about those details until it was brought to Staff's attention with a renewed interest in the business park. In order to fix this it was necessary to go back and look at the traffic model that was designed and reassign the land use limitations in terms of floor area. Another issue facing the applicant is how to distribute that floor area among the different lots. Tom Gorrill with Gorrill Palmer Associates calculated and reassigned the trips without increasing the traffic demand of the overall subdivision. Planning Officer Gould indicated that if the Board finds that this meets the standards, a new draft findings document has been prepared, and the applicant is requesting a revision to the final subdivision plan. Staff also asked that a note be placed on the subdivision plan that would notify any potential buyers of any private restrictions that relate to the other limitations within the subdivision. Staff recommended that the Board approve the amendment to the Final Subdivision Plan to amend the covenants related to land use limitations and trip generation and approve the draft Findings of Fact.

Chairman Sturgeon asked if the prior lot owners needed to consent to this amendment. Mr. Dane indicated that Dr. Dahl retained the right to approve any improvements.

Mr. Bolin moved to approve the Final Subdivision Plan Revision to amend the covenants related to land use limitations and trip generation for the Oak Ridge Subdivision located on Ridgewood Drive in a General Commercial and Service District. Mr. Boothby seconded the motion. The Board voted 7 to 0 in favor of the motion.

**Item No. 2:            Site Development Plan and Site Location of Development Modification approvals to construct a seven-story patient tower and associated utility and service areas at 489 State Street in a Government & Institutional Service District. Eastern Maine Medical Center, applicant.**

Mr. Bolin indicated that he had a conflict of interest as he is employed by the applicant. Mr. Miller disclosed that he is a Trustee on the Board of Directors for Eastern Maine Medical Center. Chairman Sturgeon indicated that in the past the Board has found that Mr. Bolin did have a conflict of interest and Mr. Miller did not. Mr. Damon moved that Mr. Bolin has a conflict of interest. Mr. Boothby seconded the motion which

passed by a vote of 6 to 0. Mr. Kenney moved that Mr. Miller has a conflict of interest. Mr. Damon seconded the motion. The Board voted 0 in favor and 5 opposed to the motion. Therefore, the Board determined that Mr. Miller did not have a conflict of interest.

Joseph D'Antuono, Project Executive, introduced to the Board Mr. Doug Rice, P.E. from Wright Pierce, Jason Carney, Project Architect from Morris Switzer, Joel Farley, Director of Facilities and Jeff Mylen, Director of Construction with Eastern Maine Medical Center and Andrew Hamilton, Esq. with Eaton Peabody who were all present representing the applicant.

Jason Carney gave a brief overview of the hospital's development and a history of the project. He also discussed the uses for the various levels of the proposed patient tower. He indicated that both the Stetson Building and the building that previously housed Cancer Care of Maine will be demolished.

Mr. Kenney asked the applicant's representatives to explain the site issues in relation to the Land Development Code and Site Location of Development. Mr. Rice discussed the lot coverage, and the 250 foot shoreland zone line that follows the shore's edge. He explained that in that zone they are allowed to have a 70% impervious surface area. Currently under predevelopment conditions, the impervious surface area is at 65%. With the redevelopment of the main entrance and the redevelopment along the river they traded areas so that along the river they have reduced the impervious surface area to 64%. Overall, in the balance of the removal of the two buildings and the footprint of the new structure there is a slight decrease of the impervious surface on the overall site. He discussed the proposed bufferyard and landscaping. They have created a more maneuverable area along the river side of the project for emergency vehicles in the event that they are needed. Their floor area ratio is proposed at .20 so they still have more room for growth. Mr. Rice indicated that with the number of spaces available they exceed their parking requirement by 148 spaces after this project is constructed. Mr. Rice also discussed traffic and indicated that the proposed expansion will create approximately 72 trips in the peak hour which is below the threshold to have to go for an alteration to their existing approved Traffic Movement Permit. Mr. Rice discussed the stormwater system. They previously installed stormwater separators where the stormwater enters, prior to it being discharged. A large percentage of the stormwater discharges directly through existing pipes along the river. A lot of it goes through a grass filter strip and they have an area preserved for some other type of stormwater treatment in the future in the event that some of this other reserved capacity for development is used. They are presently taking ½ acre of pervious pavement for stormwater treatment which is similar to what was used on the riverfront facility. He indicated that the project is well within the limits of all the requirements of the ordinance and they still have space to grow, spare parking, and spare impervious space.

Mr. Damon asked about the passageway down by the concrete barrier wall and if people would still be entering above the barrier wall up along the river. Mr. Rice indicated that this is for maintenance only. Mr. Damon asked if this has been modeled for a mass tragedy. Mr. Rice indicated that shortly after the parking garage was constructed it was felt that it was not a good idea to have only one entrance. They then built a construction entrance (along Hancock Street) that can also be used as a secondary access point.

Chairman Sturgeon asked Art Morgan, City Engineer, to give his review of this project. Mr. Morgan indicated that the applicant addressed the City's concerns and it is a vast improvement in traffic flow over what it has been in the past. They have addressed stormwater treatment and Staff feels it is an improvement in the quality treatment over what it has been in the past but there are limits as to what they can do based on the total area that they are disturbing. They also have made provisions for future stormwater treatment and Mr. Morgan indicated that he feels that they have done a very good job at this.

Chairman Sturgeon then asked for Staff comments. Planning Officer Gould noted that a prior Site Development Plan revision was approved subject to the applicant addressing the retaining wall at the back of the site before they could make this application. At the time, the existing Fire Chief was very concerned about fire trucks entering onto State Street where there was no signal to give them guidance as to when it was safe to go or not. We've had discussions with the hospital to make sure that this is part of the plan. Being on the Penobscot River the Railroad property was zoned P & O which creates a transition between the hospital and the riverfront. When they received approval of their utility corridor there were three conditions of approval: 1) Staff didn't want them to pave this back corridor at the time because there still was an issue of working out what would be an adequate buffer; 2) there was an issue of what would the stormwater treatment be as they are going to add a lot of pavement at that rear edge and they have come up with the idea to propose porous pavement as a water quality treatment; and 3) that ambulances not be allowed to back out to State Street. Mr. Gould noted that the applicant submitted a letter from a Traffic Engineer who evaluated the overall traffic impact such that for ambulances to come out to State Street they will rework that signal to allow them to stop oncoming traffic so that they may enter and exit.

Mr. Gould gave a history of development of the EMMC Site since it was Eastern Maine General Hospital. The new modernization does not create any new beds at the hospital but it does recognize that the old model of shared rooms, two people in a room isn't a model that they wish to continue to use at the hospital.

Mr. Sturgeon noted how the hospital complex has changed since his first visit in 1969 and he said that EMMC and their consultants have done a good job.

Mr. Kenney agreed but expressed his concerns regarding the stormwater treatment. He indicated that he couldn't tell from the calculations provided if the standards were met for SLODA. He asked what is existing, what is proposed, how much is existing, and how much is proposed. As a site project all of it should be treated according to the general standards to 95% impervious, 80% developed to the greatest extent practicable as determined by the department (DEP). He asked if DEP has signed off on this.

Mr. Doug Rice explained their proposed stormwater treatment. He indicated that he felt that as designed it was to the best extent practical of these three acres. He explained the areas of pavement that they are converting to porous pavement, the addition of hoods on outlets, and the oil water separators.

Jeff Allen from the Engineering Department indicated that the Planning Division sent a copy of the plans to Mr. Ken Libby the Stormwater Engineer at the local DEP office. Mr. Libby recognized the maximum extent practical was really the goal and the 95% was not likely to be attainable. In this case, Mr. Rice understood that this was not likely attainable. Although he did not have anything in writing from DEP he provided Mr. Rice's comments to DEP and he has not had a response back from them. Mr. Allen indicated that 17% of the developed area that the porous pavement is covering is also treating other areas so the number is probably higher than 17 but it doesn't approach the 95%. That would be a difficult standard to meet because some of the impervious areas are not a change in use as it is a redevelopment area.

Mr. Kenney was concerned about Mr. Libby's e-mail and asked if this was the maximum that can be done on this site for Mr. Libby to be comfortable with. Mr. Allen noted that while the City did not have a letter from Mr. Libby, DEP gave the City delegated authority to review this project and determine the maximum extent practical.

Mr. Damon asked how they proposed to handle a catastrophe on the campus that would have a major rupture of a gas tank. Mr. Rice indicated that any of the storage tanks on site have the double containment that's required. All of the precautions required by the DEP have been taken care of.

Mr. Damon moved to approve the Site Development Plan and Site Location of Development Modification applications to construct a seven-story patient tower and associated utility and service areas at 489 State Street in a Government and Institutional Service District for Eastern Maine Medical Center, applicant. Mr. Boothby seconded the motion. The Board voted 6 in favor and 0 opposed to the motion.

## **APPROVAL OF MINUTES**

### **Item No. 3:           **Planning Board Approval of Minutes.****

Chairman Sturgeon indicated that the Minutes of the May 21, 2013 and June 4, 2013 meetings were in order. Mr. Bolin moved to approve the Minutes of both noted meetings. Mr. Miller seconded the motion. The Board voted 7 to 0 in favor of the motion.

There being no further items for discussion, the meeting was adjourned at 8:03 p.m.

**PLANNING BOARD OF THE CITY OF BANGOR**

**MEETING OF JULY 16, 2013**

**MINUTES**

**Board Members Present:**

**Andy Sturgeon, Chairman  
Paul Bolin  
Charles Boothby  
Doug Damon  
John Kenney  
Wayne Mallar, Alternate Member  
John Miller  
Julie Williams**

**City Staff Present:**

**David Gould  
Peter Witham  
Paul Nicklas  
Jeff Allen**

**PUBLIC HEARINGS**

**Item No. 1: To amend the Land Development Code, Chapter 165-105 D. (2) by adding animal crematoria as a Conditional Use in the Rural Residence and Agricultural District. City of Bangor, applicant. C.O. # 13-237.**

Chairman Sturgeon opened the Public Hearing. Assistant City Solicitor Paul Nicklas presented the proposed amendment to the Planning Board. Mr. Nicklas noted that presently, crematories for animals have been treated as an accessory use to an animal hospital or veterinary clinic. There has been a recent inquiry to operate a standalone crematorium and it is not specifically provided for in the Land Development Code. The proposed amendment would create crematorium as a standalone conditional use in the Rural Residence and Agricultural District with the same restrictions and limitations provided for animal hospitals and veterinary clinics.

Ms. Williams asked if commercial and industrials zones would also be included at this point or at a later date. Planning Officer Gould indicated that it would be at a later

date. The Board needs to deal with the amendment before them now and any changes would need to come back before the Board.

Chairman Sturgeon indicated that he would have a concern placing this use in the Rural Residence and Agriculture District (RR & A) and in the future have a neighbor complain that they did not want this use next door to them. Mr. Nicklas explained that the reason why they considered the RR & A is because this is where they are currently allowed as an accessory use to an animal clinic or an animal hospital. They are proposing to use the same setbacks of 100 feet from a residential district or 150 feet from a residence in order to help alleviate potential issues that may arise because of its proximity.

Mr. Damon asked if there have been issues regarding odor, smoke, etc. Mr. Nicklas indicated that he was not aware of any. However, there could be some smoke or odor issues and the setbacks were proposed in the amendment.

Mr. Miller asked what is driving this need for this amendment. Mr. Nicklas indicated that someone has requested it as they are interested in opening up an animal crematorium.

Chairman Sturgeon asked for comments from proponents. No one spoke either in favor of or in opposition to this. Chairman Sturgeon closed the Public Hearing and asked for Staff comments.

Planning Officer David Gould indicated that the proposed language was a logical progression for the use and consistent with how we presently deal with animal hospitals and veterinary clinics. Mr. Gould did note that in recent years that the balance of development in the rural zones is tipping towards a residential suburban one. We have had major issues over compatibility of radio towers and quarries in rural areas due to their proximity to residential neighbors. Historically, animal hospitals were located in rural areas as that is where their patients were located. As the City becomes less agricultural, veterinary hospitals tend to see more household pets than livestock and their location in the rural district is less of a geographic issue. Presently, there are two animal hospitals in Rural Residential & Agricultural and one in General Commercial & Service.

Planning Officer Gould noted it may be a good option to allow such uses in commercial and industrial districts such that RR&A isn't the only option. While there does not appear to be a large market for such facilities nor is there anticipation that they would not be a nuisance in the rural district, it does represent a commercial, non-residential use in the RR&A District.

Mr. Kenney moved to recommend the proposed amendment to the City Council for the proposed amendment to the Land Development Code, adding Animal

Crematorium as a Conditional Use in the Rural Residence and Agricultural District as contained in C.O. 13-237. Mr. Boothby seconded the motion. The Board voted six in favor and one opposed.

## **NEW BUSINESS**

### **Item No. 2: Site Development Plan approval to convert an existing parking lot into an employee parking lot located at 19 Maine Avenue in a Technology and Service District. Bangor Savings Bank, applicant.**

Mr. Kenney indicated that he had a conflict of interest as his employer is the design firm for this project. Mr. Bolin moved that Mr. Kenney had a conflict of interest. The motion was seconded and it passed by a vote of 5 to 1.

Mr. Jason Donovan with the facilities department at Bangor Savings Bank indicated that the applicant is looking to have their parking lot officially designated as an employee lot to allow them to eliminate a long divider island in the parking lot.

Chairman Sturgeon asked if the entire lot was going to be for employee parking and where they proposed visitor parking. Mr. Donovan indicated that presently the parking spaces against the building are designated as visitor spaces and the remaining spaces will be for employee parking.

Planning Officer David Gould explained the Ordinance requirements for having an employee parking lot where employees all arrive at one time and all leave at the same time. In a retail parking lot there would be a lot of activity coming and going. The Land Development Code provides that an employer can shrink the size of the parking space (smaller than a standard 9 x 18 space) and the green space requirements within a parking lot where an employer would be trying to maximize the number of spaces. It gives the Board the ability to review those internal green islands and make a decision whether or not the parking lot can operate without those elements because the cars are there long-term. Mr. Gould indicated that the applicant has done a wonderful job landscaping the existing parking lot. It is the Board's judgment call as to whether it finds that the parking lot can function effectively without the raised island within the center of the parking lot.

Ms. Williams moved to approve the Site Development Plan at 19 Maine Avenue for Bangor Savings Bank applicant. The motion was seconded by \_\_\_\_\_ and it passed by a vote of 6 to 0. Mr. Mallar voted.

**Item No. 3: Site Development Plan approval to construct a 5,000 sq. ft. building located at 45 Dowd Road in an Industry and Service District. Hardy Associates, Inc., applicant.**

Todd Hardy with Hardy Associates, Inc., indicated that they are seeking approval to construct a 5,000 sq. ft. building at 45 Dowd Road.

Planning Officer Gould indicated that this is an application for Site Development Plan approval to construct a 5,000 sq. ft. warehouse and office building at 45 Dowd Road in an I & S District. A few years back the Board approved a 12,000 sq. ft. building that was constructed. The applicant now has an interest in constructing a 5,000 sq. ft. building with some additional pavement and maneuvering area. When originally developed, the site had a small detention area on the lot that is proposed to be expanded to handle some of the additional impervious area of the lot. There has been discussion with DEP as to whether water quality standards apply within the Dowd Industrial Park. The Dowd Industrial Park has a Site License for the entire industrial subdivision.

Mr. Jeff Allen, Engineering Dept. indicated that originally there were some questions as to whether a permit was required or not from DEP. The applicant contacted DEP and got an advisory opinion from Jim Beyer, at the Regional DEP Office in Bangor saying that there was no requirement. In the past couple of days Mr. Beyer indicated that they may need a permit and this issue has not yet been resolved. It seems that this is something that can be worked out and if the Board were to offer approval with the condition that some written requirement from DEP is necessary to say that either they have obtained the necessary permit or no permit is necessary. The Board could make this a condition of approval.

Chairman Sturgeon felt that this was something that the Code Enforcement Office would do anyway. Planning Officer Gould indicated that the Board has no jurisdiction over permits and approvals an applicant needs from outside entities.

Mr. indicated that because all approvals will need to be in place prior to occupancy he felt that the Board did not need to condition approval. Mr. Gould added that it is really an issue between them and the State

Mr. Miller moved to grant Site Development Plan approval to construct a 5,000 sq. ft. building located at 45 Dowd Road in an I & S District for Hardy Associates, Inc., applicant. Mr. Boothby seconded the motion. The Board voted 7 to 0 in favor.

**Item No. 4: Site Development Plan approval to construct an 82 room, four-story, 60,000 sq. ft. hotel located at 236 Sylvan Road in a General Commercial and Service District. Maine Course Hospitality Group, applicant.**

Al Palmer from Gorrill Palmer, Peter Anastos a principal with Maine Course Hospitality Group; and Mark Woogum from Ochipee Construction were present in support of this application. Mr. Palmer indicated that in 2006 the City approved the Courtyard by Marriott which is a 92-room hotel on a portion of this lot. Now the applicant would like to construct another type of "stay" suite style facility. The proposed Towne Place Suites would be an 82-unit hotel. The building will be perpendicular to Sylvan Road so it complements the existing building but allows both buildings to share the proposed parking lot. There will be one parking area separated by the divider islands but provides an economy of scale for maintenance and other items. The project has been approved by the DEP under the stormwater law. All of the stormwater from this hotel will flow towards Sylvan Road and there will be an underdrained filter constructed parallel to Sylvan Road. There's a very small existing underdrained filter that will be expanded to provide the water quality treatment that's required under the regulations.

Chairman Sturgeon opened the meeting up to comments from the public. There being none, he asked for Staff comments. Planning Officer Gould indicated that this application is for Site Development Plan approval to construct an 82 room, 4-story, 60,000 sq. ft. hotel at 236 Sylvan Road in the General Commercial and Service District. The Marriot Courtyard received Planning Board approval a few years at this location. They are now proposing a second hotel on this site. They have been able to locate all of the additional parking within the front portion of the site to serve both facilities. Since their original approval some Land Development Code standards have changed such as the requirement for internal green space within parking lots and the lighting standards now require full cutoff fixtures not to exceed 25 feet in height. The only State permit (DEP) that they needed was a stormwater permit because they are in a nonattainment watershed. Planning Officer Gould noted that the project is just big enough to require a Traffic Movement Permit from the Maine Department of Transportation (MDOT). Staff met with MDOT and went through the details of traffic and the impact on Sylvan Road and the intersection of Sylvan and Hogan Road. Most everyone at that meeting concurred that there is no geometric issues relative to the signal or Sylvan Road that would require adding additional lanes, retime the signal, or construct any off-site improvements. Planning Officer Gould indicated that Staff found that the project meets all submittal and ordinance requirements.

Mr. Miller asked if the applicant proposed a food service businesses at either hotels where the parking is so tight, and if so would that require any additional parking down the road and if they could provide it on this site. Mr. Palmer indicated that both facilities would have very limited on-site food service.

Mr. Kenney asked if they the applicant had received their stormwater permit. Mr. Palmer indicated that they have.

Mr. Damon moved that the Planning Board grant Site Development Plan approval to construct an 82-room, four-story, 60,000 sq. ft. hotel located at 236 Hogan Road in a General Commercial and Service District for Maine Course Hospitality Group, applicant. seconded the motion. The Board voted unanimously in favor of the motion.

**Item No. 5: Final Subdivision Plan approval of a five-lot subdivision located on Davis Road and Ohio Street in a Rural Residence and Agricultural District and a Low Density Residential District. Moyse Ventures, Inc., applicant.**

Dave Moyse, the applicant, indicated that he and his wife recently purchased this property from the Bangor Church of God Beacon of Hope at the corner of Davis Road and Ohio Street and they are proposing to create three lots along Davis Road which will have an on-site septic and a well; and they are proposing two lots at the end of existing Road that comes in off of Ohio Street which will have City Water and Sewer service available. They are not proposing any public improvements and there will be no wetland impact or stormwater requirements.

Mr. Mallar asked about the Lyons Ledge Homeowners Association land that was put into a common area. Planning Officer Gould explained that in the previous development there is an area of open space which is located on Ohio Street and there are two parcels that deal with stormwater treatment. Mr. Mallar said that proportionately this land is taxed for the people that are in the current subdivision. Mr. Gould explained that the open space and the two stormwater treatment areas have Assessors map and Lot numbers and the Assessing Office figures a value and sends them a tax bill. Mr. Mallar asked if the tax bill would go to the Homeowners Association or to individual landowners. Mr. Gould noted that based on the assessing card, it goes to Woods of Maine but it is not likely they are the current owner. Mr. Mallar asked if the applicant is the current owner of the portions that have been set aside.

Mr. Moyse indicated that it is his understanding that they have no connection to what was considered as Lyons Ledge Subdivision, Phases I and II. He explained that this proposal is simply a City street that they are putting two lots at the end of and another City street that we are putting three lots along.

Mallar expressed his concern the association that owns the land could call a meeting and disband the association whose responsible for the taxes or the maintenance or whatever is associated with this land that has been set aside.

Mr. Damon felt that the abutting subdivision would not constrict the other and the covenants of one would not apply to the other as they have to be treated as separate entities.

Mr. Bolin moved that the Board grant Final Subdivision Plan approval of a 5-lot subdivision located on Davis Road and Ohio Street in a Rural Residence and Agricultural District and a Low Density Residential District for Moyse Ventures Incorporated, applicant. Mr. Miller seconded the motion. The motion passed unanimously.

**Item No. 6:            Site Development Plan approval to construct a 20,416 sq. ft. building for retail use located at 1010 Stillwater Avenue in a General Commercial and Service District. Stillridge, LLC, applicant.**

Planning Officer Gould gave a history of this parcel noting that in 2001 the applicant came before the City to build a structure which was envisioned to be two phases of development. In the original phase the entire parking lot was constructed but only one half of the building was. All of the infrastructure was largely put in place, the stormwater detention pond was in place, and at that time there was not an impaired watershed or water quality standard. Over a number of years the applicant had been back to the Board to renew their permit to build the second half of the building. Around the time the Wal-Mart was constructed one of the key issues for the City was the construction of the Hogan Road Extension that extends up by the Country Inn directly to the Super Wal-Mart site. At that time the plan was to discontinue that portion of Kittredge Road where it intersected the Hogan Road Extension and build another roadway up behind this development. When Wal-Mart was getting ready to open, short of building the other roadway, the City Engineer's office sought permission of this property owner to reroute the Kittredge Road traffic through their parking lot which was largely motivated by the a quick solution. There were specific improvement changes made to the parking lot. However, Staff did not want this to be permanent and there was a "sunset" provision included as a conditional of approval. Now the "sun" is setting and the City Engineering Office is ready to start construction of a permanent roadway to connect Stillwater to Kittredge Road. The applicant is now requesting reapproval to vest their rights to build the second half of the building. Staff reviewed the earlier approvals in 2001 and 2005 to ensure that all of the details that were approved on those plans are included on the present submittal.

Mr. Kenney moved that the Board grant Site Development Plan approval to construct a 20,416 sq. ft. building for retail use located at 1010 Stillwater Avenue in a General Commercial and Service District for Stillridge LLC, applicant. The motion was seconded by            and it passed unanimously.



**PLANNING BOARD OF THE CITY OF BANGOR**

**MEETING OF AUGUST 6, 2013**

**MINUTES**

**Board Members Present:**

**Andy Sturgeon, Chairman  
Paul Bolin  
Charles Boothby  
John Kenney  
Wayne Mallar, Alternate Member  
John Miller  
Julie Williams**

**City Staff Present:**

**David Gould  
Peter Witham**

Chairman Sturgeon called the meeting to order at 7:00 p.m. In the absence of Board Member Damon, Alternate Member Mallar was asked to vote.

**PUBLIC HEARINGS**

**Item No. 1: Conditional Use/Site Development Plan/Site Location of Development Modification approvals to construct a 7,000 sq. ft. building addition for 24 transitional housing units and other site work at 185 Indiana Avenue in a Government and Institutional Service District. Penobscot Community Health Care, applicant.**

Chairman Sturgeon declared that he had a conflict of interest as he is employed by the firm representing the applicant. Mr. Bolin moved that Member Sturgeon has a conflict of interest. The motion was seconded and it passed unanimously. Mr. Miller as the senior member of the Board was asked to chair the meeting (in the absence of Vice Chairman Damon).

Mr. Miller opened the Public Hearing and asked for a presentation by the applicant. John Theriault, P.E. from the James Sewall Company, represented the applicant. Also present were Jodi O'Neal, an engineer from the James Sewall Company, Vinal Applebee, Facilities Director with Penobscot Community Healthcare, Ed Marsh and

Lori Dwyer representing the applicant. Mr. Theriault explained that this is a request to construct a new 7,610 sq. ft. building next to the Hope House Health and Living Center which will connect the two existing buildings on the site. They are also proposing a small addition (735 sq. ft.) to an existing building. The site will be accessed by two driveways (originally there were three driveways). They are providing 38 parking spaces for the site. Mr. Theriault discussed the various elements of the plans. He noted that the site is in the Birch Stream watershed so stormwater treatment is important for the site. They propose to provide porous pavement for a majority of the parking lot and stormwater will be directed and collected into the existing closed system. They are increasing the impervious ground cover by .4 acres but because of the way they are treating the stormwater the post development flows are equal to the predevelopment flows. Mr. Theriault also discussed the conditional use standards indicating that the proposal met those standards.

Mr. Boothby asked if the total number of parking spaces increased or decreased as a result of this project and what the resulting number of beds would be. Mr. Theriault indicated that parking has increased but the number of beds will remain the same. There are 114 beds with a shift from shelter beds to transitional housing beds.

No one from the audience spoke either in favor of or in opposition to the request. Mr. Miller closed the Public Hearing and asked for Staff comments. Planning Officer Gould indicated that this is an application for three approvals: Conditional Use, Site Development Plan, and Site Location of Development Modification. Mr. Gould discussed recent Zoning Amendments adopted by the City Council. One amendment adopted was for definitions of emergency shelter and transitional housing. The other adopted amendment was to make transitional housing a conditional use in the Government and Institutional Service District. This is why for the first time the review of this facility is being done as a conditional use as opposed to a permitted use which is how it was treated before when it was originally approved in the 1980's and plans were revised in the 1990's.

Planning Officer Gould explained that the actual number of shelter beds will go down from 90 beds to 66 beds and this proposal is to add 24 more transitional housing units. This will fall in line with the newly adopted ordinance. They are proposing 38 parking spaces where 34 are required, the site is served by public utilities and provides two access points. Mr. Gould discussed the conditional use standards of the Land Development Code. This proposal will have little or no traffic impact in terms of trips as most of their clients come by foot or public transportation. There is a standard relative to architectural compatibility. This building fills in two existing buildings in an architectural form that is consistent with the two existing buildings and the buildings in the area. This application complies with the Conditional use standards and the site provides for all of the appropriate facilities and public improvements. The site is in the Birch Stream watershed (which is nonattainment status) and the applicant is proposing

porous pavement in the parking lot to handle and treat stormwater. Staff feels that all the details are in order and Staff recommended approval.

Ms. Williams moved to approve Conditional Use/Site Development Plan/SLODA modification approvals to construct a 7,610 sq. ft. building addition for 24 transitional housing units and other site work at 185 Indiana Avenue in a Government and Institutional Service District for PCHC, applicant. Mr. Boothby seconded the motion. The motion carried unanimously by a vote of 6 in favor and 0 opposed.

## **NEW BUSINESS**

**Item No. 2:      Site Development Plan and Site Location of Development Modification approvals to construct a 14,000 sq. ft. addition for office use between two existing hangars and other site work off Godfrey Boulevard in an Airport Development District. City of Bangor, applicant.**

Jeanna Detour from Carpenter Associates and Luc Dionne, Maintenance Supervisor at Bangor International Airport (BIA) represented the applicant who is proposing a 14,000 sq. ft. office addition between two existing hangars located off of Godfrey Boulevard at BIA. Ms. Detour explained the elements of the Site Development Plan and the Site Location of Development Modification.

Planning Officer Gould indicated that this application is for Site Location of Development Modification to the Airport's Site Law License because it is at BIA and for Site Development Plan review in the Airport Development District (ADD). The ADD does not have very specific development standards in terms of setbacks, lot coverage, and other details. However, because the site is in the Birch Stream watershed which is a nonattainment watershed stormwater and water quality needs to be addressed so that they can meet the Stormwater standards. The applicant is proposing underdrain soil filters and to collect roof runoff to meet the Chapter 500 Stormwater standards. This application is for use by a facility that maintains and repairs aircraft that is looking at expanding their presence at BIA which is why the existing parking is being expanded up to 118 additional spaces (for future employees). They are requesting approval of an employee parking lot which the Board needs to determine whether the design of the parking can work without the raised islands and without the additional landscaping within it as a normal parking lot would have. At the edge of this property is the international canal which the City had designed to give the water some more movement and additional treatment. Staff suggested they make it clear the extent of the project so as not to undo this work.

Chairman Sturgeon asked the height of the existing hangars and if the addition was compatible. Luc Dionne indicated that the new building addition line is going to be a bit lower than the hangars themselves, but compatible.

Chairman Sturgeon asked if there were any easement issues where Vermont Avenue is going to be closed off. Planning Officer Gould indicated that there are many unaccepted streets at the Airport that were laid out by the Air Force. Because they are not accepted City streets, when sites are developed they are often bulldozed up and they disappear forever. This is the case with Vermont and Wyoming Avenues and there are no easement issues. Mr. Gould noted that because they are not accepted streets, Staff made reference to this project being located off of Godfrey Boulevard.

Chairman Sturgeon asked for comments from the audience. No one spoke. Mr. Bolin moved that the Board grant Site Development Plan and Site Location of Development Modification approvals to construct a 14,000 sq. ft. addition for office use between two existing hangars and other site work off Godfrey Boulevard in an Airport Development District, City of Bangor, applicant. The motion was seconded by Mr. Kenney. The motion carried unanimously.

### **APPROVAL OF MINUTES**

#### **Item No. 3:            **Planning Board Approval of Minutes.****

There were no Minutes for consideration.

#### **Other Business**

Mr. Mallar indicated that at the last meeting he was asked to check with the Taxation Dept about property that was not being taxed and he indicated that the City Manager is working on this.

There being no further items for consideration, the meeting was adjourned at 7:26 p.m.

**PLANNING BOARD OF THE CITY OF BANGOR**

**MEETING OF AUGUST 20, 2013**

**MINUTES**

**Board Members Present:**

**Andy Sturgeon, Chairman  
Paul Bolin  
Charles Boothby  
Doug Damon  
John Kenney  
Wayne Mallar, Alternate Member  
John Miller  
Julie Williams**

**City Staff Present:**

**David Gould  
Jennifer Boothroyd**

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

**PUBLIC HEARINGS**

**Item No. 1: Amending the Land Development Code to provide for quarries and gravel pits as a Conditional Use in the Urban Industry District and to eliminate quarries and gravel pits from the Conditional Uses in the Rural Residence and Agricultural District. City of Bangor, applicant. C.O. # 13-269.**

Chairman Sturgeon opened the Public Hearing. Planning Officer David Gould provided the Board with an overview of the discussions held at the Business & Economic Development Committee. Due to concerns from nearby residential property owners over the impacts of quarry related noise, dust and activities, the BED Committee explored various regulatory approaches to address those concerns while still allowing quarries as a land use within the City. The initial concept of creating an overlay district within the Rural Residence and Agricultural District provided comfort to property

owners adjacent to existing and approved quarries but there was a lingering concern that as the rural district continued to be developed into individual home sites and subdivisions, the conflict of the two uses may arise again. The concept to provide for quarries in the Urban Industry District appeared to have support from the abutting property owners and quarry operators as well.

Chairman Sturgeon asked for comments from proponents and/or opponents to the requested Zoning Ordinance.

Mr. Paul Randall of 1556 Union Street stated that he had a small farm operation and found the impacts of a quarry inconsistent with the intent of the district to preserve the quiet rural atmosphere and to conserve property values. Mr. Randall noted that horses are spooked by blasting activities and he could not keep them in close proximity to a quarry operation.

Ms. Nancy Kravit of 53 Downing Road indicated that research had shown a link between decreased property values and adjacent quarries. She was in support of the proposed text amendment. She wondered if more consideration should be given to greater setbacks even in industrial districts as there have been some concerns in Southern Maine regarding the impact of quarries on sensitive technology based industries.

Ms. Maria Mason 1528 Union Street noted that the industrial district is more fitting to the quarry than Rural Residence and Agriculture.

Mr. Randy Gardner (a quarry operator) indicated that he was in support of the proposed amendments. While he had addressed all of the City's requirements before the Planning Board and even a few additional limitations, it still has created an adversarial situation between his quarry operation and the neighbors around it. He did note that the overlay district would likely only temporarily solve the quarry-neighborhood concerns.

Planning Board Members asked if the proposed changes in quarries would also restrict other excavations such as gravel and loam; and if the proposed changes would impact earth work related to building construction or the City's leaf composting operation.

Planning Officer Gould noted that the section being changed would deal with all quarries, mining and excavations. The language does not separate out rock quarries from gravel pits. The Ordinance would still allow filling and grading in the same zones. Mr. Gould noted that the leaf composting approval granted by the Planning Board was not permitted under the quarries and mining standards.

Some members of the Board were concerned that some large rural properties may have gravel deposits and would still like to operate a gravel pit in the RR&A with extensive setbacks from adjacent properties. Some others were concerned that some Urban Industry Districts such as off Bomarc Road may still be in close proximity to residential districts.

Mr. Gardner noted that most gravel deposits in Bangor have largely been excavated years ago and within an existing industrial district an abutter would likely anticipate some impacts from industrial activity. Mr. Gardner also stated in his view a gravel extraction has some, but less impacts than a quarry due to the blasting and crushing operations typically not associated with gravel pits.

Some Board Members inquired how the amendment would impact existing operations and if they could expand. Mr. Gould noted that in most instances the approvals granted by the Board have a detailed plan as to what is to be excavated and the ordinance provides for a time limit on those approvals. Any operation with a legal conforming permit would be grandfathered to complete the permitted excavation within the time frame provided for in the Land Development Code.

Chairman Sturgeon closed the Public Hearing and asked for a motion. Mr. Bolin moved to recommend to the City Council that the zoning amendment to provide for quarries and gravel pits as a Conditional Use in the Urban Industry District and to eliminate quarries and gravel pits from the Conditional Uses in the Rural Residence and Agricultural District be approved, as contained in C.O. 13-269. The motion was seconded by Mr. Boothby. The Board voted three in favor and four against the motion. Therefore, the motion failed to pass.

**Item No. 2: To amend the Land Development Code – Quarries, mining and excavations by setting a minimum parcel size for quarries and increasing setbacks from adjacent properties. City of Bangor, applicant. C.O. # 13-270.**

Chairman Sturgeon opened the Public Hearing. Planning Officer David Gould provided the Board with an overview of the discussions held at the Business & Economic Development Committee. The suggestion was made that while the City was revising the standards of where quarries would be allowed we ought to look at the setbacks which are significantly less than the DEP standards. In addition, limiting the minimum parcel size will help avoid small subdivision lots being considered as excavation or quarry sites.

Chairman Sturgeon asked for comments from either proponents or opponents to the Zoning Amendment.

Nancy Kravit of 53 Downing Road indicated that she was in support of the proposed text amendment. She wondered if more consideration should be given to greater setbacks even in industrial districts as there have been some concerns in Southern Maine with the impact of quarries on sensitive technology based industries. She did agree that the State setbacks were a good place to start.

Some Board Members asked whether this amendment was linked to the previous one. Mr. Gould noted that after the first amendment was drafted he suggested to the Legal Department (Paul Nicklas) that the setbacks be reviewed at the same time. Because the first amendment had been reviewed by the BED Committee but not the second one, it was drafted as a second amendment. The language will change the standards for quarries, mining and excavations regardless of what zone they are allowed in.

As no one else spoke, Chairman Sturgeon closed the Public Hearing and asked for a motion. Mr. Damon moved to recommend approval to the City Council of the zoning amendment to amend the Land Development Code – Quarries, mining and excavations by setting a minimum parcel size for quarries and increasing setbacks from adjacent properties as contained in C.O. # 13-270. The motion was seconded by Mr. Boothby. The Board voted five in favor and two opposed.

**Item No. 3: Conditional Use/Site Development Plan approvals to construct a 22,700 sq. ft. building for medical office use (Chapter 165-97 D. (1)) located at 954 Broadway and Site Location of Development approval at 900 and 954 Broadway in a Contract Government and Institutional Service District. St. Joseph Healthcare, applicant.**

Chairman Sturgeon indicated that he had a conflict of interest as he is employed by the firm that prepared the plans for this item. Mr. Bolin moved that Chairman Sturgeon had a conflict of interest. Mr. Kenney seconded the motion. The Board voted unanimously in favor of the motion. Mr. Mallar was asked to vote on this item.

Vice Chairman Damon opened the Public Hearing and asked for a presentation. Aaron Shaw, P.E., John Theriault, Traffic Engineer and Jefferson Davis, Landscape Architect with the James W. Sewall Company and John Boyd, Architect with Morris Switzer were present in support of this application.

Mr. Shaw explained that the applicant is seeking conditional use and site development plan approval, as well as, Site Location of Development approval. The project is a 22,700 sq. ft. medical office building located on Outer Broadway (adjacent to the existing medical complex) in a Contract Government and Institutional Service District. He explained that the proposal meets the contract zoning conditions and the standards for Conditional Use approval. There are 107 parking spaces proposed, it will

be serviced by public utilities, will have a private pump station for the sewage to pump water up to the gravity system on Broadway and will have a tank farm for the propane gas on the eastern side of the building. Most of the property will have a 50' existing forested buffer. There are a few small areas that they have to clear for utilities and grading and those areas will have a minimum of a 25' "B" Buffer yard. He discussed stormwater treatment indicating that they are proposing a small stormwater wet pond on the southern half of the property which will collect runoff from the roof and the parking lot during a rain event for treatment. They have also developed an erosion control plan for construction.

Mr. Shaw indicated that this project required a Traffic Movement Permit from the Maine Department of Transportation because of the number of trips it will generate. As part of that Permit there are some off-site improvements to the intersection in front of the property and the intersection with Hobart Street which will be required. He noted that MDOT and the City will be undertaking a major road reconstruction on Broadway. It is their plan to synchronize the timing of their off-site improvements with the work done on Broadway.

Mr. Bolin expressed his concern about traffic building up at the intersection of Burleigh Road and Broadway. He asked if there had been any consideration given as to whether or not this area would warrant a present or future traffic light. John Theriault, Traffic Engineer, indicated that he did a warrant analysis for a signal at this intersection. He explained that at peak hour, there would be 35 left-hand turns from this site. Because a traffic signal warrant is connected to the number of turns (left-hand), this project would not warrant a traffic signal because the numbers are not high enough.

Mr. Mallar asked about the area in the back of the building and asked how much of it would be mulched. Mr. Jefferson Davis explained the areas to be mulched.

Vice Chairman Damon asked for Staff comments. Planning Officer Gould outlined the history of the development of this site starting back when the complex was first developed and the four buildings were constructed. At that time, the applicant requested and received approval of a contract zone change for the original parcel. The applicant then purchased the adjoining parcel and received approval of another contract zone change which had a different set of conditions. When the applicant approached the City to construct another medical office building, it was suggested that the applicant rezone both parcels as a contract zone with the same set of conditions to alleviate any issues that may develop because of two different sets of contract zoning conditions. This process has been completed.

Mr. Gould discussed the conditional use standards, as well as, the conditions within the contract zone change. Because this is a conditional use request, the Board needs to consider the architectural compatibility with other buildings in the area. Staff felt that they have demonstrated that the proposed project is not going to create traffic

problems, it provides for adequate utilities, an adequate stormwater drainage system and adequate buffer yards. The combination of both sites has put them over the three acres of impervious area which requires them to obtain a Site Law License. The Board also needs to determine that this project and the existing site meet the Site Law standards.

Relative to off-site improvements, Mr. Gould explained that normally an applicant is required to undertake all of the off-site improvements required for their project. In this instance, there is other work that will be done on Broadway. The City and MDOT have agreed that if St. Joseph would contribute to the cost of the elements that were relative to their project, the City and MDOT would do the actual work. Staff felt that additional trips to the Broadway corridor should not be added until these off-site improvements are in place and recommended that as a condition of approval that the proposed medical office building not be open before the off-site improvements are in place.

John Boyd, project architect with Morris Switzer, indicated that this new facility is designed to accommodate 20 physician practices. 18 of those 20 practices are already at the site so they are not increasing traffic to the degree that it would suggest. Eventually the space vacated in one of the four existing buildings will be fitted out for other purposes.

Vice Chairman Damon opened up the discussion to proponents or opponents. Mr. John Bragg, 20 Cortland Circle and Vice President of the Cortland Circle Homeowners Association noted that there are 150 units within the Orchard Hills development that all feed onto Broadway off of Orchard Hills Parkway which is very close to the intersection being discussed. The residents are concerned about the additional traffic that is going to be coming onto Broadway at this location. He said that he was discouraged that this would not warrant a traffic light. He hoped that the left hand turns that they take to come into their property (coming in-town on Broadway) would be considered. It is a problem as people without any patience don't queue up behind the ones who are turning and pass them on the right on the gravel shoulder. When the State redevelops Broadway he would hope that they would look at widening that area so that people could safely get around those making a left-hand turn onto Orchard Hills Parkway.

Vice Chairman Damon noted that Mr. Bragg's concern is valid and suggested that he speak with the City Engineer.

As no one else spoke, Vice Chairman Damon closed the Public Hearing and asked for a motion.

Mr. Bolin moved that the Board grant Conditional Use/Site Development Plan approvals to construct a 22,700 sq. ft. building for medical office use (Chapter 165-97

D. (1)) located at 954 Broadway and Site Location of Development approval at 900 and 954 Broadway in a Contract Government and Institutional Service District. St. Joseph Healthcare, applicant with the condition that no Certificate of Occupancy be issued until all off-site improvements have been constructed. Ms. Williams seconded the motion. The motion passed unanimously.

### **NEW BUSINESS**

**Item No. 4:           Site Development Plan approval to fill and grade property at 700 Stillwater Avenue in a Shopping and Personal Service District. Stillwater Avenue LLC, applicant.**

Chairman Sturgeon indicated that because he is employed by the firm that prepared the plans for this item he has a conflict of interest. Mr. Bolin moved that Chairman Sturgeon has a conflict of interest. Ms. Williams seconded the motion. The Board voted unanimously in favor of the motion. Mr. Mallar was asked to vote.

Vice Chairman Damon asked for a presentation by the applicant. Jefferson Davis, Landscape Architect with James W. Sewall Company, explained that this is a grade and fill project with a small retaining wall. Because they are under an acre of disturbance they do not need a Stormwater Permit but they do need an NRPA Permit By Rule for the wetland.

Planning Officer Gould indicated that this is an application to fill and grade a site prior to potential development. Staff indicated to the applicant and the designers that much of the information provided was predicated on information that was developed around 2000, some of which is now obsolete. Amended plans were submitted to the Planning Office redesigning the setback between the edge of the wetland and their proposed retaining wall. This redesign will prevent them from having issues in the event that they are unable to obtain a Permit by Rule or other issues that could arise because of outdated information. The plans submitted meet Ordinance requirements for a fill and grade.

Vice Chairman Damon asked for a motion. Mr. Miller moved that the Board grant Site Development Plan approval to fill and grade property at 700 Stillwater Avenue in a Shopping and Personal Service District. Ms. Williams seconded the motion. The motion carried unanimously.

**APPROVAL OF MINUTES****Item No. 5:        **Planning Board Approval of Minutes.****

Chairman Sturgeon indicated that the Minutes of the August 6, 2013 were included in the packets and the Minutes of the June 18, 2013 Meeting were e-mailed to the Board that day. He indicated that it was the pleasure of the Board as to whether it wished to make a motion for approval on one or both sets of Minutes. Mr. Boothby moved to approve both sets of Minutes. Ms. Williams seconded the motion, which passed unanimously.

There being no further items for discussion, the meeting was adjourned at 8:48 p.m.

**PLANNING BOARD OF THE CITY OF BANGOR**

**MEETING OF SEPTEMBER 17, 2013**

**MINUTES**

**Board Members Present:**

**Andy Sturgeon, Chairman  
Paul Bolin  
Charles Boothby  
Doug Damon  
Wayne Mallar, Alternate Member  
John Miller  
Julie Williams**

**City Staff Present:**

**David Gould  
Jennifer Boothroyd**

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

**CONSENT AGENDA**

As no one wished to remove either item for discussion, Chairman Sturgeon asked for a motion. Mr. Damon moved to approve the Consent Agenda. The motion was seconded by Mr. Mallar, and it passed by a vote of 7 to 0. The items approved are as follows:

**Item No. 1: Site Development Plan approval to create a flag lot at 749 Union Street in an Urban Residence 1 District and an Urban Residence 2 District. Thomas and Rebecca Hinchliffe, applicants.**

**Item No. 2: Final Subdivision Plan approval to revise a 7-lot subdivision located at 125 Fern Street and 166 Pearl Street in a Contract Multi-Family and Service District. Bangor Steam Laundry, LLC, applicant.**

**APPROVAL OF MINUTES****Item No. 3:        **Planning Board Approval of Minutes.****

Chairman Sturgeon indicated that the Minutes of the August 20, 2013 meeting were in order. Mr. Boothby moved to approve the Minutes of that meeting, as printed. Ms. Williams seconded the motion, which carried unanimously.

There being no further items for discussion, the meeting was adjourned at 7:02 p.m.

**PLANNING BOARD OF THE CITY OF BANGOR**

**MEETING OF OCTOBER 1, 2013**

**MINUTES**

**Board Members Present:** Andrew Sturgeon, Chairman  
Paul Bolin  
Charles Boothby  
Doug Damon  
John Kenney  
Wayne Mallar, Alternate Member  
John Miller

**City Staff Present:** David Gould  
Jen Boothroyd

Chairman Sturgeon called the meeting to order at 7:00 p.m. In the absence of Board Member Williams, Alternate Member Mallar was asked to vote.

**CONSENT AGENDA**

As no one wished to remove either item from the Consent Agenda, Chairman Sturgeon asked for a motion. Mr. Boothby moved to approve the Consent Agenda. Mr. Kenney seconded the motion. The Board voted 7 to 0 in favor. The items approved are as follows:

**Item No. 1:** Site Location of Development Modification approval to cover and fill an existing open drainage canal at Bangor International Airport (BIA) in an Airport Development District. City of Bangor, applicant.

**Item No. 2:** Final Subdivision Plan approval for a Planned Group Development at 1010 Union Street in a Shopping and Personal Service District. Hilltop Inn, Inc., applicant.

**APPROVAL OF MINUTES****Item No. 3:           **Planning Board Approval of Minutes.****

Chairman Sturgeon indicated that the Minutes of the September 17, 2013 Meeting were in order. Mr. Bolin moved to approve the Minutes of the September 17, 2013 meeting. Mr. Miller seconded the motion, which carried unanimously.

There being no further items for discussion, the meeting was adjourned at 7:04 p.m.

**PLANNING BOARD OF THE CITY OF BANGOR**

**MEETING OF OCTOBER 15, 2013**

**MINUTES**

**Board Members Present:**

**Mr. Andrew Sturgeon, Chairman  
Paul Bolin  
Charles Boothby  
Doug Damon  
John Kenney  
John Miller  
Wayne Mallar, Alternate Member  
Julie Williams**

**City Staff Present:**

**David Gould  
Paul Nicklas**

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

**PUBLIC HEARINGS**

**Item No. 1: Amending the Land Development Code, Chapter 165- Sections 165-96 and 165-105 to require that quarries and gravel pits are located not less than 2500 feet from any residential district boundary in an Urban Industry District and to allow loam and soil harvesting in Rural Residence and Agricultural Districts. City of Bangor, applicant. C.O. # 13-308.**

Chairman Sturgeon opened the Public hearing and asked Assistant City Solicitor Paul Nicklas to provide the Board an update on the Board's previous recommendation concerning quarries.

Mr. Nicklas provided the Board with an overview of the discussions held at the Business & Economic Development Committee and the City Council concerning changes to the Districts where quarries are allowed. Mr. Nicklas noted both amendments were approved by the City Council. However, there was an intent to include a 2,500 foot buffer around

quarries, but it was not included in the Ordinance language. That oversight has been corrected with this amendment.

Chairman Sturgeon asked if property owners were given notice of the changes which may impact their property. Attorney Nicklas noted text amendments do not include specific notice to all land owners within an impacted district. Public notice is published of text amendments generally, as well as, the posting of the Board and Council Agendas.

Mr. Damon asked what the impact would be on existing operations. Mr. Nicklas noted that all approved and legally operating quarries would be grandfathered as to their approvals. Mr. Bolin indicated he was satisfied with the proposed language. Attorney Nicklas noted while the 2,500 foot buffer appears extensive it really only impacts a couple of remote outlying Urban Industry parcels.

There were no proponents or opponents present to speak concerning the proposed amendments. Chairman Sturgeon closed the Public Hearing.

Some Board Members noted that the proposed changes were consistent with the concerns they had raised previously.

Planning Officer Gould asked if the language dealing with loam and soil was definitive enough to preclude gravel excavations. Mr. Nicklas noted earthmoving activities are separated from quarries, mining and excavations.

Mr. Kenney moved to recommend that the City Council adopt the proposed changes as contained in C.O. # 13-308. Mr. Boothby seconded the motion. The Board voted unanimously to recommend the proposed amendment to the City Council for the proposed amendment to the Land Development Code, amending setbacks for quarries in the Urban Industry District and allowing loam and soil in the Rural Residence and Agricultural District, as contained in C.O. # 13-308.

**Item No. 2: Amending the Land Development Code, Chapter 165-Section 165-71 Residential Districts to increase the allowable weight of small commercial vehicles parked in residential districts. City of Bangor, applicant. C.O. # 13-310.**

Chairman Sturgeon opened the Public Hearing and asked Assistant City Solicitor Paul Nicklas to provide the Board with an overview of the proposed ordinance change.

Mr. Nicklas provided the Board with an overview of his review of the current provisions and the proposed amendment to raise the allowable commercial vehicle size in Residential Districts. Attorney Nicklas noted that the current restriction is not on the radar of the Police Department. The intent was to update the size of commercial vehicles to be more consistent with current norms. Mr. Mallar noted the provision is largely ignored and not enforced, noting some of the language is vague and should be fixed if it's to be enforced. Mr. Miller asked how this would impact Recreational Vehicles (RV's). Mr. Nicklas noted RV's are typically

not recreational vehicles but that was something Staff was going to look into. Mr. Boothby thought 1 ton vehicles were too big for residential neighborhoods.

Mr. Bolin thought some provision may be made for public service vehicles where workers may be on-call and need to have access to equipment for emergency repairs.

There were no proponents or opponents present to speak concerning the proposed amendment. Chairman Sturgeon closed the Public Hearing.

Attorney Nicklas noted that the language should try and deal with this comprehensively and it is not in immediate need of a resolution this evening. Getting the Board's thoughts is helpful in trying to craft language that will meet most concerns.

Some Board Members noted the concept appeared to make sense, but the existing language within the Code is confusing as to whether commercial vehicles should be allowed or not.

Mr. Bolin moved to recommend that the City Council adopt the proposed changes to Section 165-71 as contained in C.O. #13-310. The motion was seconded by Mr. Kenney.

The Board voted unanimously not to recommend the proposed amendment as written and contained in C.O. # 13-310.

## **APPROVAL OF MINUTES**

### **Item No. 3:        **Planning Board Approval of Minutes.****

Chairman Sturgeon indicated that the Minutes of the October 1, 2013 Meeting were in order. Mr. Bolin moved to approve the Minutes of the October 1, 2013 meeting. Mr. Miller seconded the motion, which carried unanimously.

There being no further items for discussion, the meeting was adjourned at 7:24 p.m.

**PLANNING BOARD OF THE CITY OF BANGOR**

**MEETING OF NOVEMBER 5, 2013**

**MINUTES**

**Board Members Present:**

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

**City Staff Present:**

**David Gould  
Peter Witham  
Paul Nicklas, Assistant City Solicitor  
Tanya Emery, Director of Community  
and Economic Development**

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

**CONSENT AGENDA**

Mr. Damon had questions regarding Item No. 1 and asked that it be removed from the Consent Agenda for discussion. Mr. Boothby moved to approve Items 2 and 3 on the Consent Agenda. Member Williams seconded the motion and the Board voted unanimously to approve Items #2 and #3 on the Consent Agenda. Those items were:

**Item No. 2: Site Development Plan approval to replace a 250 sq. ft. storage trailer with a 600 sq. ft. storage building at 1105 Hammond Street in a General Commercial and Service District. Timothy M. Leadbetter, applicant.**

**Item No. 3: Site Location of Development Modification approval for building and site renovations at Building #92 on Maine Avenue. City of Bangor Airport Department, applicant.**

**Item No. 1: Site Development Plan approval to create a flag lot at 300 Burleigh Road in a Rural Residence and Agricultural District. Dennis and Brenda Beaulieu, applicants.**

Chairman Sturgeon asked the applicant to go over his application.

Mr. Dennis Beaulieu, 267 Burleigh Road, indicated that he was hoping to divide the excess land he had on Burleigh Road into a buildable lot as his neighbor had an interest in building a house there. Mr. Beaulieu noted the land lacked sufficient frontage to create a new lot without flag lot approval from the Board.

Chairman Sturgeon asked if Planning Officer Gould could explain the details of the proposed flag lot. Mr. Gould noted that the plan presented is somewhat confusing due to the prior division of the lot that created a lot with two points of frontage on Burleigh Road and are connected by a narrow strip of land. Mr. Gould noted that Mr. Beaulieu has an existing house on the large portion of the lot which is accessed via a 75-foot wide strip of land. While it looks like a flag lot, it is not, as it is physically connected to a 2-acre plus parcel with over 200 feet of frontage on Burleigh Road. The proposal is to create a flag lot from that parcel that will contain 2.46 acres and 50 feet of road frontage. With only 50 feet of frontage it can only be approved as a flag lot. Normally, the length of the access strip is longer and it looks more like a flag pole, but in this instance it's not required as there is no lot immediately in front of it. Mr. Beaulieu will need to retain the 187 feet of frontage to a depth of 40 feet to maintain the frontage and lot width for his home even though it is somewhat removed from this location.

Mr. Bolin moved approval of the proposed flag lot. Mr. Miller seconded the motion and the Board voted unanimously to grant Site Development Plan approval to create a flag lot at 300 Burleigh Road in a Rural Residence and Agricultural District. Dennis and Brenda Beaulieu, applicants.

**PUBLIC HEARINGS**

**Item No. 4: Contract Zone Change request from a General Commercial and Service District, Urban Service District, and Urban Residence 2 District to Contract Bass Park District at 76 Dutton Street. City of Bangor and Banres, LLC, applicants. C. O. #13-350.**

Chairman Sturgeon asked to be excused as his firm, James W. Sewall Company, is working on the project. The Board voted to excuse Member Sturgeon and Vice Chairman Damon presided over Item No 4.

Mr. Kenney asked to be excused as he also works for a firm doing work on the project (WBRC Architects-Engineers). The Board voted to excuse Mr. Kenney. Vice Chairman Damon asked Alternate Member Mallar to vote on this item.

Vice Chairman Damon opened the Public Hearing and asked for proponents. P. Andrew Hamilton, representative of Banres, LLC, introduced various members of the team that would be presenting the project. Mr. Rob Frank with WBRC Architects-Engineers reviewed the initial concept plan for the site and reviewed various site elements, such as parking, buffers and circulation.

Mr. William Dean of 44 March Street indicated that he was in favor of the project and thought it may increase the value of his property.

No one spoke in opposition to the request. Vice Chairman Damon closed the Public Hearing and asked for Staff comments.

Planning Officer David Gould indicated that contract rezoning complicates the standard rezoning request as the Board must sort out the contract conditions, as well as, the land use implications. The application before the Board is further complicated by it being a City-owned parcel with a specific development agreement with conditions not included within the contract. Mr. Gould noted that the Bass Park District is not radically different in terms of land use, in fact, fewer heavy commercial land uses are allowed than in the General Commercial & Service District. What the Bass Park District does is add tremendous development flexibility in terms of height, parking, setbacks, and other basic development requirements. Most all of that flexibility was included to facilitate the event center location and parking constraints.

The contract deals with some of those issues with contract conditions requiring 120 parking spaces and insuring tall buildings will not be located in close proximity to the residential boundary along the southwest property line.

Mr. Gould did note that there was some concern in rezoning the URD-2 portion of property as it immediately abuts the residential neighborhood. However, much of the land is the embankment from the upper parking lot and is limited in its ease of redevelopment. Access to, and traffic through, March Street is a concern and the City has had limited success in maintaining those restrictions at other sites.

Mr. Gould noted that as the Board is aware, their recommendation to the City Council is largely limited to a positive or negative recommendation. The Board cannot add additional contract conditions or rewrite those contained in the application. With that in mind, while there are some elements that could be tweaked, as a whole, the rezoning provides a foundation for a good project, one that benefits both the Event Center and the hotel.

Member Boothby indicated that he was concerned that the most accessible parking area at the Event Center would be lost.

Tanya Emery, Director of Community and Economic Development, indicated that the parking area was always seen as a future development site and other accommodations would be made to serve those with mobility limitations.

Ms. Williams asked if other adjacent properties could request Bass Park Zoning. Mr. Gould noted that is always a consideration in granting any rezoning.

Member Williams moved to recommend approval of the contract rezoning request contained in C.O. #13-350 to the City Council. Member Miller seconded the motion. The Board voted five in favor and one opposed to recommend to the City Council that the contract zone change request as contained in C.O. # 13-350 be approved.

### **APPROVAL OF MINUTES**

#### **Item No. 5:            Planning Board Approval of Minutes.**

Chairman Sturgeon indicated that the Minutes of the October 15, 2013 Meeting were in order. Mr. Bolin moved to approve the Minutes of the October 15, 2013 meeting. Mr. Kenney seconded the motion, which carried unanimously.

There being no further items for discussion, the meeting was adjourned at 7:45 p.m.

**PLANNING BOARD OF THE CITY OF BANGOR**

**MEETING OF NOVEMBER 19, 2013**

**MINUTES**

**Board Members Present:** Doug Damon, Vice Chairman  
Paul Bolin  
Charles Boothby  
Wayne Mallar, Alternate Member  
Julie Williams

**City Staff Present:** David Gould  
Peter Witham

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

**PUBLIC HEARINGS**

**Item No. 1: To amend the Land Development Code by changing a parcel of land located at 2 Fourteenth Street from Urban Residence One District to Contract Urban Residence Two District. Said parcel containing approximately 2.58 acres. JRG Properties, applicant. C.O. # 14-006.**

Vice Chairman Douglas Damon indicated that he was filling in due to the absence of Chairman Sturgeon. Mr. Damon noted that Associate Member Mallar would be participating to bring the voting members to five. Vice Chairman Damon opened the Public Hearing. He noted that the issue before the Board was zoning policy and future development and the Board did not have a specific site plan before them nor were they dealing with curb cuts, sidewalks, or landscaping. Those details would be reviewed later when a specific project is proposed.

Mr. John Graham, owner of JRG Properties, indicated that he was seeking to change the zoning of his property to allow him to build something other than single-family homes on the 2.5 acre parcel. Mr. Graham noted he had several business ventures in Bangor and had been a resident his whole life. He has several rental developments that are all first-rate projects and cause little or no adverse impacts on adjacent properties.

Mr. Graham noted that abutters had concerns about development adjacent to their properties. His understanding is that he has access to Fourteenth Street as well as Holland Street. The property has been for sale for some time but few parties were interested in it being limited to single-family detached dwellings.

Mr. Walter Kamyk, of 38 Holland Street, indicated that he was not in support of apartments or rental units in his neighborhood. He noted he resided there, went to work every day, and came home there at night and his property was not a business opportunity but a home. He did not find the real estate market concerns a reason to change the character of his neighborhood.

Mr. Mark Ricketts, of 50 Holland Street, indicated that he was not in support of the proposed change. He was concerned that apartment units would bring with them more traffic, more noise, and a potential increase in crime.

Ms. Dale Ruopp, 28 Holland Street, indicated that she was not in support of the proposed change. She was concerned about additional traffic on Holland Street which is very narrow with limited areas to turn around. Neither Holland Street nor Fourteenth Street have sidewalks so any additional traffic would be hazardous to pedestrians.

Mary Ricketts, of 50 Holland Street, indicated that apartment units are not consistent with their neighborhood of single-family homes.

Caragene Brennan, of 58 Holland Street, noted that she lived at the end of Holland Street and it was narrow and much of the traffic from the complex will need to access Holland Street immediately next to her home.

D. W. Mayweather indicated that he resided at 18 Holland Street and did not find the proposal consistent with the neighborhood.

William McCreedy and Michael Brecht, 31 Tyler Avenue residents, were unable to attend the meeting but forwarded an email to the Planning Board. They had concerns of the disruption of construction and the narrowness of Holland Street. They also thought apartment dwellings would be inconsistent with the existing detached single-family homes.

Mr. Graham addressed the Board to answer some of the concerns raised. He noted that at his attached residential development off Burleigh Road there was very little traffic. Mr. Graham noted that while Holland Street is narrow he found there was room for two vehicles to pass even with a large oncoming truck. Mr. Graham noted he was very interested in being a good neighbor and was very proud of the developments he had done in Bangor.

Planning Officer Gould explained how the contract zone change process worked and what additional restrictions were added in this contract. The housing style would be limited to attached residential only and the units would have an individual outside access similar to a townhome or duplex. Mr. Gould noted several attached residential developments in low density residential areas of the City. Mr. Gould indicated that the second contract standard limited the density to 5 units per acre and that density would allow for a maximum of 12 units on the property.

Mr. Gould noted from a traffic generation perspective that attached units and apartments generate fewer trips per unit than single-family dwellings. The amount of site disturbance from attached residential is less than single-family dwellings especially if new roads and utilities are involved. Mr. Gould noted that often the Board hears that neighbors fear they will lose some level of privacy when a new development is constructed next door. The fact is everyone values privacy. The occupants of a new dwelling value their privacy as much as the occupant of the existing dwelling.

Planning Officer Gould noted that what the contract rezoning requests the City to consider is whether this property along Fourteenth Street Extension can be developed in a manner other than detached single-family dwellings that can coexist harmoniously with existing development on Holland Street.

Vice Chairman Damon closed the Public Hearing and asked for a motion. Member Williams made a motion to recommend the proposed contract zone change to the City Council. Member Boothby seconded the motion. The Board voted two in favor and three opposed to recommend to the City Council that the contract rezoning from URD-1 to URD-2 Contract as contained in C.O. # 14-006 be approved.

Planning Officer Gould noted that the City Council would take final action on the application on Monday November 25th. With a negative recommendation from the Planning Board it will take a 2/3 majority of the Council to approve the proposed change.

## **APPROVAL OF MINUTES**

### **Item No. 2:           **Planning Board Approval of Minutes.****

Vice Chairman Damon indicated that the Minutes of the November 5, 2013 Meeting were in order. Mr. Boothby moved to approve the Minutes of the November 5, 2013 Meeting. The motion was seconded and it passed unanimously.

The meeting was adjourned at 7:53 p.m.

**PLANNING BOARD OF THE CITY OF BANGOR**

**MEETING OF DECEMBER 17, 2013**

**MINUTES**

**Board Members Present:**                    **Andy Sturgeon, Chairman**  
   **Paul Bolin**  
   **Doug Damon**  
   **John Kenney**  
   **Wayne Mallar, Alternate Member**  
   **John Miller**  
   **Julie Williams**

**City Staff Present:**                         **David Gould**  
   **Peter Witham**  
   **Paul Nicklas**

Chairman Sturgeon called the meeting to order at 7:00 p.m. In the absence of Board Member Boothby, Alternate Member Mallar was asked to vote.

**PUBLIC HEARINGS**

**Item No. 1:                    Conditional Use and Site Development Plan approvals for construction of a 3,500 sq. ft. building for use as a drive-in business (convenience store with gasoline sales) and construction of a 2,590 sq. ft. building for use as a retail auto service use (car wash) located at 1065 Broadway in a Shopping and Personal Service District. Leadbetter Realty Trust, applicant.**

Chairman Sturgeon opened the Public Hearing and asked for a presentation by the applicant. Mr. Jim Kiser, representing the applicant, along with Jeff Leadbetter from Leadbetter Realty Trust was present. Mr. Kiser explained that the applicant is seeking Conditional Use and Site Development Plan approvals to build a convenience store with gasoline sales and a car wash on Broadway next door to the Pentecostal Church and across the street from Dunkin Donuts. Mr. Kiser discussed the elements of the site development plan.

Mr. Miller noted previous concern from neighboring property owners regarding buffering and asked if this had been addressed. Mr. Gould indicated that they are required to provide a buffer from this site from the neighboring residential use and they have done this. Mr. Kiser indicated that there is an existing stand of trees on the lot which abuts this one that the applicant left zoned as Low Density Residential. He noted that landscape buffer yards have been added to that area which abuts the existing residential lot to the rear.

No one spoke either in favor of or in opposition to the proposal. Chairman Sturgeon closed the Public Hearing and asked for Staff comments.

Planning Officer Gould indicated that this is an application for Conditional Use and Site Development Plan approvals. Because the car wash and gasoline pumps are both conditional uses they both need to go through the same set of standards under Chapter 165-9 which requires additional review by the Board. Mr. Gould indicated that the proposal meets the standards of the district and the specific conditional use standards for the S & PS District. It will not create undue traffic congestion and adequate utilities will be provided at the site. He noted that the Board will need to determine whether or not the design of the building is compatible with other buildings within 500 feet to meet the conditional use standard for architectural compatibility.

Mr. Gould noted that the Maine Department of Transportation indicated that they are satisfied that this use, as configured and typically operated, will not generate the number of trips to require that they apply for a Traffic Movement Permit.

At the time that the Staff Memorandum was written Staff noted that the Engineering Department had a question regarding the "bakers box" which is something that some fast food restaurants have where they store grease waste. It is not really a physical infrastructure on the site but a way to dispose of certain by-products. Mr. Gould indicated that Staff found that the site development plan elements met the submittal requirements.

Mr. Kiser indicated that he had received correspondence from the Engineering Department indicating that they were satisfied that this concern had been addressed. He explained that Leadbetter's collects grease waste from all of their facilities and brings it to one of their sites (presently in Holden) so that they do not have separate containers at each site.

Mr. Bolin indicated that he felt that this applicant has done a very good with this project all the way from the rezoning process to plan approval. He felt that Staff had done a very good job, as well. The Board Members agreed.

Mr. Kenney moved to grant Conditional Use and Site Development Plan approvals for the construction of a 3500 sq. ft. building for use as a drive in business –

convenience store with gasoline sales and construction of a 2590 sq. ft. building for use as a retail auto service car wash at 1065 Broadway in a Shopping and Personal Service District for Leadbetter Realty Trust, applicant. Mr. Miller seconded the motion. The motion passed unanimously.

**Item No. 2: Conditional Use and Site Development Plan approvals to use the existing building located at 563 Odlin Road for an auto repair shop use in a General Commercial and Service District. Bernatche Auto Body, applicant.**

Chairman Sturgeon opened the Public Hearing and asked for comments from the applicant. Gary Frost, representing Tony Bernatche the owner, indicated that the applicant is seeking Conditional Use and Site Development Plan approvals for an existing structure on outer Odlin Road. He indicated that the applicant is not proposing any work to be done to the existing building, but wishes the ability to operate his business in that building.

Chairman Sturgeon asked for comments from either proponents or opponents. There being none, he closed the Public Hearing and asked for Staff comments.

Mr. Miller asked if there are no physical changes made to the outside of the building why the applicant is being required to come before the Planning Board.

Planning Officer Gould indicated that this is an application for Conditional Use and Site Development Plan approvals. Within the Land Development Code in every district, there are uses that are called out as permitted uses. The Land Development Code indicated that if it is a permitted use and you want to convert to another permitted use you do not need to go before the Planning Board for approval. But in every district there are other uses that are identified as conditional uses. To obtain conditional use approval you need to demonstrate to the Planning Board that you meet the standards of Chapter 165-9. This process gives the Board an opportunity to look at those conditional use standards that might have an impact upon the neighbors. It also gives neighboring properties an opportunity to learn of any change in use and have the opportunity to review it and come out and speak before the Board.

Mr. Damon moved Conditional Use and Site Development Plan approvals to use the existing building located at 563 Odlin Road for an auto repair shop use in a General Commercial and Service District for Bernatche Auto Body, applicant. Mr. Miller seconded the motion. The motion passed unanimously.

**Item No. 3: Amending Chapter 165-135 – Schedule A to correct the existing language contained in a footnote of the Bass Park District. City of Bangor, applicant. C.O. # 14-034.**

The Public Hearing was opened by the Chairman Sturgeon. Planning Officer Gould explained that this is an amendment to Schedule A to correct the existing language contained in a footnote of the Bass Park District. This amendment would delete two standards in the Bass Park District, an Impervious Surface Ratio and a Buffer Yard D. Originally this language was written back in 2004 at the time of the original attempt to do the racino at Bass Park. Because the Schedule A table does not contain columns for such standards in the Developed Urban Core, the two standards were included by the codification company as a foot note in the schedule. Up until 2011 no parcel within the City was zoned Bass Park District. In 2011 when the event center was proposed, the zoning was changed to Bass Park District. The District was also amended to allow for the construction of the event center and those two standards were not included in that amendment. At the time of the recent Contract Zone Change for the new hotel, it was discovered that this footnote was still in existence. Because Staff felt that it was not the intent to have them included, the intent of this amendment is to bring it back to what was intended in 2011.

As no one spoke either in favor or in opposition, the Public Hearing was closed.

Mr. Kenney moved to recommend to the City Council that the Zoning Amendment contained in C.O. # 14-034 to amend Chapter 165-135, Schedule A Urban Developed Areas Standards be approved. The motion was seconded by Mr. Bolin and it passed by a vote of six in favor and one opposed.

## **NEW BUSINESS**

### **Item No. 4:           **Planning Board Discussion of 2014 Meeting Schedule.****

The Planning Board discussed the proposed 2014 Meeting Schedule. Planning Officer noted that in past years more than one or two board members requested that the meetings held on school vacation weeks be deleted.

The Board discussed whether or not to include those weeks or schedule meetings during those two months on off weeks. Chairman Sturgeon indicated that there is always an option for holding special meetings. He suggested leaving the schedule as proposed and then if need be a meeting can either be schedule or rescheduled. It was the consensus of the Board Members to leave the schedule as proposed.

## **APPROVAL OF MINUTES**

### **Item No. 5:           **Planning Board approval of Minutes.****

Chairman Sturgeon noted that the Minutes of the November 19, 2013 Meeting were in order. Mr. Bolin moved to approve the Minutes of the November 19, 2013 Meeting as printed. The motion was seconded and it passed unanimously.

**Other Business**

Mr. Bolin felt that it would be interesting for the Board to know how the City Council votes on zone changes that have been before the Planning Board.

Planning Officer Gould indicated that as part of the Comprehensive Plan process, the State is requiring that every five years, the City should review how they are doing in terms of plan compliance. He indicated that he felt that this should be done every year. Starting this April, Staff is planning to review with the Board all of the items that they have reviewed the previous year to see if they are in compliance with the Comprehensive Plan.

There being no further items, the meeting was adjourned at 7:47 p.m.