

**PLANNING BOARD OF THE CITY OF BANGOR**

**MEETING OF JANUARY 17, 2012**

**MINUTES**

**Board Members Present:**

**Miles Theeman, Chairman  
Paul Bolin  
Charles Boothby, Alternate Member  
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. In the absence of Board Member Damon, Alternate Member Boothby was asked to vote.

Chairman Theeman indicated that he had a special presentation to make. The Planning Staff checked the 2011 Planning Board attendance and confirmed that one member set the bar extremely high by achieving perfect attendance. In recognition of his diligence and commitment, Chairman Theeman presented a Certificate of Achievement to John Miller.

**PUBLIC HEARINGS**

**Item No. 1: Amending the Land Development Code – Chapter 165, Section 165-72K – to create a parking standard for reuse of historic structures for office use. City of Bangor, applicant. C.O. # 12-044.**

Chairman Theeman opened the Public Hearing. Planning Officer David Gould indicated that the proposed amendment was intended to lessen the required parking for the reuse of historic structures such that the historic green space around the building would not be converted to asphalt parking lots. Presently, the Land Development Code has one standard for office buildings that requires one space per every 300 square feet of Gross Floor Area. This new standard would require one space for every 1.5 employees for reuse of historic residential structures as office use. This option came to light in discussions with Prentiss and Carlisle where their historic structure had a disproportionate share of space in entryways, stair wells and other space which was not laid out as an efficient space for office use.

As there were no opponents or proponents speaking to the above zoning amendment, Chairman Theeman closed the Public Hearing.

Mr. Bolin was concerned that if the Ordinance specifically called out parking for historic reuse it might discourage reuse. Mr. Gould noted that it was Staff's intention to provide a lesser burden for historic properties, lessen changes at historic sites, and encourage reuse.

Mr. Kenney asked how Staff arrived at one space per one and one-half employees. Mr. Gould noted it was the standard the City uses for industrial operations where parking is based on employees not floor area.

The Board asked if the standard limited the total number of spaces or could an applicant provide more. Mr. Gould noted the Parking Schedule in 165-72 A requires a minimum number of spaces in accordance with the schedule - A through U. Applicants can and often do provide more.

Mr. Boothby noted that the loss of landscaping and other historic fabric around these older buildings is a concern for Historic Preservation and more needs to be done to avoid unnecessary paving.

Mr. Sturgeon moved to recommend to the City Council that the zoning amendment contained in C.O. # 12-044 – to amend Chapter 165, Section 165-72K – to create a parking standard for reuse of historic structures for office use, be approved. Mr. Kenney seconded the motion. The Board voted 7 to 0 in favor.

**Item No. 2: Amending the Land Development Code – Chapter 165, Section 165-32 – Quarries, Mining and Excavations to add provisions regarding permit extensions. City of Bangor, applicant. C.O. # 12-045.**

Chairman Theeman opened the Public Hearing. Planning Officer David Gould indicated that the proposed amendment was intended to provide clarity to the existing language in the Land Development Code that allows an applicant to request a three-year extension to a quarry or mining permit. While the provision is in the Code, it does not give any guidance as to process, procedure, or notification for such an extension request. In conjunction with the Legal office, Staff provided some clarity for an extension process attempting to provide notice to abutters and a fair procedure for concerns to be heard.

There were no opponents or proponents speaking to the above zoning amendment. Chairman Theeman closed the Public Hearing.

The Board asked if the extension would be granted by Staff or the Board. Mr. Gould noted that presently the language is an extension by the Board and Staff did not want to change that, but wanted to clarify the process and procedure.

Mr. Sturgeon moved to recommend to the City Council that the zoning amendment to Chapter 165, Section 165-32 – Quarries, Mining and Excavations to add provisions regarding permit extension as contained in C.O. # 12-045 be approved. Mr. Bolin seconded the motion. The Board voted unanimously (7 to 0) in favor of the motion.

### **APPROVAL OF MINUTES**

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

Chairman Theeman indicated that the Minutes of the December 20, 2011 Meeting were in order. Mr. Bolin moved to approve the Minutes of the December 20, 2011 Meeting as printed. The motion was seconded and it passed unanimously.

Mr. Gould noted that back in 2009 and 2010 the Special Committee on Comprehensive Planning had developed a Planning Policy Document and an update to the 2005 Comprehensive Plan. While the Board had previously voted to adopt the document and recommended adoption by the City Council it has not occurred as yet. Mr. Gould noted there is some increased interest in completing the process with the City Council. Mr. Gould did note that there are changes occurring at the State level that will eliminate the State Planning Office as it currently exists. Presently, the Growth Management Act requires local Comprehensive Plans to be reviewed for consistency by the Staff of the State Planning Office. How that will be handled in the future is uncertain.

Secondly, Mr. Gould noted that in 2008 the Bangor Land Trust, Keep Bangor Beautiful and the City adopted a trails plan. Mr. Gould distributed copies to the Board. Mr. Gould noted the trails plan is consulted by Staff in addition to other elements when

considering open space elements in new developments. On a few occasions we have had good success in securing public rights for existing or future trail routes.

There being no further items for discussion, the meeting was adjourned at 7:20 p.m.

**PLANNING BOARD OF THE CITY OF BANGOR**

**MEETING OF FEBRUARY 7, 2012**

**MINUTES**

**Board Members Present:**

**Miles Theeman, Chairman  
John Miller  
Douglas Damon  
John Kenney  
Julie Williams  
Paul Bolin  
Charles Boothby, Alternate Member**

**City Staff Present:**

**David Gould**

Chairman Theeman called the meeting to order at 7:00 p.m. The Chairman asked Alternate Member Boothby to vote in the absence of Member Sturgeon.

**NEW BUSINESS**

**Item No. 1:      **Developmental Subdivision Plan and Planned Group Development – 878 Stillwater Avenue – ALSID 878 LLC, applicant.****

Chairman Theeman asked the applicant to come forward and make a brief presentation to the Board. Mr. Fred Marshall of Plymouth Engineering indicated that the applicant has made some minor changes to the lotting of the Planned Group Development to satisfy the mortgage holder. Mr. Marshall indicated that the site layout remains the same with two buildings being constructed. Mr. Marshall did note that should any of the details on the site change with the addition of a new building, the applicant would return to the Board for approval.

Planning Officer Gould noted that the plan before the Board represented a change in the ownership interests of the various building owners in the development. The physical development on the site remains unchanged. The parking, access, green

space, and utilities have not changed. Mr. Gould explained the details of a Planned Group Development (PGD). He indicated that provided there is an overall approved site plan the Land Development Code allows separate entities to have an ownership interest in a portion of the site. A declaration of covenants or other document spells out each owner's rights and responsibilities to the common elements, access, parking, and green space, etc.

Chairman Theeman asked for a motion. Mr. Bolin moved that the Board approve the revised Developmental Subdivision and Planned Group Development – 878 Stillwater Avenue – ALSID 878 LLC, applicant. Ms. Williams seconded the motion, which passed 7-0.

### **APPROVAL OF MINUTES**

Chairman Theeman noted that the Minutes of the January 17, 2012 were in order for approval. Member Bolin moved to approve the Minutes as written. Mr. Miller seconded the motion and the Board voted 7-0 to approve the minutes as written.

### **OTHER BUSINESS**

Chairman Theeman noted that there is going to be a public session regarding the Third & Main Revitalization Project on Wednesday, February 8<sup>th</sup> at 6:00pm at the Doughty School and everyone was invited to attend. Hopefully, property owners and residents will participate and provide the Staff with their perspective. A second session will be held at the same time and place on March 1<sup>st</sup>.

As there was no further business, the meeting was adjourned at 7:22 p.m.

**PLANNING BOARD OF THE CITY OF BANGOR**

**MEETING OF MARCH 6, 2012**

**MINUTES**

**Board Members Present:**

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

**City Staff Present:**

**David Gould  
Peter Witham  
Lynn Johnson**

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

**Item No. 1:        **Election of Officers for 2012.****

Vice Chairman Sturgeon asked for nominations for Officers for 2012. Mr. Damon nominated Mr. Theeman for Chairman and Mr. Sturgeon for Vice Chairman for 2012. As there were no other nominations, the nominations ceased. The Board voted 7 to 0 in favor of electing Mr. Theeman as Chairman and Mr. Sturgeon as Vice Chairman for 2012.

**CONSENT AGENDA**

Vice Chairman Sturgeon asked for a motion. Mr. Kenney moved to approve the Consent Agenda. Mr. Bolin seconded the motion. The Board voted unanimously in favor of the motion. The item approved is:

**Item No. 2:**        **Site Development Plan approval to construct a 384 sq. ft. storage building located at 967 Illinois Avenue in a General Commercial and Service District. USDA/NRCS (U.S. Department of Agriculture/Natural Resources Conservation Service), applicant.**

## **PUBLIC HEARINGS**

**Item No. 3:**        **Conditional Use and Site Development Plan approval for a quarry and earthmoving activities (Chapter 165-32) in a Rural Residence and Agricultural District located at 1606 Union Street. Harvey Sprague, applicant.**

Vice Chairman Sturgeon opened the Public Hearing and asked for a presentation. Mr. Scott Braley with Plymouth Engineering represented the applicant. He indicated that Mr. Sprague had an option to purchase this property and Mr. Randy Gardner would be the operator of the quarry. Both Mr. Sprague and Mr. Gardner were present.

Mr. Braley explained that the applicant is requesting approval for a quarry operation at 1606 Union Street in a Rural Residence and Agricultural District. The quarry is being reviewed by the Department of Environmental Protection who has indicated that they do not have concerns. However, a permit has not been issued. The quarry operation is located in the corner of this 58 acre parcel to minimize impacts from it. There will be no significant traffic generation as 14 vehicles per day are expected. Both the National Guard and the City's Airport were contacted and they received no comments.

Mr. Damon indicated that during the approval process for the existing quarry the issue of blasting and notification of the neighboring properties was an issue. He asked what the applicant was proposing to do with this project. Mr. Randy Gardner indicated that they propose to treat this quarry the same as the existing quarry. Prior to any blasting they will need to obtain a blasting permit from the City, a pre-blast survey will be conducted on those properties within 2500 feet; and the City has a call list for those who wish to have their names put on it.

Vice Chairman Sturgeon asked if there were comments from proponents. There being none, he asked for opponents.

Mr. Jim Stevens, 128 Downing Road indicated that this quarry is 300 feet behind his back door. He expressed his concerns about his well, noise, the blasting, hours of operation and whether or not this will devalue his property. The elevation of this operation is higher than his house and sound will travel down. He asked if there were any more meetings other than this to consider this proposal. He said that he did not feel that this would benefit the City.

Ms. Sharon Cassidy, 1576 Union Street, indicated that she shared Mr. Stevens' concerns. She said that she can hear trucks from the existing quarry. She felt that this was an intrusion and it would ruin this area.

Ms. Maria Mason, 1528 Union Street, said that she didn't feel that she had enough information about this project to know if she was for it or against it. She was concerned about her property values as they have dropped 20% since she purchased it. She was afraid that a quarry could lower her property value even more. She said that she has no problem with the existing quarry. She was very surprised to get a notice about this quarry as she did not know anything about it before getting the notice.

Mrs. Florence Conley, 1570 Union Street, indicated that she has had flooding issues in her cellar for many years, back to when the road was reconstructed (Union Street). Every time something is done on the street it creates more water. She has spent a considerable amount of money to dry out her cellar and she was concerned that this project would create more water in her basement. Mrs. Conley asked about wetlands and if this is within a wetland. Mr. Sturgeon indicated that under the State regulations he didn't see any identified wetlands affected by the gravel pit.

Col. Doug Farnham, with the Air National Guard indicated that their fuel tanks are located in this general area and they would like for someone to work with their fuels people before this is approved. He indicated that he would like to have some more time to review this. Vice Chairman Sturgeon indicated that if these tanks are within 2500 feet they are to be notified.

Mr. David Iverson with the Guard said that he thought that the tanks were 150 feet from the fence line and that blasting would be 600 feet away from the fence line. Mr. Gardner explained that he had tried to contact Capt. Terry Smith with the Construction Engineering Department at the Guard to let them know what he proposed to do and to give them an opportunity to review his plans. Mr. Gardner indicated that he did not receive a response. Mr. Gardner indicated that he would be happy to meet with them. He indicated that they would be required to notify those people within 2500 feet under the pre-blast survey.

Mr. Carl Gurschick, 1358 Union Street, expressed concern that the quarry could be expanded beyond the five acres. He also indicated that they are concerned about their property values and the taxes.

Mr. Bolin asked if Mr. Gardner had written a letter to the National Guard and if he had a copy of it for the Board to review. Mr. Gardner indicated that he made a telephone call to Capt. Terry Smith. He attempted to gain access to the facility to speak with the Wing Commander and he was denied access. However, he did obtain a telephone number but was unable to find someone who had an interest when he made the call on February 21, 2012. However, he would be happy to work with them to mitigate any issues with their fuel farm. He said that the blasting operations for the last several facilities put in around the Airport were much closer than their quarry will come to their operations.

In response to questions regarding notification of this project, Vice Chairman Sturgeon indicated that the notices to the abutting property owners were mailed out on February 14, 2012.

Mr. Boothby asked what types of existing trees were around these five acres. Mr. Gardner explained that it is fairly wooded and has been selectively cut over in the last 5 or 6 years.

Mr. Damon asked Col. Farnham how much time it would take to get an assessment of the sustainability of the tanks. Col. Farnham indicated that by noontime (the next day) they could gather information as to whether or not someone has looked at it.

Mr. Kenney noted that what the Board is approving at this meeting is the quarry use and that any blasting permits are not within the Board's realm of review. They are to be obtained from the City's Engineering Department.

Planning Officer Gould indicated that this application is identical to that of the existing quarry which is located on the other side of Union Street. The applicant is seeking conditional use and site development plan approvals for a quarry operation off of Union Street. Regarding blasting, the City of Bangor has adopted an ordinance covering the requirements for blasting. Anyone wishing to blast must first obtain a permit from the City's Engineering Department. It is a separate process. A quarry is only allowed in the Rural Residence and Agricultural District as a Conditional Use under the Land Development Code Chapter 165, Section 165-9. The applicant also must meet the requirements of Site Development Plan under Chapter 165, Section 165-114. The concerns brought up, unfortunately, are not details that are covered in the Land Development Code. Conditional uses don't ask the Board to determine if this will adversely impact property values. There is no specific noise standard, either. There may be some standards within the Blasting Code but relative to noise that might be generated by an activity on the site there is no standard to meet certain decibels. The tools that the Board has to review this are the Conditional Use standards (165-9) and the Site Development Plan standards (Section 165-114). Staff indicated that in its review, it felt that this application meets Ordinance requirements.

Ms. Carolyn Cassidy, 1560 Union Street indicated that she didn't feel that the property owners had a say as to what is going to be right behind their houses. She said that she understood that all the permits and the plans have been filed according to standards but felt that there has to be standards for property owners to have a say about what is going to go on. She said that she was very disappointed to be there and not be able to make a difference because she felt that it had already been decided and they were there to fill the chairs.

Vice Chairman Sturgeon explained that while sympathetic to the neighboring property owners, the Board does not take consideration of applications lightly. However, the Board needs to consider the standards of the Land Development Code and issues such as property values and blasting were not within the realm of the Planning Board.

Mr. Miller asked about the 100 foot undisturbed buffer and expressed his concern that thinning of trees creates a thinner buffer line between the homes. He wished to make sure that those properties are protected as best as they can be so that it doesn't happen like it did across the street.

Planning Officer Gould indicated that the Board has to go on the view that the applicant is going to construct the project according to the plan that is before them. The design of the plan appears to be the intent of the applicant to keep this operation as far away as possible from more houses. However, it has pushed it up against the back yard of a house on Downing Road. There isn't a perfect spot away from everyone.

Mr. Stevens told the Board that there are no trees between the buffer and his house as they were cut off a year ago last summer. Hardly any trees are left between this property and the back of his house. With the entire parcel being 50 plus acres he questioned why they chose to place this right up next to his property. He indicated that he did come into the Planning Office and talked with Staff. He said that Staff did not tell him that all of his concerns were of no use.

Vice Chairman Sturgeon asked about the 100 foot buffer. Mr. Gould indicated that Staff was operating under the impression based on the plan that there are trees there. Certainly the applicant and their designers could explain if there aren't trees there then maybe the Board would want a buffer planted. Vice Chairman Sturgeon asked if the 100 foot undisturbed area was what was required. Planning Officer Gould indicated that a 20 foot buffer is required and this is in excess of that requirement.

Mr. Gardner indicated that regarding wetlands, there is an urban impaired stream down near the church and they will not be infringing upon or approaching it. As part of the blasting, homeowners within 2500 feet will be offered a pre-blast survey, and wells will be looked at, too. If there is damage done this will be handled through his blasting contractor. In accordance with DEP requirements they need to install three monitoring wells around their quarry in order to meet requirements that they stay 5 feet above the water table.

Mr. Edwin Colburn, indicated that he lived at 1528 Union Street for many years. He said Cianchette dug the pit across the street from his property while the runway for the Airport was being built. It shook his house everyday and it did not affect his family. He gave a history of development in the area for the Board's benefit.

Mr. Kenney indicated that the DEP standards will have to be met by the applicant and will address many of the issues expressed by the neighbors. Mr. Braley indicated that with excavations there is a threshold under which DEP takes certain actions. Mr. Braley outlined those standards. He said that if the applicant decided to expand they would need to come back before both the DEP and the Planning Board.

Mr. Bolin indicated that he would be more comfortable if the Board tabled this until the next scheduled session to hear some feedback from the Air National Guard regarding safety of the fuel storage.

Ms. Williams discussed approving this with two conditions: 1) that the applicants obtain a blasting permit and 2) that the blasting meet Air National Guard standards.

There being no further comments, the Public Hearing was closed.

Mr. Damon indicated that while he felt that this was a high quality operation he was empathetic to the concerns of the homeowners.

Mr. Kenney moved that the Board grant Conditional Use and Site Development Plan approvals for a quarry and earthmoving activities in a Rural Residence and Agricultural District located at 1606 Union Street for Harvey Sprague, applicant. Mr. Boothby seconded the motion. Mr. Miller asked if there should be a condition pending DEP approval. Mr. Sturgeon asked if there should be a condition regarding a blasting permit. Planning Officer Gould indicated that both would be redundant as both are already requirements. The Board voted 7 to 0 in favor of the motion.

## **NEW BUSINESS**

**Item No. 4: Site Development Plan approval to construct a 180' communication tower and a 12' x 24' equipment building located off Bomarc Road in an Urban Industry District. State of Maine Office of Information Technology, applicant.**

Vice Chairman Sturgeon indicated that he had a conflict of interest as he is a shareholder of the business that owns the property. The Board voted 6 to 0 in favor of a motion to excuse Vice Chairman Sturgeon from voting on this item. Mr. Damon, being the senior member on the Board was asked to fill in as Chairman.

Chairman Pro-Tem Damon asked for comments from the applicant. Mr. Craig Hitchings, Radio Program Manager and Phil Boness, designer of the project were present to answer questions. Mr. Hitchings explained that this is one of 42 sites chosen for State Public Safety Communications radio towers. They are proposing a 180 foot self-supported tower, and a 12' x 24' building on a 200' x 200' leased parcel. The purpose of the project is to upgrade state public safety radio communications for the State Police, Game Wardens, and Warden Service. They have found a way to partner with the Department of Homeland Security Customs and Border Protection who are building a similar system across the State of Maine and they have found 26 sites to co-locate. However, this is not one of the sites that they are going to co-locate on but it is a critical location which will connect with four other locations within a 30-mile radius.

Board Members had questions regarding the proximity of the tower to existing houses, the band frequency, lighting on the tower, and whether or not the tower would be painted. Mr. Boness indicated that the tower is a low band frequency (150 megahertz), they added some setbacks and buffers to mitigate affects upon residential properties, no commercial entities will be able to co-locate on this structure, no lighting is required by FAA, and they do not plan to paint it.

Planning Officer Gould explained that approximately 6 years ago after a controversial application for radio towers in the Rural Residence and Agricultural District, the City looked at standards for radio and communications towers and cellular towers, which are not to be over 200 feet tall. Also, because the County had an issue relative to their antenna which is actually on top of the Court House an exemption was approved specially for public safety broadcasting. When the applicant initially came it was through that the proposal was for a broadcast tower, which generally is thought of as a radio and television tower, which has certain standards in terms of height and setbacks. The Urban Industry District (UID) is a district that has always allowed for broadcast towers. The applicant is proposing a 180-foot non-illuminated tower. Planning Officer Gould gave a brief history of Bomarc Industrial Park noting that back in the 1960's Bomarc was developed as a missile site. The Federal Government built a number of these concrete silos. When the Federal Government gave up that facility, it was a pseudo-industrial area and the City decided to allow some flexibility to use it and it was zoned to allow the most unrestricted industrial use that was available. The residential community continues to grow around this. At some point in time there will be more and more conflicts between this industrial area and the growing residential area. There are at least three towers up there now. This is a permitted use in the UID. It meets all of the standards relative to tower construction and Staff recommended approval.

There being no further discussion, Mr. Miller moved to grant Site Development Plan approval to construct a 180' communication tower, and a 12' x 24' equipment building located off Bomarc Road in an Urban Industry District for the State of Maine Office of Information Technology, applicant. Mr. Boothby seconded the motion. The Board voted 7 to 0 in favor.

## **APPROVAL OF MINUTES**

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

Vice Chairman Sturgeon indicated that the Minutes of the February 7, 2012 meeting were in order for approval. Mr. Bolin moved to approve the Minutes of the February 7, 2012 meeting as written. Mr. Miller seconded the motion which carried by a vote of 8 to 0.

## **Other Business**

Planning Officer Gould noted that a second Third-Main Neighborhood Meeting would be held on Thursday, March 8, 2012 at 6:00 p.m. and he welcomed Planning Board Members to attend. 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 MARCH 20, 2012

### MINUTES

**Board Members Present:**

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

**City Staff Present:**

**David Gould**  
**Peter Witham**

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

### PUBLIC HEARINGS

**Item No. 1: Amending the Land Development Code Chapter 165, Section 165-13 Definitions – defining fitness center and adding it to recreational use; and, Chapter 165, Section 165-103 C. Industry and Service District – adding fitness center to the list of Permitted Uses. City of Bangor, applicant. C.O. # 12-096.**

Chairman Theeman opened the Public Hearing. Planning Officer David Gould indicated the proposed amendment was intended to allow for fitness centers within Industry and Service Districts where existing buildings may uniquely fit their reuse needs. Mr. Gould noted that in many instances industrial parks are designed and built by the City for the specific needs of industrial users who otherwise might not have a suitable location. The City most often sells the lots to facilitate specific entities for industrial uses. The Economic Development Office was contacted by a party interested in reuse of an industrial building that was uniquely suited to their needs with large open spans and high ceilings. The proposed zoning amendment was crafted to accommodate that need and avoid a vacant unused

building, but also to protect the industrial districts from widespread displacement by nonindustrial uses.

There were no opponents or proponents speaking to this zoning amendment. Chairman Theeman closed the Public Hearing.

Mr. Sturgeon asked if the provision limiting reuse to existing buildings was tight enough to prohibit someone from constructing a building with the intent to turn it into a fitness center use. Mr. Gould indicated he thought that was unlikely, there are many other zones that would accommodate the use, and the interest is in an existing structure which has the right dimensional characteristics that make it ideal. Lots in industrial parks that are owned by the City are most often sold based on a specific development proposal so that it is unlikely that a nonindustrial use would be endorsed by the Economic Development Office.

Mr. Damon asked if other industrial neighbors were notified and if such a change might be inconsistent with their use and understanding of what could take place in the industrial park. Mr. Gould responded that text amendments are advertised, but specific notices are not mailed, as the amendment would apply district-wide. Mr. Gould indicated the amendment was developed at the request of the Economic Development Office and supported by the Business and Economic Development Committee.

Mr. Gould noted that an alternative approach would be rezoning a parcel to accommodate a broader use, but such approach has its drawbacks as well and is somewhat costly to the applicant.

There being no further discussion, Chairman Theeman asked for a motion. Mr. Bolin moved to recommend passage of Council Ordinance No. 012-96 to the City Council. The motion was seconded by Mr. Kenney and it passed unanimously.

## **APPROVAL OF MINUTES**

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

As there were no minutes for consideration, this item was continued to the Board's next meeting. The meeting was adjourned at 7:12 p.m.

**PLANNING BOARD OF THE CITY OF BANGOR**

**MEETING OF APRIL 3, 2012**

**MINUTES**

**Board Members Present:**

**Miles Theeman, Chairman  
Charles Boothby, Alternate Member  
Doug Damon  
John Kenney  
John Miller  
Andy Sturgeon**

**City Staff Present:**

**David Gould  
Rodney McKay  
Rosie Vanadestine  
Peter Witham  
Lynn Johnson**

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

**PUBLIC HEARINGS**

**Item No. 1: To amend the Land Development Code by changing a parcel of land located at 63 Sixth Street from Urban Residence 1 District and a parcel of land located at 76 Pier Street from Urban Residence 2 District to Contract Urban Residence 2 District. Said parcels containing approximately .8 acres. City of Bangor and Community Housing of Maine, applicants. C.O. # 12-127.**

Chairman Theeman opened the Public Hearing and asked for a presentation. Mr. Rodney G. McKay, Director of Economic and Community Development, indicated that the City had acquired the property under the Neighborhood Stabilization Program

(NSP). The City previously requested a zone change from URD-1 to URD-2 in order to create four units in the building but that zone change request was not recommended by the Planning Board and did not receive City Council approval. Community Housing of Maine (CHOM) has expressed an interest in converting the property at 63 Sixth Street into four units, and by combining this with their Pier Street property and demolishing the old ice cream factory, one four-unit building could be created with a lower overall density. Mr. McKay explained that at present, four units are allowed at the 76 Pier Street property. The proposed contract zone change request would allow for a total of 4 units on the two combined lots thus a reduction in density in the area.

Ms. Brenda Sylvester, with Community Housing of Maine (CHOM), explained that they are proposing to demolish the old ice cream plant and renovate 63 Sixth Street into four, one-bedroom apartments. They propose parking on the Pier Street side and additional green space.

Mr. Gary Saunders, who resides at 12 William Street, which abuts 63 Sixth Street, told the Board that he did not feel that these kinds of units fit into this neighborhood. He said he felt that the City should do more code enforcement where buildings in URD-1 areas are converted into apartments. He has three girls and he is nervous about letting them walk to school as this is not good for the neighborhood.

Mr. Aaron Barnes, who resides at 26 William Street, which abuts the Sixth Street property, spoke in opposition. He expressed his concern that if this were approved apartment buildings would creep up the street. He noted an apartment building on the corner of William and Seventh Streets that he felt should not be there. He said that he has had issues with noise and actions of tenants and he wished to prevent this from going up the street. He expressed his concern about the type of tenants that would reside there, and indicated that if this zone change passes he will sell their house.

Mr. Larry Pare, 56 Sixth Street, indicated that he has lived at this residence for 42 years and raised four children there. Now many of the residents on Sixth Street are transients. With the school building on the corner, the addition of more units will add more traffic. He is definitely opposed to this and does not want to add any more problems in this area. Mr. Pare asked if the property has been sold to CHOM and what was it sold for, and if it had been offered to the public.

Mr. Steven Sinclair, a resident of 4 William Street, also spoke in opposition. He asked if the footprint of the building at 63 Sixth Street would be expanded, what the number of parking spaces would be for vehicles, if this was a Maine State Housing Authority project, if it would be taken off the tax rolls, if the property went out for public sale, and if this would be housing for those in drug rehab. He said that when the request for a zone change came up before, the proposed tenants were those in transition, there was an income requirement for them to live there, and no one would be on site to look out for the property. He said that owners who do not owner-occupy do not take good care of their property.

Ms. Marie Lopez, 56 Sixth Street, explained that she purchased this property from her father. She takes care of her elderly mother. There is also a neighboring elderly woman and they are both alone during the day. If this housing is proposed for transient, indigent men she has a problem with this because of her mother and neighbor. She told the Board that if this request passes, she has a six bedroom house and that she intends to ask that her house be rezoned for apartments.

Mr. Josh Young, 52 Sixth Street, indicated that he purchased his property because of the neighborhood. He felt that if more apartments are allowed it will ruin the neighborhood and he, too, will be looking to move.

Mr. Darian Higgins, 45 Sixth Street, indicated that he lives two parcels away. He said that he felt that this is a reactionary process and it did not seem to him that any comprehensive planning for this area has been done. He was also concerned about the lack of details for this parcel. He felt that there were many other locations in the City that were a better fit for this type of use. He indicated that he is surrounded by single-family homes and he is opposed to this contract zone change request.

Chairman Theeman closed the Public Hearing and asked for Staff comments. Planning Officer David Gould noted that this is an application for a Contract Zone Change for 63 Sixth Street from Urban Residence One District and 76 Pier Street from Urban Residence 2 District to Contract Urban Residence 2 District. Mr. Gould discussed the proposed contract zone change conditions which would: 1) allow for only one building on the two lots; would limit access to the site from only Pier Street; and would limit the density on the entire site to four units. Planning Officer Gould outlined the standards within the URD-2 District noting that up to 14 units per acre could be allowed. The contract zone change conditions would significantly decrease the number of units. In response to questions, Mr. Gould indicated that CHOM has an interest in the 76 Pier Street property and the City of Bangor owns the 63 Sixth Street property. The existing zoning would allow up to four units at the 76 Pier Street property (URD-2) and 63 Sixth Street is zoned URD-1 and would allow one unit. Mr. Gould indicated that the Planning Office was in favor of rezoning the former ice cream plant as it was seen as an opportunity to remove the vacant building from the neighborhood. The contract rezoning essentially would allow the four-unit building for Pier Street to be relocated into the adjacent structure at Sixth Street, no more.

Ms. Sylvester indicated that CHOM has done projects on Ohio Street, Charles Street, and Maine Hall at the former Bangor Seminary. They serve homeless veterans, victims of domestic violence and those who have lost their jobs. CHOM does a good job in taking care of their properties as evidenced by the projects that they have done.

Mr. Damon noted that the City should be sensitive to the concerns of the neighbors and should not be rezoning properties from single-family to multi-family.

Mr. Sturgeon indicated that he felt that the contract zone change conditions would reduce the density of the area. By eliminating the driveway at 63 Sixth Street and moving traffic to Pier Street it would reduce traffic. He also noted that zoning runs with the land and not the owner. Other Board Members had concerns regarding adding additional multi-unit buildings into the single family neighborhood and the potential adverse impact on the area.

Mr. Sturgeon moved that the Board recommend approval to the City Council of the contract zone change, as contained in C.O. # 12-127, located at 63 Sixth Street from Urban Residence 1 District and 76 Pier Street from Urban Residence 2 District to Contract Urban Residence 2 District for the City of Bangor and Community Housing of Maine, applicants. Mr. Boothby seconded the motion. The Board voted two in favor and four opposed. Therefore the motion failed. Mr. Gould indicated that this item will be forwarded back to the City Council at its meeting on April 9<sup>th</sup> for its consideration.

## **NEW BUSINESS**

**Item No. 2:      Site Development Plan approval to construct a 10' x 10' x 30' tall addition to the existing building and a 15' cupola for communications use located at 559 Union Street in an Urban Service District. U.S. Cellular (Bangor Cellular Telephone LP ), applicant.**

Mr. Bob Gashlin with U.S. Cellular represented the applicant who is requesting Site Development Plan approval to construct a 10' x 10' x 30' tall addition to the existing building at 559 Union Street for cellular telephone equipment. Mr. Gashlin explained that there is a cellular telephone coverage problem in this area of Bangor and this site is a great site to address this problem. He said that they have also come up with a creative solution to solve this coverage problem. As part of the proposed addition they are planning to construct a 15 foot tall cupola on top of this addition to place the cellular antennas. Mr. Gashlin discussed the site noting that in 2002 Bangor Photo, the current owner of the site, received Site Development Plan approval to expand this building. However, not all of the details approved at that time were done at this site. The applicant, as part of this Site Development Plan is proposing to bring the site in compliance with the 2002 approval, as well. Mr. Gashlin indicated that the proposed plan meets the lot coverage and building envelope standards, and they propose to provide ample parking.

Planning Officer David Gould indicated that since the time that the Staff Memo was written the applicant submitted revised plans addressing staff concerns regarding number of parking spaces. The plans are now in order and Staff recommended approval. Mr. Gould noted that had the plans been submitted sooner this item would have been on the Consent Agenda as they met the requirements of the Ordinance and for submittal.

Mr. Sturgeon moved that the Board grant Site Development Plan approval to construct 10' x 10' x 30' tall addition to the existing building and a 15' cupola for communications use located at 559 Union Street in an Urban Service District for U.S. Cellular (Bangor Cellular Telephone LP), applicant. Mr. Miller seconded the motion. The Board voted 6 to 0 in favor.

**Item No. 3: Final Subdivision Plan approval of a 5-lot subdivision located at 1321 Essex Street in a Rural Residence and Agriculture District. Jean Strom Benson and John Andrew Benson, applicants.**

Mr. Richard Day, with Plisga & Day, represented the applicants who are requesting Final Subdivision Plan approval of a 5-lot subdivision located at 1321 Essex Street. Mr. Day gave a history of the applicants' land noting a previously approved subdivision for 3 lots. This request is to re-lot the remaining 23 acres into 5 lots. This property is located within the Penjajawoc Marsh Mall Overlay District and as such any subdivision of land in this district is required to be a cluster subdivision.

Mr. Sturgeon had questions regarding the location of the proposed driveways and if the applicant would be required to place the driveways in those locations. Mr. Gould explained that the subdivision plan was reviewed and changes were made to address safety concerns of the Engineering Department. Any requests for a driveway permit are handled by the Engineering Department. Mr. Day indicated that the driveway locations indicated on the plan were at the request of the Engineering Department.

Mr. Boothby asked if information was provided by the applicant regarding soils and subsurface waste disposal. Staff provided him with a copy and Mr. Boothby indicated that after review he was satisfied with the report.

Mr. Damon asked what the required distance of separation between a well and a septic system is. Mr. Damon also had questions out the location of some of the wells and septic system sites. Mr. Day indicated that in most instances the required separation is 100 feet. However, on any given lot there are many suitable sites where wells and septic systems can be placed. Mr. Gould indicated that the City's subdivision regulations require that an applicant have each lot tested to insure that the soils are suitable for at least one location.

The Board opened up the discussion to two neighboring property owners. Mr. Gary Shaneberger indicated that he owns a two acre parcel in the middle of this subdivision. He asked if the proposed lot could be subdivided again. Planning Officer Gould indicated that a lot can be re-subdivided provided it meets the requirements of the Ordinance and for subdivision approval.

Mr. Matthew Harvey asked how far away from his house would the houses in the subdivision be. He showed a photograph of his house noting that one side of his house is mostly windows and he didn't want the neighboring properties to be so close that they could see in the windows.

There were no further comments. Chairman Theeman asked for a motion. Mr. Damon moved that the Board grant Final Subdivision Plan approval for a five-lot subdivision located at 1321 Essex Street in a Rural Residence and Agricultural District for John and Jean Benson, applicants. The motion was seconded and it passed by a vote of 6 to 0.

### **APPROVAL OF MINUTES**

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

Chairman Theeman indicated that the March 6, 2012 and March 20, 2012 Meeting minutes were ready for consideration. Mr. Miller moved to approve the Minutes of the March 6, 2012 Meeting. Mr. Kenney seconded the motion. The Board voted 6 to 0 in favor. Mr. Boothby moved to approve the Minutes of the March 20, 2012 Meeting. Mr. Miller seconded the motion which also passed by a vote of 6 to 0.

There being no further items for consideration, the meeting was adjourned at 8:30 p.m.

**PLANNING BOARD OF THE CITY OF BANGOR**

**MEETING OF MAY 1, 2012**

**MINUTES**

**Board Members Present:**

**Andy Sturgeon, Vice Chairman  
Paul Bolin  
Doug Damon  
John Miller  
Julie Williams**

**City Staff Present:**

**David Gould  
Paul Nicklas  
Peter Witham  
Jen Boothroyd**

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

**CONSENT AGENDA**

As no one wished to remove the item from the Consent Agenda, Vice Chairman Sturgeon asked for a motion. Mr. Damon moved to approve the Consent Agenda. Mr. Miller seconded the motion, which passed unanimously. The item approved is as follows:

**Item No. 1:**

**Site Development Plan approval to increase the size of a proposed building by 1,680 sq. ft. and to rearrange parking and utilities at 878 Stillwater Avenue in a Shopping and Personal Service District. ALSID, LLC, applicant.**

## **PUBLIC HEARINGS**

**Item No. 2: To amend the Land Development Code, Chapter 165, Section 165-19 Reconstruction or Replacement of Nonconforming Residential Accessory Structures. City of Bangor, applicant. C.O. # 12-126.**

Vice Chairman Sturgeon opened the Public Hearing. Planning Officer David Gould indicated the proposed amendment was intended to allow property owners with pre-existing residential accessory structures to rebuild them in the same location even if they do not conform to existing setback requirements. Accessory structures that may be lost due to fire or other damage could be rebuilt in the same location if a building permit was secured within one year of the loss of the building.

There were no opponents or proponents speaking to the above zoning amendment. Vice Chairman Sturgeon closed the Public Hearing and asked for comments from the Board.

Ms. Williams asked what the word "remove" means in the proposed wording of the amendment. Mr. Gould indicated that it means that older structures that are removed can be replaced. Mr. Bolin indicated that he saw this as a positive especially when homeowners have run-down, older structures that they would like to replace.

Member Damon noted he liked the flexibility it offered and asked if the language might be copied in other communities? Mr. Gould noted that Bangor has a much greater number of older housing than most of the surrounding suburban communities. In addition there are still communities that grant variances, so their approach may be different than Bangor's.

Ms. Williams moved to recommend to the City Council that the zoning amendment contained in C.O. # 012-126 be approved. Mr. Miller seconded the motion. The Board voted all in favor and none opposed to recommending approval.

## **NEW BUSINESS**

**Item No. 3: Site Development Plan approval to modify the stormwater management system of the concrete plant site at 974 Odlin Road in an Urban Industry District. The Lane Construction Corp., applicant.**

Vice Chairman Sturgeon indicated that he had a conflict of interest as he is employed by the firm that prepared the Site Development Plan. The Board voted 4 to 0 in favor of a motion to excuse Vice Chairman Sturgeon from voting on this item. Mr. Damon, being the senior Member on the Board was asked to fill in as Chairman.

Ms. Jodi O'Neal represented the applicant who is requesting Site Development Plan approval to modify the stormwater management system on this site.

Planning Officer Gould indicated that the original owner (Vaughn Thibodeau & Sons) previously had three lots in this area. The three lots were approved by DEP and at that time the stormwater management system was shared. This lot is the middle lot of the three lots and in order for it to be in compliance, it is necessary that the stormwater management system be brought into compliance with State DEP and City of Bangor requirements. Mr. Gould indicated that revised plans were submitted addressing concerns noted by Staff at the time the Staff Memorandum was written. The plans are in order and Staff recommended approval.

Mr. Bolin moved to approve the Site Development Plan to modify the stormwater management system of the concrete plant site at 974 Odlin Road in an Urban Industry District - The Lane Construction Corp., applicant. Ms. Williams seconded the motion. The Board voted 4 to 0 in favor.

**Item No. 4:            Planning Board Review of Findings and Conclusions -  
Conditional Use/Site Development Plan – 1606 Union  
Street.**

Planning Officer Gould indicated that Staff has prepared a Findings and Conclusions for the Board's decision on the quarry project at 1606 Union Street. Mr. Gould indicated that when the Board makes a motion, in effect it is taking one vote in favor of all the review criteria instead of approving each one individually. The Findings and Conclusions address each of the individual criteria. Mr. Gould indicated that some of the neighboring property owners to this project have filed an appeal of the Board's decision. The appeal will be considered by the Court for its determination as to whether or not it feels that the Board came to the correct conclusion. As part of this process, a draft Findings and Conclusion was placed on the Agenda for the Board's review.

Mr. Bolin noted that the Air National Guard Base had concerns regarding safety issues associated with blasting. Mr. Gould indicated that blasting is not relative to the Site Development Plan review standards and is handled through the City's Engineering Office.

After some discussion, Mr. Damon indicated that he felt that the document as written was an accurate representation of the Board's decision and moved to adopt the draft Findings and Conclusions.

Mr. Gould, noting that the document was prepared for Chairman Theeman's signature asked if the document could be changed for the Vice Chairman's signature.

Assistant City Solicitor Nicklas indicated that it could be signed by the Vice Chairman and suggested that the Board amend its motion to amend the document.

Mr. Damon moved to amend his motion to change the signature to that of Vice Chairman Sturgeon. Mr. Bolin seconded the motion as amended. The Board voted unanimously in favor (5 to 0).

### **APPROVAL OF MINUTES**

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

Vice Chairman Sturgeon indicated that the Minutes of the April 3, 2012 Meeting were in order for consideration. Mr. Miller moved to approve the Minutes of the April 3, 2012 Meeting. Ms. Williams seconded the motion which passed unanimously.

There being no other items for discussion, the meeting was adjourned at 7:20 p.m.

**PLANNING BOARD OF THE CITY OF BANGOR**

**MEETING OF MAY 15, 2012**

**MINUTES**

**Board Members Present:**

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

**City Staff Present:**

**David Gould  
Peter Witham  
Jennifer Boothroyd**

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

**CONSENT AGENDA**

As no one wished to remove the items for discussion, Chairman Theeman asked for a motion. Mr. Sturgeon moved to approve the Consent Agenda. Mr. Bolin seconded the motion, which passed by a vote of 7 to 0. The items approved are as follows:

**Item No. 1:      Site Development Plan and Site Location of Development Modification approvals for minor revisions to the approved Site Development Plan and Site Location of Development Act Modification at 498 Maine Avenue in a Contract Airport Development District. Bangor Gas Company, applicant.**

**Item No. 2:** Site Development Plan approval to construct a 6,000 sq. ft. building for use as a place of worship, add parking, and to reuse the existing building for a youth center at 1195 Ohio Street in a Government and Institutional Service District. The Rock Church of Greater Bangor, applicant.

### **PUBLIC HEARINGS**

**Item No. 3:** To amend the Land Development Code – Chapter 165, Section 92 to move bar, tavern or lounge, as defined, from a Conditional Use to a Permitted Use in the Urban Service District. City of Bangor, applicant. C.O. # 12-145.

Chairman Theeman opened the Public Hearing and asked for Staff comments. Planning Officer David Gould indicated the proposed amendment was intended to change Bars, Taverns and Lounges from a Conditional Use to a Permitted Use in the Urban Service District. Frequently, they are located in existing buildings where the building is being reused from one use to another. If processed as a Conditional Use the application and plans must be reviewed before the Planning Board through a public hearing process. The processing time is longer and more expensive and does not offer much better results. The proposed amendment would maintain all the existing performance measures, but allow the applicant to undertake permitting through the Code Enforcement Office. Should new construction (expansion) or exterior site changes occur it would require site plan review and be reviewed by the Planning Board.

There were no opponents or proponents speaking to the above zoning amendment.

Chairman Theeman closed the Public Hearing and asked for a motion. Mr. Bolin moved to recommend to the City Council that the Zoning Amendment contained in C.O. # 012-145 to move Bar, Tavern or Lounge, as defined, from a Conditional Use to a Permitted Use in the Urban Service District be approved. Mr. Boothby seconded the motion. The Board voted all in favor and none opposed to recommending approval of Council Ordinance 012-145.

### **NEW BUSINESS**

**Item No. 4:** Site Development Plan and Site Location of Development Modification approvals to construct a 12,767 sq. ft. Central Utility Plant adjacent to the existing Cogen facility located at 489 State Street in a Government and Institutional Service District and a Multi-Family and Service District. Eastern Maine Medical Center, applicant.

Chairman Theeman indicated that he has a conflict of interest as he is employed by the parent company of Eastern Maine Medical Center. Mr. Bolin indicated that he, too, has a conflict of interest as he is employed by the applicant. Mr. Miller indicated that he may have a conflict of interest because he is a Trustee of Eastern Maine Medical Center. Mr. Sturgeon asked Staff about the history of Mr. Miller's position from a Trustee standpoint. Planning Officer Gould indicated that it is Staff's view that if someone is an employee of an entity or designer with the firm seeking approval, there is a conflict of interest. In Mr. Miller's case, because he sits as a volunteer on their Board, in Staff's view, this does not create a financial conflict of interest. Mr. Sturgeon moved that Mr. Theeman has a conflict of interest on this issue. Ms. Williams seconded the motion which carried 6 to 0. Mr. Sturgeon moved that Mr. Bolin has a conflict of interest. The motion was seconded by Ms. Williams and passed by a vote of 6 to 0. Mr. Sturgeon moved that Mr. Miller does not have a conflict of interest. Ms. Williams seconded the motion. The Board voted 6 to 0 in favor.

Vice Chairman Sturgeon presided and asked for comments from the applicant. Mr. Jeff Mylan, Director of Construction at Eastern Maine Medical Center and Mr. Doug Rice, Project Manager with Wright-Pierce, were present in support of the application. Mr. Rice explained that the applicant is requesting Site Development Plan and Site Location of Development Modification approvals to construct a 12,767 sq. ft. building for use as a Central Utility Plant to be located adjacent to the existing Cogen facility. This building will allow the applicant to provide electric, heat and cooling utility service at this end of the hospital's campus and for future development. This is the first phase and the applicant proposes to use a portion of the space as their switch gear room. Most of this site was an existing parking lot. There are a few spaces that will be lost but there is adequate parking elsewhere on the campus to make up for this. He noted that Staff had concerns regarding landscaping. They are proposing to plant a considerable amount of landscaping to help screen and soften this building from State Street and to bring the site into site compliance with previously approved plans.

Ms. Williams expressed her concern regarding the proximity of the trees to the utility lines. Mr. Rice indicated that they had looked at this and had moved the location of trees to try and alleviate any future problems.

Mr. Miller asked about the lighting. Mr. Rice explained that they are proposing high efficiency LED cutoff light packs on the wall of the building so they won't have to worry about snowplows hitting them.

Mr. Kenney asked about stormwater treatment options for the campus as it was an issue with the previous approval. Mr. Rice indicated that the City has asked them to keep a little bit of gravel in the area of the interceptor sewer so that they can maintain it. Mr. Rice said that it is their intent to install a type of bio filter, or plant filter and send all of the stormwater to this area. He said that they will have a more detailed plan when they come back for future approvals.

Mr. Sturgeon asked if this plan with its improvements was consistent with the hospital's Master Plan for the campus. Mr. Rice indicated that it is.

Planning Officer Gould indicated that this application for Site Development Plan and Site Location of Development Modification approvals is to construct a 12,767 sq. ft. Central Utility Plant adjacent to the existing Cogen facility. This is very similar to the last plan that was before the Board in December of last year as they are trying to get prepared for more significant future development on campus. Regarding parking, because they have a huge centralized parking garage they are allowed to add new buildings as long as the sum of all the parking meets the sum of all the parking demand. Staff discussed with the applicant the general condition of landscaping on site and that there were a lot of older plans where the landscaping had died off or wasn't done. Staff wants to encourage them to bring that back to the original approval state. The decision at the time of the last EMMC approval back in December 2011 was to give the hospital a year to return with a plan to bring the landscaping up to code requirements. As they brought this project in, Staff asked them to provide the landscaping on this portion of the site rather than wait until December 2012. Because the Riverside Inn is zoned Multi-Family and Service District and because of Shoreland zoning, Resource Protection zoning and Park and Open Space zoning down by the railroad track this requires that a buffer be planted between that zone and the hospital's development. Also at that time there was a condition added for the applicant to deal with stormwater quality by December 2012. Staff recommended that the Board grant approval with the addition of the conditions of the December 2011 approval regarding the landscaping improvements and stormwater designs to be submitted by the end of December 2012.

Mr. Miller moved that the Board grant Site Development Plan and Site Location of Development modification approvals to construct a 12,767 sq. ft. central utility plant adjacent to the existing co-gen facility located at 489 State Street in a Government and Institutional Service District and a Multi-Family and Service District, Eastern Maine Medical Center, applicant, with the conditions that: 1) the Emergency Drive remain an entrance only, 2) no new impervious be created at the rear utility corridor until water quality measures are approved (stormwater), and 3) a comprehensive landscape plan be provided to deal with historic approvals and site compliance by December 27, 2012. set forth in December 2011 approval. The motion was seconded by Mr. Kenney. The Board voted 5 to 0 in favor.

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

Chairman Theeman indicated that the Minutes of the May 1, 2012 meeting were in order for approval. Mr. Bolin moved to approve the Minutes as presented. Mr. Miller seconded the motion. The motion passed unanimously.

Mr. Gould discussed with the Board this fall's MMA training for Planning Boards. There being no further items for discussion, the meeting was adjourned at 7:28 p.m.

**PLANNING BOARD OF THE CITY OF BANGOR**

**MEETING OF JUNE 5, 2012**

**MINUTES**

**Board Members Present:**

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

**City Staff Present:**

**David Gould  
Peter Witham  
Lynn Johnson**

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

**PUBLIC HEARINGS**

**Item No. 1: Preliminary Subdivision Plan approval to create a sixth lot in the Bangor Theological Seminary Subdivision at 331 Hammond Street in a Government and Institutional Service and an Urban Residence 2 District. John T. Karnes, applicant.**

Chairman Theeman opened the Public Hearing. Mr. John Karnes, the applicant, explained that this lot is owned by the Bangor Masonic Foundation who approached him to buy the property and rehabilitate it. In doing so, it was discovered that this particular building (the former "Old Commons" building) was not a separate lot. In order to sell this lot it was deemed necessary to make this an approved lot in an approved subdivision. Mr. Karnes indicated that he wishes to rehabilitate this building and get it back onto the tax rolls.

Mr. Nels Erickson, 23 Hayward Street, asked if the building already exists or if the applicant was proposing to build. Mr. Gould indicated that this is the site of the former "Old Commons" building and they are creating a separate lot for this building in order to sell it to the applicant.

No one spoke in opposition. Chairman Theeman closed the Public Hearing and asked for Staff comments. Planning Officer Gould explained that the proposed lot is a part of the former Bangor Theological Seminary complex. In 2007, Seminary Redevelopment LLC received approval of a five-lot subdivision of the Seminary's property between Hammond and Union Streets. Several of those lots have been sold since 2007. Seminary Redevelopment, LLC transferred to Bangor Masonic Foundation one of their retained land parcels which contains this lot. Because it was a sale to an abutting property owner it was exempt from subdivision plan approval. Now the Bangor Masonic Foundation is proposing to convey the "Old Commons" building to the applicant. Because this will create a sixth lot, it is now considered a "major subdivision" and thus the need for Preliminary Subdivision Plan approval.

Mr. Gould also noted that because this is considered a Major Subdivision the applicant is required to set aside 5% of the acreage as open space. The applicant and the Masons have agreed to designate a portion of the front lawn of the Beach Chapel (which abuts this parcel) as permanent open space to meet this requirement. Mr. Gould indicated that because the Seminary property is an historic district any exterior changes will require review by the Historic Preservation Commission. Staff has reviewed the Preliminary Subdivision Plans and finds them to be in compliance with the review criteria for Major Subdivisions. The City Engineering Staff has also reviewed the plans and has no concerns. Staff recommended approval.

Chairman Theeman asked for a motion. Mr. Bolin moved that the Board approve the Preliminary Subdivision Plan to create a sixth lot in the Bangor Theological Seminary Subdivision at 331 Hammond Street in a Government and Institutional Service District and an Urban Residence 2 District. John T. Karnes, applicant. Ms. Williams seconded the motion. The Board voted 7 to 0 in favor.

## **NEW BUSINESS**

**Item No. 2: Final Subdivision Plan approval to create a sixth lot in the Bangor Theological Seminary Subdivision at 331 Hammond Street in a Government and Institutional Service District and an Urban Residence 2 District. John T. Karnes, applicant.**

Chairman Theeman indicated that this application is for Final Subdivision Plan approval for the same subdivision as in Item No. 1. Planning Officer David Gould explained that Staff felt it important to have the Board consider this subdivision plan

both as a Preliminary Plan and then as a Final Plan in case there were concerns regarding the Preliminary Plan. Staff recommended Final Plan approval as the plans are in order and meet Ordinance submittal requirements.

Chairman Theeman asked for a motion. Mr. Bolin moved that the Board approve the Final Subdivision Plan to create a sixth lot in the Bangor Theological Seminary Subdivision at 331 Hammond Street in a Government and Institutional Service District and an Urban Residence 2 District. John T. Karnes, applicant. The motion was seconded by Mr. Miller and it also passed by a vote of 7 to 0.

**Item No 3: Site Development Plan approval to fill and grade at 48 Perkins Street in an Urban Residence 1 District. Hammond Street, LLC, applicant.**

Mr. Bruce MacDonald, with Hammond Street, LLC, explained that they are requesting approval to clean up this site and grade the lot level. He noted that there have been some concerns by the neighbors and they are trying to address those concerns. He indicated that at one point they had pursued making this a parking lot to support their business on Hammond Street but discovered that they would not be allowed to do this. They are only proposing to fill and grade this lot.

Planning Officer Gould indicated that the Code Enforcement Office informed the applicant that they would need to file for Site Development Plan approval for their filling and grading activity. The Planning and Engineering Staff met with the applicant's designer to discuss bringing the stormwater runoff from this site from the post development condition to the pre development condition. Staff found that the plan is consistent with the requirements of the Land Development Code and recommended that the Board grant approval with the condition that the site be loamed and seeded by October 2012 to avoid any potential erosion over the winter months.

Mr. Boothby asked where the stormwater was proposed to flow from this site. Mr. Oscar Emerson with Down to Earth Professional Land Services, told the Board that as designed it would flow away in several directions.

Chairman Theeman indicated that the Board had received a letter from Mark and Katherine Trapela expressing their concern that the fill and grade activity on this site will result in a large amount of water in their backyard in future spring seasons.

Mr. Sturgeon asked if it would pose any problems for the applicant to complete the loaming and seeding by August or September. The applicant indicated that they could complete this by the end of September 2012.

Mr. Tom Fisk, 15 Dean Street, presented the Board with photos of the site from his back yard and expressed his concern that this lot could become commercial storage.

He indicated that he was told that it would. Chairman Theeman indicated that this lot is not zoned for commercial use.

Mr. Sturgeon moved that the Board grant Site Development Plan approval to fill and grade at 48 Perkins Street in an Urban Residence 1 District with the condition that the site be loamed and seeded prior to the end of September, 2012. Mr. Boothby seconded the motion. The Board voted 7 to 0 in favor.

**Item No. 4:           Site Location of Development Modification approval to add a parking area to park aircraft fuel trucks at Bangor International Airport in an Airport Development District. City of Bangor Airport Department, applicant.**

Mr. Robbie Beaton, Superintendent of Operations with Bangor International Airport, explained that this renovation is in front of the GA Terminal. They are proposing to add some impervious surface in order to create a parking area to park aircraft fuel trucks safely away from aircraft. At the same time they are proposing to remove some impervious area which will be a reduction in impervious surface.

Planning Officer Gould indicated that this is a request for Site Location of Development Modification approval to add a parking area to park aircraft fuel trucks at Bangor International Airport. Because of the nature of the project only Site Location of Development Act approval is required. Staff had been working with the applicant's designer to complete minor submittal elements of the Site Law application. Since the time that the Staff Memo was written, the Planning Office has received revised information and the application is now in order for approval.

Mr. Sturgeon moved that the Board approve the Site Location of Development Modification to add a parking area to park aircraft fuel trucks at Bangor International Airport in an Airport Development District, City of Bangor Airport Department, applicant. Mr. Miller seconded the motion, which carried 7 to 0.

**APPROVAL OF MINUTES**

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

Chairman Theeman indicated that the Minutes of the May 15, 2012 Planning Board Meeting are in order for consideration. Mr. Bolin moved to approve the Minutes of the May 15, 2012 Planning Board meeting. Mr. Boothby seconded the motion, which carried unanimously.

There being no further items for discussion, the meeting was adjourned at 7:35 p.m.

**PLANNING BOARD OF THE CITY OF BANGOR**

**MEETING OF JULY 17, 2012**

**MINUTES**

**Board Members Present:**

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

**City Staff Present:**

**David Gould  
Jennifer Boothroyd**

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

**CONSENT AGENDA**

Mr. Kenney indicated he had a conflict of interest on Item No. 3 on the Consent Agenda. Mr. Damon moved that Mr. Kenney be excused from voting on the Consent Agenda. Mr. Bolin seconded the motion and the Members voted unanimously to excuse Mr. Kenney from the Consent Agenda vote.

As no one wished to remove the items for discussion, Vice Chairman Sturgeon asked for a motion. Mr. Damon moved to approve the Consent Agenda. The motion was seconded by Mr. Bolin, and it passed by a vote of 6 to 0. The items approved are as follows:

**Item No. 1:           Site Development Plan approval to remove one parking space to accommodate a pylon sign located at 102 Haskell Road in a General Commercial and Service District. Jori Brothers Family LLC, applicant.**

**Item No. 2:**        **Site Location of Development Modification approval to modify the approved plans for construction of 23 duplex buildings with a total of 46 units located at Mt. Hope Avenue and Chickadee Lane by eliminating one building, adjusting the location of two buildings, and reducing the size of one building ending up with 22 duplexes with 44 units. Meadowbrook Ridge, LLC, applicant.**

**Item No.3:**        **Site Development Plan approval to reconstruct and expand a 60-space parking lot into a 97-space parking lot at 354 Hogan Road in a Government and Institutional Service District. Eastern Maine Community College, applicant.**

### **PUBLIC HEARINGS**

**Item No. 4:**        **To amend the Land Development Code by changing a parcel of land located at 311 Hammond Street from Urban Residence 2 District and Government and Institutional Service District to Contract Multi-family and Service District. Said parcel containing approximately 21,655 sq. ft. John Karnes, III, applicant. C.O. No. 12-239.**

Vice Chairman Sturgeon opened the Public Hearing and asked the applicant to make a brief presentation. Mr. John Karnes indicated that he had recently purchased the Old Commons building on the former Bangor Seminary Campus and was seeking to renovate some of the space in the building for his use as professional office space.

There were no other proponents or any opponents to the rezoning request. Vice Chairman Sturgeon asked for Staff comments.

Planning Officer David Gould indicated that the sale of the Seminary property in 2007 forced the City to look at the Land Use Policy for that portion of the City that had been in the Seminary's ownership for decades. The area extends from the edge of the downtown core to some well established single-family neighborhoods. While there was a good deal of discussion about commercial reuse, concerns of the available parking and historic fabric called for a slow and thoughtful approach. Many of the structures had been renovated into apartment units for housing for Seminary students. These properties were suited to a low to moderate density district that would allow for rental dwelling units. The large Maine Hall building was rezoned Contract Multi-family and Service District to suit the redevelopment needs of Community Housing of Maine (CHOM) which used contract standards to regulate density, housing type, and parking. The Moulton Library was acquired as a "last edition" repository. Finally the Masonic Lodge acquired the bulk of the campus to replace their building which was lost by fire.

Mr. Gould noted that he has been very pleased with the success of the redevelopment so far. The contract rezoning proposed by Mr. Karnes will allow the six existing units to remain and provide the ability to use a portion of the building as office space.

Ms. Williams did note that Mr. Karnes had appeared before the Historic Preservation Commission and had received approval for numerous renovations of the existing structure.

The Board asked questions about the office use and available parking at the site.

Planning Officer Gould noted that as a home occupation (a dwelling unit where a person resided) could be permitted by the Code Office provided it met the applicable criteria. In this instance, the Multi-family and Service District will allow office use as a Conditional Use and the proposed contract limits that space to 900 square feet. The provision does not require the operator to reside on the premise. Mr. Gould further noted the subdivision plan of the Seminary Campus, of which Mr. Karnes' lot is a part of, has specific conditions as to the shared use of the parking to meet the needs of the developments on the campus. Again, to date the arrangement has worked out very well. At the time that Mr. Karnes seeks to add office use he will need to return and we will have to review the supply and demand for parking in that application the same as was done in the redevelopment of Maine Hall.

Mr. Kenney moved to recommend to the City Council adoption of the proposed Contract Zone Change request contained in C.O. # 12-239, 331 Hammond Street, John Karnes, III, applicant. The motion was seconded and it passed unanimously.

## **NEW BUSINESS**

### **Item No. 5.      Planning Board Discussion of Process and Procedures.**

Assistant City Solicitor Paul Nicklas provided the Board with an overview of various issues related to the operation and procedures of the Board and Board Members. Mr. Nicklas noted that the City has a specific Code of Ethics that provides guidance as to conflicts. The Code does require Members deemed to have a conflict to leave the meeting room where the deliberation and action is taking place. The Code also prohibits Board Members from representing third party interests before the Board. However, a Board Member may represent their own personal interest before the Board.

Mr. Nicklas reviewed bias, due process, potential concerns when conducting site visits and associated issues surrounding electronic communication (email).

**APPROVAL OF MINUTES****Item No. 6:           **Planning Board Approval of Minutes.****

Vice Chairman Sturgeon indicated that the Minutes of the June 19, 2012 meeting were in order. Mr. Bolin moved to approve the Minutes of the June 19, 2012 Planning Board Meeting. The motion was seconded by Mr. Boothby and passed unanimously.

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 AUGUST 7, 2012**

**MINUTES**

**Board Members Present:**

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

**City Staff Present:**

**David Gould  
Peter Witham**

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

**PUBLIC HEARINGS**

**Item No. 1: To amend the Land Development Code by changing parcels of land located at 125 Fern Street and 166 Pearl Street from Contract Multi-Family and Service District to Contract Multi-Family and Service District. Said parcels containing approximately 50,105 sq. ft. Bangor Steam Laundry, LLC, applicant. C.O. # 12-247.**

Chairman Theeman opened the Public Hearing and asked the applicant to speak. Mr. Bob Kelly of Bangor Steam Laundry, LLC indicated that they originally proposed to reuse the existing brick laundry building as multi-unit housing but were not able to acquire financing in the current housing market and economic conditions. They are seeking to construct highly energy-efficient, single-family homes on the property.

Mr. Chris Olson of 126 Fern Street told the Board that he lives immediately across the street from the laundry building that ceased operation just before he moved

in. He indicated he is in support of the current proposal and has a high level of confidence in the Kellys' work.

There were no other proponents or any opponents to the rezoning request. Chairman Theeman closed the Public Hearing and asked for Staff comments.

Planning Officer David Gould indicated that the proposal before the Board is to change the contract conditions on the property that were intended to allow the former laundry to be converted into multi-unit housing. While the City supported the redevelopment proposal, the current economic conditions, especially the housing market, will not support the financing of the project. The current plan is to utilize the somewhat smaller lots sizes of the Multi-family and Service District (M&SD) to create house lots for new energy efficient structures.

Mr. Gould noted the contract provided for the demolition of the laundry building, construction of single-family dwellings and the retention of an existing 3-unit building on Pearl Street. While the Board would not see a site plan for the redevelopment they would get to review the subdivision plan where individual lots would be created. The owners would then obtain building permits from the Code Enforcement Office as is typical for single-family homes.

Member Damon asked if M&SD would allow for any unique development pattern such as zero lot line or a cluster development approach. Mr. Gould noted that the M&SD standards for detached single-family homes follows a very traditional regulatory scheme with setbacks, lot coverage, and lot width standards very much like the existing neighborhood.

Mr. Bolin moved that the Board recommend that the City Council adopt the proposed Contract Zone Change request as contained in C.O. # 12-247, at 125 Fern Street and 166 Pearl Street, for Bangor Steam Laundry, LLC. The motion was seconded by Mr. Boothby. The Board voted 7 in favor and 0 opposed.

## **NEW BUSINESS**

**Item No. 2:      Site Development Plan approval for construction of a 32-space parking lot addition at 570 Main Street in a Waterfront Development District. Timka, Inc., applicant.**

Mr. Peter Geaghan spoke in favor of the project. Due to the anticipated opening of the Arena and the potential for increased business with their brewery, he indicated that they are requesting Site Development Plan approval to add 32 parking spaces at 570 Main Street.

Planning Officer Gould indicated that at the time the Staff Memorandum was written there were some outstanding issues regarding stormwater treatment and the status of the existing fencing between this site and the remaining waterfront land. Since that time, the stormwater treatment has been addressed to the satisfaction of the Engineering Department. The Engineering Department would like the fence to be removed from this site and placed on the City's adjacent site. The Site Development Plan indicates that the fence will be taken down and City can come and take the parts. The Engineering Department indicated that they would like to see as a condition of approval that the applicant relocate the existing fence to a location agreeable to the City and maintain the existing access way to the remainder of the City property. Mr. Gould indicated that because the fence is not located on City-owned land the Planning Board cannot make this a condition of approval. Mr. Geaghan indicated that they would be willing to work this out with the City.

Regarding stormwater treatment, Planning Officer Gould indicated that the City encourages developers to deal with stormwater when proposing new development. Mr. Jim Kiser, of Kiser and Kiser, explained that while the applicant is not required to do so, they have chosen to install an underdrain filter system to handle stormwater runoff from this additional parking. Mr. Kiser explained the site development plan, the location of the proposed additional parking, and the stormwater filtration system proposed.

Mr. Boothby asked if there were plans for the Roundhouse site. Mr. Gould indicated that there wasn't an immediate use for it at this time.

Mr. Damon asked how this meshes with the Federal regulations to be imposed upon the City. Planning Officer Gould indicated that the stormwater rules are already in place. The City is looking at the potential of a stormwater impact fee that would be applied to all entities within the City that have impervious area. One of the things that the City has told people who are doing new development is that there are certain minimums where treatment is required. Then there are some instances where there is no requirement. When a new system is instituted and a developer goes above and beyond and treats stormwater anyway the City will give back a credit relative to what that stormwater utility fee would be.

Mr. Sturgeon moved that the Board approve the Site Development Plan for the construction of 32 additional parking spaces at 570 Main Street in a Waterfront Development District for Timka, Inc., applicant. The motion was seconded by Mr. Miller and passed by a vote of 7 in favor and 0 opposed.

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

Chairman Theeman indicated that the Minutes of the July 17, 2012 Meeting were in order. Mr. Bolin moved to approve the Minutes of the July 17, 2012 Meeting. The motion was seconded and it passed by a vote of 7 in favor and 0 opposed.

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 AUGUST 21, 2012**

**MINUTES**

**Board Members Present:**

**Miles Theeman, Chairman  
Paul Bolin  
Charles Boothby, Alternate Member  
Doug Damon  
John Kenney  
John Miller**

**City Staff Present:**

**Peter Witham  
Art Morgan  
Jennifer Boothroyd**

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

**CONSENT AGENDA**

As no one wished to remove either item from the Consent Agenda, Chairman Theeman asked for a motion. Mr. Damon moved to approve the Consent Agenda. The motion was seconded by Mr. Boothby. The Board voted 6 to 0 in favor. The items approved are as follows:

**Item No. 1: Site Development Plan approval to reconfigure the existing parking lot at 450 Essex Street in a Government and Institutional Service District resulting in a loss of three parking spaces. Eastern Area Agency on Aging, applicant.**

**Item No. 2:**        **Site Development Plan approval to fill and grade a two-acre area and for pervious pavement between Main Street and the railroad tracks near Railroad Street in a Waterfront Development District. City of Bangor, applicant.**

**APPROVAL OF MINUTES**

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

Chairman Theeman indicated that the Minutes of the August 7, 2012 Meeting were in order. Mr. Bolin moved to approve the Minutes of the August 7, 2012 Meeting. The motion was seconded and it passed 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 SEPTEMBER 4, 2012**

**MINUTES**

**Board Members Present:**

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

**City Staff Present:**

**David Gould  
Peter Witham**

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

**NEW BUSINESS**

**Item No. 1: Site Development Plan approval to reconstruct and reconfigure the existing parking lot at 299 Union Street in a Multi-Family and Service District. Kiley and Foley Funeral Home, applicant.**

Chairman Theeman asked for the applicant to make a brief presentation. Mr. Joe Kiley of Kiley and Foley Funeral Home indicated they were over due to replace their parking lot. Mr. Kiley noted it had been a long time and the subsurface condition warranted replacement. Mr. Kiley noted they had retained CES to work with the City and insure the project met the applicable requirements.

Member Damon noted that the site and the historic building were kept in great shape. Chairman Theeman asked Planning Officer Gould to briefly update the Board on the project. Mr. Gould noted the application was for Site Development Plan approval to rebuild the existing parking lot. The design, including a one-way entrance and exit, relied heavily on pavement markings to assist patrons through the layout. So long as the markings are

maintained the parking lot should work well. Mr. Miller asked if the one-way drives should include signage. Mr. Gould noted that the Planning Office had suggested that but the designers did not feel it was necessary. The Board briefly discussed whether maintenance of the pavement markings was a requirement. Mr. Gould noted that it was an element of the plan approved by the Board and was intended to be maintained as would other features.

Mr. Bolin moved that the Board approve the Site Development Plan to reconstruct and reconfigure the existing parking lot at 299 Union Street for Kiley and Foley Funeral Home, applicant. Mr. Boothby seconded the motion. This passed unanimously.

**Item No. 2: Site Development Plan approval to construct an 8,240 sq. ft. building to be used as a youth center at 1476 Broadway in a Government and Institutional Service District. Bangor Baptist Church, applicant.**

Chairman Theeman asked for the applicant to make a brief presentation. Mr. Bob Wilbur of the Bangor Baptist Church indicated they have wanted to construct a youth center for some time. They currently use space in the existing facility, but have to move furniture before and after its use. This new building will provide a permanent space for that use. Mr. Wilbur noted there are no other changes to the site or other programs planned for the new building.

Mr. Bolin asked about some of the notes on the plan that noted the removal of a parking space. Mr. Gould indicated it was likely at a location where there was less than 24 feet for maneuvering. Mr. Miller asked where the main access to the youth center would be, as there was not much parking by the building. Mr. Wilbur indicated it was their plan that the primary access would be through the main building. The students are used to that location and the plan is to continue to use that as the main access. This is why the building includes the two connecting additions.

Mr. Theeman asked if the church could provide any landscaping or buffer planting along Broadway to screen the parking lot. Mr. Wilbur noted they would look at that but would not want to obscure any visibility for cars exiting the facility.

Lucy Quimby of 1232 Kenduskeag Avenue noted that she found the church's outdoor concert to be very loud. She liked the quiet rural atmosphere of Kenduskeag Avenue, but found the noisy outdoor events out of character.

Planning Officer Gould noted that the Bangor Baptist facility predated the City's current standards for parking lot buffer yards and internal landscaping. If you look to the south the Abundant Life Church was designed more recently and includes all the buffer yards and parking lot improvements of the current day.

Mr. Gould also noted that Site Development Plan review does not include any noise standard or evaluation for the Board to review such a plan by.

Mr. Sturgeon moved that the Board approve the Site Development Plan to construct an 8,240 sq. ft. building to be used as a youth center at 1476 Broadway for Bangor Baptist Church, applicant. Mr. Miller seconded the motion. The Board voted 7 to 0 in favor of the motion.

**Item No. 3: Site Development Plan and Site Location of Development Modification approvals to construct two buildings containing a total of 65,500 sq. ft. located at 461 Stillwater Avenue in a Contract Shopping and Personal Service District. Stillwater Crossing, LLC, applicant.**

Mr. Sturgeon indicated that he has a conflict of interest regarding this item as he is employed by the firm that is doing the plan. The Board voted unanimously that Mr. Sturgeon had a conflict of interest.

The Board inquired why the item was being requested to be tabled?

Mr. Gould noted that just before the Staff Memorandum was completed, the designers called and indicated that the applicant had a potential change in the building configuration. The discussion was that if the site was going to significantly change then a new plan would be in order. If it did not, then the Board could take the tabled application back up without too much additional work. Regardless, when a plan is ready for the Board's review Staff will notify abutters in advance and schedule it for the Board's review.

Mr. Boothby moved to table this item. Mr. Miller seconded the motion, which carried by a vote of 6 to 0.

### **APPROVAL OF MINUTES**

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

Chairman Theeman indicated that the Minutes of the August 21, 2012 Meeting were in order. Mr. Bolin moved to approve the Minutes of the August 21, 2012 Meeting. The motion was seconded and passed by a vote of 7 in favor and 0 opposed.

There being no further items for discussion, the meeting was adjourned at 7:29 p.m.

**PLANNING BOARD OF THE CITY OF BANGOR**

**MEETING OF SEPTEMBER 18, 2012**

**MINUTES**

**Board Members Present:**

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

**City Staff Present:**

**David Gould  
Rosie Vanadestine  
Peter Witham**

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

**CONSENT AGENDA**

As no one wished to remove the item for discussion, Chairman Theeman asked for a motion. Mr. Sturgeon moved to approve the Consent Agenda. The motion was seconded by Ms. Williams and it passed unanimously. The item approved is as follows:

**Item No. 1:        Site Development Plan approval to reconfigure an approved Flag Lot located at 1398 Essex Street in a Rural Residence and Agricultural District. Martin Fell, applicant**

**PUBLIC HEARINGS**

**Item No. 2:        To amend the Land Development Code by changing a parcel of land located at 63 Sixth Street from Urban Residence 1 District to Contract Urban Residence 2 District subject to certain conditions. Said parcel containing approximately .48 acres. City of Bangor, applicant. C.O. # 12-303.**

Chairman Theeman opened the Public Hearing and asked for a presentation. Ms. Rosie Vanadestine, Director of Economic and Community Development, indicated that the City had acquired the property under the Neighborhood Stabilization Program (NSP). The federal

Program allowed communities to purchase properties that were foreclosed on and rehabilitate them and make them available to low to moderate income families. Ms. Vanadestine noted that the structure at 63 Sixth Street was very large and on a large lot for the area. There was some concern that rehabilitating the existing large structure as a single-family home would be more costly than they could sell it for under the program guidelines. While the City had previously sought to make it a four-unit building, neighborhood concerns over multi-family housing encroaching upon the neighborhood directed them to seek zoning for a one or two-unit building.

Chairman Theeman asked for comments from proponents. As there were none, he asked for comments from opponents.

Ms. Marie Lopez, a resident of 56 Sixth Street, indicated that she did not want the neighborhood to change from one of owner occupied homes to one of absentee landlords.

Mr. Gary Saunders, who resides at 12 William Street, indicated that he purchased his home in 2006, and the decision was heavily influenced by the family-friendly atmosphere of the neighborhood and its close proximity to schools. He indicated that he is concerned about the rental properties in the neighborhood that tend to be the source of concern.

Ms. Carol Sherman, who resides at 19 William Street, spoke in opposition and was concerned about multi-family creep in the neighborhood. She asked if Habitat for Humanity had an interest in the building as a single-family dwelling.

Larry Pare of 56 Sixth Street indicated that he had resided at Sixth Street for a long time and raised a family there. He indicated he was concerned that changes to the zoning would start his neighborhood down the road to rental units and associated problems of the Third and Main neighborhood.

As no one else spoke, Chairman Theeman closed the Public Hearing and asked for Staff comments. Planning Officer David Gould noted that the Comprehensive Plan Zoning Policy for this property was Low Density Residential and Urban Residence 1 District. The Planning Staff was supportive of the rezoning of the adjacent former ice cream plant as it was seen as an opportunity to remove the vacant/abandoned building from the neighborhood. Mr. Gould noted that it was a large structure and parcel and Staff supported a two-unit option or using some of this property to support the redevelopment of the Pier Street project.

Member Bolin said his recollection was that the neighborhood had previously preferred a two-unit building.

Member Sturgeon thought the contract for a single building with two units was consistent with the Comprehensive Plan as the large lot could be divided and support two single-family houses.

Member Damon thought a two-unit building was inconsistent with the Comprehensive Plan.

Member Williams asked if the property could become a group home. Mr. Gould noted that State Law does not allow municipalities to prohibit defined Community Living Facilities (eight or fewer beds) from single-family neighborhoods.

Mr. Gould noted that while owner-occupied is what is desired by the neighbors it is not part of the Land Development Code. Dwellings are limited to a number of units; single family, two-family or multi-family but none require the owner to occupy the dwelling unit.

Mr. Sturgeon moved to recommend that the City Council adopt the proposed rezoning at 63 Sixth Street from URD-1 to URD-2 contract as contained in C.O. 12-303. The motion was seconded. The Board voted two in favor and five opposed. Therefore, the motion failed.

### **APPROVAL OF MINUTES**

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

Chairman Theeman indicated that the Minutes of the September 4, 2012 Meeting were in order. Mr. Boothby moved that the Board approve the Minutes of the September 4, 2012 Meeting. Ms. Williams seconded the motion. The Board voted unanimously in favor of the motion.

There were no other items for discussion and the meeting was adjourned at 7:47 p.m.

**PLANNING BOARD OF THE CITY OF BANGOR**

**MEETING OF OCTOBER 2, 2012**

**MINUTES**

**Board Members Present:**

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

**City Staff Present:**

**David Gould  
Peter Witham**

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

**PUBLIC HEARINGS**

**Item No. 1: Preliminary Subdivision Plan approval of 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.**

Chairman Theeman opened the Public Hearing and asked for a presentation by the applicant. Mr. Robert Kelly indicated that he is seeking approval of a 7-lot subdivision located at 125 Fern Street and 166 Pearl Street. He briefly discussed a prior application in which they proposed to construct condominium units. Because of economic constraints it was not feasible for them to construct the proposed units. They are now before the Board seeking subdivision approval to construct single-family homes on the lots. He indicated that they are proposing to demolish the former New Franklin Laundry building on the site. They are also proposing to retain the existing three unit building as well.

Chairman Theeman asked for comments from proponents. Christopher Olsen a Fern Street resident and H. Blaine Mainly a Palm Street resident both indicated that they were in favor of the project. They also indicated that they felt that single-family

homes were more appropriate for this neighborhood. Another concern has been the poor condition of the vacant former laundry building.

There being no further comments, Chairman Theeman closed the Public Hearing and asked for Staff comments. Planning Officer Gould indicated that the proposal is for a 7-lot subdivision. Because it is over 5 lots, it is considered a major subdivision which requires both preliminary plan and final plan approvals. While the lots are on existing streets and no public improvements will need to be provided, they will need to meet applicable lot width and area requirements. In review of the plan it was discovered that there are two sewer easements which bisect the site and any lots will need to be configured so that any future houses will not be placed on top of those easements. Also the lot which presently has a 3-unit building on it requires a minimum of 7,500 sq. ft in area. There is a portion of land on the plan that has not been dedicated. Staff indicated that the applicant has the option of using it as a community garden or deeding it to an abutting property owner. However, it cannot remain on the plan as remaining land. Mr. Gould indicated that Staff finds that the preliminary plan application is in order to proceed to Final Plan.

Mr. Sturgeon moved to approve the Preliminary Subdivision Plan for a 7-lot subdivision located at 125 Fern Street and 166 Pearl Street for Bangor Steam Laundry, LLC. Mr. Boothby seconded the motion which passed by a vote of 7 to 0.

## **NEW BUSINESS**

### **Item No. 2: Site Development Plan approval for the placement of a portable classroom at the Downeast School located at 100 Moosehead Boulevard in a Government and Institutional Service District. Bangor School Department, applicant.**

Alan Kochis, representing the Bangor School Department, explained that the School Department has 20 to 30 additional students enrolled at the Downeast School thus the need for additional classroom space. They are requesting approval to place a portable classroom on the site.

Mr. Damon asked if the portable classroom would be connected to or separate from the school building. Dr. Betsy Webb explained that the use is for Title 1 program grades 2 and 3. The portable building will be placed so that there will be a direct line from the building to the doorway to the school building which will offer a direct line to the bathrooms. She indicated that because of new homes built in the area they may need to expand the school.

Planning Officer Gould explained that the Bangor School Department is requesting the placement of a portable classroom at the Downeast School to ease the

need for additional classroom space due to an increase in enrollment. He indicated that the plans are in order and Staff recommended approval.

Mr. Damon moved that the Board approve the Site Development Plan to place a portable classroom at the Downeast School at 100 Moosehead Boulevard for Bangor School Department, applicant. Mr. Miller seconded the motion. The Board voted 7 in favor and 0 opposed.

**Item No. 3: Site Development Plan approval to create a flag lot at 51 Westland Street in an Urban Residence One District and a High Density Residential District. John York, applicant.**

Mr. John York indicated that he is requesting approval to create a flag lot to build a single-family home on the lot. He indicated that he is not planning to build a four-unit building.

Planning Officer Gould explained what a flag lot is under the Land Development Code. Staff found the application consistent with the Land Development Code for flag lots and recommended that the Board grant approval.

Mr. Bolin asked about the general notes on the plan and other lotting indicated on the plan. Mr. York explained that a portion of the lot was a part of the former Lois Street which was discontinued and a portion of that area became a part of this lot.

Chairman Theeman noting that while this is not a public hearing, opened up the discussion to the audience. Mr. Jim Landry who lives across the street indicated that he would be more comfortable with this if the lot were rezoned as single-family.

Chairman Theeman asked for a motion. Mr. Bolin moved to approve the site development plan to create a flag lot at 51 Westland Street for John York, applicant. The motion was seconded by Mr. Boothby, and it passed by a vote of 7 in favor and 0 opposed.

**APPROVAL OF MINUTES**

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

Chairman Theeman indicated that the Minutes of the September 18, 2012 meeting were in order. Mr. Bolin moved to approve the Minutes of the September 18, 2012 meeting. The motion was seconded by Mr. Boothby, and it passed by a vote of 7 to 0.

As there were no further items for discussion, the meeting was adjourned at 7:28 p.m.

**PLANNING BOARD OF THE CITY OF BANGOR**

**MEETING OF OCTOBER 16, 2012**

**MINUTES**

**Board Members Present:**

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

**City Staff Present:**

**David Gould  
Peter Witham**

**NEW BUSINESS**

**Item No. 1: Site Development Plan approval to construct a 38-space parking lot expansion located at 19 Maine Avenue in a Technology and Service District. Bangor Savings Bank, applicant.**

Mr. Kenney indicated that he has a conflict of interest as he is employed by the firm who did work for the applicant. Mr. Miller moved that Mr. Kenney has a conflict of interest. The motion was seconded by Mr. Damon. The motion passed by a vote of 7 to 0. Mr. Boothby was asked to vote.

Mr. Jason Donovan representing the applicant explained that they are seeking approval to construct a 38-space parking lot expansion at 19 Maine Avenue.

Planning Officer Gould explained that this plan is basically the same plan that was approved in 2007 for the addition of the 38-space parking lot. The current application is a basically a re-approval of that plan. He indicated that Staff reviewed the existing conditions at the site and found that some of the previously approved and constructed elements have been changed. Mr. Donovan noted that they were aware that some elements of the site were not consistent with the plan and would work with City Staff to correct them either by adding them back or designing an alternative plan

that will comply with the City's requirements. Mr. Gould noted that the plans meet all the City's development requirements but there are some issues on-site that the applicant and the City will have to work out. The Planning Staff would recommend Site Plan Approval.

Mr. Sturgeon moved to approve the Site Development Plan for approval to construct a 38-space parking lot expansion located at 19 Maine Avenue in a Technology and Service District. Bangor Savings Bank, applicant. The motion was seconded by Mr. Miller and it passed by a vote of 7 to 0.

**Item No. 2: Site Development Plan approval to construct a three-unit building located at 8 Husson Avenue in a High Density Residential District. Fieldstone Properties, LLC, applicant.**

Mr. Tom Higgins, the applicant, indicated that he is requesting approval to construct a three-unit building located at 8 Husson Avenue.

Planning Officer Gould explained that the applicant is seeking Site Development Plan approval to construct a new 3-unit building on remaining land on a site that presently has a four-unit building on it. Mr. Gould explained that the High Density Residential District allowed up to 12 units per acre, the existing site with the four-unit building could support additional units so the applicant is proposing to add a new three-unit building. Mr. Gould did note that the Land Development Code has a separate standard for apartment complexes with less than eight units that require two spaces per unit instead of one and one-half spaces per unit. As the total number of spaces is reduced there is less flexibility, per unit, to meet the demands if a tenant has a second car or boat in the lot or if several tenants have guests. The extra spaces allow flexibility for times when there is high demand for spaces.

The plan as submitted meets all Ordinance and submittal requirements and Staff recommended approval.

Mr. Bolin moved to approve the Site Development Plan to construct a three-unit building at 8 Husson Avenue in a High Density Residential District for Fieldstone Properties, LLC. Mr. Miller seconded the motion which passed unanimously.

**Item No. 3: Site Development Plan approval to construct a 3,750 sq. ft. building at 41V Ridgewood Drive for use as a dental office in a General Commercial and Service District. Dr. Mark Carreira, applicant.**

Mr. Rob Erwin, of Ervin Architecture, represented the applicant who is requesting approval to construct a 3,750 sq. ft. dental office at 41V Ridgewood Drive.

Planning Officer Gould indicated that this is a request to construct a 3,750 sq. ft. building at 41V Ridgewood Drive in a General Commercial and Service District. Mr. Gould said that that revised plans have been submitted addressing concerns of Staff regarding clarification of the proposed walkways and surface treatment at the entrances and exits of the building. As the plans are now in order, Staff recommended approval.

Mr. Bolin asked if the issue of right, title, or interest had been addressed. Planning Officer Gould indicated that it had.

Chairman Theeman asked for a motion. Mr. Damon moved to approve the Site Development Plan to construct a 3,750 sq. ft. dental office at 41V Ridgewood Drive in a General Commercial and Service District for Dr. Mark Carreira, applicant. The motion was seconded and it passed unanimously.

### **APPROVAL OF MINUTES**

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

Chairman Theeman indicated that the Minutes of the October 2, 2012 Planning Board Meeting were in order for approval. Mr. Bolin moved to approve the Minutes of the October 2, 2012 Planning Board Meeting. The motion as seconded and it passed unanimously.

There being no further items for discussion, the meeting was adjourned at 7:18 p.m.

**PLANNING BOARD OF THE CITY OF BANGOR**  
**MEETING OF NOVEMBER 6, 2012**

**MINTUES**

|                               |  |
|-------------------------------|--|
| <b>Board Members Present:</b> | <b>Miles Theeman, Chairman</b><br><b>Paul Bolin</b><br><b>John Kenney</b><br><b>John Miller</b><br><b>Andy Sturgeon</b><br><b>Julie Williams</b> |
| <b>City Staff Present:</b>    | <b>David Gould</b><br><b>Peter Witham</b>  |

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

**CONSENT AGENDA**

Mr. Sturgeon indicated that he has a conflict with Items No. 3 and No. 4 on the Consent Agenda as his employer is the firm who prepared the plans. Mr. Kenney indicated that he has a conflict of interest with Items No. 1 and No. 2 as he is employed by the firm who did the plans for these items. Ms. Williams moved that both Mr. Sturgeon and Mr. Kenney have conflicts of interest on the items on the Consent Agenda. The motion was seconded by Mr. Miller and it passed by a vote of 4 to 0. Both were excused from voting. Chairman Theeman then asked for a motion. Mr. Bolin moved to approve the Consent Agenda. The motion was seconded by Mr. Miller. The Board voted 4 to 0 in favor of the motion. The items approved are as follows:

**Item No. 1:**            **Site Development Plan approval to renovate and expand the existing parking lots and other site improvements located at 140 Hancock Street in a Multi-Family and Service District. Bangor Housing Authority, applicant.**

**Item No. 2:**            **Site Development Plan approval to construct an 874 sq. ft. community building and other site improvements at 194 Griffin Road in a High Density Residential District. Bangor Housing Authority, applicant.**

**Item No. 3:**        **Site Development Plan approval of a revision to an approved 14-space parking lot addition located at 120 Court Street in a Multi-Family and Service District. Prentiss & Carlisle, applicant.**

**Item No. 4:**        **Site Development Plan and Site Location of Development Modification approvals to construct a 33-space parking lot adjacent to Caribou Hall located at 307 Maine Avenue in a Government and Institutional Service District. University of Maine, applicant.**

## **PUBLIC HEARINGS**

**Item No. 5:**        **Conditional Use and Site Development Plan approvals to create 600 sq. ft. of office space in the existing building located at 331 Hammond Street in a Contract Multi-Family and Service District. John Karnes, III, applicant.**

Chairman Theeman opened the Public Hearing and asked for comments from the applicant. Mr. John Karnes explained the he is requesting approval to create 600 sq. ft. of office space within the attached garage portion of the building at 331 Hammond Street. He indicated that this is a 6 unit building and the addition of 600 sq. ft. of office space will not change the footprint of the building as the area is presently being used for storage.

No one spoke in favor of or in opposition to the request. The Chairman closed the Public Hearing and asked for Staff comments. Planning Officer Gould explained that the applicant is requesting Conditional Use and Site Development Plan approvals to convert 600 sq. ft. of area to office space within a portion of the building located at 331 Hammond Street in a Contract Multi-Family and Service District. Mr. Gould indicated that in July, the Board recommended approval of a contract zone change which provided for six units and up to 900 sq. ft. of office space in this building. Also Board granted Final Subdivision Plan approval to give this building its own parcel. The dilemma on this former Seminary site is parking. The redevelopment of the former Seminary property has gone extremely well with the types of uses that presently exist. However, the dilemma has been parking. The applicant is proposing to provide two parking spaces to meet the needs for the 600 sq. ft. of office space use. While this is an historic structure and has been before and received approval by the Historic Preservation Commission, the Board still needs make a determination as to whether it is architecturally compatible with the surrounding structures under the conditional use standards. Traffic generation from 600 sq. ft. of office space will be extremely low. Staff finds that the applicant has met the other Ordinance standards for conditional use review and the submittal requirements. Staff indicated that if the Board found that the application meets the standards for conditional use then it would recommend conditional use and site development plan approvals.

Mr. Theeman asked if there was sufficient parking because of the piece meal approach to redevelopment. Planning Officer Gould indicated that in this case because of the small

area proposed for office use and the fact that the applicant is provided two on-site parking spaces he did not feel that this would be a problem.

Ms. Williams noting that the Historic Preservation Commission has approved the exterior changes to the building indicated that she felt that Mr. Karnes has done an exceptional job on this project.

There being no further discussion, Chairman Theeman asked for a motion. Mr. Sturgeon moved to approve the Conditional Use and Site Development Plan for 331 Hammond Street for John Karnes, III, applicant. Mr. Miller seconded the motion. The motion passed by a vote of 6 to 0.

## **NEW BUSINESS**

**Item No. 6: Site Development Plan approval to construct a 960 sq. ft. building for office use at 58 Bennett Street in an Urban Industry District. Down East Emulsions, LLC, applicant.**

Planning Officer Gould indicated that Staff recommended that this item be continued as there were still some outstanding issues. Mr. Kenney moved to continue this item. Ms. Williams seconded the motion, which passed by a vote of 6 to 0.

**Item No. 7: Site Development Plan and Site Location of Development Modification approvals to add a 36-space parking lot near the NESCOM building and a walkway to the building; a 16-space parking lot expansion east of Bell Hall, and to add a sidewalk between Carlisle Hall and Hart Hall at the Husson University campus in a Government and Institutional Service District. Husson University, applicant.**

Mr. Sturgeon indicated that he has a conflict of interest on this item as his firm prepared the plans for this project. Ms. Williams moved that Mr. Sturgeon has a conflict of interest. Mr. Miller seconded the motion. The Board voted 5 to 0 in favor.

Mr. Aaron Shaw, P.E. with James W. Sewall Company, represented the applicant. He explained that this is a request to add a 36-space parking lot near the NESCOM building, a 16-space parking lot expansion east of Bell Hall and a sidewalk and walkway. Mr. Shaw discussed the details of the various elements of the plan which he broke down into four areas and the Site Location of Development Modification application. John Rubino, Vice President of Administration with Husson University and Jefferson Davis, Landscape Architect with James W. Sewall Company, were also present in support of this application.

Mr. Bolin asked what the intended purpose was for the 36 parking spaces. Mr. Shaw indicated that it was primarily for use of the NESCOM building but he would expect with some events that it would be used for overflow parking for the Gracie Theatre.

Planning Office Gould indicated that the request before the Board depicts four areas (A thru D) which include a new parking lot, expansion of parking by Bell Hall, and two reconfigured walkway areas. All changes for Husson University also need Site Location of Development Act Modification approval. Mr. Gould noted that back in 2005 the University planned their stormwater improvements to accommodate future impervious expansion. Since that modeling was done as they add parking lots, this area is subtracted from that banked impervious area. Mr. Gould indicated that Staff feels that the proposed improvements meet the Ordinance and submittal requirements for both Site Development Plan and Site Location of Development Modification approvals and recommended approval.

There being no comments, Mr. Bolin moved to approve the Site Development Plan and Site Location of Development Modification at One College Circle for Husson University, applicant. Ms. Williams seconded the motion. The Board voted 5 in favor and 0 opposed.

**Item No. 8: Final Subdivision Plan approval of 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.**

Mr. Bob Kelly with Bangor Steam Laundry, LLC explained that they are proposing a 7-lot subdivision at the site of the former laundry at 125 Fern Street and 166 Pearl Street to construct energy efficient, single-family homes. On Lot 7 there presently is a three-unit apartment house. Long-term they plan to remove that three-unit building and replace it with a single-family house. For now, they plan to rent it as a three-unit.

Mr. Bolin had a question about the one-foot strip of open space proposed along the property line of Lot 7. Mr. Kelly explained that this connects to a small out piece that is approximately 2,000 sq. ft. in area which allows Lot 7 to meet the yard requirements of a three-unit building (which requires more square footage than does a single-family home). Their intention is to convert Lot 7 to a single-family dwelling. In doing so, they won't need that type of set up to meet yard requirements for that lot. It is their intention to deed this area to the adjacent neighbor when they convert Lot 7 to a single-family use. When this happens, it will conform to a more traditional layout.

Board Members discussed maintenance of this area. Mr. Kelly indicated that presently it is being maintained by the owner of Lot 79 who has a garden there.

Chairman Theeman asked for Staff comments. Planning Officer Gould noted that the Board granted Preliminary Plan approval a month ago. It was known at that time that there was an existing three-unit building on Lot 7. There was thought that this smaller lot area might be grandfathered. The Code Office came to the conclusion that it was not grandfathered and they needed to add more land to Lot 7 to make it a conforming lot. This explains the configuration of the lotting on the plan. The other discussion item was the depiction of open space on the subdivision. The Land Development Code calls for 5% of the area to be set aside for open space. The Board usually wants to see where the open space is on the plan. The applicant is proposing in conjunction with Lot 7 its connection to the 1900

sq. ft. to meet the requirement for open space. It is an unusual layout for a lot. If in fact they demolish the building on Lot 7, the minimum lot area will decrease and they won't need the additional land. If the Board finds this acceptable, Staff felt that the Final Subdivision Plan meets Ordinance requirements.

Mr. Sturgeon indicated that as proposed the plan indicates the overall concept of what the applicant intends. Mr. Kenney felt that this is a creative approach for this parcel and felt it was a great project for Bangor. Ms. Williams agreed indicating that she felt that this is a clever solution.

Chairman Theeman asked for a motion. Mr. Sturgeon moved that the Board approve the Final Subdivision Plan for a 7-lot subdivision located at 125 Fern Street and 166 Pearl Street in a Contract Multi-Family and Service District for Bangor Steam Laundry, LLC, applicant. Mr. Kenney seconded the motion. The Board voted 6 to 0 in favor of the motion.

## **APPROVAL OF MINUTES**

### **Item No. 9:        **Planning Board Approval of Minutes.****

Chairman Theeman indicated that the Minutes of the October 16, 2012 meeting were in order. Mr. Bolin moved to approve the Minutes of the October 16, 2012 Meeting as printed. Mr. Miller seconded the motion which passed unanimously.

### **Other Business**

Planning Officer Gould noted the upcoming MMA Planning Board Workshop on Thursday, November 8<sup>th</sup> and indicated that there were three slots available for those who wished to attend.

Planning Officer Gould noting that the end of the year was fast approaching asked Board Members if there were any issues they would like Staff to look at regarding ordinance amendments to address situations that the Board has come across this year. If so, he would like to bring them before the Board for a preliminary discussion prior to initiating the formal process for ordinance amendments. He indicated that Staff had been working on two areas. One regarding flag lots as staff has struggled with some of the language for clarification, and the other one regarding district boundaries where commercial/industrial lots abut residential lots. Staff would like to get input from the Board prior to initiating the formal process. It was the consensus of the Board to discuss this at their next meeting.

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 20, 2012**

**MINUTES**

**Board Members Present:** Miles Theeman, Chairman  
Paul Bolin  
Charles Boothby, Alternate Member  
John Kenney  
John Miller  
Julie Williams

**City Staff Present:** David Gould

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

**NEW BUSINESS**

**Item No. 1: Planning Board Discussion of Zoning Amendments.**

Planning Officer Gould explained that Staff brought to the Board for discussion two proposed zoning amendments and one zoning amendment that will be referred to the Board at its December 4, 2012 meeting. He indicated that Staff wanted to give the Board an opportunity to consider this information early on so that any concerns could be considered prior to a final draft of an amendment. The first amendment is to the Zoning Boundaries section of the Land Development Code regarding where two zones abut one another. In 1991 the Land Development Code created the term "transitional yard." In a couple of recent developments it was found that the transitional yard setback when added to the existing building setback created a large undevelopable area of the lots and excessively reduced the buildable area on the lots. The proposed amendment provides alternative language which will still achieve adequate separation for neighboring uses while at the same time not excessively reduce the buildable area on a lot.

The Board discussed the proposed amendment. Mr. Bolin indicated that he is in favor of this alternative approach as it enhances an owner's ability to do a project. Ms. Williams agreed.

Ms. Williams moved that the Board initiate this amendment. Mr. Kenney seconded the motion which passed by a vote of 6 to 0.

Mr. Gould explained that the second amendment is to the "flag lot" provisions of the Land Development Code. The purpose of this amendment is to incorporate changes that have been done in practice. The amendment pertains to the width of the "flag pole," it would eliminate the starting and completion date requirement as a flag lot isn't a construction parcel and approvals of flag lots should run with the property and not be tied to a starting and completion date. Other items include not allowing flag lots on new streets and requiring that the plans be prepared by a registered land surveyor.

The Board discussed the proposed changes. A motion was made and seconded to initiate this amendment for formal consideration. The motion was seconded and it passed unanimously.

Planning Officer Gould discussed an amendment to the Industry and Service District to add vehicular, equipment, mobile home and machinery sales and service in the Industry and Service District. He noted that there is a business located within an I & S District that wishes to add sales and services of trucks. The business has had discussion with the city and the Economic Development Staff has recommended that this District be amended to allow this use.

Mr. Kenney indicated that he has reviewed the I & S districts within the city. He discussed the area along Godfrey Boulevard. He said that because this is a gateway to the Airport that the introduction of these additional uses may not be appropriate. He indicated that he felt that this needs a second look as to what type of uses are allowed in the I & S districts.

Mr. Gould indicated that this area along Godfrey Boulevard is the BIA Industrial/Commercial Subdivision which is controlled by the City. Mr. Gould noted that this amendment is scheduled to come before the Board at its next meeting.

## **Item No. 2: Planning Board Discussion – 2013 Meeting Schedule**

The Board reviewed the tentative 2013 Meeting schedule. It was the consensus of Members not to schedule a meeting the week of July 4 or on the school vacations weeks of February 19<sup>th</sup> and April 19<sup>th</sup>. However, meetings could be scheduled on an as needed basis.

### **Other Business**

The Board discussed attendance at the December 4, 2012 Meeting. Planning Officer Gould indicated that the State has deemed that the City of Bangor's 2012 Comprehensive Plan meets the Growth Management Act. The Board will need to hold a Public Hearing sometime in January and it will need to go before the City Council for approval.

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

Chairman Theeman indicated that the Minutes of the November 6, 2012 Meeting were in order. Mr. Boothby moved to approve the Minutes of the November 6, 2012 Planning Board Meeting. The motion was seconded by Mr. Kenney, and it passed unanimously.

There being no further items for discussion, the meeting was adjourned at 7:42 p.m.

**PLANNING BOARD OF THE CITY OF BANGOR**

**MEETING OF DECEMBER 4, 2012**

**MINUTES**

**Board Members Present:**

**Paul Bolin  
Charles Boothby, Alternate Member  
Doug Damon  
John Kenney  
John Miller  
Julie Williams**

**City Staff Present:**

**David Gould  
Peter Witham**

**PUBLIC HEARINGS**

In the absence of the Chairman and Vice Chairman the Board voted to appoint Mr. Damon as Chairman. Also, Alternate Member Boothby was asked to vote.

**Item No. 1: Amending the Land Development Code, Chapter 165, Section 165-103 – Industry and Service District to add vehicular, equipment, mobile home and machinery sales and service. City of Bangor, applicant. – C.O. # 13-024.**

Acting Chairman Damon opened the Public Hearing and asked for Staff comments. Planning Officer David Gould indicated the proposed amendment was intended to add vehicular, equipment, mobile home and machinery sales and service to the Industry and Service District as a permitted use. Over the years some of the locations within the I&S District have proved desirable for businesses that deal in heavy equipment and truck sales. In a few instances those have been accommodated via rezoning or contract rezoning. In the most recent request to expand a semi tractor trailer facility in the I&S District on Perry Road, the Staff in consultation with the Economic Development Department decided to pursue a text amendment to add that use to the District.

There were no proponents or opponents speaking to the above zoning amendment and Acting Chairman Damon closed the Public Hearing.

Mr. Kenney noted in previous discussions he raised a concern that the land along Godfrey Boulevard was zoned Industry and Service and that would not seem to be a good location for such a use. Mr. Gould noted that he did understand Member Kenney's concern and offered a few points to consider: first, most all of that land is controlled by the City, a good portion in the BIA Industrial Commercial Park; secondly, our experience has been that the office based uses developed in conjunction with the City typically are preceded by a rezoning to General Commercial and Service District (GC&S). Interestingly, the GC&S District allows this use but the "market forces" have not steered the City to entertain that use along Godfrey Boulevard or elsewhere in the Industrial Commercial Park.

The Board discussed how they could appropriately send their message to the Council concerning their general finding that the addition of vehicular sales in I&S in most locations was acceptable, but they did have concern that the area adjacent to Godfrey Boulevard is not likely a location where the City should encourage such uses.

Mr. Gould noted that the Board is tasked with making a recommendation on the amendment before them and does not have the ability to amend it. The Staff report that is forwarded on to the City Council will include the Board's concerns.

The Board discussed whether they should further discuss the City's development policy for Godfrey Boulevard with the Economic Development Office and the appropriate means to convey their concerns to the City Council.

Mr. Kenney moved to recommend to the City Council that the Zoning Amendment to add vehicular, equipment, mobile home and machinery sales and service to the Industry Service Districts as a permitted use as contained in C.O. #13-024 be approved. Mr. Bolin seconded the motion. The Board voted 6 to 0 in favor of the motion.

**Item No. 2:            Amending the Land Development Code, Chapter 165,  
Section 165-68 B – Flag lots. City of Bangor, applicant.  
C.O. # 13-026.**

Acting Chairman Damon opened the Public Hearing. Planning Officer David Gould indicated the proposed amendment was intended to codify a number of standards that the Planning Department has been advising applicants to follow. The half dozen standards have to do with requiring a professional land surveyor develop the plan, insuring the 50-foot access strip is maintained at a minimum fifty foot width throughout the length of the access strip, not including flag lots in circumstances where new streets are being proposed, and clarifying that construction of buildings on a approved flag lot is not under a time constraint as are other Land Development Permit Approvals.

Mr. Damon asked if the proposal deals with split zoned parcels. Planning Officer Gould noted that it does not. The flag lot provision, while predominantly used in residential districts indicates it's an option in all districts. Secondly, there are instances in non-flag lot circumstances where zoning boundaries split a property. Staff elected not to add specific language to flag lots. The Board asked if flag lots would allow for shared driveways. Mr. Gould noted that they would and shared driveways are encouraged in new development to lessen impervious cover and limit impacts on sensitive environmental areas.

No one spoke either in favor of or in opposition to the proposed zoning amendment. Acting Chairman closed the Public Hearing. Mr. Bolin moved to recommend that the City Council approve the Zoning Amendment to the flag lot provisions of 165-68-B as contained in C.O. #13-026. The motion was seconded by Mr. Miller, and it passed unanimously.

**Item No. 3: Amending the Land Development Code, Chapter 165, Section 165-66 - Zoning District Boundaries. City of Bangor, applicant. C.O. # 13-027.**

Acting Chairman Damon opened the Public Hearing. Planning Officer David Gould indicated the proposed amendment was intended to add some flexibility into the standards for transitional yards. The Land Development Code specifies that certain buffers or "transitional yards" be included where commercial or industrial development may abut residential development or similar differing uses. While the provision for landscaping between uses was in the Zoning Code prior in the 1970's, the current buffer yard standards and transitional yard section was created in 1991. At some point around 2005 the setback standard in the transitional yard requirement was doubled from 10 feet to 20 feet along with adjustments in the landscaping requirements in the buffer yards.

In review of two recent projects the 20 foot additional transition yard when added to an existing 30 foot rear yard setback appeared to remove too much land from development. The intent is to provide for some separation or buffer, as well as still accommodate development. The proposed amendment seeks to provide developers two options that allow a lesser setback with a larger buffer or greater setback with lesser buffer.

There were no proponents or opponents to the proposed zoning text amendment. Acting Chairman Damon closed the Public Hearing.

Mr. Damon did have concerns as to whether reductions in the separation between such uses would adversely impact some homeowners. Ms Williams noted that she thought the proposed language offered some balance and did not want to have the

language consume more of a commercial property owners land than reasonably necessary.

The Board discussed various scenarios of development where commercial development abuts residential development and whether the Board should be able to consider noise impacts in such situations. Mr. Gould noted the Board is tasked with reviewing plans based on the standards adopted by the City Council. If the Board would like to review some additional standards Staff can look into that, but they need to review applications based on the standards in place.

Ms. Williams moved to recommend that the City Council approve the proposed amendment to the standards of "zoning district boundaries" - 165-66 as contained in C.O. #13-027. The motion was seconded by Mr. Miller. The Board voted four in favor and two opposed.

### **APPROVAL OF MINUTES**

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

Acting Chairman Damon indicated that the Minutes of the November 20, 2012 Meeting were in order. Mr. Boothby moved to approve the Minutes of the November 20, 2012 Meeting. Mr. Kenney seconded the motion, which carried unanimously.

#### **Other Business**

The Board requested that staff look into how other municipalities in the State handle noise. The Board would like to see what standards they use and have staff provide a comparison between them. Board Members felt that while they find themselves sympathetic to neighbor concerns there are no standards available for them to consider. The Board noted the quarry on Outer Union Street and the concerns of the neighbors.

The Board discussed the area along Godfrey Boulevard. Ms. Williams moved to direct the Planning Staff to invite the Economic Development Staff to meet with the Board to discuss development and zoning on Godfrey Boulevard. The motion was seconded by Mr. Boothby. The motion carried unanimously.

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