

PLANNING BOARD OF THE CITY OF BANGOR

MEETING OF AUGUST 16, 2011

MINUTES

Board Members Present:

**Miles Theeman, Chairman
Charles Boothby, Alternate Member
John Kenney
John Miller
Julie Williams**

City Staff Present:

**David Gould
Peter Witham
Lynn Johnson**

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

CONSENT AGENDA

Mr. Kenney asked that Item No. 1 be removed from the Consent Agenda. Chairman Theeman indicated that Item No. 1 would be considered under New Business.

PUBLIC HEARINGS

Item No. 2: Conditional Use/Site Development Plan approval for construction of a 36 sq. ft. addition for use as a "cash window" and modifications to the existing drive-thru and parking lot located at 632 Broadway in a Shopping and Personal Service District. McDonald's Corp., applicant.

Mr. Miller asked the Board to determine whether or not he has a conflict of interest on this item as the applicant leases land he owns on Main Street for another restaurant. He indicated that he did not have any interest in this site. Mr. Theeman

made a motion that Mr. Miller does not have a conflict. The motion was seconded and passed unanimously.

Chairman Theeman opened the Public Hearing. Mr. Anthony Guba, with Ayoub Engineering in Rhode Island, represented the applicant. Also present were Tessa Bernstein with McDonald's USA and Mr. Marty Eckman the franchisee. Mr. Guba indicated that this is a minor update to the approved site. The applicant wants to construct a 36 sq. ft. addition for a "cash window." He indicated that this use requires 37 parking spaces. They presently have 69 spaces but with the proposed improvements that number will be reduced to 62 spaces which are well above the number required. The propane tanks on the site are to be removed as they are proposing to tie into the natural gas lines available on Broadway. They are also proposing to create a travel lane which will cross the front of the site for someone who wishes to re-enter the drive thru lane without having to go onto Broadway to re enter the site. He explained that the proposed changes to the site are to make the process more efficient in terms of ordering, pick up, and maneuvering. The façade on the building will be updated and will look very similar to their restaurant on Main Street.

Mr. Guba indicated that they have been working with the Code Enforcement Office regarding signage and that they need to submit a new lighting plan in conformance with the City's lighting standards.

No one spoke in opposition and Chairman Theeman closed the Public Hearing and asked for Staff comments. Planning Officer Gould indicated that this is a request for Conditional Use and Site Development Plan approvals. Mr. Gould discussed the conditional use standards of the district as well as the four general conditional use standards. Mr. Gould indicated that Staff feels that the conditional use criteria have been met. Regarding the site, the impervious surface ratio does not meet current standards but because this restaurant was originally built prior to the adoption of the impervious surface ratio standards, those standards are grandfathered. However, with the proposed improvements to the site, the Impervious Surface Ratio has been reduced slightly.

Mr. Kenney moved to approve the Conditional Use/Site Development Plan for construction of a 36 sq. ft. addition for use as a "cash window" and modifications to the existing drive-thru and parking lot located at 632 Broadway in a Shopping and Personal Service District, McDonald's Corp., applicant, with the condition that the applicant submit a lighting plan in compliance with the City of Bangor's Land Development Code standards, if new lighting is proposed. Mr. Boothby seconded the motion which carried by a vote of 5 to 0.

NEW BUSINESS

Item No. 1: Site Development Plan Revision approval to reconfigure the parking lot and for a driveway modification for the proposed three-story hotel (Hampton Inn) located at 261V and 271V Haskell Road in a General Commercial and Service District. Hasko, LLC, applicant.

Mr. Fred Marshall with Plymouth Engineering represented the applicant. Also present was Tony Valley with Hasko, LLC. Mr. Marshall indicated that they are requesting approval of a modification to their approved Site Development Plan. At the time of the original approval the Fire Prevention staff had requested a second means of egress on the site. The Hampton Inn did not wish to have emergency vehicles drive up to the front of the hotel. The applicant has negotiated an easement with the abutting property owner to construct a 24 foot, two-way driveway for use as their second means of egress.

Planning Officer Gould indicated that the applicant has secured an easement to build and maintain a driveway to serve as the second means of access. Earlier in the day the Engineering Office Staff expressed concern about any affect adding more impervious surface area would have on the stormwater system and they requested that additional information be provided. As there was not enough time for the applicant to submit this information, Staff suggested that as a condition of approval, that the applicant submit sufficient information to the City's Engineering Office to give assurance that the added impervious surface would not have an effect on the stormwater system. Mr. Gould indicated that all other details were in order and Staff recommended approval with the additional condition that all improvements under the applicant's Traffic Movement Permit be constructed prior to occupancy.

Mr. Kenney moved that the Board approve the Site Development Plan Revision to reconfigure the parking lot and for a driveway modification for the proposed three-story hotel (Hampton Inn) located at 261V and 271V Haskell Road in a General Commercial and Service District for Hasko, LLC, applicant, with the conditions that: 1) all off-site traffic improvements included in TMP 04-00009-A-N be completed prior to occupancy; and 2) sufficient information be provided to the City Engineering Office that the proposed stormwater improvements will accept the additional impervious surface and meet the stormwater standards of the Land Development Code. Mr. Miller seconded the motion. The Board voted 5 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 August 2, 2011 Meeting were in order for Board approval. Mr. Miller moved to approve the Minutes of the August 2, 2011 meeting. The motion was seconded by Mr. Boothby. The motion passed by a vote of 5 to 0.

As there were no other items for discussion, the meeting was adjourned at 7:23 p.m.

PLANNING BOARD OF THE CITY OF BANGOR

MEETING OF SEPTEMBER 6, 2011

MINUTES

Board Members Present:

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

City Staff Present:

**David Gould
Art Morgan
Lynn Johnson**

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

CONSENT AGENDA

As no one wished to remove the item for discussion, Vice Chairman Sturgeon asked for a motion.

Mr. Bolin moved to approve the Consent Agenda. The motion as seconded by Ms. Williams and it passed by a vote of 5 to 0. The item approved is as follows:

Item No. 1: Site Development Plan and Site Location of Development Modification approvals to construct a new skate park at 511 Maine Avenue in an Airport Development District. City of Bangor, applicant.

NEW BUSINESS

Item No. 2: Final Subdivision Plan revision approval to realign the lot lines between Lot 2A in the Pine Ledge II Subdivision and Lot 5A in the John Hess Subdivision located on Pine Ledge Road in a Rural Residence and Agricultural District. Richard Trott and Kristal Loura, applicants.

Mr. Richard Trott explained that he is requesting Final Subdivision Plan approval in order to sell some of his land to an abutting property owner.

Mr. Sturgeon asked if both lots would meet the minimum lot area if this plan is approved. Mr. Gould indicated that they would. Mr. Gould indicated that this revision would transfer land area between abutting property owners. Revised plans were submitted by the applicant's agent indicating the proposed land areas to be transferred. Staff reviewed the proposed plan and found it acceptable.

Mr. Bolin moved that the Board approve the Final Subdivision Plan revision to realign the lot lines between Lot 2A in the Pine Ledge II Subdivision and Lot 5A in the John Hess Subdivision located on Pine Ledge Road in a Rural Residence and Agriculture District. Richard Trott and Kirstal Loura, applicants. The motion was seconded by Mr. Miller. The Board voted 5 to 0 in favor of the motion.

Item No. 3: Site Development Plan approval to fill and grade property located at 281V Haskell Road in a General Commercial and Service District. Webber Oil Company, applicant.

Mr. Fred Marshall with Plymouth Engineering represented the applicant, Webber Oil Company. He explained that this item and the next one are for fill and grade activities on Haskell Road. He indicated that there was a considerable amount of soil that was left over from construction of Haskell Road. It is their goal to take the remaining soil and use it to prepare Lot 9 for future use. He indicated that the Engineering Staff had concerns regarding stabilization of the site and had requested that the applicant submit an erosion and sedimentation plan.

Planning Officer David Gould indicated that the Planning Staff found the site plan consistent with the Land Development Code's requirements for filling, grading and earthmoving activities. However, the Engineering office had concerns regarding stabilization of the fill activity. City Engineer Art Morgan explained that this earth moving activity is very close to Meadowbrook Stream which is an urban impaired stream and it is vital to protect this slope to prevent soil erosion into the stream. Mr. Morgan indicated that in the event that the applicant cannot complete the fill and grade activity prior to October 1st that additional bark mulch sediment barriers need to be constructed and requested that the applicant prepare a sediment and erosion control plan due to its potential proximity to the stream.

Board Members discussed the timeframe for completion of the fill and grade activity, submission of a sediment and erosion control plan, and the extension of time from October 1st to October 15th as the cutoff date for requirement bark mulch barriers.

Mr. Bolin moved that the Board approve the Site Development plan to fill and grade property located at 281V Haskell Road in a General Commercial and Service District for Webber Oil Company with the conditions that: 1) All filled and graded areas shall be stabilized by October 15th or additional bark mulch sediment barriers shall be constructed; and 2) that the applicant shall prepare a sediment and erosion control plan satisfactory to the City Engineer that includes a minimum of two on-site inspections. Mr. Boothby seconded the motion. The Board voted 5 to 0 in favor of the motion.

Item No. 4: Site Development Plan approval to fill and grade the retained land area of the Haskell Road Subdivision located at 241V Haskell Road in a General Commercial and Service District. Webber Oil Company, applicant.

Mr. Fred Marshall with Plymouth Engineering represented the applicant, Webber Oil Company. He explained that this fill and grade has the same issues as the previous application. This lot is the remaining portion of Webber's holdings that they are retaining for future development. Mr. Marshall indicated that this application has the same issues as the previous application and they would be happy to prepare a revised plan addressing those concerns.

City Engineer Art Morgan indicated that part of the proposed fill activity is within 25 feet of the upland edge of the wetland and it should be relocated outside of this setback, Also, he noted that the fill should be drawn back five feet from the barrier. Mr. Morgan indicated that an inspection plan should be prepared to coincide with the applicant's proposed winter construction timing and that no calculations were provided for the size of the culvert. approval.

Mr. Marshall indicated that the applicant is amenable to amending the plans to indicate the size of the culvert, to move the fill activity outside of the 25 foot area of the upland edge of the wetland, and submission of a sediment and erosion control plan.

Planning Officer Gould indicated that the Planning Staff found the site plan consistent with the Land Development Code requirements for filling, grading and earthmoving activity. Staff recommended approval conditioned upon the applicant's addressing the engineering office's issues with the plan.

Ms. Williams moved that the Board grant Site Development Plan approval to fill and grade the retained land area of the Haskell Road Subdivision located at 241V Haskell Road in a General Commercial and Service District for Webber Oil Company, applicant with the conditions that the applicant submits a revised plan that: 1) indicates all fill activity will not be

placed within 25' of the upland edge of the wetland; 2) includes the dimension of a new culvert to be installed and the dimensions of the culvert will be placed on the plan, 3) that all fill areas shall be contained within the sediment control barrier; 4) that all filled and graded areas shall be stabilized by October 15th or additional bark mulch sediment barriers shall be constructed; and 5) that the applicant shall prepare a sediment & erosion control plan satisfactory to the City Engineer that includes a minimum of two on-site inspections. Mr. Boothby seconded the motion which passed unanimously.

APPROVAL OF MINUTES

Item No. 5: Planning Board Approval of Minutes.

Vice Chairman Sturgeon indicated that the Minutes of the August 16th Meeting were before the Board for approval. Mr. Miller moved to approve the Minutes of the August 16, 2011 planning Board Meeting. Ms. Williams seconded the motion. The Board voted 5 to 0 in favor of the motion.

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 SEPTEMBER 20, 2011

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

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

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 7 to 0. The items approved are as follows:

Item No. 1: Site Development Plan and Site Location of Development Modification approvals to construct a 14,583 square-foot building for office and warehouse space at 498 Maine Avenue in a Contract Airport Development District. Bangor Gas Company, applicant.

Item No. 2: Site Development Plan approval to revise the landscape plan at 77 Exchange Street in a Downtown Development District. 75-77 Exchange Street, LLC, applicant.

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

Vice Chairman Sturgeon indicated that the Minutes of the September 6, 2011 meeting were in order. Mr. Bolin moved to approve the Minutes of the September 6, 2011 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 7:03 p.m.

PLANNING BOARD OF THE CITY OF BANGOR

MEETING OF OCTOBER 4, 2011

MINUTES

Board Members Present: Miles Theeman, Chairman
Paul Bolin
John Miller
John Kenney
Andrew Sturgeon
Charles Boothby, Alternate Member

City Staff Present: David Gould

Chairman Theeman called the meeting to order at 7:00 p.m. Chair Theeman noted in the absence of Members Williams and Damon, Alternate Member Boothby could vote.

PUBLIC HEARINGS

Item No. 1: To amend the Land Development Code by changing part of a parcel of land located at 107 Court Street from Urban Residence 2 District to Multi-Family and Service District. Said part of a parcel containing approximately 42,000 sq. ft. Prentiss & Carlisle Co., Inc., applicant. C.O. # 11-291.

Board Member Sturgeon disclosed that his firm was working with Prentiss and Carlisle but they did not represent them on this rezoning application. The remaining Board Members voted that Mr. Sturgeon did not have a conflict of interest.

Chairman Theeman opened the Public Hearing and asked the applicant to make a brief presentation. Mr. Ben Carlisle of Prentiss & Carlisle indicated that they had been working with the City Staff to find a way to expand their office building on Court Street. The rezoning to M&SD along with some other changes should enable them to proceed.

There were no other proponents or opponents to the rezoning request. Chairman Theeman closed the Public Hearing and asked for Staff comments. Planning Officer David Gould indicated that the City had discussed several options available to Prentiss & Carlisle concerning their potential expansion. While a rezoning to a commercial district would be difficult, even if it contained contract conditions, the designation of the historic property (William Augustus Blake House) as a historic landmark coupled with a rezoning to Multi-family and Service District (M&SD) and a revision to the Arterial Street requirement would create an opportunity for Prentiss & Carlisle to expand.

Mr. Gould noted the Comprehensive Plan designates the property as high density residential and URD-2, specifically. The more restrictive zoning policy was part of a city-wide attempt to curtail the conversion of single-family homes into multi-unit buildings in the City's core. Recently, the Planning Office has supported limited new multi-family projects where such reconstruction would eliminate an older nonconformity or an abandoned building. The Knights of Columbus building next door was an example of allowing the building to be rezoned to M&SD and to rehabilitate the old K of C Hall. The development density of this parcel is largely controlled by the Shoreland Zoning density limitations due to its frontage on the Kenduskeag Stream.

In this instance the building has been Prentiss & Carlisle's corporate headquarters since 1947. This historic structure is now protected from any inconsistent exterior changes. It is Staff's view that the rezoning represents a win-win situation. The City will get to review any exterior changes to the historic building and Prentiss & Carlisle will get to expand their office space. While there has been a good deal of functional obsolescence on Court Street, Prentiss & Carlisle has been one continuous and steady influence to help improve conditions of the neighborhood.

Chairman Theeman asked for a motion. Mr. Kenney moved to recommend that the City Council adopt the zone change request contained in C.O. # 11-291, 107 Court Street, Prentiss & Carlisle. Mr. Boothby seconded the motion which passed by a vote of 6 to 0.

APPROVAL OF MINUTES

Item No. 2: **Approval of Minutes.**

Mr. Boothby moved to approve the Minutes of September 20, 2011 Meeting. The motion was seconded by Mr. Bolin, and it passed unanimously.

There being no further discussion, the meeting was adjourned at 7:12 p.m.

PLANNING BOARD OF THE CITY OF BANGOR

MEETING OF OCTOBER 18, 2011

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
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.

PUBLIC HEARINGS

Item No. 1: To amend the Land Development Code by changing two parcels of land located at 615 and 617 Odlin Road from Industry and Service District to Contract Urban Industry District. Said parcels containing approximately 17.83 acres. SAK and SAK Co., applicants. C.O. # 11-302

Vice Chairman Sturgeon opened the Public Hearing and asked for a presentation. Ms. Carol Epstein a partner of SAK and SAK Co. represented the applicant. Ms. Epstein explained that this property was developed and used by the telephone company. The 39,000 sq. ft. building housed the telephone company's offices (16,000 sq. ft.) and truck garage. The building as presently zoned Industry and Service allows for manufacturing uses but does not allow for office use independent of a permitted

industrial use. Under the current market, there is little demand for manufacturing space. The applicant has a potential tenant (a gymnastics school) who is looking for a warehouse area with high ceilings. In order to accommodate this use, they are requesting a contract zone change.

No one else spoke either in favor of or in opposition to the request.

Planning Officer David Gould indicated that the property at 615 Odlin Road was the site of the former New England Telephone which is a 17-acre property with a 39,572 sq. ft. building with approximately 4 acres of improved parking, loading and maneuvering space. This property is serviced by public sewer and water. The property at 617 Odlin Road is a single-family dwelling which does not have access to public sewer. Mr. Gould discussed the Comprehensive Plan's Land Use and Zoning Policy maps for this area noting that the land adjacent to the Dowd Industrial Park is identified as Industry and Service and the other areas are identified as Urban Industry District. The Industry and Service District is a purely industrial district which does not allow retail office or service use. The Urban Industry District was designed for older developed industrial areas and allows greater flexibility.

Mr. Gould explained that the applicant has requested a contract zone change and has offered conditions which will not allow a solid waste facility, petroleum storage facility, or junk yard. The proposed conditions also apply the Industry and Service District development standards to the property. The conditions, as proposed, will prevent some of the more inappropriate uses that are allowed in the Urban Industry District but not in the Industry and Service District and will provide development standards such as Impervious Surface Ratio, height limits and a minimum lot size which will be more appropriate to a developing area. Mr. Gould indicated that Staff recommended that the area of the rezoning be limited only to that area which will accommodate reuse within the area of the existing developed site in an attempt to preserve as much land as possible for industrial use. Mr. Bolin agreed with Mr. Gould that this is a somewhat extreme step to accommodate a seemingly innocuous land use.

The Planning Board discussed the contract conditions, and the area of the site needed to accommodate the reuse of this building. Ms Epstein noted that the existing telephone property including the pole yard extends 875 feet back from Odlin Road.

Mr. Damon moved to recommend to the City Council that the contract zone change request contained in C.O. # 11-302 from Industry and Service District to Contract Urban Industry District for two parcels of land located at 615 and 617 Odlin Road for SAK and SAK Co., be approved. Mr. Boothby seconded the motion. Mr. Bolin moved to amend the motion to reduce the area of the contract zone change to a distance of 875 feet back from Odlin Road. Mr. Kenney seconded the motion. Mr. Damon moved to amend his motion to include the amendment to reduce the area of

the zone change. Mr. Boothby seconded the amended motion. The Board voted 7 to 0 in favor of the motion to recommend as amended.

Item No. 2: Conditional Use and Site Development Plan approvals for a quarry located at 1545 Union Street in a Rural Residence and Agricultural District. Harvey Sprague, applicant.

Vice Chairman Sturgeon opened the Public Hearing. Planning Officer Gould noted that the applicant's agent had requested that this item be continued to the Board's November 1, 2011 meeting as he could not attend the meeting.

The Board Members discussed allowing those abutting property owners who were present to speak. As the applicant's agent was not present to make a presentation, it was the consensus of the Board to continue this item to its November 1, 2011 meeting. Mr. Bolin moved to continue the Public Hearing to the Board's Meeting on November 1, 2011. Mr. Miller seconded the motion, which carried unanimously.

NEW BUSINESS

Item No. 3: Site Development Plan and Site Location of Development Modification approvals to construct outdoor volleyball and basketball courts, revise a parking area, and widen the walkway entrance to the NESCOM building at 1 College Circle in a Government and Institutional Service District. Husson University, applicant.

Mr. Don Becker, P.E. with CES, Inc. represented the applicant. He indicated that the Planning Staff discussion in the Staff Memo did a good job at outlining the proposal and that he was available to answer any further questions the Board may have.

Mr. Bolin discussed the Board's concern regarding pedestrian safety with a previous application from the applicant and asked if this was proposed in the same area. Mr. Gould indicated that this was not the same parking lot. Mr. Bolin stressed that he felt that the University should be encouraged to add security measures on campus.

Ms. Williams asked if the applicant had addressed the concerns/suggestions of the Engineering Department that were noted in the Staff Memorandum. Mr. Gould indicated that there are still some suggestions from the Engineering Department regarding the design of the underdrain that they felt might better serve the site. When asked if the applicant was comfortable with the designs presented, Mr. Becker indicated that they were comfortable with the plans as they proposed.

Sara Suyama, an abutting resident at 42 Husson Avenue, indicated that she is against this project. She indicated that the existing lighting on the site is pointing out onto Husson Avenue rather than pointing down on the fields. She questioned why the volleyball and basketball courts were proposed to be outside rather than inside; and indicated that she is concerned that the applicant does not patrol the parking lots on these facilities. She also questioned why the applicant submitted incomplete plans.

Planning Officer Gould indicated that this is an application for Site Development Plan and Site Location of Development Act Modification approvals to construct outdoor volleyball and basketball courts, revise a parking area, and widen the walkway entrance to the NESCOM building at the Husson University Campus at 1 College Circle. Mr. Gould indicated that Staff recommended that the Board approve these applications but added that if the applicant or their designers wished to incorporate any of the City Engineer Department's suggestions that revised plan could be submitted or they could be made as a condition of approval.

Mr. Bolin moved that the Board approve the Site Development Plan/Site Location of Development Modification to construct outdoor volleyball and basketball courts, revise a parking area, and widen the walkway entrance to the NESCOM building at 1 College Circle in a Government and Institutional Service District for Husson University, applicant. Ms Williams seconded the motion. The Board voted 7 to 0 in favor of the motion.

Item No. 4: Site Development Plan approval to construct a 1,609 sq. ft. addition to the existing building, create additional parking and a gravel lay down area at 160 Perry Road in an Industry and Service District. Gaftek, LLC, applicant.

Mr. Don Becker, PE with CES, Inc. represented the applicant. Mr. Becker explained that this is a small addition to the existing building. The applicant is also creating some additional parking and a gravel area to store equipment.

Mr. Bolin asked if Staff concerns regarding signage, outdoor lighting, and dumpsters had been addressed. Planning Officer Gould indicated that the applicant had submitted revised plans which addressed all these concerns except for outdoor lighting which will need to comply with Section 165-81. Planning Officer Gould indicated that all of the details of the amended plans are in order and Staff recommended approval.

Mr. Bolin moved that the Board approve the Site Development Plan to construct a 1,609 sq. ft. addition to the existing building, create additional parking and a gravel lay down area at 160 Perry Road in an Industry and Service District. Mr. Miller 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 October 4, 2011 meeting were in order. Mr. Bolin moved to approve the Minutes of the October 4, 2011 Planning Board Meeting, as printed. Mr. Miller seconded the motion, which carried unanimously.

Other Business

The Board discussed requesting an overview of Husson University, a possible site visit by the Board and the preparation of an overall location map of the University.

There being no further items for discussion, the meeting was adjourned at 8:07 p.m.

PLANNING BOARD OF THE CITY OF BANGOR

MEETING OF NOVEMBER 1, 2011

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
Paul Nicklas
Peter Witham
Lynn Johnson**

News Media Present:

Bangor Daily News

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

PUBLIC HEARINGS

Item No. 1: Conditional Use and Site Development Plan approvals for a quarry located at 1545 Union Street in a Rural Residence and Agricultural District. Harvey Sprague, applicant.

Chairman Theeman, noting that this Public Hearing was continued from the Board's October 18, 2011 meeting, reopened the Public Hearing and asked for comments from the applicant or his representative. Mr. Randy Gardiner, 505 Davis Road, indicated that Mr. Sprague is the owner of the property and he is the operator of the quarry. In 2006, the Board granted conditional use and site development plan

approvals for this use. The approval was good for five years with the option for a three year extension. However, the approval lapsed as they did not apply for the three year extension. In order to continue, it was determined that they needed to submit a new application and obtain re-approval. He indicated that they are actively mining the quarry, the operation and hours of operation remain unchanged from the original application, and they are requesting approval under the same conditions as the original permit. Mr. Gardiner offered three letters written by abutting property owners in support of this application.

Chairman Theeman asked for comments from proponents. There being none, he asked for opponents. Mr. Martin Lloyd, who owns property at 124 Yankee Avenue, spoke in opposition. Mr. Lloyd asked what uses are permitted in the RR & A District. He questioned the hours of operation and limits, why they were allowed to dynamite, and why the neighboring property owners were not notified before they proposed to blast. Mr. Lloyd indicated that there was one instance when the quarry was operated during the night. However, Mr. Gardiner addressed this and took care of it immediately. He also noted that his foundation was showing signs of cracking.

Planning Officer Gould discussed the permitted and conditional uses allowed in the Rural Residence and Agricultural District (RR & A). He noted that it is a somewhat unusual district as it encompasses a large portion of the outlying area of Bangor which is not served by sewer and water. The District was originally intended for agricultural farmlands and crops. There has been a huge demand to develop housing in the rural area and it is dispersed throughout the RR & A District. Being a rural area, there are a lot of other uses that the City has said are permitted such as farming, having animals and other things like quarries. He pointed out that the uses in the RR & A District are not the same as those in the Low Density Residential District for which Mr. Lloyd's property is zoned. Mr. Gould indicated that quarries are a conditional use in the RR & A District.

Mr. Theeman explained that in the City of Bangor blasting requires a separate permit that is issued by the City Engineer's Office. The Planning Board's purview is to determine whether the use is appropriate in a RR & A District. The issues and technicalities associated with blasting is an issue to be considered by the City Engineer's office when issuing a permit.

Mr. Gould followed-up by saying that the City Council has already made the determination that a quarry is a conditional use in the RR & A. It is up to the Planning Board to determine that the specific application meets the ordinance requirements for that use.

Mrs. Jane Winship, 125 Yankee Avenue, spoke in opposition. She said that she felt that this area is more residential in nature than agricultural. She asked why the Board is considering a new application but using old data. She said she felt that things

have changed since the 2006 approval and she questioned how they could operate without benefit of a permit. She indicated that when they blast the dust is horrific, the dump trucks bang loudly, and only three on the street were given notice. She asked if this new permit, if granted, would be for three years.

Planning Officer Gould indicated that the applicant received conditional use and site development plan approvals from the Planning Board in 2006. That approval was good for five years with the option that the applicant could ask the Planning Board to extend the permit for another three years. Because the five year permit expired and the applicant did not apply for a three year extension, they needed to come back to the Planning Board for re-approval in order to operate the quarry. A new approval would be for five years.

Ms. Elaine Brown, 1434 Ohio Street (Sable Ridge) asked if there was a standard for decibels from the blasting, who is responsible for paying for any damage associated with any blasting, and if there had been a study conducted that would indicate the amount of radon that would be released into the air from the blasting.

Mr. Gardner explained that the City Ordinance specifies a level of 129 decibels, the Maine Department of Environmental Protection has a level of 130 decibels. The Federal level is 133 decibels which is what they call an annoyance level. He indicated that on their most recent blasts they had a decibel reading of 131 at a distance of over 250 feet which is over the City of Bangor's minimum guidelines and the MDEP guidelines. He indicated that they have blasted seven times in the quarry. The preliminary work leading up to the blasting and drilling typically lasts two or three days, it is loud, annoying and obnoxious. Mr. Gardner discussed the pre-blast survey process noting that it is done by an independent company who video graphs the inside and outside of the home, does a walk through and checks for existing damage. This is done to protect both the homeowner and the quarry owner. The seismology tests to date have indicated that they have not exceeded any maximum.

Reverend Ted Evertsen, pastor of the Hope Lutheran Church on Union Street, asked if any radon issue should be taken up by an environmental department. Mr. Ken Smith with Maine Drilling and Blasting indicated that he has 37 years of experience in the industry. About a decade ago there was concern when radon was identified as a carcinogen and was found to be prevalent in people's homes. At that time there was a concern that there may be some connection to blasting. Research by the Federal government and others to date indicates that there hasn't been a connection found between radon and blasting.

Ms. Debra Turcotte, 97 Sunny Hollow Place, said that it is shocking when there is blasting, the noise is unbelievable, and the trucks are noisy. They have only received one notice of blasting since they moved there 7 years ago. She said that the neighbors should not have to put up with this. This area is more of a residential area

not an industrial area. She said that she wants peace and quiet and does not want the value of her home destroyed because someone wants to expand a quarry right next door to a residential neighborhood. She said that the evidence presented indicated that the applicant's operation has exceeded the noise levels, the hours of operation, and there was a fire that took three days to put out. She felt that this operation was unacceptable in this neighborhood.

Ms. Jody MacGreagor, 1477 Union Street, indicated that she was present when the applicant was before the Board in 2006. At that time she had no issues with what they had proposed such that no blasting would be done within 300 feet of her property line and that no tree growth would be removed within 100 feet from her property line. This has not been the case. This last blast was 130 feet from her property line. Ms. MacGreagor indicated that 30' of tree growth has been cut back from her property line. She said that they cut it and just left it. There also was a huge fire in the quarry last summer. She indicated that she does not have an issue with people doing business but didn't feel that it was done the way they said it was going to be done.

Mr. Gardner explained that State Law sets the limits for blasting within a distance from a property line. Nowhere in either of the applications (the first and this one) is the 300 foot delineation that was mentioned. The law allows them to blast within 100 feet of the property line. Mr. Gardner indicated that it was his understanding that the permit was in place up until June of this year and both permit applications follow State guidelines that say that blasting can be done within 100 feet of the property line. In addition to that there is to be a buffer. In response to the comment that the tree line was cut along Ms. MacGreagor's property line, Mr. Gardner explained that one of the conditions of the previous Planning Board approval was that they install a fence above the quarry head. They did put up a fence and this is the reason for the tree clearing which was done with an excavator. Ms. MacGreagor called the Spragues and complained about the operation. They stopped clearing and the trees were left there. Mr. Dan Sprague finished cutting an area for the fence by hand to make the clearing smaller in response to her complaint. Regarding the fire, the stumps and debris from the clearing spontaneously combusted due to the very hot weather. They worked for three days containing the fire. Mr. Gardiner indicated that they have only received one damage complaint the entire time they have operated the quarry and that was from Mrs. Boody who resides on Union Street. There was some damage to her pool, and while they did not think it was from their operation they took care of it anyway.

Ms. Elizabeth Bushnell of Doe Drive indicated that she felt that this area is not as rural as it was previously. She has lived there for the last 2.5 years and no one has approached her about a pre-blasting survey. She questioned whether it is appropriate to allow them another permit if they have not done it as it was approved before.

Mr. Gardner indicated that the blasting permits are issued annually and pre-blast surveys can roll over. He indicated that he would discuss notifications with the blasting

company. He discussed the state guidelines for blasting and actions that he has taken to address complaints from neighbors during the five years that the quarry has been in operation.

Reverend Ted Evertsen suggested that there needs to be a compromise between the operator and the property owners to mitigate impacts. He said that working together could make this an amenable operation for everyone. Mr. Martin agreed and suggested that the parties get together and agree on the hours of operation.

Mr. Damon asked about the blasting process. Mr. Gardner indicated that blasting permits are acquired by the blasting company. He indicated that he intends to address the issue of notifications of neighboring properties with the blasting contractor. Mr. Gardner also noted that the City Engineer's Office has started a call list for those who wished to be notified of the blasting schedule.

Mrs. Winship asked about ordinances regarding hours of operation. Mr. Gould indicated that the City's Ordinances do not have a provision for hours of operation. For example, plow trucks, garbage trucks, etc. The Board is not the policing entity for the City.

Chairman Theeman closed the Public Hearing. Planning Officer Gould indicated that the quarry and its 50 plus acres are located in the Rural Residence and Agricultural District. The Sunny Hollow development and Yankee Avenue on the other side of Ohio Street is in a Low Density Residential District. They are in a different zoning district which is why they have sewer and water service and much smaller lots. The operation that is before the Board is the same as what was before the Board in 2006. Development activity has gone down dramatically such that their need and use for material is a fraction of what they thought it was going to be back in 2006. So, only a part of the area that they asked for in 2006 was actually removed from the site. What the applicant is asking the Board to approve is essentially the same application as that in 2006 to remove the remaining material. They have not increased the size of the area quarried. Staff wanted to make clear that the board has certain standards relative to what the applicant must do and meet in terms of approval. The operation of the facility on a day to day basis isn't under the control of the Board.

Mr. Damon asked how the number of trucks entering the site was regulated. Mr. Gould indicated that it is not regulated. It is an estimate as to how much material they feel that they can pull out of the quarry.

Mr. Theeman asked what latitude the Board has in terms of applying conditions to the approval such as requiring the applicant to provide pre-blast notices to the residents, insuring that all of the residents of the area who are within the 250 foot corridor be given pre-blast surveys, and encouraging the applicant to get together with

the area residents regarding areas of hours of operation. Mr. Gould indicated that he was comfortable with the Board dealing with the hours of operation of the facility. Other elements are beyond the control of the Board.

Mr. Sturgeon asked Mr. Gardner if there was any leeway on the hours of operation. Mr. Gardner indicated that he would be happy with a starting time of 6:30 a.m. and a closing time of 6:00 p.m. and 2:00 p.m. on Saturday.

Theeman asked if there was a way to modify the warning signals so that the people on Ohio Street could hear them. Mr. Gardner indicated that due to the complaints raised from their last blasting, the City Engineer's Office has started a call list for the people who would like to be on it. He also suggested that they add a second posting on the Ohio Street side.

There being no further discussion, Chairman Theeman asked for a motion. Mr. Sturgeon moved that the Board approve the Conditional Use/Site Development Plan on the condition that the hours of operation are from 6:30 a.m. to 6:00 p.m., Monday through Friday and 6:30 a.m. to 2:00 p.m. on Saturdays. Mr. Damon seconded the motion which carried by a vote of 7 to 0.

APPROVAL OF MINUTES

Item No. 2: Planning Board Approval of Minutes.

Chairman Theeman indicated that the Minutes of the October 18, 2011 Meeting were in order. Mr. Bolin moved to approve the Minutes of the October 18, 2011 as printed. Mr. Miller seconded the motion, which passed unanimously.

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 NOVEMBER 15, 2011

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
Art Morgan
Peter Witham
Tracy Willette
Dana Wardwell
Lynn Johnson**

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

CONSENT AGENDA

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

Item No. 1: Site Development Plan approval to construct a 2,030 sq. ft. addition to an existing building at 82 Nadine's Way for use as office space in an Industry and Service District. N.S. Giles, Foundations, Inc., applicant.

Item No. 2: **Site Development Plan approval to construct a 10,992 sq. ft. building for office and warehouse use at 15 BanAir Road in an Urban Industry District. Lead Mountain Properties, applicant.**

NEW BUSINESS

Item No. 3: **Site Development Plan approval of a leaf composting and storage facility located on Finson Road in a Rural Residence and Agricultural District. City of Bangor, applicant.**

City Engineer, Art Morgan, represented the City. He explained that the City presently has a leaf composting and storage facility at this site which involves placing the leaves, yard waste, and catch basin grit on the site and rototilling it into the ground. They have found that this in-ground system is not very efficient. The City is now proposing to change this to an above-ground system on gravel storage pads. Materials will be placed on these pads and turned over. Mr. Morgan indicated that the City has applied to the Maine Department of Environmental Protection (MDEP) for a Solid Waste Permit. The MDEP has indicated that it intends to issue this permit but as of the time of this meeting has not done so.

Mr. Bolin asked if there would be any odors emitting from this site. Mr. Morgan indicated that this is in a remote area and they do not anticipate any more odors than what exists at the existing facility.

Mr. Damon asked if it is permissible to build anything over the Searsport/ Limestone pipeline which runs through this lot. Mr. Morgan indicated that because the new composting area will be above ground, it would offer better protection to the pipeline than the present operation does. However, the pipeline is no longer in service and it is permissible to build over it.

Planning Officer Gould indicated that this is a straight forward application. This operation has been in existence for the past two decades. It is a permitted use in the RR & A District. The Staff memo noted that there has not been an actual land survey done nor have wetlands been delineated. Mr. Morgan indicated that they have been working with MDEP and a vernal pool expert. There aren't any vernal pools within 1000 feet of the site. They proposed to utilize only 2.5 acres of the 6 plus acre site.

Mr. Gould indicated that Staff finds that the plan meets the standards of the Land Development Code for Site Development Plan approval and recommended Planning Board approval.

Mr. Bolin moved that the Board grant Site Development Plan approval of a leaf composting and storage facility located on Finson Road in a Rural Residence and Agricultural District for the City of Bangor with the condition that the City obtains a Solid Waste Permit from the Maine DEP. Ms. Williams seconded the motion, which passed by a vote of 7 to 0.

Item No. 4: Site Development Plan approval to fill and grade property located on the corner of Main Street and Railroad Street in a Waterfront Development District and a Shoreland Zone. City of Bangor, applicant.

City Engineer Art Morgan indicated that this is a request to fill and grade a portion of the City's waterfront parcel on the corner of Railroad and Main Streets. This is being done to enhance the spectator area for the Waterfront Concert Series which will begin again on May 9, 2012. At this time, they are only requesting approval to fill and grade which will be at approximately a 4% slope. Existing lawn will be replaced with new lawn. However, before the Waterfront concerts begin again, another site development plan application will be back before the Board for additional work, as well as, a Site Location of Development Act Modification application.

Mr. Theeman wanted to go on record that because this project is near completion it would have been nice to see this earlier in the process.

Planning Officer Gould indicated that this application is to do filling and grading on this site. Because the plans for improvements to this site have been changing, staff felt it best to get approval of the fill and grading activity at this time. When changes to the site are finalized, another plan will come back to the Planning Board for review. Mr. Gould indicated that the plan as submitted, meets the standards of the Land Development Code for Site Development Plan approval and Staff recommended approval.

Mr. Sturgeon moved to approve the Site Development Plan to fill and grade property located on the corner of Main Street and Railroad Street in a Waterfront Development District and a Shoreland Zone for the City of Bangor, applicant. The motion was seconded by Mr. Miller. The motion passed by a vote of 7 to 0.

APPROVAL OF MINUTES

Item No. 5: Planning Board Approval of Minutes.

There were no minutes for consideration. There was no further discussion and the meeting was adjourned at 7:28 p.m.

PLANNING BOARD OF THE CITY OF BANGOR

MEETING OF DECEMBER 6, 2011

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 Member Williams, Alternate Member Boothby was asked to vote.

NEW BUSINESS

Item No. 1: Site Development Plan and Site Location of Development Modification approvals to construct a 392 sq. ft. pavilion for use as a covered smoking area located at 308 Godfrey Boulevard in an Airport Development District. City of Bangor, applicant.

Mr. Toby Michaud with CES, Inc. represented the applicant. He indicated the application was a fairly small project creating a shelter for returning troops at Bangor International Airport. The new building and associated sidewalks would create about 465 square feet of new impervious area. Member Damon asked who would maintain the structure and would it be open to the general public. Mr. Michaud indicated the

building and surrounding area would be maintained by the Airport as, well as, the Four Points Sheraton Hotel Staff. The pavilion would be open to the public.

Planning Officer Gould indicated that this is an application for Site Development Plan and Site Location of Development Act Modification approvals to construct a small shelter for returning troops. Due to the nonsmoking rules in the Airport Terminal it would give people a place to smoke outdoors with some shelter from the elements. Planning Officer Gould indicated that the City reviews Site Location of Development Applications under delegated authority. Procedurally, the Planning Office reviews applications for completeness, when complete they are forwarded to Department of Environmental Protection (DEP) the DEP has a 30 day review period in which to exercise review authority. On notice from the DEP the City schedules the item for the Board's review. Mr. Gould noted Staff recommended that the Board grant Site Development Plan Approval as well as Site Location of Development modification. Mr. Bolin moved that the Board approve the Site Development Plan and Site Location of Development Modification to construct the smoking pavilion at 308 Godfrey Boulevard in an Airport Development District, City of Bangor Applicant. Mr. Boothby seconded the motion. The Board voted 7 to 0 in favor of the motion.

Item No. 2: **Planning Board Review of 2012 Meeting Schedule.**

Planning Officer Gould explained that Staff develops the schedule of meetings in advance for the Board to review and catch any potential conflicts with holidays and other dates that may prove difficult to attain a quorum. The Board's consensus was that July 3rd was likely a problematic date due to its proximity to the July 4th holiday. In addition, the Board elected to leave out meetings during school vacation weeks in February and April.

Mr. Gould noted that if the duration between meetings would cause an undue delay in a project, Staff would notify the Board concerning holding a special meeting.

The Board voted 7 to 0 in support of the proposed schedule of meetings for 2012 as amended.

APPROVAL OF MINUTES

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

Chairman Theeman indicated that the Minutes of the November 1, 2011 and November 15, 2011 meetings were in order. Mr. Bolin moved to approve the Minutes of both meetings, as printed. The motion was seconded and it carried unanimously.

Other Business

Planning Officer Gould distributed the list of Planning Board Members and their terms. Mr. Gould indicated that Members whose term expires in 2012 will need to reapply through the City Clerk's Office to be reviewed by the City Council for appointment. While the process may begin in January it sometimes takes several months for the appointments to be completed and it is anticipated that Board Members would serve until replaced. Chairman Theeman indicated he hoped that Members Kenney and Sturgeon would reapply.

Member Damon noted he was fortunate to attend a Maine Municipal Association (MMA) training session for Planning Board members last year and found it very helpful. He asked if similar opportunities would be available in 2012. Mr. Gould noted that MMA offers these training sessions at various locations in the State. Sometimes they are close to Bangor and Board Members are urged to attend. The Planning Office will forward any notices of such meetings and will cover the cost of attendance for any Board Member who wishes to attend.

Mr. Gould also noted that the City's Legal Office can do an overview of potential issues the Board should be familiar with such as: Right to Know Law, Ex Parte Communication, Conflicts of Interest, Procedural Due Process, etc. Chairman Theeman thought that might be a good item when the Meeting Agenda is short.

There being no further items for discussion, the meeting was adjourned at 8:18 p.m.

PLANNING BOARD OF THE CITY OF BANGOR

MEETING OF DECEMBER 20, 2011

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
Lynn Johnson**

Chairman Theeman called the meeting to order at 7:00 p.m. He indicated that because this is the last meeting of 2011 he wished to thank the Planning Staff for their work and support for another terrific year.

Chairman Theeman indicated that Staff distributed the 2012 Meeting Schedule which includes the changes noted at the previous meeting (to eliminate the second meetings in February and April and the first meeting in July and as needed meeting dates would be determined).

Chairman Theeman recognized Alternate Member Boothby who made a motion that the Board request that Chairman Theeman send a letter of thanks to Patti Dubois for her support of Volunteer Commissions and Boards during her seven years as City Clerk. Mr. Boothby said that Ms. Dubois has been very supportive of volunteer boards. Mr. Damon noted that Ms. Dubois is very highly regarded by those who she has had interactions with in Augusta and has been a leader throughout the State. The Board voted unanimously in favor of Mr. Boothby's motion. Chairman Theeman indicated that he would prepare a letter.

PUBLIC HEARINGS

Item No. 1: Conditional Use/Site Development Plan approvals to construct a 4,905 sq. ft., three-story addition for office use (historic landmark) and off-site parking in a Multi-Family and Service District, Park and Open Space District, and a Resource Protection District located 107 Court Street. Prentiss & Carlisle, applicant.

Mr. Sturgeon indicated that the company he is employed by did the engineering work on Item No. 1 and the surveying work on Item No. 2. Mr. Sturgeon asked to recuse himself from voting on both items. The Board Members voted unanimously in favor of recusing Mr. Sturgeon on both Item No. 1 and Item No. 2 as he has a conflict of interest. Mr. Boothby was asked to vote.

Chairman Theeman opened the Public Hearing. Mr. John Theriault with Sewall Company represented the applicant. Also present in support of this application were Jeff Davis and Jamie Mahoney with the Sewall Company and Ben Carlisle, Vice President with Prentiss & Carlisle and Gary Frost, architect for the project.

Mr. Theriault explained that the applicant is proposing a 4,905 sq. ft. addition to the rear of the existing building at 107 Court Street. In addition, the applicant is proposing to construct 23 additional parking spaces on this site and another 14 spaces on a lot across the street to meet their parking requirements. He discussed the elements of the Site Development Plan indicating that there will be a slight increase in stormwater runoff, and a Type A buffer is provided as required. He indicated that the building is an historic building. Regarding traffic, models indicate that this use will generate 11 trips during the am peak hour and 11 trips in the evening peak hour.

No one spoke in opposition. Chairman Theeman closed the Public Hearing and asked for Staff comments. Planning Officer Gould indicated that this is a request for Conditional Use and Site Development Plan approvals to construct a 4,905 sq. ft., three-story addition for office use and off-site parking in a Multi-Family and Service District, Park and Open Space District, and a Resource Protection District located at 107 Court Street for Prentiss and Carlisle. Because of its location along the Kenduskeag Stream this complicates development because of the Shoreland Zoning, and Resource Protection Zoning which poses limitations on development. In order for the applicant to provide the necessary parking for the use, they are proposing to construct 14 spaces on a lot they own across the street from this parcel.

Regarding the conditional use application, Staff felt that the proposal meets the four specific standards for granting a conditional use, as well as, the specific requirements of the Multi-Family and Service District. Mr. Gould indicated that the

plans meet the lot requirements without a variance, will not create unreasonable traffic, is serviced by municipal utilities and renderings of the existing building and proposed addition were submitted in support of the requirement that it be architecturally compatible with the area. He noted that the Historic Preservation Commission will also be reviewing the proposed addition because this is an historic building. The plans as submitted meet all ordinance and submittal requirements and Staff recommended approval.

Ms. Williams moved to approve the Conditional Use/Site Development Plan to construct a 4,905 sq. ft., three-story addition for office use (historic landmark) and off-site parking in a Multi-Family and Service District, Park and Open Space District, and a Resource Protection District located at 107 Court Street. Prentiss & Carlisle, applicant. Mr. Boothby seconded the motion, which passed by a vote of 7 to 0.

NEW BUSINESS

Item No. 2: Site Location of Development Modification/Final Subdivision Plan approvals to create two (2) lots off of Church Road in a Rural Residence and Agricultural District. Eastern Etching & Manufacturing Co., Inc., applicant.

Mr. Boothby was asked to vote on this item.

Mr. Jim Kiser, with Kiser and Kiser, represented Eastern Etching and Manufacturing Co. He indicated that this is a minor subdivision plan consisting of two lots. Mr. Kiser discussed the Department of Environmental Protection approvals previously obtained by the applicant. He indicated that the two lots are being created from remaining lands of the applicant, but are not associated with the Church Woods Subdivision both of which are located on Church Road. Mr. Kiser indicated that the lots were soil tested by Moyse Environmental Services noting that there is a small portion of wetland, but the lots are developable.

Planning Officer Gould indicated that this is a request for Final Subdivision Plan and Site Location of Development Modification approvals for two lots located off of Church Road in a Rural Residence and Agricultural District. This is a minor subdivision. The lots are located on an existing roadway with no public improvements being proposed. Both lots will have on-site waste disposal. Staff recommended approval as the plans meet the requirements for Final Subdivision Plan approval and Site Location of Development Modification approval.

Mr. Miller moved to approve the Site Location of Development Modification and Final Subdivision Plan to create two (2) lots off of Church Road in a Rural Residence and Agricultural District. Eastern Etching and Manufacturing Co., Inc., applicant. Mr. Bolin seconded the motion. The Board voted 7 to 0 in favor of the motion.

Item No. 3: Site Development Plan approval to reconstruct a 146-space parking lot into two employee lots totaling 234 employee spaces, one of them being for subcompact vehicles located at 6 Telcom Drive in a General Commercial and Service District. Verizon Wireless, applicant.

Mr. Kenney asked to be recused from voting on this item as the firm he is employed with prepared the plans for this application. It was moved, seconded, and unanimously approved to recuse Mr. Kenney from voting. Mr. Boothby was asked to vote.

Mr. Ray Bolduc with WBRC Architects-Engineers along with Mr. Scott Nutter, Mr. Chris Gagnon and Mr. Justin Brann were present in support of this application. The applicant is proposing to reconstruct the existing parking lot into two employee parking lots (one for 174 spaces and the other for 60 spaces for subcompact cars). Mr. Bolduc discussed the Site Development Plan. The stormwater will be directed into a filter system and storm tech system. The applicant has also applied for a Stormwater Permit and a Permit by Rule. Mr. Bolduc indicated that the City's Business and Economic Development Committee has approved this project.

Planning Officer Gould explained that this is a request to reconstruct an existing parking area into two employee parking lots located at 6 Telcom Drive. The site is a lot within the BIA Commercial Industrial Park Subdivision and is the former Telcom building which is now used by Verizon Wireless. Mr. Gould indicated that the applicant plans to use the entire building for office use (a call center), increase the number of parking spaces for employees only, and eliminate the former retail and auto service uses. The increased demand for parking is due to the applicant's proposal to increase the area of the call center. The plan provides required parking lot buffers along Telcom Drive and Union Street. It also provides side buffer plantings required by the covenants covering the Telcom Drive area of the BIA Subdivision. The reconfigured parking will use some of the area within an easement that the City reserved in a drainage channel along the south side of the parcel. The applicant requested that the City's Business and Economic Development Committee revise the easement to allow for the new layout. The City Council approved this request on December 12, 2011. Mr. Gould indicated that the submitted plans meet the submittal and ordinance requirements and Staff recommended approval.

Mr. Sturgeon moved to approve the Site Development Plan to reconstruct a 146-space parking lot into two employee lots totaling 234 employee spaces, one of them being for subcompact vehicles located at 6 Telcom Drive in a General Commercial and Service District for Verizon Wireless, applicant. Mr. Bolin seconded the motion. The Board voted 7 to 0 in favor of the motion.

Item No. 4: Developmental Subdivision Plan and Planned Group Development approvals for the previously approved Site Development Plan located at 878 Stillwater Avenue in a Shopping and Personal Service District. ALSID 878 LLC, applicant.

Ms. Jackie Hewitt represented the applicant. She explained that the applicant is requesting Developmental Subdivision Plan and Planned Group Development approvals as a mortgaging company has requested that the applicant do so.

Planning Officer Gould indicated that the applicant is seeking to mortgage one of the new buildings and the lender is seeking to insure that the building can meet applicable development standards as proposed. The two approvals sought will not change any of the approved on-site details (parking, utilities, access, stormwater, landscaping etc). Developmental Subdivision Plan and Planned Group Development approvals will allow for multiple ownerships and joint access throughout the site. Planned Group Development (PGD) allows for ownership interest in buildings or land that independently would not conform to ordinance standards but when treated as a whole with applicable cross easements and ownership interests operate as a unified development. Mr. Gould indicated that Staff recommended that the Board grant Developmental Subdivision and Planned Group Development approval with the condition that a Planned Group Development Declaration be submitted, found acceptable by the City Solicitor, and executed.

Mr. Sturgeon moved to approve the Developmental Subdivision Plan and Planned Group Development for the previously approved Site Development Plan located at 878 Stillwater Avenue in a Shopping and Personal Service District for ALSID, applicant, with the condition that an executed Planned Group Development Declaration be submitted to and found acceptable by the City Solicitor's Office. The motion was seconded by Mr. Miller. The Board voted 7 to 0 in favor.

APPROVAL OF MINUTES

Item No. 5: Planning Board Approval of Minutes.

Chairman Theeman indicated that the Minutes of the December 6, 2011 Meeting were in order for approval. Mr. Bolin moved to approve the Minutes of the December 6, 2011 Meeting, as printed. The motion was seconded and it passed by a vote of 7 to 0.

There were no further items for discussion. The meeting was adjourned at 7:44 p.m.