

PLANNING BOARD OF THE CITY OF BANGOR

JANUARY 20, 2015 MEETING

MINUTES

Board Members Present:

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

City Staff Present:

**David Gould
Paul Nicklas**

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

Item No. 1: **Election of Officers for 2015.**

Vice Chairman Bolin asked for nominations for Chairman of the Planning Board for 2015. Mr. Boothby moved to nominate Mr. Bolin as Chairman for 2015. The motion was seconded by Mr. Kenney. There were no other nominations and nominations ceased. The remaining Board Members voted unanimously in favor of the motion to elect Mr. Bolin Chairman for 2015. Mr. Kenney moved to nominate Mr. Miller as 2015 Vice Chairman of the Planning Board. The motion was seconded by Mr. Boothby. There were no other nominations, therefore, nominations ceased. The remaining Board Members voted unanimously in favor of the motion.

Chairman Bolin welcomed newly appointed Alternate Member Pete Parizo to the Board.

PUBLIC HEARINGS

Item No. 2: To amend the Land Development Code by changing a parcel of land located at 312 Hogan Road from General Commercial and Service District to Government and Institutional Service District. Said parcel containing approximately 2.63 acres. Maine Community College System, applicant. C.O. # 15-057.

Chairman Bolin opened the Public Hearing and asked the applicant or their representative to make a brief presentation of the request.

Member Kenney informed the Board that being employed by WBRC, who was the firm doing work for the applicant, he may have a conflict of interest. Member Williams moved that Member Kenney be excused. Member Boothby seconded the motion, and the Board voted unanimously that Member Kenney be excused.

Chairman Bolin noted that Alternate Member Pete Parizo could vote on this item given the absence of Member Kenney.

Mr. Dan Belyea Director of Administrative Services for Eastern Maine Community College representing Maine Community College System indicated that the College is seeking to change the zoning of this property to allow the school to expand its facilities in the existing vacant building. The property was previously owned by the school and through a property swap the land was sold for private commercial use. The land is situated so it can be easily merged into the existing EMCC Campus.

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

Member Mallar asked how traffic would work given the property has a shared driveway with the automobile dealership and no connections to the remainder of the campus.

Mr. Belyea noted that they have looked at a potential inter-connection between the building and the rest of the campus. While the existing access on Hogan Road would serve the car dealership they did not see the need to utilize that drive.

Planning Officer Gould explained the prior actions by the City to amend the Land Use Plan and zoning to facilitate private commercial use. The application requires the Board to consider the guidance the plan offers and where the property is located. It would not be unreasonable to view the request as a shift in the boundary of the institutional boundary. Mr. Gould noted that the specific land use guidance of the Comprehensive Plan is not zoning it's a basis to help the City make decisions.

Certainly without that framework, day-to-day decisions would be much less focused, but the Board is free to exercise its judgment in arriving at a recommendation. What is most helpful is to be clear as to why the Board reaches the conclusions it does.

Mr. Mallar noted that the property, which is assessed at nearly a million dollars, would become nontaxable. Mr. Boothby asked if some means of payment in lieu of taxes would be possible.

Mr. Belyea indicated that current State Law would prohibit it. However, the building is currently idle and the Community College System is willing to invest substantial money in Bangor to enhance its programs, which will be lost if the land use issues are not resolved.

Mr. Boothby made a motion to recommend the proposed rezoning to the City Council. Ms. McCarthy seconded the motion. The Board voted six in favor and one opposed to recommend that the City Council approve the rezoning from General Commercial and Service District (GC&S) to Government and Institutional Service District (G&ISD) as contained in C.O. # 15-057.

APPROVAL OF MINUTES

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

Chairman Bolin indicated that the Minutes of the December 16, 2014 Meeting were in order. Ms. Williams moved to approve the Minutes of the December 16, 2014 Planning Board Meeting. Mr. Boothby seconded the motion. The vote was unanimous in favor of the motion.

Other Business

Paul Nicklas, Assistant City Solicitor, gave a brief orientation regarding freedom of speech, illegal meetings, due process and bias issues. He also discussed ex parte communication noting that the Board must not talk about planning board issues outside of the planning board meeting. They are allowed to discuss issues with Staff but not with other board members or applicants. He also noted that Board Members are not to conduct individual site visits as this would allow a Board Member to have information that not all of the Board Members have.

Mr. Nicklas discussed conflicts of interest both financial conflicts and special interest conflicts. He indicated that Board Members should disclose their potential conflict. Under the current Code the Planning Board needs to vote on whether it feels there is a conflict or not.

Mr. Gould indicated that should a Board Member have a question regarding whether or not they have a conflict of interest, they are encouraged to talk to either Paul Nicklas or Norm Heitmann in the City's Legal Department.

Another area discussed was that all documents pertaining to an applicant/item on an agenda are public information and that includes a Board Member's e-mails.

There being no further items for discussion, the meeting was adjourned at 7:34 p.m.