

**PLANNING BOARD OF THE CITY OF BANGOR**

**MEETING OF JULY 7, 2015**

**MINUTES**

**Board Members Present:**

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

**City Staff Present:**

**David Gould  
Paul Nicklas  
John Theriault  
Lynn Johnson**

**News Media Present:**

**Bangor Daily News**

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

**NEW BUSINESS**

**Item No. 1:      Site Development Plan approval to construct a 35,260 sq. ft. 24-unit apartment building at 100 and 101 First Street in a Contract Multi-Family & Service District. Bangor Housing Development Corporation, applicant.**

Mr. Boothby indicated that he has a conflict of interest as he is on the Bangor Housing Authority Board. Ms. Williams moved that Mr. Boothby has a conflict of interest. Mr. Kenney seconded the motion, which passed by a vote of 6 to 0.

Mr. Kenney indicated that he, too, has a conflict of interest as his employer is the firm that prepared the applicant's plans. Ms. Williams moved that Mr. Kenney has a conflict of interest. Mr. Mallar seconded the motion. The motion passed by a vote of 5 to 0.

Mr. Mike Myatt, Executive Director of the Bangor Housing Development Corporation, requested that this item be continued until the Board meeting on July 21, 2015. Mr. Miller moved to continue this item until the Board's meeting on July 21, 2015. Ms. Williams seconded the motion. The Board voted 5 to 0 in favor.

**Item No. 2:            Site Development Plan approval to reuse the existing building at 483 Hogan Road for vehicle sales and service in a General Commercial and Service District. Darling's, applicant.**

Fred Marshall with Plymouth Engineering along with Jay Darling and Charles Rohn with Darling's, were present in support of the application.

Mr. Marshall explained that the applicant is proposing to reuse the former Peterbilt building and site for vehicle sales and service use. This building was originally constructed in 1968 and historically has been used for vehicle sales and service use. The original site had an access easement to Hogan Road which runs between the Lee Credit Now site and the Swett's site (which was before Haskell Road was constructed). The reuse of the site includes improvements to Haskell Road for access to the site. Another upgrade to the site will be connection to City water and Sewer service. Presently there is a well that will be capped off and a private septic system on the site that will be discontinued. Mr. Marshall also noted that the applicant has obtained a Stormwater Permit By Rule for the site.

Chairman Bolin asked for Staff comments. Planning Officer David Gould explained that the applicant is seeking approval to make improvements to the existing building and site improvements for connection to City water and sewer service located at 483 Hogan Road in a General Commercial and Service District. Mr. Gould indicated that the plan, as submitted, meets all of the requirements of the Land Development Code and Staff recommended approval.

Mr. Kenney moved to grant Site Development Plan approval for Darling's to reuse the existing building at 483 Hogan Road for vehicle sales and service use. The motion was seconded by Mr. Boothby. The Board voted 7 to 0 in favor of the motion.

**Item No. 3:           Site Development Plan approval of a Planned Group Development located at 941 Stillwater Avenue in a Shopping and Personal Service District. Daigle Oil Company and Hogan Road LLC, applicants.**

Mr. Tim Brochu, with CES, Inc., indicated that the applicants are seeking Planned Group Development approval to share a 20' buffer yard between the two properties. The applicants will be entering into an easement agreement which will spell out the maintenance requirements for the buffer.

Planning Officer Gould explained that both properties were developed in the 1980's (with different development standards than those today). With the proposed Planned Group Development and by combining the development the impervious surface ratio is actually lower and the sites become more conforming with today's standards. The Planning Staff recommended that the Planned Group Development be approved with the condition that the PGD Agreement be signed by the parties and a copy be submitted to the City.

Ms. Williams moved to grant Site Development Plan approval of the Planned Group Development for Daigle Oil Company and Hogan Road LLC, applicants with the condition that the PGD agreement is executed and recorded with a copy being provided to the City. Mr. Miller seconded the motion. The Board voted 7 to 0 in favor of the motion.

**APPROVAL OF MINUTES**

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

Chairman Bolin indicated that on Page three in the fourth paragraph after the word traffic, the word lights should be inserted.

Mr. Mallar questioned the wording on Page 4 regarding Assistant City Solicitor Nicklas' comments.

Mr. Gould indicated that Staff would go back and review the video. Ms. Williams moved to continue the Minutes to the Board's next meeting. Mr. Miller seconded the motion, which carried unanimously.

**MISCELLANEOUS BUSINESS**

**Item No. 5:           Planning Board Review of Correspondence and Other Communications from the Planning Office.**

Planning Officer Gould discussed a draft Findings of Fact with the Board for the TJS Realty LLC/Paradis Realty LLC. He indicated that because there were two Members who voted against the application that their reasons for voting against it needed to be included in the findings of fact.

Mr. Mallar indicated that his concern was with Standard No. 2 regarding traffic. Mr. Kenney indicated that his concern was with architectural compatibility. The Board Members indicated that they were in agreement with the draft as presented with the inclusion of Mr. Mallar's and Mr. Kenney's reasons for voting against the motion.

Mr. Gould noted that Staff would incorporate Mr. Mallar's and Mr. Kenney's reasons for voting against the motion and would bring the Findings of Fact back to the Board at its next meeting.

Mr. Bolin indicated that Staff had received a letter from Mr. Ray Michaud an abutting property owner to the TJS Realty, LLC/Paradis Realty LLC project requesting that the Board reconsider this item.

Mr. Bolin expressed his concern about the Board reconsidering items after they have been approved when applicants make their decisions upon the Board's decision. He said that by doing so it would set a precedent for applications to be reconsidered.

Assistant City Solicitor Paul Nicklas indicated that if the Board was interested in reconsidering this item, a motion could be made to hold a special meeting on July 14, 2015 (in order to meet prior to the appeal deadline of July 16, 2015). This would allow time to provide notice to the applicant and other abutters about the request to reconsider and the meeting at which the request would be heard by the Board. It would also allow time to meet deadlines for meeting notices. This later meeting would be the time at which the Board would consider new testimony and evidence and consider the merits of whether the previous decision was correct. The Board also had the option of not make a motion and letting its decision stand.

Ms. Williams asked about the July 16, 2015 appeal deadline and if this went to the Zoning Board of Appeals. Mr. Nicklas indicated that that the appeal would go to the Superior Court, not the Zoning Board of Appeals.

Chairman Bolin asked if anyone wished to make a motion. No Board Member wished to make a motion.

The meeting was adjourned at 7:35 p.m.