

PLANNING BOARD OF THE CITY OF BANGOR

MEETING OF SEPTEMBER 16, 2014

MINUTES

Board Members Present: Andrew Sturgeon, Chairman
Paul Bolin
Charles Boothby
John Kenney
Wayne Mallar
John Miller
Julie Williams

City Staff Present: David Gould
Lynn Johnson

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, Chairman Sturgeon asked for a motion. Mr. Boothby moved to approve the Consent Agenda. Mr. Kenney seconded the motion, which passed by a vote of 7 in favor and 0 opposed. The item approved is:

Item No. 1: Site Development Plan approval to construct a 4,800 sq. ft. building, a 1,920 sq. ft. open canopy and associated parking located on BanAir Road and BanAir Court in an Urban Industry District. Bangor Motor Sports, applicant.

PUBLIC HEARINGS

Item No. 2: To amend the Land Development Code by changing a parcel of land located at 120 Park Street from Government and Institutional Service District to Downtown Development District. Said parcel containing approximately 23,165 sq. ft. Unitarian Universalist Society of Bangor, applicant. C.O. # 14-288.

Chairman Sturgeon opened the Public Hearing and asked the applicant or their representative to provide a brief overview of their request.

Mr. Boothby indicated that he felt that he had a conflict of interest as he is a member of the Governing Council for the Unitarian Universalist Society of Bangor church. A motion was made, seconded and unanimously approved that Mr. Boothby has a conflict of interest.

Mr. Evan Richert representing the applicant indicated that this is a request for a zone change from Government and Institutional Service District (G & ISD) to Downtown Development District (DDD) in order to construct a small addition to the building to install an elevator. They are also proposing accessibility modifications to allow for wheelchairs and handicap accessible bathrooms in this historic building. The applicant applied to and received approval from the Historic Preservation Commission. At that time it was discovered that because the church building covers approximately 42% of the lot and only 30% is allowed in a G & ISD they would not be allowed to construct an addition for the elevator. They looked into obtaining a variance and found that it was not a viable solution. After discussing this with City Staff, they applied for a zone change to Downtown Development District. Mr. Richert indicated that Downtown Development District zoning is appropriate for this location as there are other contiguous parcels that are currently zoned DDD (such as the Library and properties along Park Street). The uses as a place of worship, a venue for social services, performing arts and conferences are also consistent with DDD zoning.

Mr. Mallar felt that a contract rezoning with conditions would be a better solution than a straight zone change to DDD as any use in the DDD would be allowed with no parking required. He was concerned that if the church ceased its operation that the building could be converted into a multi-unit apartment building with no parking requirements.

Chairman Sturgeon opened the meeting up to comments from proponents. Mrs. Judith Boothby, a Kenduskeag Avenue resident and Member of the Church, told the Board that when she was attending Bangor High School (which was then located on Harlow Street) she would walk over to the church building (which also housed the Thomas School of Dance at Dorothy Memorial Hall) for dancing lessons. She told the

Board that while it wasn't an issue climbing stairs, etc. then it is now becoming a challenge. An elevator and handicap accessible improvements would be welcomed.

There were no opponents to the requested zone change.

Planning Officer Gould indicated that this is a request from G & ISD to DDD for approximately a one-half acre parcel located at 120 Park Street which has been the location of the Unitarian Church since 1852. With this long-standing use there is little likelihood that this use will change, the building enlarged, or the parking demand radically changed from its current demand. Staff did not see a downside to this rezoning to allow the applicant to construct an elevator.

Mr. Bolin felt it was important to make the building more accessible and if the use of the building was ever changed then it would need to be reviewed and parking would be considered. He indicated that he was comfortable with a recommendation to approve the request. Mr. Miller agreed. Chairman Sturgeon indicated that he felt that DDD zoning was appropriate.

Mr. Bolin moved to recommend to the City Council that the zone change request contained in C.O. # 14-288 be approved. The motion as seconded by Ms. Williams and it passed by a vote of 5 in favor and 1 opposed.

NEW BUSINESS

Item No. 3: Site Development Plan approval to realign the existing employee/service driveway, install a storm drain and other site improvements at 693 Mount Hope Avenue in a Government and Institutional Service District. Bangor Humane Society, applicant.

Mr. Kenney indicated he had a potential conflict of interest as he is a member of the Humane Society Board. Ms. Williams made a motion to excuse Mr. Kenney from voting. Mr. Boothby seconded the motion. The Board voted 4 in favor and 2 opposed to excuse member Kenney from voting.

Fred Marshall with Plymouth Engineering discussed the proposed Site Development Plan with the Board. The applicant is proposing changes to their employee/service driveway entrance, adding a small catch basin to address run off from the neighboring property, and bringing their plan up-to-date as to what is actually constructed on the site.

Planning Officer Gould indicated that the proposed Site Development Plan incorporates many of the discrepancies on the site from the approved plans. Some of those include shifting some parking to the service entrance side, straightening the

service drive alignment at Mt Hope Avenue, and eliminating some raised parking medians and curbing. Also, the main entrance through its various changes is somewhat constricted down to twenty feet adjacent to the building. Planning Officer Gould noted that the Board needed to evaluate the various changes to the plan to ensure that they find it can still function adequately given the main drive's narrower width, and without the various raised islands and curbing. The relocated parking will need a minimum B Buffer to screen the parking from the street. Planning Staff finds all other aspects of the plan consistent with the standards of 165-114.

Mr. Mallar asked what assurance there would be that the applicant would follow this site development plan when the site was not constructed or kept in accordance with the two previously approved plans. Planning Officer Gould indicated that there were no assurances. The Board needs to evaluate the proposed plan and determine whether it meets the guidelines of 165-114. In the two previous applications, the designers did everything the Staff asked them to do and the applications were placed on the Consent Agenda. In this instance the Staff wants the Board to look at the changes to insure they find them acceptable. The lack of a buffer on some proposed spaces is the only element that Staff finds is in conflict with specific Code requirements. The other elements are design details which Staff encourages applicants to use which relate to overall function of the site. It is up to the judgment of the Board.

Ms. Williams moved to approve the Site Development Plan to realign the existing employee/service driveway, install a storm drain and other site improvements at 693 Mount Hope Avenue in a Government and Institutional Service District for Bangor Humane Society, applicant. Mr. Boothby seconded the motion and added a condition that the applicant provide for a "B" buffer between the 7 parking spaces added to the service entrance side and the street. Ms. Williams accepted the amendment.

Mr. Marshall indicated that prior to obtaining a certificate of occupancy, an applicant is required to submit "as built" plans to the Code Enforcement Office.

Chairman Sturgeon indicated that in this case, the applicant finds the proposed plan a better solution for them. Planning Officer Gould indicated that at present the site is not consistent with the plans of record. If the Board approves this plan, it will become the plan of record. Whether or not the site is compliant with an approved Site Development Plan is a Code Enforcement issue.

Chairman Sturgeon asked for a vote. The Board voted 6 to 0 in favor of the motion.

APPROVAL OF MINUTES

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

Chairman Sturgeon indicated that the Minutes of the September 2, 2014 were ready for consideration. Mr. Boothby moved to approve the Minutes of the September 2, 2014 meeting. Mr. Kenney seconded the motion. The motion carried unanimously.

Other Business

Board Members discussed potential conflicts of interest, asking to be excused from voting, and abstaining from voting on items. Board Members also discussed a refresher for Board Members or training for new Board Members.

Planning Officer Gould indicated that any time a Board Member had a question as to whether or not they may have a conflict of interest that they could contact either Norm Heitmann or Paul Nicklas in the City's Legal Department.

Mr. Miller said that he would like to congratulate John Theriault (City Engineer) on his new position, as did Chairman Sturgeon. Board Members agreed.

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