

PLANNING BOARD OF THE CITY OF BANGOR

FEBRUARY 17, 2015 MEETING

MINUTES

Board Members Present:

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

City Staff Present:

David Gould

Chairman Bolin called the meeting to order at 7:00 p.m. Chairman Bolin noted that because he is an employee of Eastern Maine Healthcare Systems he had a potential conflict on Item No. 1.

Mr. Miller moved that Chairman Bolin, being an employee of Eastern Maine Healthcare Systems, one of the co-applicants, did indeed have a conflict. Mr. Mallar seconded the motion and the Board voted unanimously that Mr. Bolin had a conflict. Mr. Bolin was excused and Vice Chairman Miller presided over the meeting.

NEW BUSINESS

Item No. 1: Minor Subdivision Plan and Planned Group Development approvals of a two-lot subdivision located off of Sylvan Road in a General Commercial and Service District. Eastern Maine Healthcare Systems and Darling's, applicants.

Vice Chairman Miller asked the applicant or their representative to make a brief presentation of their application.

Mr. Sean Thies, P.E. of CES, indicated he represented EMHS and Darlings Inc. in this minor subdivision application. They are requesting that the existing EMHS lot be split and a private roadway be approved such that Darling's can acquire the former satellite parking lot which EMHS created in 2005 but no longer needs. The parking lot provides space for Darling's inventory in close proximity to their sales lots.

Mr. Mallar had a question as to whether the proposal would create a flag lot.

Planning Officer Gould attempted to clarify the request. The applicants are requesting an approved private street; while the rear lot does include a long one-foot strip of land it does not alter the request nor create a flag lot. The rear lot will have access from the private roadway and will have adequate lot width at the setback line from the private roadway.

Mr. Mallar noted that he was concerned that the long strip would prevent access and limit future development of the adjacent lot as it would not have access to the private road or potentially a public roadway in the future.

Mr. Thies noted that in discussions with City Staff it was noted that the adjacent residential neighborhood had concerns about commercial development abutting their subdivision. The one-foot strip was a means to control access onto the private road.

Mr. Mallar was concerned that the limitation on access would hinder future development on the adjacent property.

Mr. Thies noted that the adjacent lot, which now contains two hotel buildings, has frontage and access on Sylvan Road.

Mr. Boothby asked if the existing roadway met the standards for private roadways.

Planning Officer Gould noted that unfortunately there are no specific standards for private roads. In this instance, the City Engineer has provided the Board with a brief Memorandum which indicates that they have reviewed the existing roadway details and find it suited to the anticipated uses and traffic that it may generate.

Mr. Charles Rohn, Executive Vice President of Darlings Inc., indicated that they are pursuing a fairly simple split of property which contains a parking lot no longer being used by EMHS. The details of the split and private roadway have taken much longer than was anticipated.

Vice Chairman Miller asked Mr. Gould for Staff comments. Planning Officer David Gould told the Board the application was for a two-lot, minor subdivision which included a private street. The application before the Board utilizes two methods to accomplish this: 1) approval of a private street, a provision in the Land Development

Code which allows a subdivider to construct a roadway which will be owned and maintain by private parties, not the City. Typically they can be troublesome in that the buyers of the lots are not often fully aware of their obligations; and, 2) a Planned Group Development (PGD) allows two separate owners to have developments which function as one even when the ownership is separate. In this instance the parties who will own the properties are both aware of the responsibilities and obligations from the beginning. The proposal is splitting a 19-acre parcel into two large parcels. There does not appear to be an instance where they are seeking to create multiple lots along a private roadway. In conclusion, while there are some drawbacks to private streets, the proposal before the Board does not raise any concerns. Staff would recommend that the Board's approval be subject to the execution of the PGD document.

Mr. Boothby moved to approve the Minor Subdivision of EMHS and Darlings with the condition that the Planned Group Development agreement be executed by the parties. Mr. Kenney seconded the motion, and the Board voted 5 in favor 1 opposed. Chairman Bolin returned.

APPROVAL OF MINUTES

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

Planning Officer Gould noted that the Minutes of February 3, 2015 were not yet ready for Board consideration.

Item No. 3: **Other Communications**

Planning Officer Gould noted that Staff had followed up on two pending Ordinance Amendments. The Board reviewed the changes Staff made in response to the Board's discussion regarding the LDR and HDR Amendments with changes made by Staff highlighted in red. Changes were made to the Statement of Purpose to both LDR and HDR to reflect the concerns raised by the Board. The existing standard for congregate housing was adjusted such that a small facility could be built which would not require a minimum of five acres.

The Board did not have any further concerns or adjustments. Mr. Gould noted that the Assistant City Solicitor had some concern regarding language as to project size or development size and wanted it to be consistent. The Board indicated they would like to see this in its final form before being initiated for public hearing.

Planning Officer Gould noted the Staff was still reviewing the final language and will likely present two choices to the Board. Mr. Miller noted that this clarification concerning traffic impacts is timely and needs to be clarified. Mr. Gould noted the City is well suited with John Theriault and his traffic engineering background.

The Board moved to adjourn at 8:05 p.m.