



## CITY OF BANGOR

PLANNING DIVISION

# COMMUNITY & ECONOMIC DEVELOPMENT

**PLANNING BOARD AGENDA  
TUESDAY, NOVEMBER 15, 2022, 7:00 P.M.  
CITY COUNCIL CHAMBERS, 3RD FLOOR CITY HALL  
ALSO; ATTENDANCE VIA ZOOM**

### **LAND DEVELOPMENT PERMIT**

1. **Land Development Permit – Site Development Plan – Conditional Use – 22 Cleveland Street – Map-Lot 025-036** - Land Development Permit Application – Site Development Plan, Conditional Use for proposed permanent supportive housing at property located at 22 Cleveland Street, Map-Lot 025-036, in the Government & Institutional Service District (G&ISD). Applicant: Penquis CAP, Inc.
2. **Land Development Permit – Site Development Plan – Conditional Use – 57 Bangor Mall Blvd – Map-Lot R61-015** - Land Development Permit Application – Site Development Plan, Conditional Use for proposed 1,405 s.f. addition and order pick-up window at property located at 57 Bangor Mall Blvd, Map-Lot R61-015, in the Shopping & Personal Service District (S&PS). Applicant: Carousel Diversified Services/Z&S Realty Estate, Inc.

### **OTHER BUSINESS**

- 3 **Comprehensive Plan Check-in**
- 4 **Meeting Minutes** – September 27, 2022 and October 18, 2022
- 5 **Adjournment**



# COMMUNITY & ECONOMIC DEVELOPMENT

## CITY OF BANGOR

PLANNING DIVISION

**STAFF MEMO  
PLANNING BOARD MEETING  
TUESDAY, NOVEMBER 15, 2022, 7:00 P.M.  
CITY COUNCIL CHAMBERS AND VIA ZOOM**

1. **Land Development Permit – Site Development Plan – Conditional Use – 22 Cleveland Street – Map-Lot 025-036** - Land Development Permit Application – Site Development Plan, Conditional Use for proposed permanent supportive housing at property located at 22 Cleveland Street, Map-Lot 025-036, in the Government & Institutional Service District (G&ISD). Applicant: Penquis CAP, Inc.
  - A. The applicants are proposing to use the existing building on the property at 22 Cleveland Street, which was formerly the Pine Street Inn, as permanent supportive housing. No changes to the site are proposed.
  - B. Permanent supportive housing is a conditional use for the G&ISD zone, so the conditional use regulations in §165-9 do apply. Board members may recall this was recently added to the Land Development Code.
  - C. Since there were no changes proposed to the site, staff had no major issues with this application. Staff did request documentation on how the project meets conditional use standards as well as some minor edits to the site plan; these were all provided by the applicant.
2. **Land Development Permit – Site Development Plan – Conditional Use – 57 Bangor Mall Blvd – Map-Lot R61-015** - Land Development Permit Application – Site Development Plan, Conditional Use for proposed 1,405 s.f. addition and order pick-up window at property located at 57 Bangor Mall Blvd, Map-Lot R61-015, in the Shopping & Personal Service District (S&PS). Applicant: Carousel Diversified Services/Z&S Realty Estate, Inc.
  - A. The applicants are proposing to build a 1,405 square foot addition onto the existing building at 57 Bangor Mall Boulevard, which was formerly an Arby's. The building is proposed to be used for the Green Tea restaurant and utilize the existing drive-thru window as a pick-up window for to-go orders. This site did previously have a conditional use permit for a drive-thru restaurant; however, the site has been vacant for a few years and that permit has now expired; therefore, the property requires a new conditional use permit in order function as a drive-thru/drive-in restaurant.
  - B. Staff requested additional clarification on the site plans regarding lighting, flood zone and shoreland zone indications, stormwater treatment, and the location of the water curb stop. Staff also requested that the applicant submit a post construction stormwater maintenance plan and documentation on how the project meets conditional use standards, and put a "Do Not Enter" sign next to the drive-thru. The applicant made all requested changes and provided the requested documentation to staff.

- C. Staff have no further concerns with this application.

### **OTHER BUSINESS**

**3. Comprehensive Plan Check-in - Discussion on Policies/Strategies** – follow-up discussion

Here are some of the follow up items the Board requested from the previous discussions taken from staff's notes:

The Vernal Pool Program information can be found here: <https://www.vernalpools.me/samp/>

Universal Design information can be found here:

<https://www.umassd.edu/dss/resources/faculty-staff/universal-design/#:~:text=Things%20like%20curb%20cuts%2C%20large,all%20examples%20of%20universal%20design.&text=%2D%20Include%20Disability%20Services%20staff%2Fstudents%20with%20disabilities%20on%20planning%20boards>. And here: <https://www.nps.gov/dscw/ds-accessibility-universal-design.htm> And here: <https://www.section508.gov/develop/universal-design/>

LD 2003 information is in your packet

Built for Zero information can be found here: <https://community.solutions/built-for-zero/the-movement/> and here: <https://community.solutions/press/press-release-maine-announces-new-statewide-strategy-to-reduce-and-end-homelessness/>

**4. Meeting Minutes** – Minutes from the September 27, 2022 and October 18, 2022 meetings are in your packets. The minutes for October 4, 2022 and November 1, 2022 meetings are pending.

*Thank you for your service to the city in this capacity!*

**CITY OF BANGOR**  
**LAND DEVELOPMENT PERMIT APPLICATION**

Permit No.: \_\_\_\_\_  
Date: \_\_\_\_\_  
Site Development Plan: \_\_\_\_\_ \*Conditional Use:  \*Both: \_\_\_\_\_  
Subdivision Development: \_\_\_\_\_ \*Preliminary: \_\_\_\_\_ Final: \_\_\_\_\_  
\*Mobilehome Park: \_\_\_\_\_

Applicant: Penquis CAP, Inc. Telephone No.: 973-3551  
Address: 262 Harlow Street, Bangor, ME 04401  
Location of Site: 22 Cleveland Street Map: 25 Lot: 036  
Watershed: \_\_\_\_\_ Total Area Proposed to be Disturbed: \_\_\_\_\_  
Owner of Site if different from applicant: John T. & Laurie A. Karnes Zoning District: G&ISD  
Address: PO Box 1262, Bangor, ME 04402  
Description of interest of applicant in site, if not owner (e.g., owner, lease, option, purchase & sales agreement):  
Option If not owner include copy of said agreement

Describe proposed use and indicate floor area (If combination of uses, give floor area devoted to each):  
Permanent Supportive Housing

**LID techniques** help retain stormwater on site. They include such things as pervious pavement, rain gardens, bioretention cells, and infiltration systems.  
Were LID techniques used on this project? \_\_\_\_\_ If not, why? \_\_\_\_\_

Projected Starting Date: \_\_\_\_\_ Projected Completion Date: \_\_\_\_\_  
Signature of applicant(s) or agent: Reed Bygg - agent

**Submittal Requirements**

- Submittal Requirements of development types are described in the Land Development Code for:
1. Site Development Plan, Chapter 165, Article XVI, Section 112
  2. Subdivisions, Chapter 165, Article XVIII, Sections 126 and 128
  3. Mobilehome Parks, Chapter 165, Article XVIII, Section 19

Processing Fees: \$473 Advertising Fees: \$374

**A COMPLETED APPLICATION FORM, PLAN SUBMITTALS, EVIDENCE OF STANDING, PROCESSING AND ADVERTISING FEES ARE ALL REQUIRED IN ORDER TO HAVE A COMPLETE APPLICATION.**

Date Received by Planning Division Office: \_\_\_\_\_

Decision and reason of Code Enforcement Office for Conditional Use: \_\_\_\_\_

Action taken by Planning Board: \_\_\_\_\_

\* Projects requiring a Public Hearing also require Advertising Fees



TEXAS AVENUE

CLEVELAND STREET

VENTURE WAY

22 CLEVELAND STREET

TAX MAP R25, LOT 1-A  
NOW OR FORMERLY  
CITY OF BANGOR  
BOOK 8107, PAGE 215

TAX MAP R25, LOT 1  
NOW OR FORMERLY  
UNIVERSITY OF MAINE  
BOOK 2214, PAGE 285

N: 415,340.40'  
E: 905,742.24'

N: 415,033.51'  
E: 905,537.35'

AS BUILT  
BASED ON DATA COLLECTED BY R&K CONSTRUCTION

GRAPHIC SCALE

( IN FEET )  
1 inch = 20 ft.

AS BUILT  
11-29-2018

**GENERAL NOTES:**

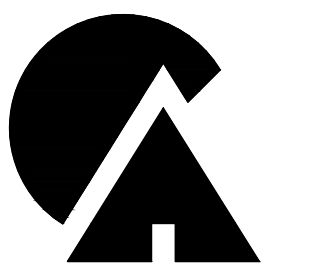
1. TOPOGRAPHIC SURVEY AND EXISTING SITE CONDITIONS FROM PLUSGA & DAY LAND SURVEYORS, BANGOR, MAINE, AS-BUILT DRAWING DATED: FEBRUARY 7, 2018.
2. TOTAL ACREAGE OF THE PARCELS IS 1.82.
3. CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE EXACT LOCATION OF EXISTING UTILITIES WITH ALL UTILITY COMPANIES BEFORE BEGINNING CONSTRUCTION.
4. EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO BEGINNING OF CONSTRUCTION.
5. EROSION CONTROL MESH SHALL BE INSTALLED ON ALL SLOPES STEEPER THAN 3:1.
6. HAY BALE BARRIERS SHALL BE INSTALLED AROUND EXISTING CATCH BASINS, AND PIPE INLETS/OUTLETS DURING CONSTRUCTION.
7. CONTRACTOR SHALL CONTACT DIGSAFE PRIOR TO ANY EXCAVATION WORK.
8. CONSTRUCTION ACTIVITIES OCCURRING AFTER NOVEMBER 15TH SHALL INCORPORATE A WINTER CONSTRUCTION PLAN WHICH SHALL BE APPROVED BY THE CITY OF BANGOR.
9. CONTRACTOR TO FOLLOW BEST MANAGEMENT PRACTICES. ALL DISTURBED AREAS SHALL BE REVEGETATED AND RECEIVE PROPER EROSION CONTROL MANAGEMENT. 4" LOAM, SEED AND MULCH ALL DISTURBED AREAS, WHERE NOTED.
10. THE INTENT IS TO PROVIDE COLLECTION AND TREATMENT OF ENTIRE ROOF AREA 11,500 SF.± IN LIEU OF PREVIOUSLY DESIGNED USF FOR THE PARKING DUE TO FIELD CONDITIONS. PARKING IMPERVIOUS WAS APPROXIMATELY 6800 SF.
11. COORDINATE WORK WITH ALL DRAWINGS.

**EROSION CONTROL CONSTRUCTION SEQUENCE:**

1. ON-SITE STABILIZATION WILL BE DONE WITHIN 15 DAYS OF FINAL GRADING OR WITHIN 30 DAYS OF INITIAL SOIL DISTURBANCE.
2. EVERY WEEK AND AFTER PRECIPITATION PRODUCING THE EQUIVALENT OF ONE HALF-INCH OF RAINFALL, THE CONTRACTOR SHALL INSPECT AND MAINTAIN ALL EROSION CONTROL MEASURES. MAINTENANCE SHALL INCLUDE, BUT NOT BE LIMITED TO, REMOVAL OF SEDIMENT FROM SILT FENCE IF SOIL ACCUMULATES TO A DEPTH OF ONE-HALF THE FABRIC HEIGHT; REPAIR OF HAY BALE BARRIERS IF RUNOFF CHANNELIZES UNDER OR AROUND THE BALES; AND WASHING OF TEMPORARY CONSTRUCTION ENTRANCES PRIOR TO OCCURRENCES OF SIGNIFICANT TRACKING.
3. ALL EROSION CONTROL MEASURES SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH "MAINE EROSION & SEDIMENT CONTROL BEST MANAGEMENT PRACTICE STANDARDS," PUBLISHED BY THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF LAND AND WATER QUALITY, 2003, LATEST EDITION.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL EROSION CONTROL MEASURES, INCLUDING MATERIALS, CONSTRUCTION, MAINTENANCE AND REMOVAL.
5. EROSION CONTROL MEASURES SHALL BE INSPECTED ON A MONTHLY BASIS ONCE FINAL STABILIZATION IS COMPLETE, BY THE INSPECTING ENGINEER. THIS INSPECTION IN NO WAY REDUCES OR ELIMINATES THE CONTRACTOR'S RESPONSIBILITY TO ADHERE WITH VERBAL OR WRITTEN REQUIREMENTS OF DEP, ARMY CORPS, EPA, OR OTHER JURISDICTIONAL AGENCIES. CONTRACTOR MUST FURTHER ADHERE TO ALL REQUIREMENTS SET FORTH IN THE DEP ORDER OF CONDITIONS.
6. AFTER EACH INSPECTION OF EROSION CONTROL MEASURES, AN INSPECTION REPORT DETAILING THE SCOPE OF THE INSPECTION, NAME(S) OF PERSONNEL CONDUCTING THE INSPECTION, DATE, MAJOR OBSERVATIONS, AND ACTIONS TAKEN, SHALL BE MADE AND KEPT ON FILE FOR THREE YEARS AFTER THE INSPECTION.
7. ALL DISTURBED AREAS WILL BE LOAMED, SEED, AND MULCHED.

**USF NOTES:**

1. INTENT TO COLLECT AND TREAT ALL ROOF RUNOFF. PREVIOUS IMPERVIOUS: 6800 SF. CURRENT, PROPOSED TO BE TREATED 11,500 SF.
2. (TP) TEST PIT TO VERIFY EXACT LOCATION AND ELEVATION OF ROOF DRAIN. Ⓢ EXTEND AND/OR PROVIDE DITCHING/RIPRAP TO ENSURE ROOF DRAINS TO USF.
3. (USF #1): FOOTPRINT = 21'x43'  
DEPTH = 1'  
VOLUME = 800+ SF.  
REQUIRED ROOF AREA (1+2) = 735 SF. AT 1' DEPTH = 735 CF.
4. (USF #2): FOOTPRINT = 11'x35'  
REQUIRED ROOF AREA (3) = 225 SF. AT 1' DEPTH = 225 CF.
5. PROJECT REQUIRES ANNUAL ENVIRONMENTAL REVIEW PER CITY OF BANGOR.



**CARPENTER ASSOCIATES**  
CONSULTING ENGINEERS  
687 STILLWATER AVENUE • OLD TOWN • MAINE 04468

NO.	DATE	DESCRIPTION
1	11-03-2017	ALTERNATE USF'S
2	02-19-2018	BASE PLAN UPDATE
3	03-05-2018	PER CITY STAFF REVIEW
4	11-29-2018	AS BUILT



R&K CONSTRUCTION  
**PINE TREE INN LOT**  
22 CLEVELAND STREET BANGOR, MAINE  
**STORMWATER PLAN**

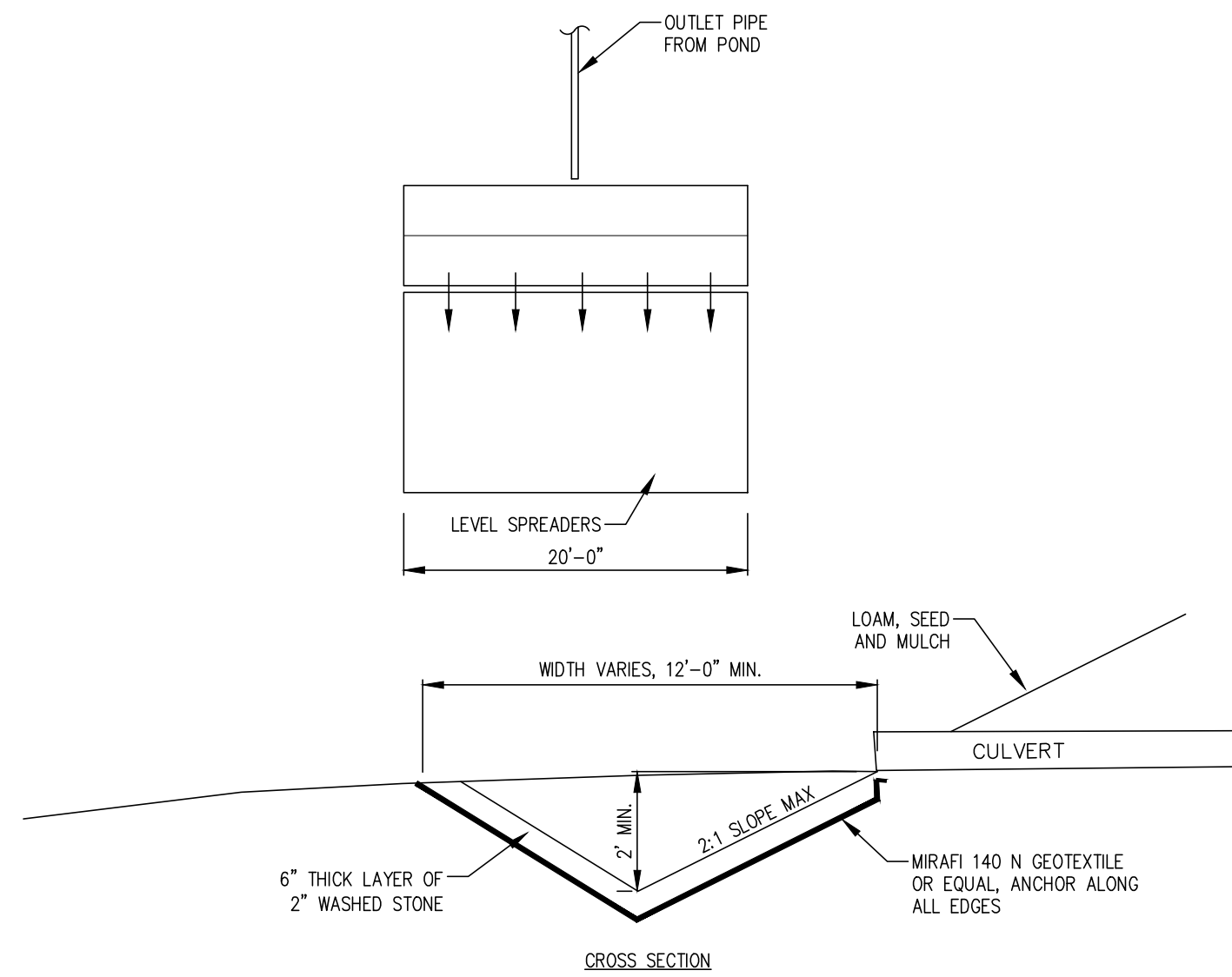
Drawn: JE  
Checked: RB  
Scale: AS NOTED  
Date: 11-02-2017  
Project No: 17117  
Sheet Number:

**1**

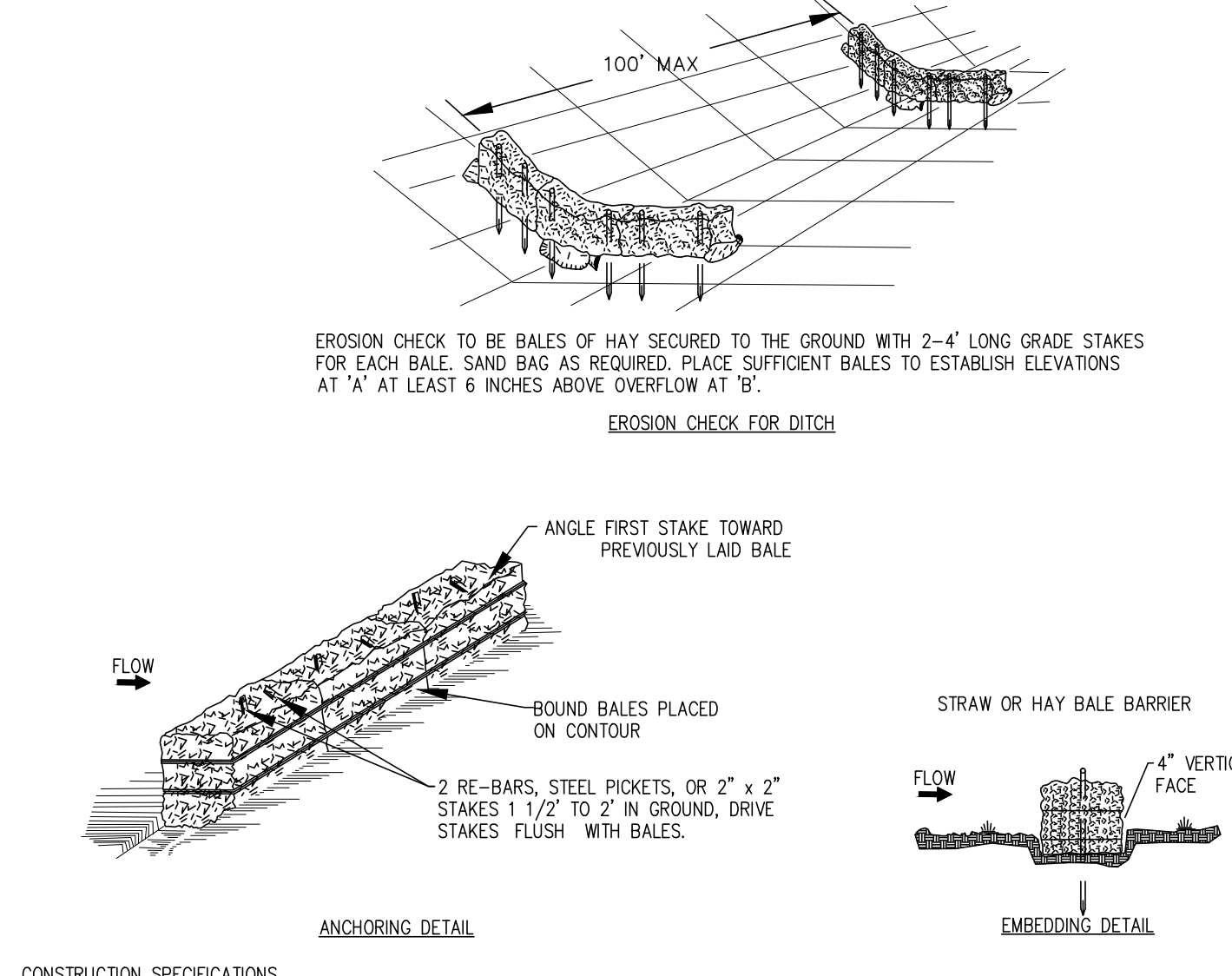
D	W1	W2	L	d50
15"	24"	188"	120"	6"
18"	60"	180"	120"	6"
24"	72"	192"	144"	6"

D	D1	D2 INLET	D2 OUTLET
15"	6"	24"	12"
18"	9"	24"	12"
24"	9"	36"	12"

**RIP-RAP APRON DETAIL**  
NOT TO SCALE



**TYPICAL LEVEL SPREADER**  
NOT TO SCALE



**HAYBALE DETAIL**  
NOT TO SCALE

**PERMANENT SEEDING NOTES FOR ALL DISTURBED AREAS:**

- DURING PERIOD FROM APRIL 15 TO OCTOBER 15, AREAS DISTURBED SHALL BE LIMED, FERTILIZED, SEEDING AND MULCHED AS FOLLOWS:
  - APPLY AGRICULTURAL GRADE LIMESTONE OF NOT LESS THAN 85 PERCENT CALCIUM AND MAGNESIUM CARBONATES AT A RATE OF 130 LBS./1,000 SQUARE FEET (SF).
  - FERTILIZE WITH COMMERCIAL GRADE 10-10-10 FERTILIZER AT A RATE OF 14 LBS./1,000 SF.
  - SEED WITH LAST YEAR'S CROP MIXTURE AT A RATE OF 2 LBS./1,000 SF. MIXTURE SHALL BE: RED FESCUE 57 PERCENT, KENTUCKY BLUEGRASS 28 PERCENT, REDTOP 9 PERCENT AND WHITE DUTCH CLOVER 6 PERCENT. MIXTURE SHALL HAVE A GERMINATION RATE OF NOT LESS THAN 80 PERCENT AND A PURITY OF NOT LESS THAN 85 PERCENT.
- AFTER SEEDING, AREAS DISTURBED SHALL BE HAY MULCHED AT A RATE OF 2.5 BALES/1,000 SF.
- NO SEEDING SHALL TAKE PLACE BETWEEN JUNE 15 AND JULY 15. AS A CONTINGENCY PLAN, AREAS DISTURBED DURING THESE DATES SHALL BE HAY MULCHED AT A RATE OF 2 BALES/1,000 SF AND SECURED WITH PEG AND TWINE OF 4-6 PEGS/SY OR WITH TERRA TACK II AT A RATE OF 60 GALLONS/ACRE.
- WEEKLY, OR AFTER PRECIPITATION PRODUCING THE EQUIVALENT OF ONE HALF INCH OF RAINFALL OR SNOW MELT, ALL MULCHED AREAS SHALL BE INSPECTED FOR SUITABILITY FOR EROSION CONTROL AND SLOPE PROTECTION. WEAKENED AREAS SHALL BE RE-MULCHED AS 2. ABOVE.
- WITHIN 30-45 DAYS OF SEED APPLICATION, ALL AREAS SHALL BE INSPECTED FOR SATISFACTORY GROWTH. AREAS OF LESS THAN 75 PERCENT GROWTH SHALL BE RESEED AT ORIGINAL APPLICATION RATES, MULCHED AND MAINTAINED ACCORDINGLY AS SPECIFIED ABOVE.
- PERMANENT SEEDING SHALL BE INSTALLED IMMEDIATELY UPON REACHING FINAL GRADE.

**EROSION CONTROL CONSTRUCTION SEQUENCE:**

- INSTALL ALL SILT FENCING AND TEMPORARY CONSTRUCTION ENTRANCES.
  - CONSTRUCT SEDIMENT POND WITH RIP-RAP INLET CHANNEL AND OUTLET STRUCTURE (INCLUDING RIP-RAP APRON AT OUTLET). INSTALL TEMPORARY PIPE SEDIMENT TRAP ON OUTLET PIPE. TEMPORARILY SEED AND MULCH DETENTION POND AREA AND INSTALL EROSION CONTROL BLANKET WHERE SHOWN.
  - GRADE PROJECT TO SUBGRADE LEVEL IN LOGICAL MANNER TO MINIMIZE EARTH MOVING AND TO PRESERVE LAND NOT TO BE DISTURBED.
  - INSTALL DETENTION POND INLET PIPE WITH RIP-RAP OUTLET.
  - COMPLETE DRAINAGE AND UTILITY CONSTRUCTION.
  - INSTALL GRAVEL BASE. REMOVE TEMPORARY CONSTRUCTION ENTRANCE IMMEDIATELY PRIOR TO PLACING ROAD BASE.
  - COMPLETE FINISH GRADING. LOAM, SEED AND MULCH (WITH EROSION CONTROL BLANKET WHERE SHOWN) ALL DISTURBED AREAS NOT TO BE PAVED OR RIP-RAPPED. REMOVE EXCESS ACCUMULATED SEDIMENTS FROM DETENTION POND BOTTOM.
  - COMPLETE UNFINISHED CONSTRUCTION AND FINISH PAVING.
  - REMOVE TEMPORARY DIVERSION DITCHES, LEVEL SPREADERS, HAY BALES AND STONE CHECK DAM WHEN 75 PERCENT OF GRASS GROWTH HAS BEEN ESTABLISHED.
- ALL EARTHWORK OR CONSTRUCTION ACTIVITIES SHALL OCCUR AFTER APRIL 15 AND BEFORE NOVEMBER 15 UNLESS PRIOR PERMISSION FROM DEP IS OBTAINED. THE CONTRACTOR SHALL INSTALL ALL EROSION CONTROL DEVICES PRIOR TO THE DISTURBANCE OF ANY WORK AREA.

**TEMPORARY SEEDING NOTES:**

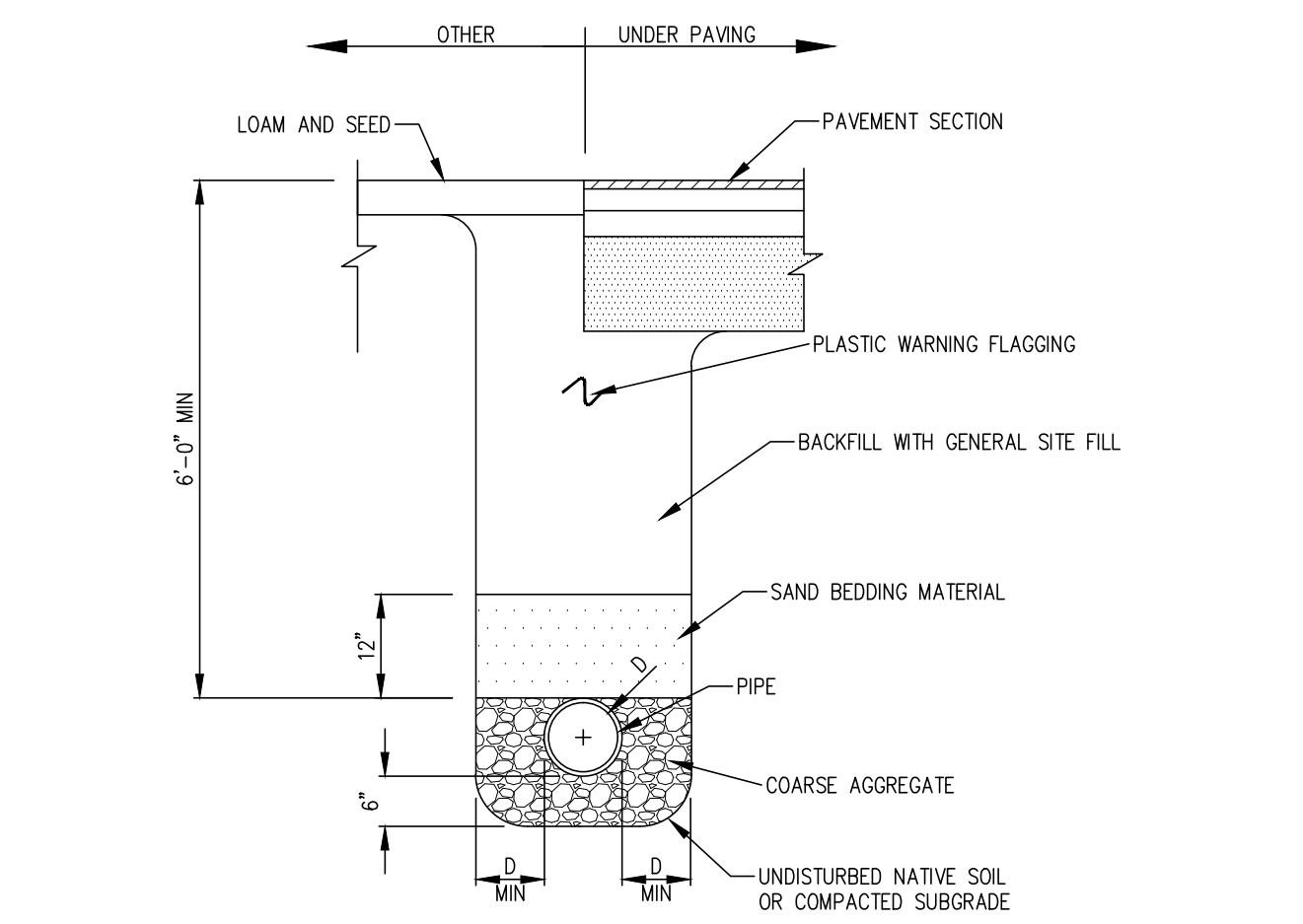
- ANY DISTURBED AREAS TO BE LEFT IN ROUGH GRADED FORM FOR MORE THAN 30 DAYS BUT LESS THAN ONE GROWING SEASON SHALL BE LIMED, FERTILIZED, TEMPORARILY SEEDING AND MULCHED.
- APPLICATION RATES AND MATERIALS USED SHALL BE THE SAME AS FOR PERMANENT SEEDING EXCEPT SEED MIXTURE SHALL BE ANNUAL RYE GRASS.

**DORMANT SEEDING NOTES:**

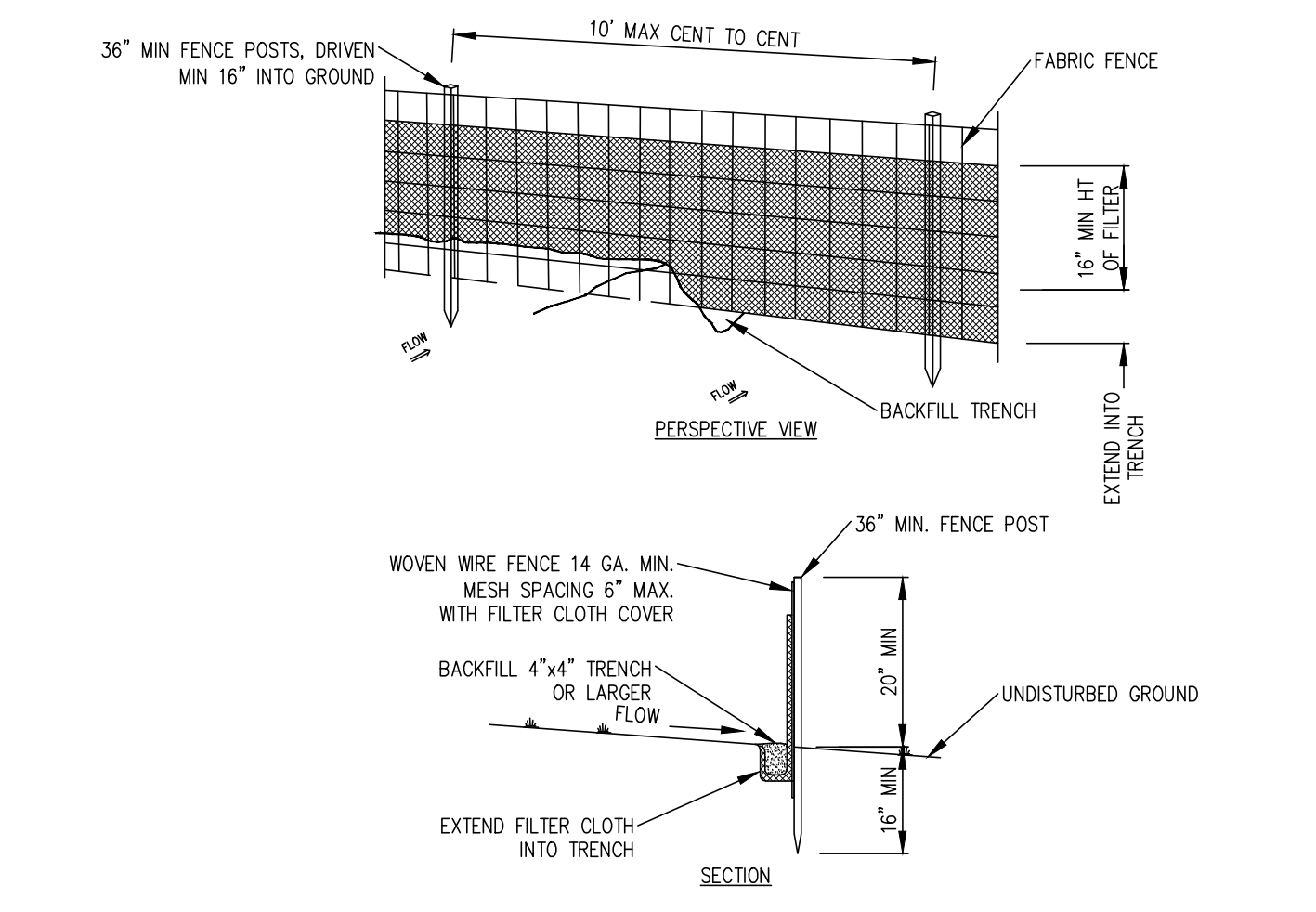
- DURING PERIODS FROM OCTOBER 1 TO NOVEMBER 15, AREAS DISTURBED SHALL BE DORMANT SEEDING WITH WINTER RYE, 1.5 LBS./1,000 SF. DURING PERIODS BETWEEN NOVEMBER 1 AND APRIL 15, DISTURBED AREAS SHALL BE MULCHED AND IF NECESSARY, STABILIZED WITH EROSION CONTROL MESH.

**GENERAL NOTES:**

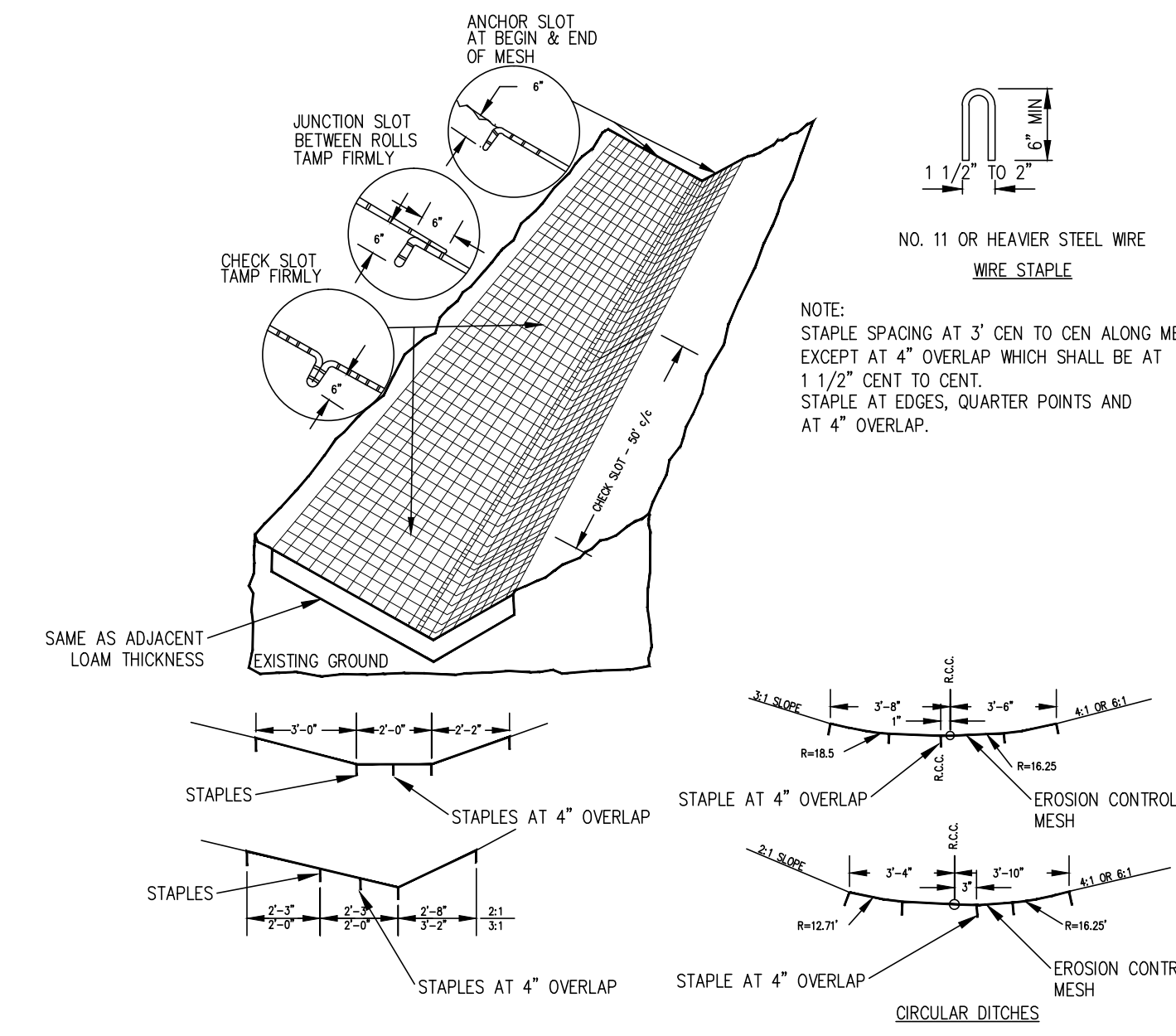
- ON SITE STABILIZATION WILL BE DONE WITHIN 15 DAYS OF FINAL GRADING OR WITHIN 30 DAYS OF INITIAL SOIL DISTURBANCE.
- EVERY WEEK AND AFTER PRECIPITATION PRODUCING THE EQUIVALENT OF ONE HALF INCH OF RAINFALL, THE CONTRACTOR SHALL INSPECT AND MAINTAIN ALL EROSION CONTROL MEASURES. MAINTENANCE SHALL INCLUDE, BUT NOT BE LIMITED TO REMOVAL OF SEDIMENT FROM SILT FENCE IF SOIL ACCUMULATES TO A DEPTH OF ONE-HALF THE FABRIC HEIGHT; REPAIR OF HAY BALE BARRIERS IF RUNOFF CHANNELIZES UNDER OR AROUND THE BALES; REMOVAL OF EXCESS ACCUMULATED SEDIMENT FROM POND; AND WASHING OF TEMPORARY CONSTRUCTION ENTRANCES PRIOR TO OCCURRENCES OF SIGNIFICANT TRACKING.
- ALL EROSION CONTROL MEASURES SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH "MAINE EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION: BEST MANAGEMENT PRACTICES: BY CUMBERLAND COUNTY SWD, DEPARTMENT OF ENVIRONMENTAL PROTECTION, MARCH, 1991.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL EROSION CONTROL MEASURES, INCLUDING MATERIALS, CONSTRUCTION, MAINTENANCE AND REMOVAL.
- JUTE MESH SHALL BE INSTALLED ON ALL LOAM AND SEEDING AREAS WHICH HAVE A SLOPE GREATER THAN 3:1.
- EROSION CONTROL MEASURES SHALL BE INSPECTED ON A MONTHLY BASIS ONCE FINAL STABILIZATION IS COMPLETE, BY THE INSPECTING ENGINEER. THIS INSPECTION IS NO WAY REDUCES OR ELIMINATES THE CONTRACTOR'S RESPONSIBILITY TO ADHERE WITH VERBAL OR WRITTEN REQUIREMENTS OF DEP, ARMY CORPS, EPA OR OTHER JURISDICTIONAL AGENCIES. CONTRACTOR MUST FURTHER ADHERE TO ALL REQUIREMENTS SET FORTH IN THE DEP ORDER OF CONDITIONS.
- AFTER EACH INSPECTION OF EROSION CONTROL MEASURES, AND INSPECTION REPORT DETAILING THE SCOPE OF THE INSPECTION, NAME(S) OF PERSONNEL CONDUCTING THE INSPECTION, DATE, MAJOR OBSERVATION AND ACTIONS TAKEN, SHALL BE MADE AND KEPT ON FILE FOR THREE YEARS AFTER THE INSPECTION.



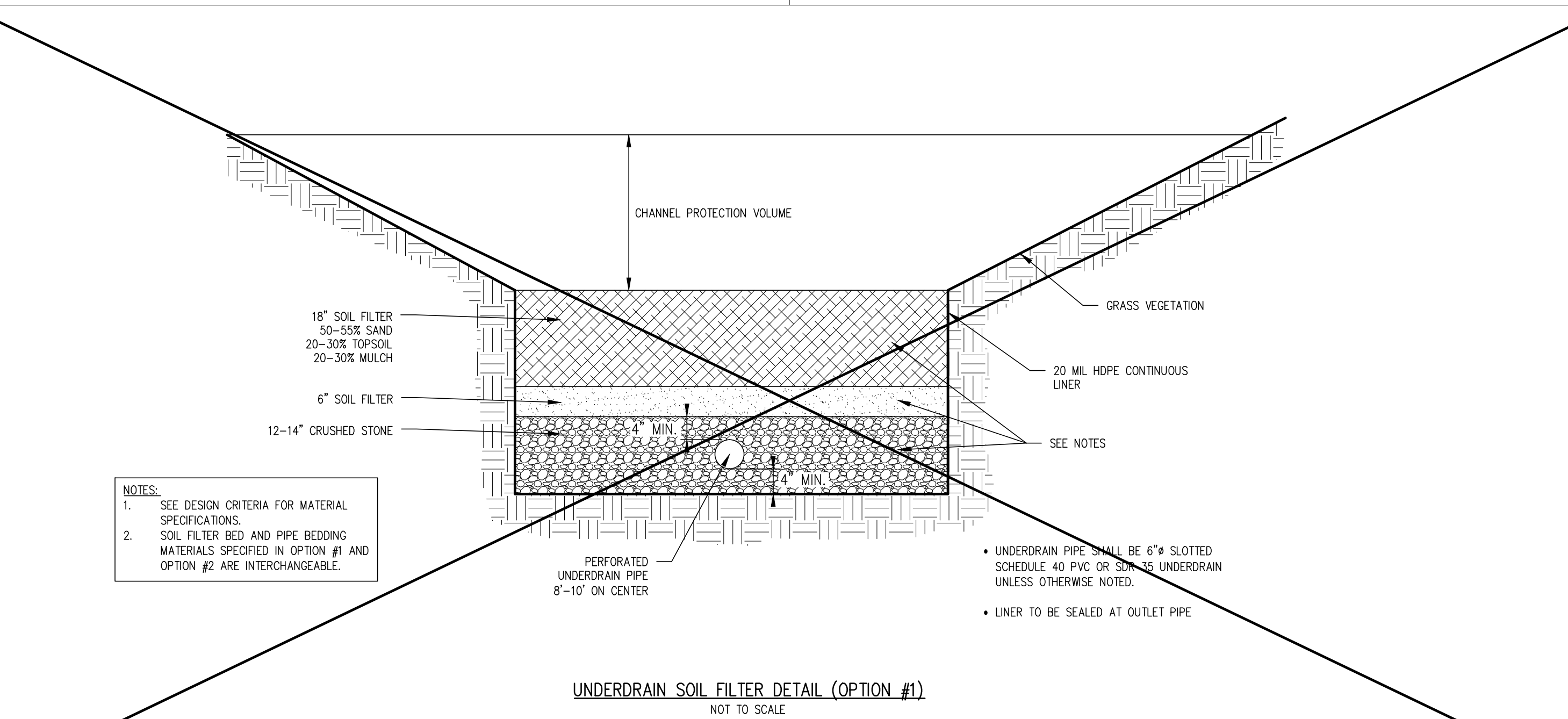
**TRENCH DETAIL**  
NOT TO SCALE



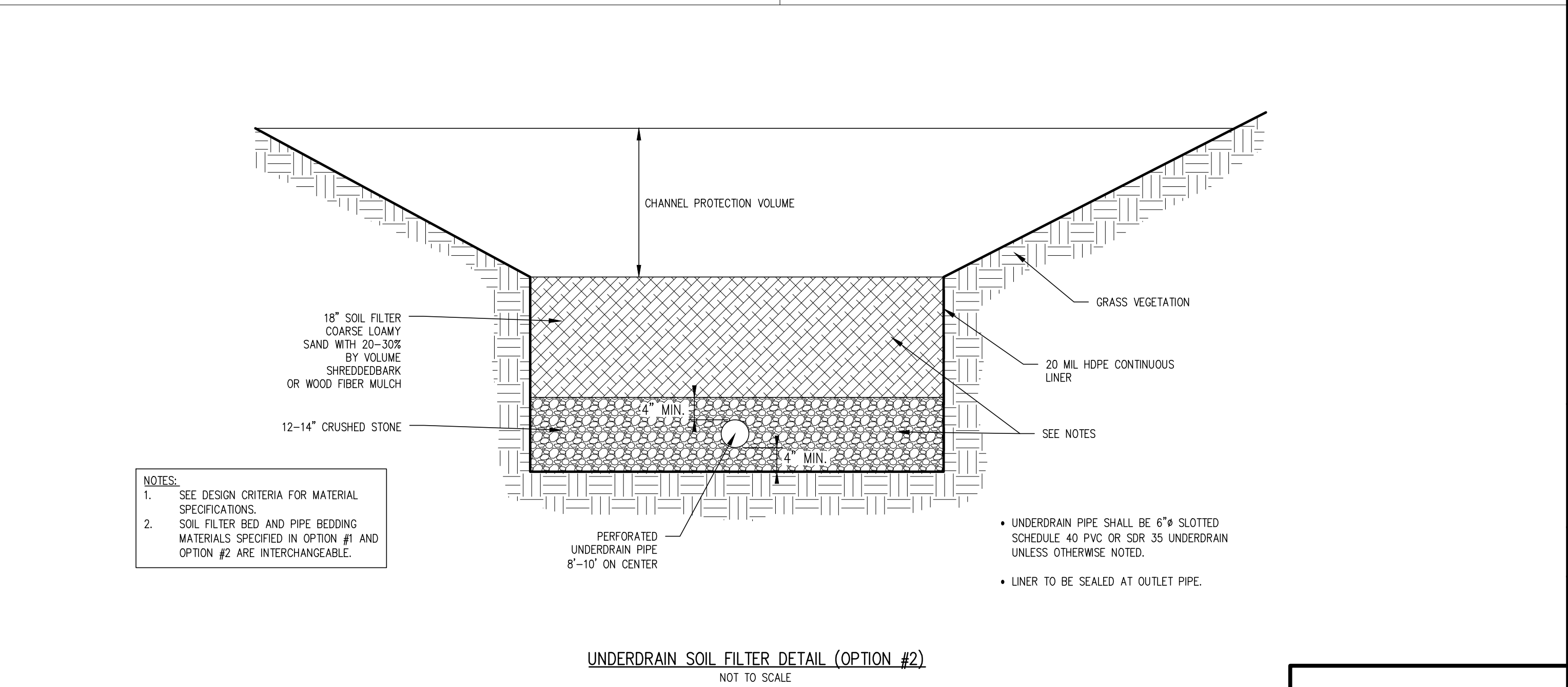
**SILT FENCE DETAIL**  
NOT TO SCALE



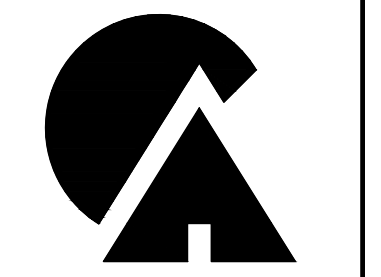
**EROSION CONTROL MESH**  
NOT TO SCALE



**UNDERDRAIN SOIL FILTER DETAIL (OPTION #1)**  
NOT TO SCALE

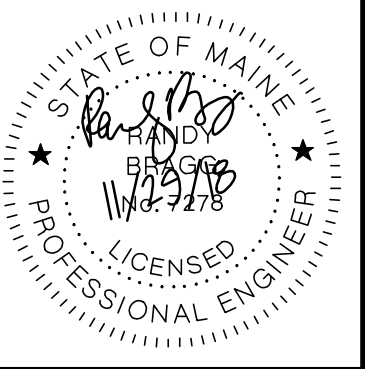


**UNDERDRAIN SOIL FILTER DETAIL (OPTION #2)**  
NOT TO SCALE



**CARPENTER ASSOCIATES**  
CONSULTING ENGINEERS  
687 STILLWATER AVENUE - OLD TOWN - MAINE 04468

NO.	DATE	BY	REVISION
1	11-03-2017	JE	ALTERNATE USF'S
2	11-29-2018	JE	AS BUILT



R&K CONSTRUCTION  
**PINE TREE INN LOT**  
22 CLEVELAND STREET BANGOR, MAINE  
SITE DETAILS

Drawn: JE  
Checked: RB  
Scale: AS NOTED  
Date: 11-02-2017  
Project No: 17117  
Sheet Number:

AS BUILT  
11-29-2018

**2**



# CITY OF BANGOR

Planning Division

## Checklist for Land Development Applications

Pre-application Meeting Date: N/A

Date submitted: 10/17/2022

Date Reviewed: 10/19/2022

Initials ABC

Project: 22 Cleveland Street Change of Use

Project Location: 22 Cleveland Street

Applicant: Penquis CAP, Inc.

Applicant Representative: Carpenter Associates - Randy Bragg

Phone Number or Email: rbragg@carpenterassoc.com

Project Zoning District: G&ISD

Allowed Use: \_\_\_\_\_

Conditional Use: Permanent supportive housing

Site Plan Requirement Reference: §165-111.A(1), (5)

Project Disturbs More than One Acre? Yes \_\_\_\_\_ No X \_\_\_\_\_

If Yes, Applicant aware of MCGP and Chapter 500 Permitting through Maine DEP?

Yes \_\_\_\_\_ Informed by City Staff \_\_\_\_\_

Yes	No	Not applicable / Other	Site Plan Element
X			Scale
X			North Arrow
X			Building/Lot dimensions
X			Building locations/uses





# CITY OF BANGOR

Planning Division

## Checklist for Land Development Applications

Yes	No	Not applicable / Other	Site Plan Element
X			Parking/access/loading locations
		X	Signage
X			Lighting
X			Screening and Buffer
X			Erosion and sedimentation
X			Stormwater
X			Manholes/catch basins
X			Sewer
X			Water
		X	Fire Hydrants, fire pond?
X			Electric/Communication
X			Curbs and gutters
X			Paved/un-vegetated/vegetated areas
X			Trash
		X	Outdoor display/storage
X			Existing trees
	X		Deed or other instrument allowing pursuit of permits
X			Topo
X			Adjacent buildings and features
		X	Traffic
X			Location sketch
		X	Post Construction Stormwater Maintenance Plan
X			Building Permit Application
		X	Fire Comments
		X	Shoreland delineation/zoning compliance
		X	Floodplain location
		X	Effects on scenic, etc
		X	Table showing compliance with dimensional Requirements
	X		Table showing compliance with Parking Requirements
	X		<b>Additional Conditional Use General Requirements</b> Traffic Study Support Letter for paragraph (4)



**CITY OF BANGOR**

Planning Division

Checklist for Land Development Applications

Yes	No	Not applicable / Other	Site Plan Element
			<b>Additional Conditional Use Specific Requirements for Use or District</b>
		X	<b>Additional Subdivision Requirements</b> Lot lines Existing street connections Open space reservation Abutters Onsite wastewater Easements Soils Wetlands
		X	<b>Additional Solar applications</b> Height Yard Buffers Glare Decommissioning plan Utility Connections Confirmation of use
		X	Proposed temporary construction access roads
		X	Proposed bus stop location

**Comments on Completeness**

Please include an Owner-Applicant Authorization form and a deed showing the right/title/interest of the owner.

Since this is a change of use and a conditional use, please include a narrative indicating how the project will meet the standards given in [§165-9.A](#).

On the site plan, please add an updated revision date to show that this plan is being revised now for a change in use.



## CITY OF BANGOR

Planning Division

Checklist for Land Development Applications

### Comments on Compliance

Please include a note on the plans showing that this project meets the parking requirements for this use ([165-72.B](#)).

**Possible Planning Board agenda (if application is complete): 11/15/2022**

**Deadline to advertise: 11/1/2022**

**Deadline to post to abutters: 11/1/2022**

**Deadline for edits or amendments: 10/31/2022**

**\*\*For edits, please only send digital copies until staff has determined the plans are okay to go to Planning Board. Once staff has made that determination, hard copies of the final plans can be sent.**

**From:** [Craig, George](#)  
**To:** [Collette, Anja](#)  
**Subject:** RE: Plans Review x4 (See Below)  
**Date:** Thursday, October 20, 2022 1:22:33 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

---

Ok, yes we are good with it, thank you.

George



**CITY OF BANGOR**

**George Craig**

***Fire Inspector, CFI-1***

***Fire Prevention Division***

Phone: 207-992-4264

Cell: 207-735-4041

Fax: 207-945-4449

<http://www.bangormaine.gov>

---

**From:** Collette, Anja <[anja.collette@bangormaine.gov](mailto:anja.collette@bangormaine.gov)>  
**Sent:** Thursday, October 20, 2022 1:13 PM  
**To:** Craig, George <[george.craig@bangormaine.gov](mailto:george.craig@bangormaine.gov)>  
**Subject:** RE: Plans Review x4 (See Below)

Yes, it's just a change of use to supportive housing

---

**From:** Craig, George <[george.craig@bangormaine.gov](mailto:george.craig@bangormaine.gov)>  
**Sent:** Thursday, October 20, 2022 1:11 PM  
**To:** Collette, Anja <[anja.collette@bangormaine.gov](mailto:anja.collette@bangormaine.gov)>  
**Subject:** RE: Plans Review x4 (See Below)

Yes we are good with the rest of them as well but with one question, I only see a stormwater plan for 22 Cleveland street, are the proposing just using the Pine Tree Inn for permanent supportive housing?

---

**From:** Collette, Anja <[anja.collette@bangormaine.gov](mailto:anja.collette@bangormaine.gov)>

**Sent:** Thursday, October 20, 2022 1:01 PM  
**To:** Craig, George <[george.craig@bangormaine.gov](mailto:george.craig@bangormaine.gov)>  
**Subject:** RE: Plans Review x4 (See Below)

Thanks! Were you also good with the other projects?

---

**From:** Craig, George <[george.craig@bangormaine.gov](mailto:george.craig@bangormaine.gov)>  
**Sent:** Thursday, October 20, 2022 12:55 PM  
**To:** Collette, Anja <[anja.collette@bangormaine.gov](mailto:anja.collette@bangormaine.gov)>  
**Subject:** RE: Plans Review x4 (See Below)

Hi Anja, fire is all set at this point. Thank you,

George



**CITY OF BANGOR**

**George Craig**

***Fire Inspector, CFI-1***

*Fire Prevention Division*

Phone: 207-992-4264

Cell: 207-735-4041

Fax: 207-945-4449

<http://www.bangormaine.gov>

---

**From:** Collette, Anja <[anja.collette@bangormaine.gov](mailto:anja.collette@bangormaine.gov)>  
**Sent:** Thursday, October 20, 2022 12:07 PM  
**To:** 'Josh Saucier' <[josh@bangorwater.org](mailto:josh@bangorwater.org)>; Bickford, Melissa <[melissa.bickford@bangormaine.gov](mailto:melissa.bickford@bangormaine.gov)>; Craig, George <[george.craig@bangormaine.gov](mailto:george.craig@bangormaine.gov)>; Hanscom Bilotta, Brenda <[Brenda.hanscombilotta@bangormaine.gov](mailto:Brenda.hanscombilotta@bangormaine.gov)>; Krieg, Anne M. <[anne.krieg@bangormaine.gov](mailto:anne.krieg@bangormaine.gov)>; May, Richard <[richard.may@bangormaine.gov](mailto:richard.may@bangormaine.gov)>; Noah Bussiere <[noah@bangorwater.org](mailto:noah@bangorwater.org)>; Theriault, John <[john.theriault@bangormaine.gov](mailto:john.theriault@bangormaine.gov)>; Vachon, Adam <[adam.vachon@bangormaine.gov](mailto:adam.vachon@bangormaine.gov)>; Wallace, Jeff <[jeff.wallace@bangormaine.gov](mailto:jeff.wallace@bangormaine.gov)>  
**Subject:** RE: Plans Review x4 (See Below)

Hi all, can you please review the attached checklist for 4 Griffin Road to ensure your comments/concerns were reflected? So far for this project, based on the emails I've seen, the only

comments have come from Rich. Water had no comments and I haven't seen any from Code or Fire.

Thank you!

Anja

---

**From:** Josh Saucier <[josh@bangorwater.org](mailto:josh@bangorwater.org)>

**Sent:** Tuesday, October 18, 2022 2:37 PM

**To:** Bickford, Melissa <[melissa.bickford@bangormaine.gov](mailto:melissa.bickford@bangormaine.gov)>; Collette, Anja <[anja.collette@bangormaine.gov](mailto:anja.collette@bangormaine.gov)>; Craig, George <[george.craig@bangormaine.gov](mailto:george.craig@bangormaine.gov)>; Hanscom Bilotta, Brenda <[Brenda.hanscombilotta@bangormaine.gov](mailto:Brenda.hanscombilotta@bangormaine.gov)>; Krieg, Anne M. <[anne.krieg@bangormaine.gov](mailto:anne.krieg@bangormaine.gov)>; May, Richard <[richard.may@bangormaine.gov](mailto:richard.may@bangormaine.gov)>; Noah Bussiere <[noah@bangorwater.org](mailto:noah@bangorwater.org)>; Theriault, John <[john.theriault@bangormaine.gov](mailto:john.theriault@bangormaine.gov)>; Vachon, Adam <[adam.vachon@bangormaine.gov](mailto:adam.vachon@bangormaine.gov)>; Wallace, Jeff <[jeff.wallace@bangormaine.gov](mailto:jeff.wallace@bangormaine.gov)>

**Subject:** RE: Plans Review x4 (See Below)

---

**WARNING:** This email originated outside of our organization. Messages claiming or appearing to be from someone within our organization may be fraudulent. **DO NOT CLICK** links or attachments unless you can verify the sender and know the content is safe.

---

1. 22 Cleveland Street:
  - A. What is being changed? All I see is an as-built drawing?
2. 4 Griffin Road  
No comments.
3. Brighton Avenue
  - A. Third service on the left is shown as disconnected from the main.
  - B. Please call out minimum separations from structures on plan as we previously requested. Typical is fine once for each utility in close proximity. As I stated before, the contractor doesn't see it if it isn't on the plans.
4. 57 BMB
  - A. Contractor should show location of water curb stop so it isn't damaged during construction.
  - B. I'm assuming that the "curb with railing" is to be installed at a depth of no more than 18". If so, we have no comment. If this intended to be a pile guardrail, I'd suggest relocation of it or the water service.
  - C. Please remove excess apostrophes.

I'll try to sit in on the meeting but I don't think that we will have additional comments. Thanks for the opportunity to review.

Best,

Josh

Joshua Saucier, PE, District Engineer  
Bangor Water District  
Phone: 207-852-7178



-----Original Appointment-----

**From:** Bickford, Melissa <[melissa.bickford@bangormaine.gov](mailto:melissa.bickford@bangormaine.gov)>

**Sent:** Tuesday, October 18, 2022 8:21 AM

**To:** Collette, Anja; Craig, George; Hanscom Bilotta, Brenda; Josh Saucier; Krieg, Anne M.; May, Richard; Noah Bussiere; Theriault, John; Vachon, Adam; Wallace, Jeff

**Subject:** Plans Review x4 (See Below)

**When:** Wednesday, October 19, 2022 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).

**Where:** Zoom

**Plans Review:**

1. Site Development Plan-Conditional Use – 22 Cleveland Street – Penquis CAP, Inc. (Digital plan attached)
2. Site Development Plan – 4 Griffin Road – Kellrand Inc. – (3) 30'x130' single-story self-storage buildings (Digital plan attached)
3. Subdivision Modification – Brighton Avenue – J&R Investments - **Response to Comments** – (attached)
4. Site Development Plan – 57 Bangor Mall Boulevard – Green Tea/Carousel Investments – **Response to Comments** (attached)

***If you're unable to attend, please forward me any concerns, etc. by end of day on Thursday the 20<sup>th</sup>. Thank you! Mel***

**Zoom:**

Topic: Plans Review

Time: Oct 19, 2022 11:00 AM Eastern Time (US and Canada)

Join Zoom Meeting: <https://us06web.zoom.us/j/85093603103?pwd=VTZzV3RkOUNtcTVtbElGQ2RQOUZ2UT09>

Meeting ID: 850 9360 3103

Passcode: 652256

-



# CARPENTER ASSOCIATES

## CONSULTING ENGINEERS

October 25, 2022

Anja Collette  
City of Bangor  
73 Harlow Street  
Bangor, ME 04401

Re: 22 Cleveland Street R25-036  
Response to Staff Review

Dear Anja:

We have responded with the supplemental information requested using your office's checklist as a guide.

1. The Owner-Applicant and Deed showing right/title/interest remains the same as on file for the recent zone change. We have attached a copy.
2. Standard 165-9A
  - (1) The intent of the existing development is to have no other changes except to allow for permanent residency. The Inn will be renovated, taking advantage of the existing layout, for permanent use. Our understanding is that the development standards and use conditions of the district will remain the same and therefore, since no changes to the site are anticipated, we assume this too will comply, as did the previous Inn.
  - (2) The use will not generate additional traffic congestion on Cleveland Street. The ITE use classification remains the same. No change from previous is anticipated.
  - (3) The facility will be maintained by Penquis CAP, and utilities, fire protection devices, drainage, parking, etc. will be monitored on a regular basis and immediately addressed should the need arise.
  - (4) The use, including the building, will continue to conform to the general physical building style, building bulk and extent, and intensity of the site use. The building will maintain the "look" of facade, consistent with nearby structures.
3. The plan revision date has been updated.

2022063



Anja Collette

Page 2

4. A note has been added to the plan stating the parking requirement of one per dwelling unit in 165-72.B has been exceeded. The project expects no more than 38 units. A total of 43 spaces have provided.

Feel free to contact our office with any questions.

Sincerely,



Randy Bragg, P.E.

Cc: Jason Bird

Attachments



**CITY OF BANGOR**

Planning Division  
Checklist for Land Development Applications

Pre-application Meeting Date: N/A

Date submitted: 10/17/2022

Date Reviewed: 10/19/2022

Initials ABC

Project: 22 Cleveland Street Change of Use

Project Location: 22 Cleveland Street

Applicant: Penquis CAP, Inc.

Applicant Representative: Carpenter Associates – Randy Bragg

Phone Number or Email: rbragg@carpenterassoc.com

Project Zoning District: G&ISD

Allowed Use: \_\_\_\_\_

Conditional Use: Permanent supportive housing

Site Plan Requirement Reference: §165-111.A(1), (5)

Project Disturbs More than One Acre? Yes \_\_\_\_\_ No X \_\_\_\_\_

If Yes, Applicant aware of MCGP and Chapter 500 Permitting through Maine DEP?

Yes \_\_\_\_\_ Informed by City Staff \_\_\_\_\_

Yes	No	Not applicable / Other	Site Plan Element
X			Scale
X			North Arrow
X			Building/Lot dimensions
X			Building locations/uses



# CITY OF BANGOR

Planning Division

Checklist for Land Development Applications

Yes	No	Not applicable / Other	Site Plan Element
X			Parking/ access/loading locations
		X	Signage
X			Lighting
X			Screening and Buffer
X			Erosion and sedimentation
X			Stormwater
X			Manholes/catch basins
X			Sewer
X			Water
		X	Fire Hydrants, fire pond?
X			Electric/Communication
X			Curbs and gutters
X			Paved/un-vegetated/vegetated areas
X			Trash
		X	Outdoor display/storage
X			Existing trees
	X		Deed or other instrument allowing pursuit of permits
X			Topo
X			Adjacent buildings and features
		X	Traffic
X			Location sketch
		X	Post Construction Stormwater Maintenance Plan
X			Building Permit Application
		X	Fire Comments
		X	Shoreland delineation/zoning compliance
		X	Floodplain location
		X	Effects on scenic, etc
		X	Table showing compliance with dimensional Requirements
	X		Table showing compliance with Parking Requirements
	X		<b>Additional Conditional Use General Requirements</b> Traffic Study Support Letter for paragraph (4)



# CITY OF BANGOR

Planning Division  
 Checklist for Land Development Applications

Yes	No	Not applicable / Other	Site Plan Element
			<b>Additional Conditional Use Specific Requirements for Use or District</b>
		X	<b>Additional Subdivision Requirements</b> Lot lines Existing street connections Open space reservation Abutters Onsite wastewater Easements Soils Wetlands
		X	<b>Additional Solar applications</b> Height Yard Buffers Glare Decommissioning plan Utility Connections Confirmation of use
		X	Proposed temporary construction access roads
		X	Proposed bus stop location

## Comments on Completeness

- ✓ 1. Please include an Owner-Applicant Authorization form and a deed showing the right/title/interest of the owner.
- ✓ 2. Since this is a change of use and a conditional use, please include a narrative indicating how the project will meet the standards given in §165-9.A.
- ✓ 3. On the site plan, please add an updated revision date to show that this plan is being revised now for a change in use.



## CITY OF BANGOR

Planning Division  
Checklist for Land Development Applications

### Comments on Compliance

- ✓ 4. Please include a note on the plans showing that this project meets the parking requirements for this use (165-72.B).

**Possible Planning Board agenda (if application is complete): 11/15/2022**

**Deadline to advertise: 11/1/2022**

**Deadline to post to abutters: 11/1/2022**

**Deadline for edits or amendments: 10/31/2022**

**\*\*For edits, please only send digital copies until staff has determined the plans are okay to go to Planning Board. Once staff has made that determination, hard copies of the final plans can be sent.**



**CITY OF BANGOR**

PLANNING DIVISION

OWNER-APPLICANT-AGENT SIGN OFF SHEET FOR LAND DEVELOPMENT APPLICATIONS

DATE SUBMITTED: \_\_\_\_\_

STAFF INITIALS: \_\_\_\_\_

Project: 22 Cleveland St.

Project Location: 22 Cleveland Street

Map R25 Lot 036

*I give permission to the applicant noted below to pursue permits for the above-noted property.*

Property Owner: John Karney

Property Owner Signature 

*I give permission to Agent noted below to represent my interests on the application and to be the primary contact person for the process.*

Applicant: Penquis CAP

Applicant Signature: Jason Bird

Agent: Randy Bragg, P.E., Carpenter Associates, 687 Stillwater Avenue, Old Town, ME 04468

Agent Phone Number or Email: 827-8001 info@carpenterassoc.com

N O T MUNICIPAL QUITCLAIM DEED N O T

A N A N

O F F I C I A L O F F I C I A L  
C O P Y C O P Y  
The CITY OF BANGOR, a municipal corporation organized and existing under the laws of the State of Maine, located at Bangor, Penobscot County, Maine as Grantor, for consideration paid, grants to John T. Karnes and Laurie A. Karnes, husband and wife, both of Bangor, Penobscot County, Maine, with a mailing address of P.O. Box 1262 Bangor, Maine, as Grantees, with Quitclaim Covenants, as joint tenants, the land located in Bangor, Penobscot County, Maine and more particularly described as follows:  
C O P Y C O P Y

A lot or parcel of land with the improvements thereon situate in the City of Bangor, County of Penobscot, State of Maine, being bordered on the south and west by lands of the City of Bangor; on the North by Cleveland Street; and on the east by lands of the University of Maine; more particularly described:

beginning at an iron rod set in the northerly corner of land described in a deed to the City of Bangor dated March 2, 2006, recorded in the Penobscot County Registry of Deeds Book 10333, Page 251, which iron rod is located with reference to the Maine Coordinate System of 1983, East Zone, with a Northing of 415,340.40 U.S. Survey Feet and an Easting of 905,742.24 U.S. Survey Feet; thence along lands described in a deed to the University of Maine dated May 10, 1971, recorded in the Penobscot County Registry of Deeds Book 2214, Page 285 South 30°-21'-40" East a distance of 152.24 feet to an iron rod set; thence continuing along lands of said University of Maine South 13°-59'-20" West a distance of 84.09 feet to an iron rod set; thence continuing along lands of said University of Maine South 20°-10'-30" East a distance of 172.26 feet to an iron rod set; thence South 69°-49'-30" West a distance of 150.79 feet to an iron rod set; thence North 56°-16'-10" West a distance of 215.69 feet to an iron rod set in the southerly sideline of Cleveland Street and located in the east line of land described in a deed to the City of Bangor dated June 4, 2002, recorded in the Penobscot County Registry of Deeds Book 8224, Page 116, which iron rod is located with reference to the Maine Coordinate System of 1983, East Zone, with a Northing of 415,033.51 U.S. Survey Feet and an Easting of 905,537.35 U.S. Survey Feet; thence along the sideline of Cleveland Street North 56°-16'-10" West a distance of 20.00 feet to an iron rod set in the southerly sideline of Cleveland Street; thence along the southerly sideline of Cleveland Street North 33°-43'-50" East a distance of 368.53 feet to a point in the westerly line of lands of said University of Maine; thence along the westerly line of said University of Maine South 57°-36'-50" East a distance of 20.01 feet to the point of beginning, enclosing 1.823 acres.

CONVEYING WITH a stormwater, drainage and erosion control easement, 16 feet in width over lands of the grantor with the right to lay, construct, reconstruct, operate, maintain, replace and/or remove earth, conduits, concrete and other associated appurtenances being bounded and described as follows:

beginning at a point in the south line of the lot herein above described, said point being located North 69°-49'-30" East a distance of 26.79 feet from an iron rod set at the southwest corner of the lot herein above described, which iron rod is located with reference to the Maine Coordinate System of 1983, East Zone, with a Northing of 414,913.75 U.S. Survey Feet and an Easting of 905,716.73 U.S. Survey Feet; thence South 51°-26'-40" East a distance of 50.00 feet to a point; thence North 69°-49'-30" East a distance of 18.72 feet to a point; thence North 51°-26'-40" West a distance of 50.00 feet to a point on the south line of the lot herein above described; thence along the south line of the lot herein above described South 69°-49'-30" West a distance of 18.72 feet to the point of beginning, enclosing 800 square feet.

Iron rods set are three-quarter inch reinforcing rods with a plastic cap marked "Plisga & Day PLS 2327", driven into the ground in 2015.

Bearings referenced herein are oriented to Grid North referencing the Maine Coordinate System of 1983, East Zone, as determined by a survey conducted by Plisga & Day, Land Surveyors in 2015 (reference project number: 15104). Coordinate values identifying the monuments are provided as an aid in location of the property and are not intended to control bearings, distances or the positions marked by monuments defining the property boundaries.

Grantor's source of title reference is made to a deed from the University of Maine System to the City of Bangor dated March 2, 2006, recorded in the Penobscot County Registry of Deeds Book 10333, Page 251 and a deed from the University of Maine System to the City of Bangor dated June 4, 2002 recorded in the Penobscot County Registry of Deeds Book 8224, Page 116.

EXCEPTING AND RESERVING a sanitary sewer 35 feet in width over lands of the grantor with the right to lay, construct, reconstruct, operate, maintain, replace and/or remove earth, conduits, concrete and other associated appurtenances being bounded and described as follows:

beginning at an iron rod set in the northerly corner of land described in a deed to the City of Bangor dated March 2, 2006, recorded in the Penobscot County Registry of Deeds Book 10333, Page 251, which iron rod is located with reference to the Maine Coordinate System of 1983, East Zone, with a Northing of 415,340.40 U.S. Survey Feet and an Easting of 905,742.24 U.S. Survey Feet;



thence along lands described in a deed to the University of Maine dated May 10, 1971, recorded in the Penobscot County Registry of Deeds Book 2214, Page 285 South  $30^{\circ}-21'-40''$  East a distance of 16.68 feet to a turning point;

thence South  $33^{\circ}-43'-50''$  West a distance of 361.71 feet to a turning point;

thence North  $56^{\circ}-16'-10''$  West a distance of 15.00 feet to an iron rod set;

thence North  $56^{\circ}-16'-10''$  West a distance of 20.00 feet to an iron rod set located at the easterly side line of Cleveland Street;

thence North  $33^{\circ}-43'-50''$  East a distance of 368.53 feet to a turning point;

thence South  $57^{\circ}-37'-00''$  East a distance of 20.01 feet to the point of beginning.

The above described parcel of land containing 0.30 acres, more or less.

The sanitary sewer easement herein reserved shall consist of the right to enter onto the above-described easement area and onto adjacent land of the Grantees at all reasonable times with personnel, vehicles and equipment for the purpose of excavating for, installing, replacing, maintaining and using within the easement area underground utility lines for and sanitary sewer.

The Grantees agree, for themselves and for their successors, heirs and assigns, that no trees, shrubs or permanent structures will be planted or constructed within seventeen and one-half feet of the centerline of the easement area as described above.

ALSO EXCEPTING AND RESERVING any and all easements of record.

This conveyance is subject to an easement from the University of Maine System to Bangor Hydro-Electric Company dated June 2, 1997 and recorded in the Penobscot County Registry of Deeds in Book 6462, Page 145.

By acceptance of this Deed Grantees agree, except as otherwise specified herein, to the following express conditions, covenants, and restrictions.

It is the intent of the parties that the restrictions and conditions contained herein hereof shall be covenants "running with the land" and that they shall be binding, to the fullest extent permitted by law and equity, for the benefit and in favor of, and enforceable by the Grantor and any successor in interest to the Premises or any part thereof for the time periods specifically prescribed herein for each.

By acceptance of this deed the Grantees agree for themselves, and every successor in interest to the Premises, or any part thereof, that on no part of the Premises shall the following uses be allowed or permitted: gasoline station, warehousing or self-storage facilities, auto sales, auto service, drive in business of any type, or registered dispensary

as defined in 22 M.R.S.A. §2428, as the same may be amended from time to time, and that neither the Premises, nor any part thereof, shall have any outdoor sales, outdoor display or outdoor entertainment.

O F F I C I A L O F F I C I A L

By acceptance of this deed the Grantees agree for themselves, and every successor in interest to the Premises, or any part thereof, that the Premises shall be subject to all taxes and assessments as may be imposed by any governmental authority upon the Premises and any buildings, structures, or improvements which may be or may become located thereon. It is the intent of the parties hereto, and Grantees hereby agree that they do hereby waive, for themselves and any successors in interest, all right or privilege of exemption from municipal taxation of the Premises and any buildings, structures, or improvements which may be or may become located thereon, as may be available by reason of Grantees' or such successors' legal status, or for any other reason whatsoever, and that the Grantor City of Bangor, in its capacity as a taxing authority, may assess all taxes as would otherwise be applicable to the premises, buildings, structures or improvements which may be or may become located thereon, as if such exemption did not exist. Grantees further agree, for themselves and any successors in interest, to pay any assessments on or before the date upon which they become due and payable.

FURTHER, the Grantees agree for themselves, and every successor in interest to the Premises, in the event that Grantees or any successor or assign shall claim and be found exempt, Grantees and any successor or assign shall execute an agreement for payment in lieu of taxes (PILOT) with the Grantor for payment of one hundred percent (100%) of the real estate taxes that would have been assessed by the Grantor City of Bangor if it were not exempt from taxation.

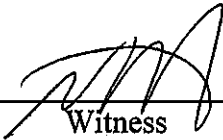
The Grantees joins in this instrument for the purpose of acknowledging its obligations, conditions, and restrictions as set out above.

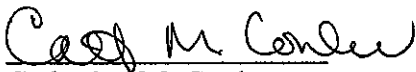
The said City of Bangor has caused this instrument to be sealed with its corporate seal, and signed in its corporate name by Catherine M. Conlow, City Manager, thereunto duly authorized, this 4<sup>th</sup> day of April, 2016.

Signed, Sealed and Delivered

In the Presence of

CITY OF BANGOR

  
\_\_\_\_\_  
Witness

By:   
Catherine M. Conlow  
City Manager

State of Maine  
Penobscot, ss

N O T  
A N  
O F F I C I A L

N O T  
A P R I L 4, 2016

O F F I C I A L

Then personally appeared the above-named Catherine M. Conlow, City Manager,  
and acknowledged the foregoing to be her free act and deed in her said capacity, and the  
free act and deed of said body corporate.

C O P Y  
N O T  
A N  
O F F I C I A L  
C O P Y  
Before me,

C O P Y  
N O T  
A N  
O F F I C I A L  
C O P Y  
*Barbara J. Pepin*  
Notary Public/Attorney at law  
Printed Name:  
Commission expires:

BARBARA J. PEPIN  
NOTARY PUBLIC MAINE  
MY COMMISSION EXPIRES FEBRUARY 18, 2019



Signed, Sealed and Delivered  
In the Presence of

\_\_\_\_\_  
Witness

*John T. Karnes*  
John T. Karnes

\_\_\_\_\_  
Witness

*Laurie A. Karnes*  
Laurie A. Karnes

State of Maine  
Penobscot, ss

April 5, 2016

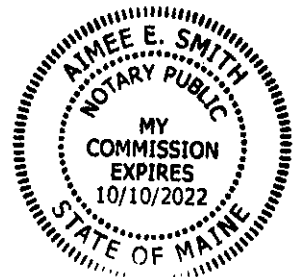
Then personally appeared the above-named John T. Karnes and Laurie A. Karnes  
and acknowledged the foregoing to be their free act.

Before me,

Maine Real Estate  
Transfer Tax Paid

*Aimee E. Smith*  
Notary Public/Attorney at law  
Printed Name:  
Commission expires:

PENOBSCOT COUNTY, MAINE  
*Susan F. Bulay*  
Register of Deeds



**OPTION TO PURCHASE AGREEMENT**

THIS OPTION TO PURCHASE AGREEMENT, dated this 25<sup>th</sup> day of March 2022 is by and between **John T. Karnes and Laurie A. Karnes**, both of Bangor, Penobscot County, Maine, with a mailing address of 1105 Ohio Street, Bangor, Maine 04401 (“Optionor”), and **Penquis C.A.P. Inc**, a Maine nonprofit corporation with an address at 262 Harlow Street, P.O. Box 1162, Bangor, Maine 04402-1162 (hereinafter called “Purchaser”). The date set forth in this paragraph shall be the “Effective Date.”

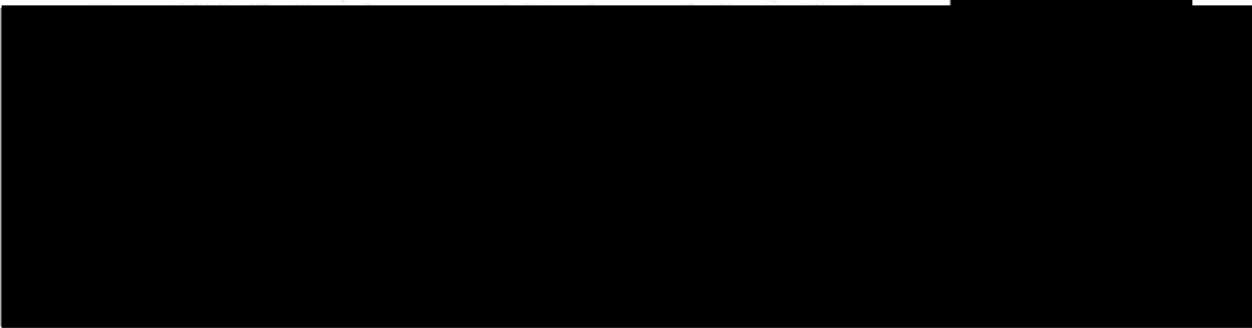
WHEREAS, Optionor is the owner of one parcel of land purportedly consisting of an approximately one and eighty two hundredths (1.82) acre lot with improvements thereupon referred to as Tax Map: 1 Lot: 17in parcel maps of Bangor, Maine, and more particularly shown in **Exhibit A** and described in Volume 14116, Page 187 of the Penobscot County Registry of Deeds hereto (the “Premises”); and

WHEREAS, Optionor wishes to grant to Purchaser, and Purchaser wishes to accept, an option to purchase (the “Option”) with respect to the Premises and all equipment and supplies; and

NOW, THEREFORE, in consideration of the foregoing and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:


1. Grant. Optionor hereby grants to Purchaser the exclusive right and option to purchase the Premises on the terms and conditions set forth herein.

2. Option Payment, Purchase Price and Property Taxes.




(b) The parties may, upon request of Purchaser, agree on allocation of the Purchase as between the land and structures at the Premises. The allocation of the purchase price must be satisfactory to the Optionor’s accountant.



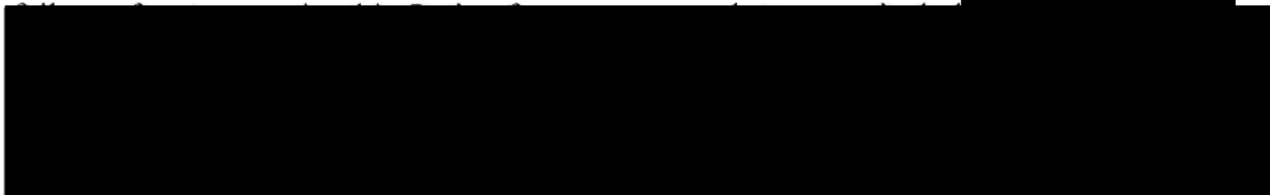


4. Notice of Exercise. This Option may be exercised by Purchaser giving notice to the Optionor prior to the expiration of the option term, or as applicable, option extension term.

5. Closing. Closing shall occur at a date and time reasonably agreed to by the parties within thirty (30) days of delivery of Notice of Exercise. Title shall be conveyed by Quitclaim Deed with Covenant, conveying good and marketable title to the premises free from all encumbrances and claims of others. Real estate taxes shall be pro-rated. Unless Purchaser shall waive a defect in title, Optionor shall make reasonable efforts to remove such defect in title. In case Optionor, after 30 days, or such greater period that Purchaser may permit, shall have failed to do so, Purchaser may elect to (a) terminate, in which case Optionor shall return any Option Payment without further recourse to either party, or (b) waive such defect by notice in writing. In the event Purchaser exercises this Option and fails to close for reasons not attributable to default by Optionor, Optionor shall, as Optionor's sole remedy, be entitled to retain the Option Payment as liquidated damages without further recourse. Purchaser may, at its sole option, request that Optionor convey title to an affiliate, and Optionor shall comply with such request.

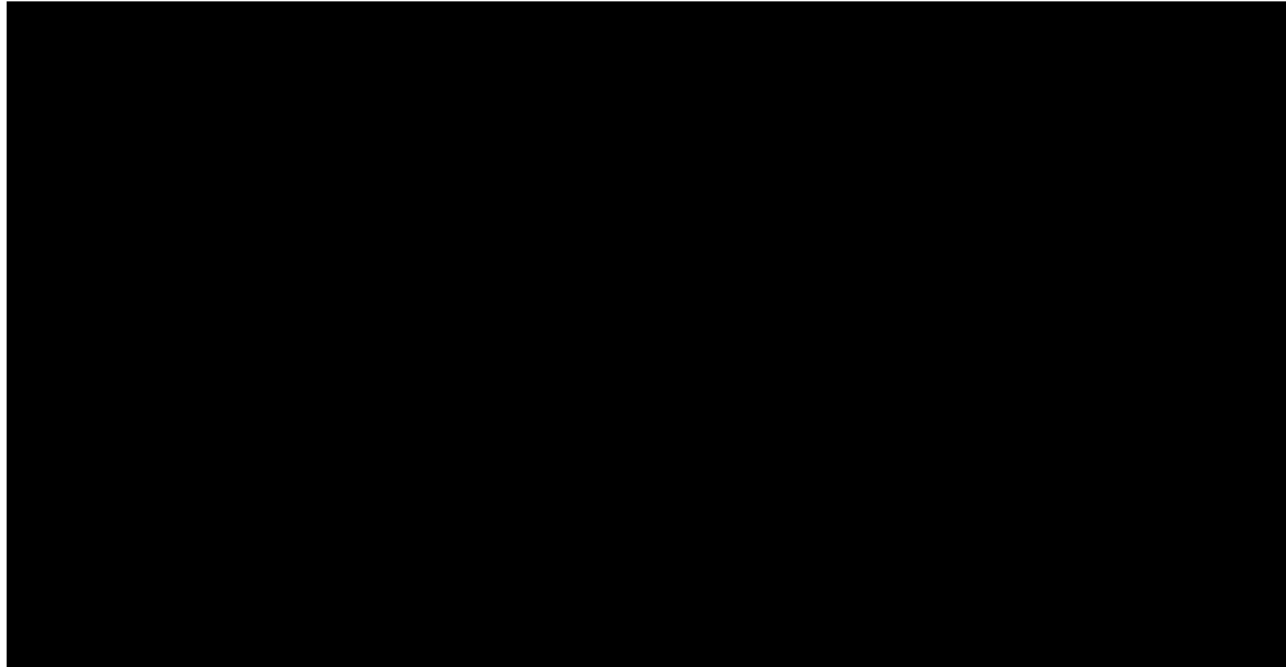


6. Failure to Exercise; Termination. If Purchaser fails to exercise this Option, any payments made under this Option Agreement shall be retained by Optionor, and neither party shall have any further rights or claims against the other.



7. Inspections. Purchaser shall have reasonable access to the Premises to conduct such surveys, tests, and inspections as it may deem necessary during the Option term or after exercise of the Option. Should the Purchaser need to access the Premises during the Option term, Purchaser shall not discuss the potential sale to any of the Optionor's employees and shall enter the premises in a discreet manner. Entry, if at all possible, shall occur when minimal employees of Optionor are on the premises. All inspections and visits to the Premises will include a representative of the Optionor.

Purchaser shall provide reasonable notice to Optionor, shall enter at its sole risk and shall restore the premises substantially to its prior condition. Optionor shall make any and all records concerning the Premises in its possession available to the Purchaser for inspection and copying.



9. Successors and Assigns. This Agreement is binding upon and shall inure to the benefit of the parties hereto and their personal representatives, heirs, successors and assigns. This Agreement may be assigned by Purchaser without the consent of Optionor to an entity affiliated with Purchaser.

10. Representations of Optionor. Optionor has not placed the Premises in service for federal income tax purposes within the ten-year period preceding the date of this Agreement. Optionor shall provide a certificate to Seller confirming this representation at the time of Closing. In order to assist Purchaser with verifying this representation, Optionor attaches a copy of its owners title insurance policy. Purchaser finds all title matters set forth in the policy, listed as exceptions, as satisfactory.

*[Remainder of page intentionally left blank, signature page follows]*

IN WITNESS WHEREOF, the undersigned have executed this Option Agreement as of the day and year first above stated.

WITNESS:

**Purchaser  
Penquis C.A.P., INC.**

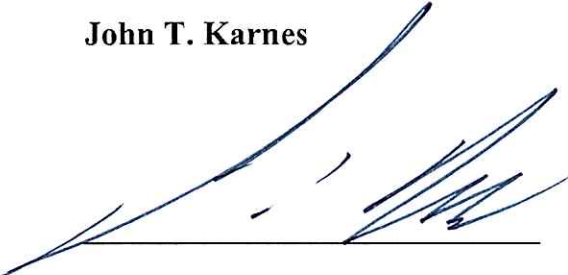
BE Winnier-Ociepka  
Printed Name:

Denice Conary  
By: Denice Conary  
Its: Chief Financial Officer

**Optionor**

**John T. Karnes**

John T. Karnes  
Printed Name:



**Laurie A. Karnes**

Laurie A. Karnes  
Printed Name:

Laurie A. Karnes

EXHIBIT A  
Property Description

City of Bangor Maine Map and Lot Number: R25-036. Portion of land and property acquired from City of Bangor and referenced in book and page 14116-187 of the Penobscot County Registry of Deeds. The purchase shall include all business personal property and equipment.





TAX MAP R25, LOT 1-A  
NOW OR FORMERLY  
CITY OF BANGOR  
BOOK 8107, PAGE 215

TAX MAP R25, LOT 1  
NOW OR FORMERLY  
UNIVERSITY OF MAINE  
BOOK 2214, PAGE 285

N: 415,340.40'  
E: 905,742.24'

N: 415,033.51'  
E: 905,537.35'

Oct 25, 2022 - 3:58pm  
H:\Projects\2022\2022063 Penquis CAP 22 Cleveland Street Zone Change Drawings\2022063 - SITE PLAN.dwg jorah

**GENERAL NOTES:**

1. TOPOGRAPHIC SURVEY AND EXISTING SITE CONDITIONS FROM PLUSGA & DAY LAND SURVEYORS, BANGOR, MAINE, AS-BUILT DRAWING DATED: FEBRUARY 7, 2018.
2. TOTAL ACREAGE OF THE PARCELS IS 1.82.
3. CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE EXACT LOCATION OF EXISTING UTILITIES WITH ALL UTILITY COMPANIES BEFORE BEGINNING CONSTRUCTION.
4. EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO BEGINNING OF CONSTRUCTION.
5. EROSION CONTROL MESH SHALL BE INSTALLED ON ALL SLOPES STEEPER THAN 3:1.
6. HAY BALE BARRIERS SHALL BE INSTALLED AROUND EXISTING CATCH BASINS, AND PIPE INLETS/OUTLETS DURING CONSTRUCTION.
7. CONTRACTOR SHALL CONTACT DIGSAFE PRIOR TO ANY EXCAVATION WORK.
8. CONSTRUCTION ACTIVITIES OCCURRING AFTER NOVEMBER 15TH SHALL INCORPORATE A WINTER CONSTRUCTION PLAN WHICH SHALL BE APPROVED BY THE CITY OF BANGOR.
9. CONTRACTOR TO FOLLOW BEST MANAGEMENT PRACTICES. ALL DISTURBED AREAS SHALL BE REVEGETATED AND RECEIVE PROPER EROSION CONTROL MANAGEMENT. 4" LOAM, SEED AND MULCH ALL DISTURBED AREAS, WHERE NOTED.
10. THE INTENT IS TO PROVIDE COLLECTION AND TREATMENT OF ENTIRE ROOF AREA 11,500 SF. IN LIEU OF PREVIOUSLY DESIGNED USF FOR THE PARKING DUE TO FIELD CONDITIONS. PARKING IMPERVIOUS WAS APPROXIMATELY 6800 SF.
11. COORDINATE WORK WITH ALL DRAWINGS.

**EROSION CONTROL CONSTRUCTION SEQUENCE:**

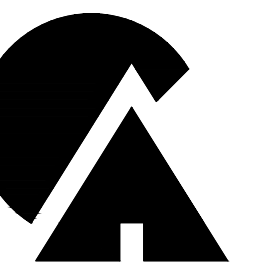
1. ON-SITE STABILIZATION WILL BE DONE WITHIN 15 DAYS OF FINAL GRADING OR WITHIN 30 DAYS OF INITIAL SOIL DISTURBANCE.
2. EVERY WEEK AND AFTER PRECIPITATION PRODUCING THE EQUIVALENT OF ONE HALF-INCH OF RAINFALL, THE CONTRACTOR SHALL INSPECT AND MAINTAIN ALL EROSION CONTROL MEASURES. MAINTENANCE SHALL INCLUDE, BUT NOT BE LIMITED TO, REMOVAL OF SEDIMENT FROM SILT FENCE IF SOIL ACCUMULATES TO A DEPTH OF ONE-HALF THE FABRIC HEIGHT; REPAIR OF HAY BALE BARRIERS; RINOFF CHANNELIZES UNDER OR AROUND THE BALES; AND WASHING OF TEMPORARY CONSTRUCTION ENTRANCES PRIOR TO OCCURRENCES OF SIGNIFICANT TRACKING.
3. ALL EROSION CONTROL MEASURES SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH "MAINE EROSION & SEDIMENT CONTROL BEST MANAGEMENT PRACTICE STANDARDS," PUBLISHED BY THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF LAND AND WATER QUALITY, 2003, LATEST EDITION.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL EROSION CONTROL MEASURES, INCLUDING MATERIALS, CONSTRUCTION, MAINTENANCE AND REMOVAL.
5. EROSION CONTROL MEASURES SHALL BE INSPECTED ON A MONTHLY BASIS ONCE FINAL STABILIZATION IS COMPLETE, BY THE INSPECTING ENGINEER. THIS INSPECTION IN NO WAY REDUCES OR ELIMINATES THE CONTRACTOR'S RESPONSIBILITY TO ADHERE WITH VERBAL OR WRITTEN REQUIREMENTS OF DEP, ARMY CORPS, EPA, OR OTHER JURISDICTIONAL AGENCIES. CONTRACTOR MUST FURTHER ADHERE TO ALL REQUIREMENTS SET FORTH IN THE DEP ORDER OF CONDITIONS.
6. AFTER EACH INSPECTION OF EROSION CONTROL MEASURES, AN INSPECTION REPORT DETAILING THE SCOPE OF THE INSPECTION, NAME(S) OF PERSONNEL CONDUCTING THE INSPECTION, DATE, MAJOR OBSERVATIONS, AND ACTIONS TAKEN, SHALL BE MADE AND KEPT ON FILE FOR THREE YEARS AFTER THE INSPECTION.
7. ALL DISTURBED AREAS WILL BE LOAMED, SEEDED, AND MULCHED.

**USF NOTES:**

1. INTENT TO COLLECT AND TREAT ALL ROOF RUNOFF. PREVIOUS IMPERVIOUS. 6800 SF. CURRENT, PROPOSED TO BE TREATED 11,500 SF.
2. (TP) TEST PIT TO VERIFY EXACT LOCATION AND ELEVATION OF ROOF DRAIN. EXTEND AND/OR PROVIDE DITCHING/RIPRAP TO ENSURE ROOF DRAINS TO USF.
3. (USF #1): FOOTPRINT = 21'x43'  
DEPTH = 1'  
VOLUME = 804 SF.  
REQUIRED ROOF AREA (1+2) = 735 SF. AT 1' DEPTH = 735 CF.
4. (USF #2): FOOTPRINT = 11'x35'  
REQUIRED ROOF AREA (3) = 225 SF. AT 1' DEPTH = 225 CF.
5. PROJECT REQUIRES ANNUAL ENVIRONMENTAL REVIEW PER CITY OF BANGOR.

**\*NOTE:**

THE PROPOSED CHANGE WILL NOT GENERATE MORE THAN 38 UNITS (SINGLES/EFFICIENCIES). THE EXISTING 43 PARKING SPACES EXCEEDS THAT REQUIRED BY 165-72.B OF ONE SPACE PER DWELLING UNIT.



**CARPENTER ASSOCIATES**  
CONSULTING ENGINEERS  
687 STILLWATER AVENUE • OLD TOWN • MAINE 04468

NO.	DATE	DESCRIPTION
1	11-03-2017	ALTERNATE USF'S
2	02-19-2018	BASE PLAN UPDATE
3	03-09-2018	PER CITY STAFF REVIEW
4	11-29-2018	AS BUILT
5	10-25-2022	CHANGE OF USE

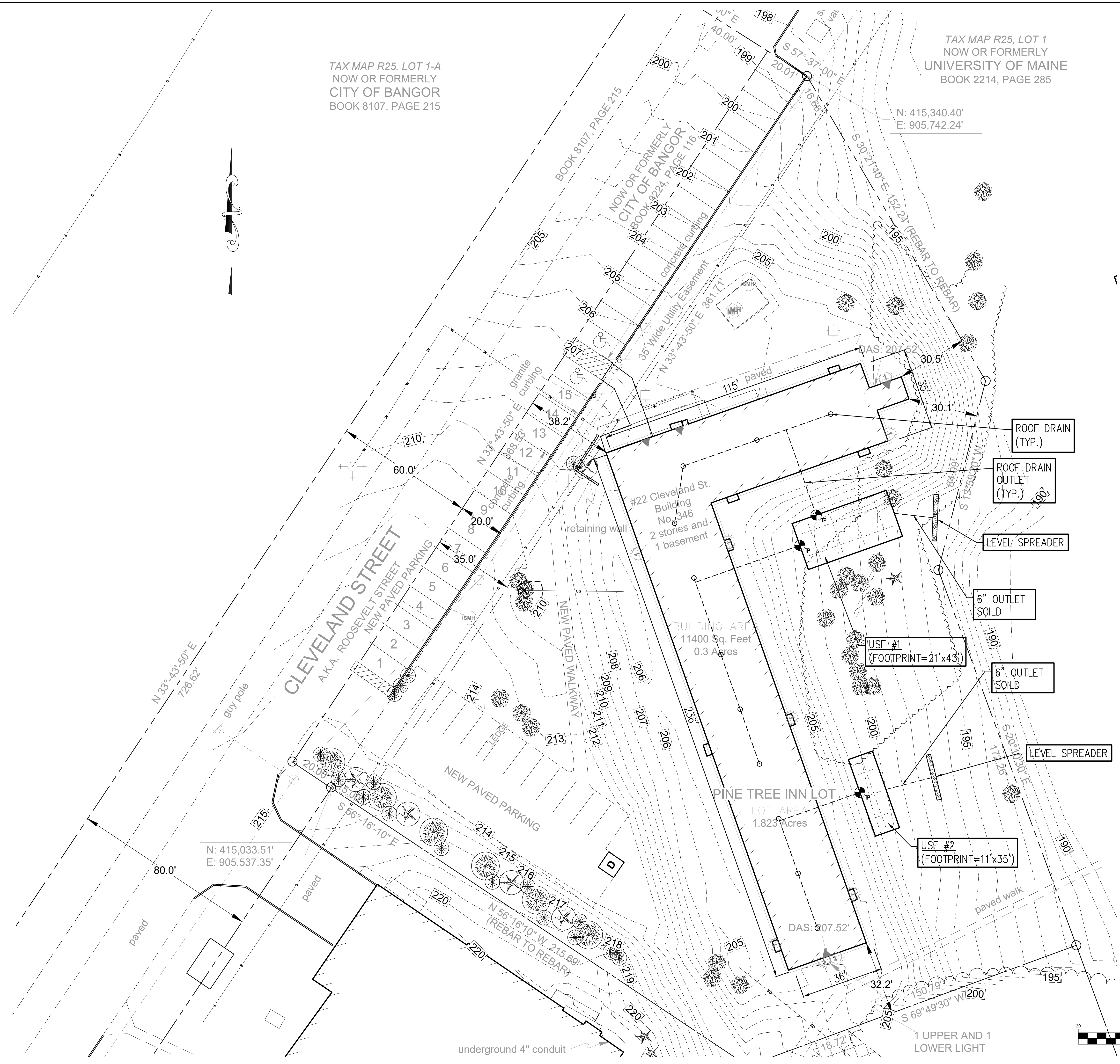
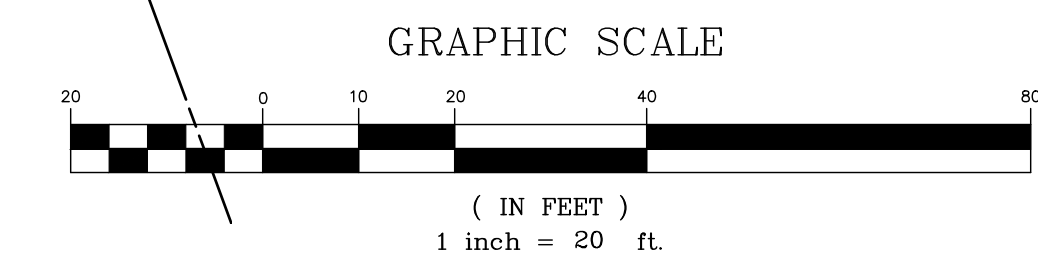


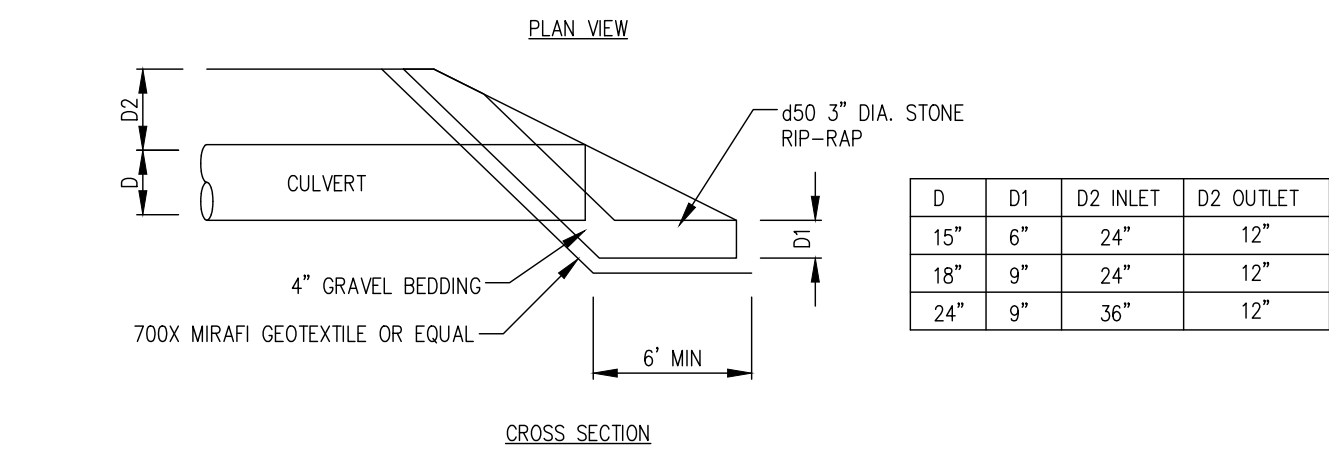
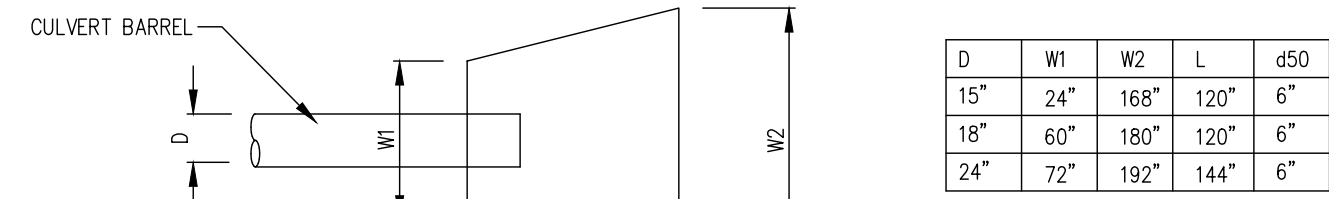
R&K CONSTRUCTION  
**PINE TREE INN LOT**  
22 CLEVELAND STREET BANGOR, MAINE  
**STORMWATER PLAN**

Drawn: JE  
Checked: RB  
Scale: AS NOTED  
Date: 10-25-2022  
Project No: 2022063  
Sheet Number:

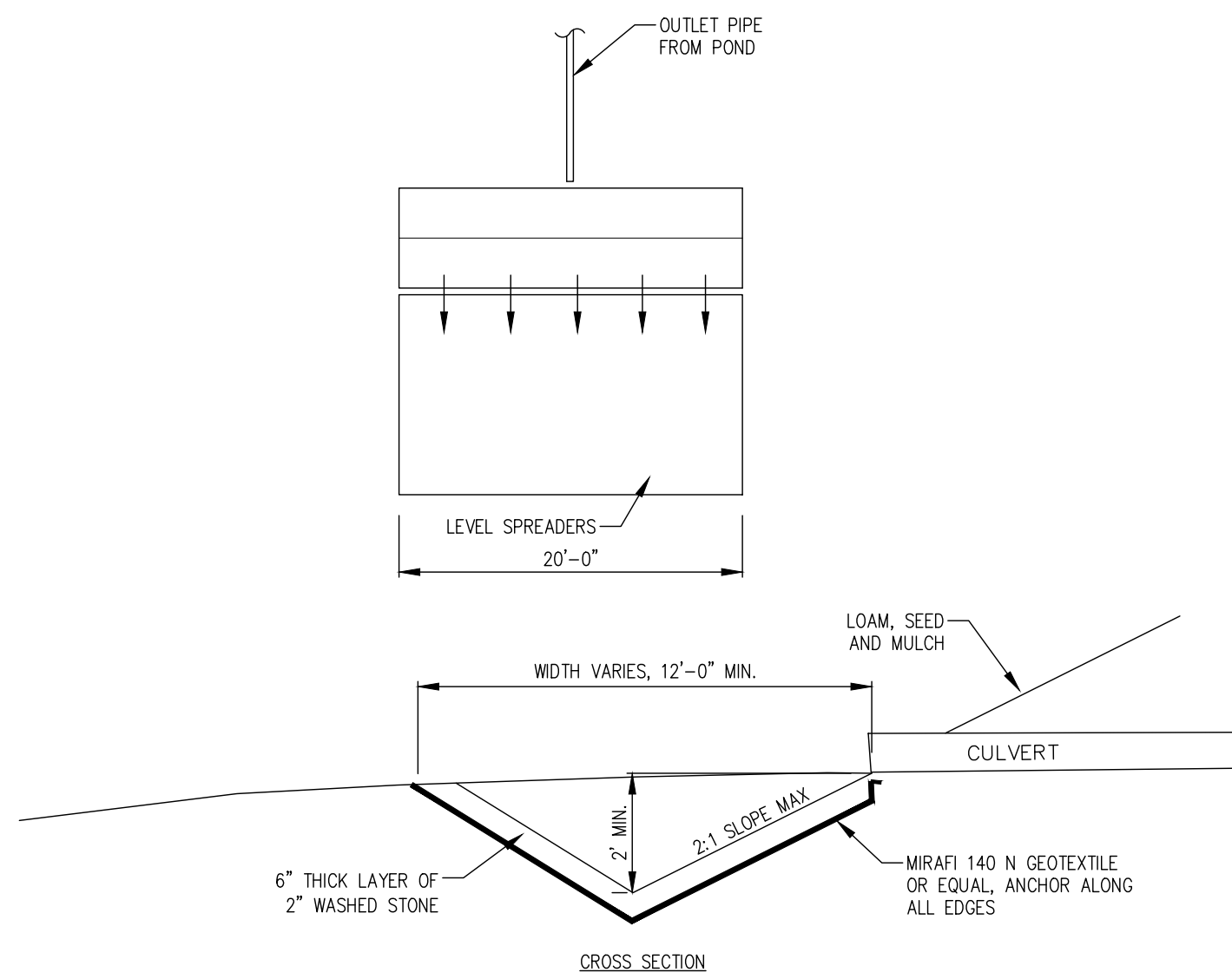
**1**

**FOR REVIEW**  
10-25-2022

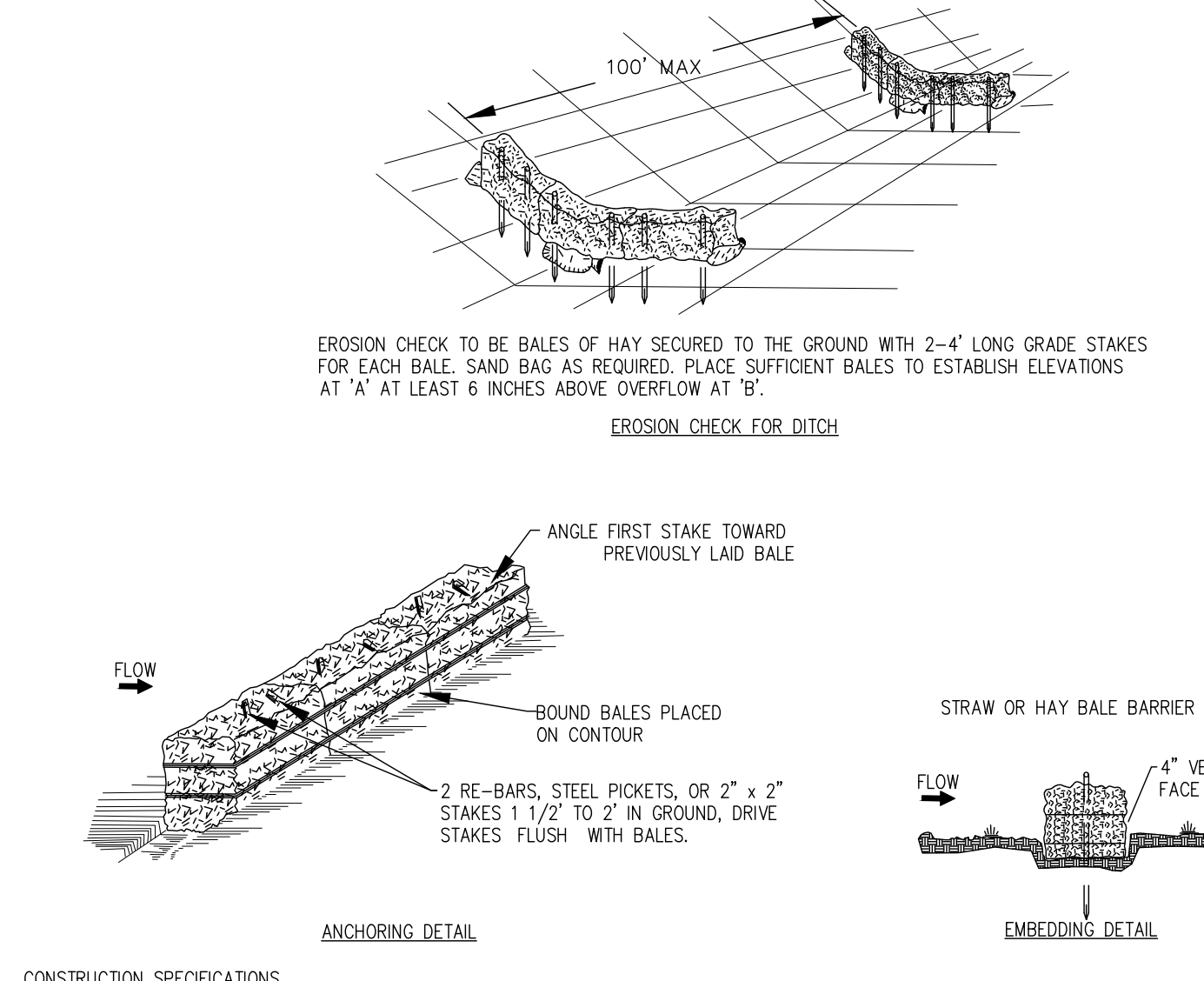




**RIP-RAP APRON DETAIL**  
NOT TO SCALE

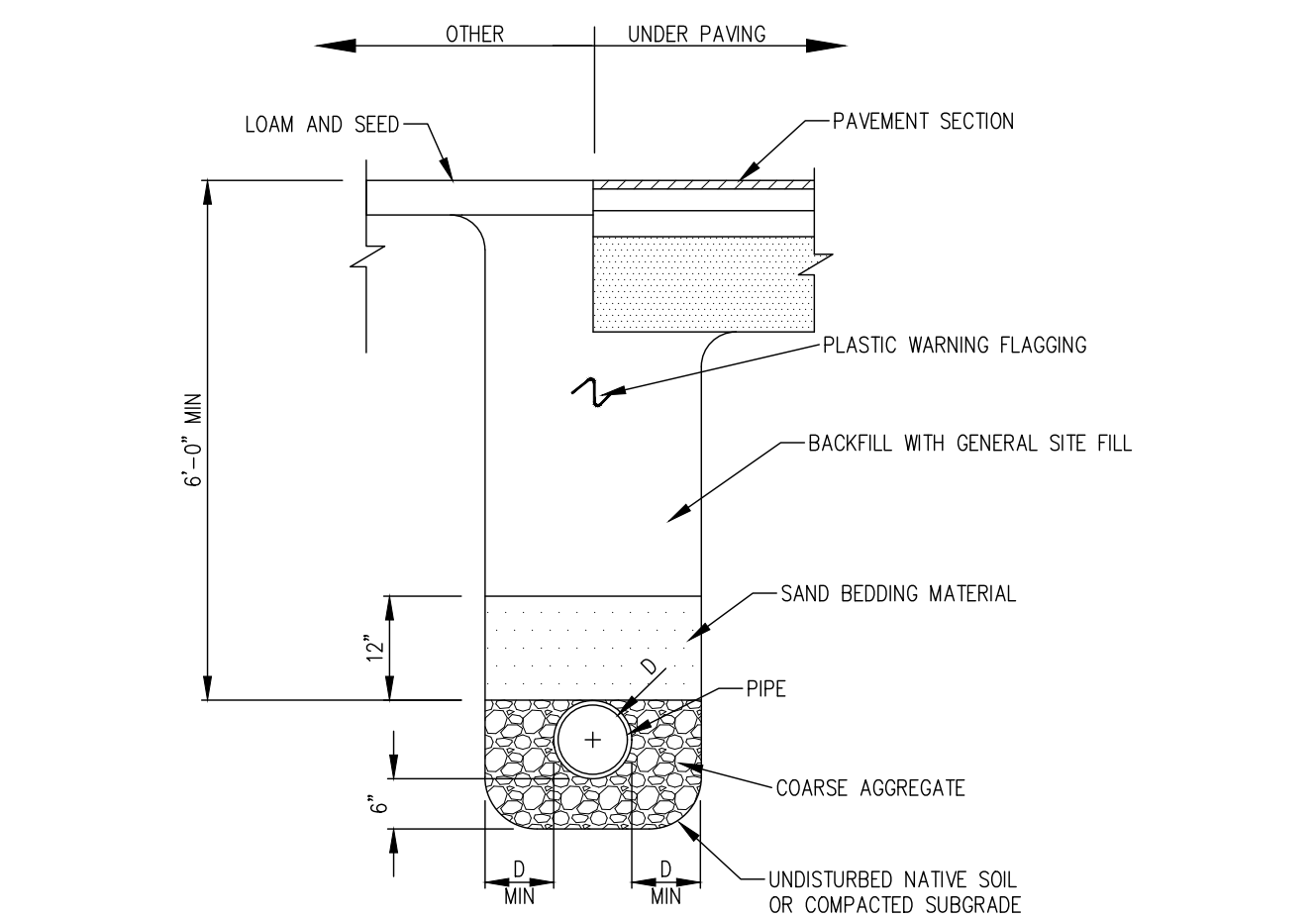


**TYPICAL LEVEL SPREADER**  
NOT TO SCALE

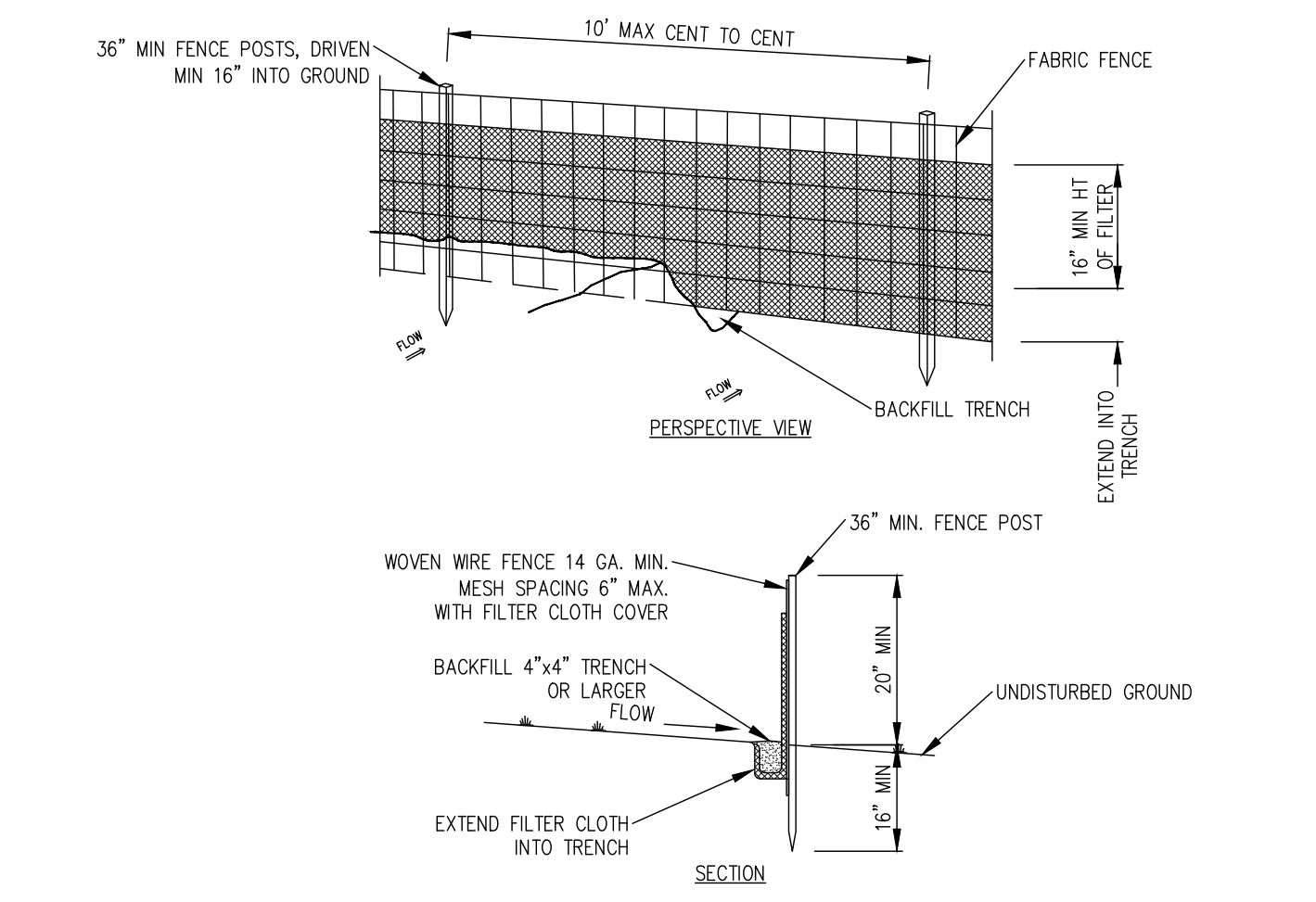


- CONSTRUCTION SPECIFICATIONS**
- BALES SHALL BE PLACED AT THE TOE OF A SLOPE OR ON THE CONTOUR AND IN A ROW WITH ENDS TIGHTLY ADJUTING THE ADJACENT BALES.
  - EACH BALE SHALL BE EMBEDDED IN THE SOIL A MINIMUM OF (4) INCHES, AND PLACED SO THE BINDINGS ARE HORIZONTAL.
  - BALES SHALL BE SECURELY ANCHORED IN PLACE BY EITHER TWO STAKES OR RE-BARS DRIVEN THROUGH THE BALE AT AN ANGLE TO FORCE THE BALES TOGETHER. STAKES SHALL BE DRIVEN FLUSH WITH THE BALE.
  - INSPECTION SHALL BE FREQUENT AND REPAIR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED.
  - BALES SHALL BE REMOVED WHEN THEY HAVE SERVED THEIR USEFULNESS SO AS NOT TO BLOCK OR IMPEDE STORM FLOW OR DRAINAGE.

**HAYBALE DETAIL**  
NOT TO SCALE

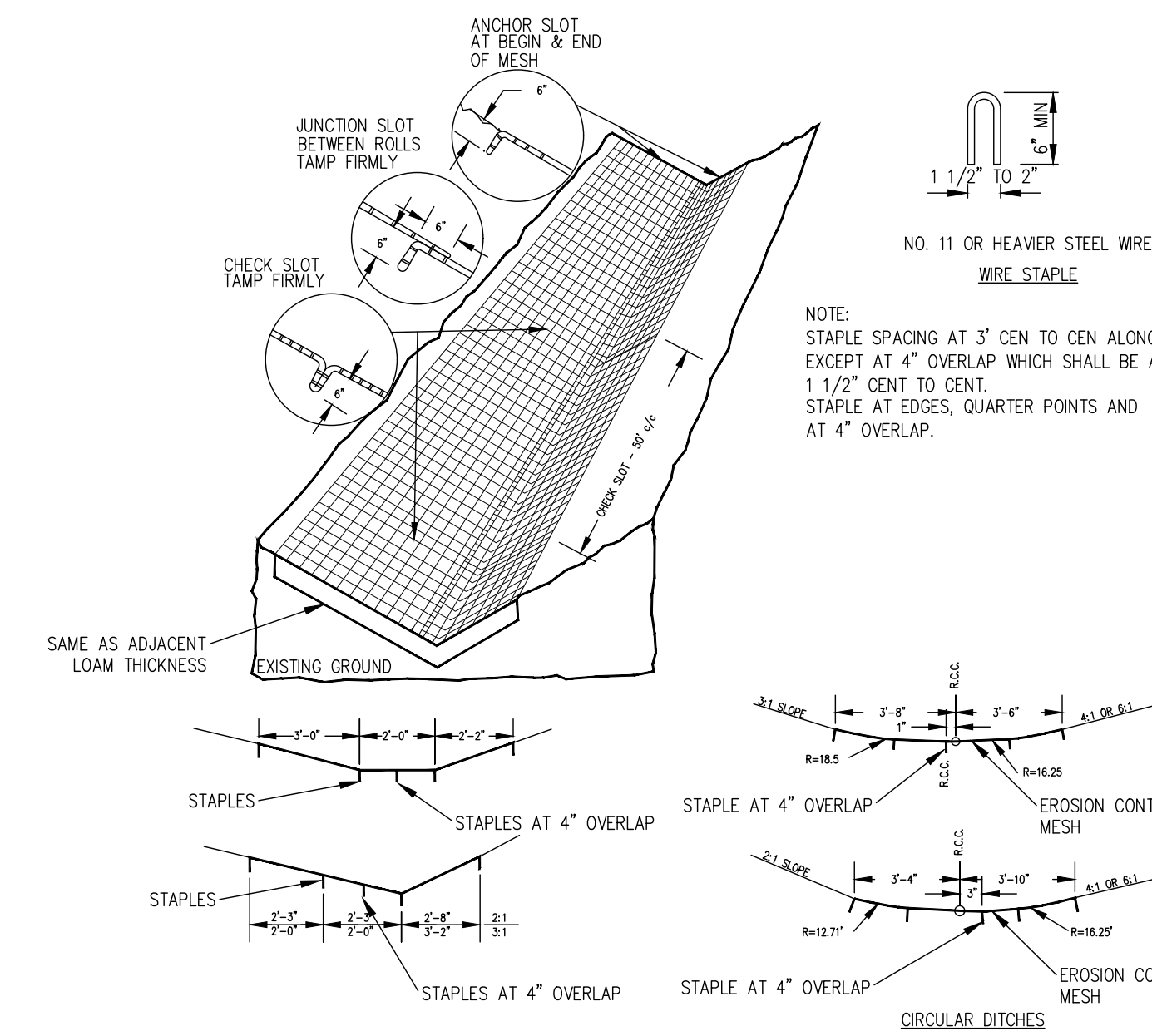


**TRENCH DETAIL**  
NOT TO SCALE



- CONSTRUCTION SPECIFICATIONS:**  
THE CONTRACTOR HAS THE OPTION TO NOT USE WOVEN WIRE MESH IF STAKE SPACERS ARE REDUCED TO 6' o.c.
- WOVEN WIRE FENCE TO BE FASTENED SECURELY TO FENCE POSTS WITH TIES OR STAPLES.
  - FILTER CLOTH TO BE FASTENED SECURELY TO WOVEN WIRE FENCE WITH TIES SPACED EVERY 24" AT TOP OF MID SECTION.
  - WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY SIX INCHES AND FOLDED.
  - MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN BULGES DEVELOP IN THE SILT FENCE.
  - POSTS: STEEL EITHER T OR U TYPE OR 2" HARDWOOD. FENCE: WOVEN WIRE, 14 GA. 6" MAX. MESH OPENING. FILTER CLOTH: FILTER X, MARAFI 100X, STABI-LINKA T140N OR APPROVED EQUAL. PREFABRICATED UNIT: GEOFAB, ENVIROFENCE, OR APPROVED EQUAL.

**SILT FENCE DETAIL**  
NOT TO SCALE



**EROSION CONTROL MESH**  
NOT TO SCALE

**PERMANENT SEEDING NOTES FOR ALL DISTURBED AREAS:**

- DURING PERIOD FROM APRIL 15 TO OCTOBER 15, AREAS DISTURBED SHALL BE LIMED, FERTILIZED, SEEDED AND MULCHED AS FOLLOWS:
  - APPLY AGRICULTURAL GRADE LIMESTONE OF NOT LESS THAN 85 PERCENT CALCIUM AND MAGNESIUM CARBONATES AT A RATE OF 130 LBS./1,000 SQUARE FEET (SF).
  - FERTILIZE WITH COMMERCIAL GRADE 10-10-10 FERTILIZER AT A RATE OF 14 LBS./1,000 SF.
  - SEED WITH LAST YEAR'S CROP MIXTURE AT A RATE OF 2 LBS./1,000 SF. MIXTURE SHALL BE: RED FESCUE 57 PERCENT, KENTUCKY BLUEGRASS 28 PERCENT, REDTOP 9 PERCENT AND WHITE DUTCH CLOVER 6 PERCENT. MIXTURE SHALL HAVE A GERMINATION RATE OF NOT LESS THAN 80 PERCENT AND A PURITY OF NOT LESS THAN 85 PERCENT.
- AFTER SEEDING, AREAS DISTURBED SHALL BE HAY MULCHED AT A RATE OF 2.5 BALES/1,000 SF.
- NO SEEDING SHALL TAKE PLACE BETWEEN JUNE 15 AND JULY 15. AS A CONTINGENCY PLAN, AREAS DISTURBED DURING THESE DATES SHALL BE HAY MULCHED AT A RATE OF 2 BALES/1,000 SF AND SECURED WITH PEG AND TWINE OF 4-6 PEGS/SY OR WITH TERRA TACK II AT A RATE OF 60 GALLONS/ACRE.
- WEEKLY, OR AFTER PRECIPITATION PRODUCING THE EQUIVALENT OF ONE HALF INCH OF RAINFALL OR SNOW MELT, ALL MULCHED AREAS SHALL BE INSPECTED FOR SUITABILITY FOR EROSION CONTROL AND SLOPE PROTECTION. WEAKENED AREAS SHALL BE RE-MULCHED AS 2. ABOVE.
- WITHIN 30-45 DAYS OF SEED APPLICATION, ALL AREAS SHALL BE INSPECTED FOR SATISFACTORY GROWTH. AREAS OF LESS THAN 75 PERCENT GROWTH SHALL BE RESEED AT ORIGINAL APPLICATION RATES, MULCHED AND MAINTAINED ACCORDINGLY AS SPECIFIED ABOVE.
- PERMANENT SEEDING SHALL BE INSTALLED IMMEDIATELY UPON REACHING FINAL GRADE.

**EROSION CONTROL CONSTRUCTION SEQUENCE:**

- INSTALL ALL SILT FENCING AND TEMPORARY CONSTRUCTION ENTRANCES.
  - CONSTRUCT SEDIMENT POND WITH RIP-RAP INLET CHANNEL AND OUTLET STRUCTURE (INCLUDING RIP-RAP APRON AT OUTLET). INSTALL TEMPORARY PIPE SEDIMENT TRAP ON OUTLET PIPE. TEMPORARILY SEED AND MULCH DETENTION POND AREA AND INSTALL EROSION CONTROL BLANKET WHERE SHOWN.
  - GRADE PROJECT TO SUBGRADE LEVEL IN LOGICAL MANNER TO MINIMIZE EARTH MOVING AND TO PRESERVE LAND NOT TO BE DISTURBED.
  - INSTALL DETENTION POND INLET PIPE WITH RIP-RAP OUTLET.
  - COMPLETE DRAINAGE AND UTILITY CONSTRUCTION.
  - INSTALL GRAVEL BASE. REMOVE TEMPORARY CONSTRUCTION ENTRANCE IMMEDIATELY PRIOR TO PLACING ROAD BASE.
  - COMPLETE FINISH GRADING, LOAM, SEED AND MULCH (WITH EROSION CONTROL BLANKET WHERE SHOWN) ALL DISTURBED AREAS NOT TO BE PAVED OR RIP-RAPPED. REMOVE EXCESS ACCUMULATED SEDIMENTS FROM DETENTION POND BOTTOM.
  - COMPLETE UNFINISHED CONSTRUCTION AND FINISH PAWING.
  - REMOVE TEMPORARY DIVERSION DITCHES, LEVEL SPREADERS, HAY BALES AND STONE CHECK DAM WHEN 75 PERCENT OF GRASS GROWTH HAS BEEN ESTABLISHED.
- ALL EARTHWORK OR CONSTRUCTION ACTIVITIES SHALL OCCUR AFTER APRIL 15 AND BEFORE NOVEMBER 15 UNLESS PRIOR PERMISSION FROM DEP IS OBTAINED. THE CONTRACTOR SHALL INSTALL ALL EROSION CONTROL DEVICES PRIOR TO THE DISTURBANCE OF ANY WORK AREA.

**TEMPORARY SEEDING NOTES:**

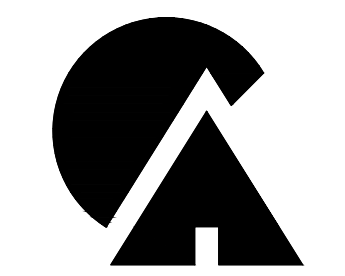
- ANY DISTURBED AREAS TO BE LEFT IN ROUGH GRADED FORM FOR MORE THAN 30 DAYS BUT LESS THAN ONE GROWING SEASON SHALL BE LIMED, FERTILIZED, TEMPORARILY SEEDED AND MULCHED.
- APPLICATION RATES AND MATERIALS USED SHALL BE THE SAME AS FOR PERMANENT SEEDING EXCEPT SEED MIXTURE SHALL BE ANNUAL RYE GRASS.

**DORMANT SEEDING NOTES:**

- DURING PERIODS FROM OCTOBER 1 TO NOVEMBER 15, AREAS DISTURBED SHALL BE DORMANT SEEDING WITH WINTER RYE, 1.5 LBS./1,000 SF. DURING PERIODS BETWEEN NOVEMBER 1 AND APRIL 15, DISTURBED AREAS SHALL BE MULCHED AND IF NECESSARY, STABILIZED WITH EROSION CONTROL MESH.

**GENERAL NOTES:**

- ON SITE STABILIZATION WILL BE DONE WITHIN 15 DAYS OF FINAL GRADING OR WITHIN 30 DAYS OF INITIAL SOIL DISTURBANCE.
- EVERY WEEK AND AFTER PRECIPITATION PRODUCING THE EQUIVALENT OF ONE HALF INCH OF RAINFALL, THE CONTRACTOR SHALL INSPECT AND MAINTAIN ALL EROSION CONTROL MEASURES. MAINTENANCE SHALL INCLUDE, BUT NOT BE LIMITED TO REMOVAL OF SEDIMENT FROM SILT FENCE IF SOIL ACCUMULATES TO A DEPTH OF ONE-HALF THE FABRIC HEIGHT; REPAIR OF HAY BALE BARRIERS IF RUNDUP CHANNELIZES UNDER OR AROUND THE BALES; REMOVAL OF EXCESS ACCUMULATED SEDIMENT FROM POND; AND WASHING OF TEMPORARY CONSTRUCTION ENTRANCES PRIOR TO OCCURRENCES OF SIGNIFICANT TRACKING.
- ALL EROSION CONTROL MEASURES SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH "MAINE EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION: BEST MANAGEMENT PRACTICES: BY CUMBERLAND COUNTY SWD, DEPARTMENT OF ENVIRONMENTAL PROTECTION, MARCH, 1991.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL EROSION CONTROL MEASURES, INCLUDING MATERIALS, CONSTRUCTION, MAINTENANCE AND REMOVAL.
- JUTE MESH SHALL BE INSTALLED ON ALL LOAM AND SEEDING AREAS WHICH HAVE A SLOPE GREATER THAN 3:1.
- EROSION CONTROL MEASURES SHALL BE INSPECTED ON A MONTHLY BASIS ONCE FINAL STABILIZATION IS COMPLETE, BY THE INSPECTING ENGINEER. THIS INSPECTION IS NO WAY REDUCES OR ELIMINATES THE CONTRACTOR'S RESPONSIBILITY TO ADHERE WITH VERBAL OR WRITTEN REQUIREMENTS OF DEP, ARMY CORPS, EPA OR OTHER JURISDICTIONAL AGENCIES. CONTRACTOR MUST FURTHER ADHERE TO ALL REQUIREMENTS SET FORTH IN THE DEP ORDER OF CONDITIONS.
- AFTER EACH INSPECTION OF EROSION CONTROL MEASURES, AND INSPECTION REPORT DETAILING THE SCOPE OF THE INSPECTION, NAME(S) OF PERSONNEL CONDUCTING THE INSPECTION, DATE, MAJOR OBSERVATION AND ACTIONS TAKEN, SHALL BE MADE AND KEPT ON FILE FOR THREE YEARS AFTER THE INSPECTION.



**CARPENTER ASSOCIATES**  
CONSULTING ENGINEERS  
687 STILLWATER AVENUE-OLD TOWN-MAINE 04468

NO.	DATE	BY	DESCRIPTION
1	11-03-2017	JE	ALTERNATE USER'S
2	03-19-2018	JE	BASE PLAN UPDATE
3	03-09-2018	JT	PER CITY STAFF REVIEW
4	11-29-2018	JE	AS BUILT
5	10-25-2022	JE	CHANGE OF USE



**R&K CONSTRUCTION**  
**PINE TREE INN LOT**  
**22 CLEVELAND STREET BANGOR, MAINE**  
**SITE DETAILS**

Drawn: **JE**  
Checked: **RB**  
Scale: **AS NOTED**  
Date: **10-25-2022**

Project No: **2022063**  
Sheet Number:

**2**

**FOR REVIEW**  
**10-25-2022**

# Legal Notices



## CITY OF BANGOR

Please be advised that the Planning Board of the **City of Bangor** will hold a public hearing on **Tuesday, November 15, 2022, beginning at 7:00 p.m.** in the Third Floor Council Chambers of Bangor City Hall and will consider the following application:

**Land Development Permit Application – Site Development Plan, Conditional Use for proposed permanent supportive housing at property located at 22 Cleveland Street, Map-Lot 025-036, in the Government & Institutional Service District (G&ISD). Applicant: Penquis CAP, Inc.**

Bangor City Hall is open to attend the meeting in person. Interested parties may also attend the meeting on Zoom. Zoom details are published on the city's website ([www.bangormaine.gov](http://www.bangormaine.gov)) on the home page under Public Meetings and Events. To submit comments or receive a copy of the plan, please email [planning@bangormaine.gov](mailto:planning@bangormaine.gov) or call 207.992.4257. Interested parties can also make an appointment by email or phone to meet with Planning Department staff. The meeting may also be streamed live via the City of Bangor's Facebook page. Comments that are posted on the Facebook livestream are not monitored during the meeting. Please call our office if you have questions about the process or participation in the hearing process.



## **CITY COUNCIL ACTION**

---

Council Meeting Date: October 12, 2022

Item No: 22-348

Responsible Dept: Planning

Action Requested: Ordinance

Map/Lot: N/A

### **Title, Ordinance**

---

Amending Chapter 165, Land Development Code, Section 165-13, Definitions, by Adding the Definition of Permanent Supportive Housing and Adding It to the List of Conditional Uses in the Government & Institutional Services District (G&ISD) Section 165-97

### **Summary**

---

This technical change is to allow a use akin to Transitional Housing, called Permanent Supportive Housing. It is similar to Transitional Housing as it is housing with staff available for support services on site but it differs in that the residents may reside there permanently. It is not the same as group homes as defined or other congregate care, as the people reside in efficiency units and thus have more independence. This is proposed to be only allowed in the Government and Institutional Services District.

### **Committee Action**

---

Committee: Planning Board

Meeting Date: October 18, 2022

Action:

For:

Against:

### **Staff Comments & Approvals**

---

City Manager

City Solicitor

Finance Director

**Introduced for:** First Reading and Referral



## CITY COUNCIL ORDINANCE

---

Date: October 12, 2022

Assigned to Councilor: Davitt

**ORDINANCE**, Amending Chapter 165, Land Development Code, Section 165-13, Definitions, by adding the definition of Permanent Supportive Housing and adding it to the list of Conditional Uses in the Government & Institutional Services District (G&ISD) found in Section 165-97.

**WHEREAS**, at present, there is a requirement that occupants in transitional housing must be there for a maximum of 24 months;

**WHEREAS**, at present, there are available developers of housing services that are intended to assist people with daily life for longer than 24 months;

**WHEREAS**, in order to provide for this allowed use in keeping with current practice in this area, a new definition must be added;

### **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BANGOR AS FOLLOWS, THAT**

Chapter 165 of the Code of the City of Bangor is amended as follows:

#### **§ 165-13 Definitions.**

For the purpose of interpreting this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

#### **PERMANENT SUPPORTIVE HOUSING**

A multi-family building or multiple buildings on a lot that contain(s) permanent, project-based supportive housing which are funded with project-based vouchers and associated services to residents.

...

#### **§ 165-97. Government and Institutional Service District (G &ISD).**

...

D. Conditional uses. Subject to Planning Board approval under the provisions of § 165-9, the following uses may be permitted in this district:

...

- (3) Transitional Housing, Permanent Supportive Housing

**§ 165-97. Government and Institutional Service District (G & ISD).**

- A. Statement of purpose. The Government and Institutional Service District is established to preserve and protect those areas of the City occupied by public and nonprofit institutional buildings or uses.
- B. Basic requirements. Buildings or land used or occupied and buildings or structures erected, constructed, reconstructed, moved or structurally altered, whether permitted uses or conditional uses, shall comply with the requirements of this section, Articles II through XII and the specific development standards of Article XIX of this chapter.
- C. Permitted uses. The following uses are permitted in this district: **[Amended 11-13-2002 by Ord. No. 02-368; 9-8-2003 by Ord. No. 03-265; 7-25-2005 by Ord. No. 05-204; 3-24-2008 by Ord. No. 08-104]**
- (1) Facilities operated by public agencies or private nonprofit organizations limited to health, education, social welfare and cultural uses, but excluding chemical dependency treatment facilities.
  - (2) Places of worship.
  - (3) (Reserved)<sup>1</sup>
  - (4) Day-care center (small or large). **[Amended 3-13-2017 by Ord. No. 17-096]**
  - (5) Cemeteries.
  - (6) Hospital complex when located on a major arterial street.
  - (7) Nursing home.
  - (8) Sports arenas and stadiums.
  - (9) Chemical dependency treatment facility, provided it is located on a major arterial street and has a curb cut on said arterial street which provides the primary point of vehicular access for the facility. **[Amended 12-10-2018 by Ord. No. 19-019]**
  - (10) Radio and television broadcast towers, provided that:
    - (a) They do not exceed 195 feet in height, or the minimum height required under federal law, whichever is greater.
    - (b) They are set back from all property lines a minimum of 100% of the tower height.
    - (c) They are accessory to a public nonprofit use.
    - (d) They conform to the requirements of § 165-80.1.

---

1. Editor's Note: Former Subsection C(3), Group day-care or nursery school, was repealed 3-13-2017 by Ord. No. 17-096.

- (11) (Reserved)<sup>2</sup>
  - (12) Accessory uses on the same lot and customarily incidental to and subordinate to the above uses and to a use approved under Subsection D below.
- D. Conditional uses. Subject to Planning Board approval under the provisions of § 165-9, the following uses may be permitted in this district:
- (1) Medical office or clinic when:
    - (a) Located in association with a hospital complex and on the same site; or
    - (b) Located on a major arterial street.
  - (2) Public utility and public service uses, provided that: **[Added 9-27-1999 by Ord. No. 99-308]**
    - (a) Such facilities are not sited so as to create an extreme juxtaposition of the architectural scale or style to the detriment of existing buildings on adjacent lots.
    - (b) Such uses must be certified as necessary in the particular location to service the area and the community.
    - (c) That a Bufferyard "B" be established for front, side and rear yards.<sup>3</sup>
  - (3) Transitional housing. **[Added 3-15-2013 by Ord. No. 13-106]**
  - (4) Secure Level IV residential care facility, provided that: **[Added 12-11-2017 by Ord. No. 18-031]**
    - (a) The facility is located on the same parcel as an existing facility owned or operated by or on behalf of the state that provides residential care.
    - (b) The parcel upon which the facility is located is on a major arterial street.
- E. Prohibited uses. Any use not specifically permitted in this section or in Articles II through XII of this chapter is prohibited.

---

2. Editor's Note: Former Subsection C(11), Registered dispensary, added 10-13-2010 by Ord. No. 10-336 [which ordinance also redesignated the-then Subsection C(11) as Subsection C(12)], was repealed 12-10-2018 by Ord. No. 19-020.

3. Editor's Note: Former Subsection D(3), Chemical dependency treatment facilities, added 11-13-2002 by Ord. No. 02-368, which immediately followed this subsection, was repealed 7-25-2005 by Ord. No. 05-204.

#22-037-SDP

RECEIVED

OCT 04 2022

CITY OF BANGOR  
LAND DEVELOPMENT PERMIT APPLICATION

C & ED and Planning

Permit No.: Pending  
Date: 10.04.22

Site Development Plan:  \*Conditional Use:  \*Both: \_\_\_\_\_  
Subdivision Development: \_\_\_\_\_ \*Preliminary: \_\_\_\_\_ Final: \_\_\_\_\_  
\*Mobilehome Park: \_\_\_\_\_

Applicant: Carousel Diversified Services/Z&S Realty Estate, Inc. Telephone No.: 299-6422  
Address: 18 Hillside Drive, Veazie, ME 04401

Location of Site: 57 Bangor Mall Boulevard Map: 61 Lot: 015

Watershed: Penjajawoc Total Area Proposed to be Disturbed: No new disturbanc

Owner of Site if different from applicant: \_\_\_\_\_ Zoning District: S&PS  
Address: \_\_\_\_\_

Description of interest of applicant in site, if not owner (e.g., owner, lease, option, purchase & sales agreement):  
Contractor/Owner If not owner include copy of said agreement

Describe proposed use and indicate floor area (If combination of uses, give floor area devoted to each):  
The existing building will be renovated and remain a restaurant. The existing 4,128sf± building will be added onto with 1,405sf± for a total of 5,533sf±.

**LID techniques** help retain stormwater on site. They include such things as pervious pavement, rain gardens, bioretention cells, and infiltration systems.  
Were LID techniques used on this project? \_\_\_\_\_ If not, why? \_\_\_\_\_

**No impervious added, actually pavement will be removed, and underdrained soil filters added to collect and treat existing runoff.**

Signature of applicant(s) or agent: Rand Bygg (agent)

**Submittal Requirements**

Submittal Requirements of development types are described in the Land Development Code for:

- 1. Site Development Plan, Chapter 165, Article XVI, Section 112
- 2. Subdivisions, Chapter 165, Article XVIII, Sections 126 and 128
- 3. Mobilehome Parks, Chapter 165, Article XVIII, Section 19

**\$739 Major Site Development**  
Processing Fees: **\$473 Conditional Use** Advertising Fees: **\$374**

**A COMPLETED APPLICATION FORM, PLAN SUBMITTALS, EVIDENCE OF STANDING, PROCESSING AND ADVERTISING FEES ARE ALL REQUIRED IN ORDER TO HAVE A COMPLETE APPLICATION.**

Date Received by Planning Division Office: 10.04.22

Decision and reason of Code Enforcement Office for Conditional Use: \_\_\_\_\_

Action taken by Planning Board: \_\_\_\_\_

\* Projects requiring a Public Hearing also require Advertising Fees



RECEIVED

OCT 04 2022

## NARRATIVE

City of Bangor, ME and Planning

Carpenter Associates representing Carousel Diversified Services (Applicant) on behalf of Owner, Z&S Realty Estate, Inc., proposes to renovate the existing property located at 57 Bangor Mall Boulevard (formerly Arby's) for the location of Green Tea. A preapplication meeting was held with staff on August 9, 2022. The renovation includes a small 1405sf± addition on existing pavement to the west side of the existing building, approximately where the previous drive-thru window was located. No added impervious is proposed. Per City request, we have removed paved areas not needed and added treatment capacity to the site. This property previously had no treatment. Several small underdrained soil filters have been placed to capture and treat storm event runoff for nearly all hard surfaces. Existing "boundary" plantings are to remain undisturbed and continue to be maintained.

Nearly all of the existing utilities will be re-utilized with a couple of exceptions. The sewer connection will introduce an oil/water separator to capture waste from the kitchen area. This separator will require regular maintenance and cleaning.

The project will also take advantage of natural gas by adding a service from the main located in Bangor Mall Boulevard.

Since this project is very similar to the previous use, we do not anticipate a negative impact due to traffic. We have removed two of the access points to/from the connector road between Bangor Mall Boulevard and Stillwater Avenue and replaced with an underdrain filter strip. The entrance to the site farthest from Bangor Mall Boulevard will be retained and improved. This will significantly improve traffic to and from the connector road. Although there is room for two-way traffic on site, we anticipate the circulation will be generally one-way counter-clockwise. A pick-up window will remain for mobile orders.

The new building size is 5,633sf± and the project proposes 50 parking spaces (similar to before). This equates to one parking space per 112sf± of building, much better than required. Two (2) handicap accessible spaces will be provided.

RECEIVED  
**Green Tea**

OCT 04 2022  
57 Bangor Mall Boulevard



Blue Seal Feeds

Stillwater Ave

Kindred Hospice

Best Buy

Penn Plaza

**SITE**

Goodwill Store: Bangor

Bangor Mall Blvd

57 Bangor Mall Blvd

Starbucks

AutoZone Auto Parts

Hannaford

Spirit Halloween

Hogan Rd

Las Palapas Mexican

Books-A-Million

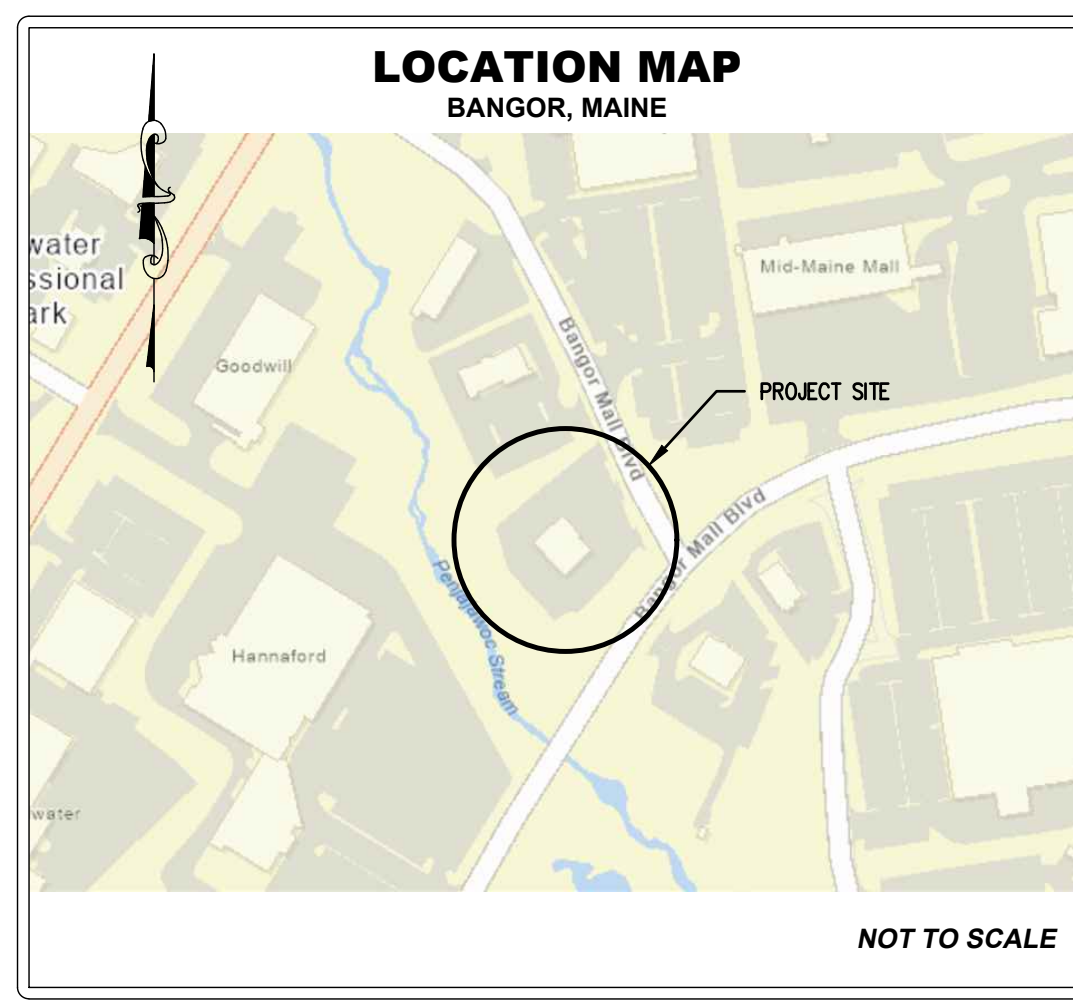
Comfort Inn

Google Earth

Image Landsat / Copernicus

800 ft





**PRE-DEVELOPMENT IMPERVIOUS AREA:**

BUILDING = 4,128 SF±  
PAVEMENT = 33,081 SF±  
TOTAL = 37,209 SF±

**POST-DEVELOPMENT IMPERVIOUS AREA:**

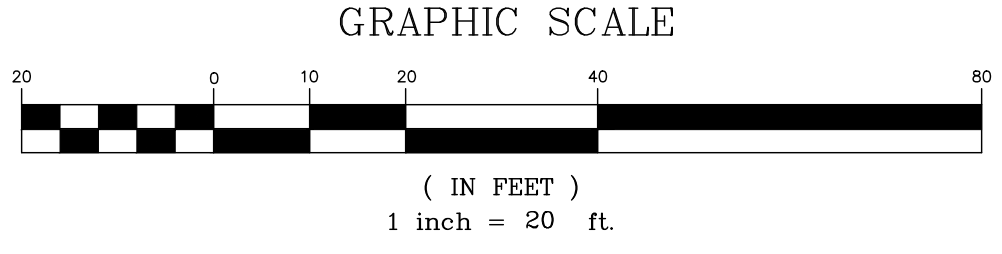
BUILDING = 5,533 SF±  
PAVEMENT = 29,992 SF±  
TOTAL = 35,525 SF±

CITY OF BANGOR SCHEDULE		
ZONE - S & PS	CONDITIONAL USE	PROPOSED
MIN. LOT AREA	10,000 SF.	95,484 SF±
MIN. FRONT YARD DEPTH	20'	150'+
MIN. SIDE YARD DEPTH	10'	100'+
MIN. REAR YARD DEPTH	10'	350'+
MAX. HEIGHT	40'	--
MAX. LOT COVERAGE	30%	5.8%
MAX. FLOOR RATIO	0.6	0.058
MAX. IMPERVIOUS RATIO	0.70	0.44
MIN. OPEN SPACE	--	--
MIN. LOT WIDTH	100'	193'+

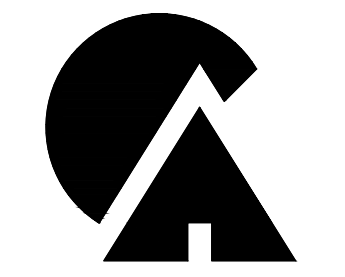
PARKING:  
EXISTING SPACES = (50) SPACES, (2) HC  
PROPOSED SPACES = (50) SPACES, (2) HC

**GENERAL NOTES:**

1. BASE PLAN INFORMATION TAKEN FROM PREVIOUS APPROVED SITE PLAN BY CARPENTER ASSOCIATES, DATED: NOVEMBER 25, 2003.
2. CONTRACTOR SHALL CONTACT DIGSAFE PRIOR TO ANY EXCAVATION WORK.
3. EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO BEGINNING OF CONSTRUCTION.
4. THE CONTRACTOR SHALL TAKE MEASURES TO PREVENT SEDIMENT AND OTHER POLLUTANTS FROM ENTERING EXISTING DRAINAGE WAYS AND OTHER STORM WATER CONVEYANCES LOCATED ON THE SITE. CONTRACTOR MUST ADHERE TO BEST MANAGEMENT OF PRACTICES.
5. HAY BALE BARRIERS SHALL BE INSTALLED AROUND EXISTING CATCH BASINS, AND PIPE INLETS / OUTLETS DURING CONSTRUCTION.
6. CONTRACTOR SHALL ADHERE TO BEST MANAGEMENT PRACTICES DURING CONSTRUCTION. ALL DISTURBED AREAS SHALL BE REVEGETATED AND RECEIVE PROPER EROSION CONTROL MANAGEMENT. 4" LOAM, SEED AND MULCH ALL DISTURBED AREAS.
7. EROSION CONTROL MESH SHALL BE INSTALLED ON ALL SLOPES STEEPER THAN 3:1.
8. CONSTRUCTION ACTIVITIES OCCURRING AFTER NOVEMBER 15TH SHALL INCORPORATE A WINTER CONSTRUCTION PLAN.
9. CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE EXACT LOCATION OF EXISTING UTILITIES WITH ALL UTILITY COMPANIES BEFORE BEGINNING CONSTRUCTION.
10. ALL SITE WORK INCLUDING SEWER, STORM, ETC. MUST MEET CITY OF BANGOR STANDARDS. SEWER SERVICE SHALL BE 6" MIN.
11. ELECTRICAL WORK MUST BE COORDINATED WITH VERSANT.
12. WATER UTILITY WORK MUST ADHERE TO BANGOR WATER DISTRICT STANDARDS. SERVICE SHALL BE 2" MIN.
13. NATURAL GAS WORK MUST BE COORDINATED WITH BANGOR NATURAL GAS.
14. CONTRACTOR TO ADD 4" RIGID INSULATION OVER ALL PIPES CROSSING THE DRIVEWAY, WALKWAY OR PARKING LOT AREA AND BETWEEN ALL PIPES.
15. GRADING SHALL NOT ENCRONCH ON NEIGHBORING PROPERTIES.
16. ALL CURB AND PAVEMENT STRIPING RADII SHALL BE 5' UNLESS OTHERWISE NOTED.
17. COORDINATE LANDSCAPING PLANTINGS TO AVOID BURIED UTILITIES.
18. MAINTAIN ALL BOUNDARY PLANTINGS.

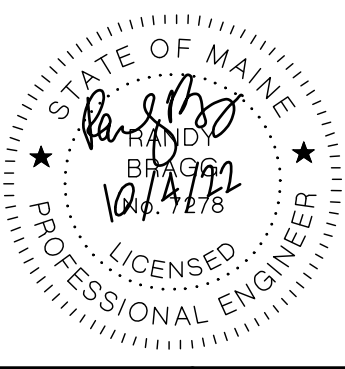


**FOR REVIEW**  
**09-30-2022**  
REVISED: 10-04-2022



**CARPENTER ASSOCIATES**  
CONSULTING ENGINEERS  
687 STILLWATER AVENUE-OLD TOWN-MAINE 04468

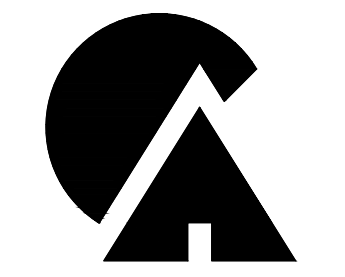
NO.	DATE	DESCRIPTION
1	10-04-2022	PLANTINGS, UTILITIES, & NOTES



CAROUSEL DIVERSIFIED SERVICES  
**BUILDING ADDITION**  
BANGOR, MAINE  
**57 BANGOR MALL BOULEVARD**  
**SITE PLAN**

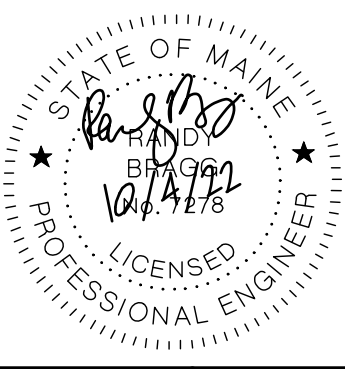
Drawn: JE  
Checked: RB  
Scale: AS NOTED  
Date: 08-01-2022  
Project No: 2022122  
Sheet Number:

**1**



**CARPENTER ASSOCIATES**  
CONSULTING ENGINEERS  
687 STILLWATER AVENUE-OLD TOWN-MAINE 04468

NO.	DATE	DESCRIPTION	BY	RE/A/E
1	10-04-2022	PLANTING/NOTES		



**CAROUSEL DIVERSIFIED SERVICES**  
**BUILDING ADDITION**  
BANGOR, MAINE

**SITE DETAILS**

Drawn: **JEK**  
Checked: **RB**  
Scale: **AS NOTED**  
Date: **08-01-2022**  
Project No: **2022122**  
Sheet Number:

**2**

**PERMANENT SEEDING NOTES FOR ALL DISTURBED AREAS:**  
1. DURING PERIOD FROM APRIL 15 TO OCTOBER 15, AREAS DISTURBED SHALL BE LIMED, FERTILIZED, SEEDED AND MULCHED AS FOLLOWS:  
A. APPLY AGRICULTURAL GRADE LIMESTONE OF NOT LESS THAN 85 PERCENT CALCIUM AND MAGNESIUM CARBONATES AT A RATE OF 130 LBS/1,000 SQUARE FEET (SF).  
B. FERTILIZE WITH COMMERCIAL GRADE 10-10-10 FERTILIZER AT A RATE OF 14 LBS/1,000 SF.  
C. SEED WITH LAST YEAR'S CROP MIXTURE AT A RATE OF 2 LBS/1,000 SF. MIXTURE SHALL BE: RED FESCUE 57 PERCENT, KENTUCKY BLUEGRASS 28 PERCENT, REDTOP 9 PERCENT AND WHITE DUTCH CLOVER 6 PERCENT. MIXTURE SHALL HAVE A GERMINATION RATE OF NOT LESS THAN 80 PERCENT AND A PURITY OF NOT LESS THAN 85 PERCENT.  
2. AFTER SEEDING, AREAS DISTURBED SHALL BE HAY MULCHED AT A RATE OF 2.5 BALES/1,000 SF.  
3. NO SEEDING SHALL TAKE PLACE BETWEEN JUNE 15 AND JULY 15. AS A CONTINGENCY PLAN, AREAS DISTURBED DURING THESE DATES SHALL BE HAY MULCHED AT A RATE OF 2 BALES/1,000 SF AND SECURED WITH PEG AND TWINE OF 4-6 PEGS/SY OR WITH TERRA TACK II AT A RATE OF 60 GALLONS/ACRE.  
4. WEEKLY, OR AFTER PRECIPITATION PRODUCING THE EQUIVALENT OF ONE HALF INCH OF RAINFALL OR SNOW MELT, ALL MULCHED AREAS SHALL BE INSPECTED FOR SUITABILITY FOR EROSION CONTROL AND SLOPE PROTECTION. WEAKENED AREAS SHALL BE RE-MULCHED AS 2. ABOVE.  
5. WITHIN 30-45 DAYS OF SEED APPLICATION, ALL AREAS SHALL BE INSPECTED FOR SATISFACTORY GROWTH. AREAS OF LESS THAN 75 PERCENT GROWTH SHALL BE RESEED AT ORIGINAL APPLICATION RATES, MULCHED AND MAINTAINED ACCORDINGLY AS SPECIFIED ABOVE.  
6. PERMANENT SEEDING SHALL BE INSTALLED IMMEDIATELY UPON REACHING FINAL GRADE.

**EROSION CONTROL CONSTRUCTION SEQUENCE:**  
1. INSTALL ALL SILT FENCING AND TEMPORARY CONSTRUCTION ENTRANCES.  
2. CONSTRUCT SEDIMENT POND WITH RIP-RAP INLET CHANNEL AND OUTLET STRUCTURE (INCLUDING RIP-RAP APRON AT OUTLET). INSTALL TEMPORARY PIPE SEDIMENT TRAP ON OUTLET PIPE. TEMPORARILY SEED AND MULCH DETENTION POND AREA AND INSTALL EROSION CONTROL BLANKET WHERE SHOWN.  
3. GRADE PROJECT TO SUBGRADE LEVEL IN LOGICAL MANNER TO MINIMIZE EARTH MOVING AND TO PRESERVE LAND NOT TO BE DISTURBED.  
4. INSTALL DETENTION POND INLET PIPE WITH RIP-RAP OUTLET.  
5. COMPLETE DRAINAGE AND UTILITY CONSTRUCTION.  
6. INSTALL GRAVEL BASE. REMOVE TEMPORARY CONSTRUCTION ENTRANCE IMMEDIATELY PRIOR TO PLACING ROAD BASE.  
7. COMPLETE FINISH GRADING. LOAM, SEED AND MULCH (WITH EROSION CONTROL BLANKET WHERE SHOWN) ALL DISTURBED AREAS NOT TO BE PAVED OR RIP-RAPPED. REMOVE EXCESS ACCUMULATED SEDIMENTS FROM DETENTION POND BOTTOM.  
8. COMPLETE UNFINISHED CONSTRUCTION AND FINISH PAVING.  
9. REMOVE TEMPORARY DIVERSION DITCHES, LEVEL SPREADERS, HAY BALES AND STONE CHECK DAM WHEN 75 PERCENT OF GRASS GROWTH HAS BEEN ESTABLISHED.

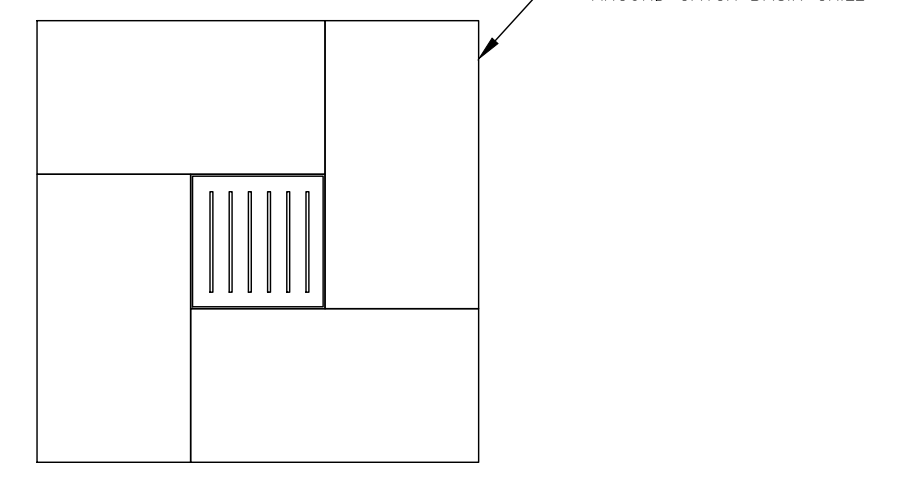
ALL EARTHWORK OR CONSTRUCTION ACTIVITIES SHALL OCCUR AFTER APRIL 15 AND BEFORE NOVEMBER 15 UNLESS PRIOR PERMISSION FROM DEP IS OBTAINED. THE CONTRACTOR SHALL INSTALL ALL EROSION CONTROL DEVICES PRIOR TO THE DISTURBANCE OF ANY WORK AREA.

**TEMPORARY SEEDING NOTES:**  
1. ANY DISTURBED AREAS TO BE LEFT IN ROUGH GRADED FORM FOR MORE THAN 30 DAYS BUT LESS THAN ONE GROWING SEASON SHALL BE LIMED, FERTILIZED, TEMPORARILY SEEDED AND MULCHED.  
2. APPLICATION RATES AND MATERIALS USED SHALL BE THE SAME AS FOR PERMANENT SEEDING EXCEPT SEED MIXTURE SHALL BE ANNUAL RYE GRASS.

**DORMANT SEEDING NOTES:**  
1. DURING PERIODS FROM NOVEMBER 1 TO NOVEMBER 15, AREAS DISTURBED SHALL BE DORMANT SEEDING WITH WINTER RYE, 1.5 LBS/1,000 SF. DURING PERIODS BETWEEN NOVEMBER 1 AND APRIL 15, DISTURBED AREAS SHALL BE MULCHED AND IF NECESSARY, STABILIZED WITH EROSION CONTROL MESH.

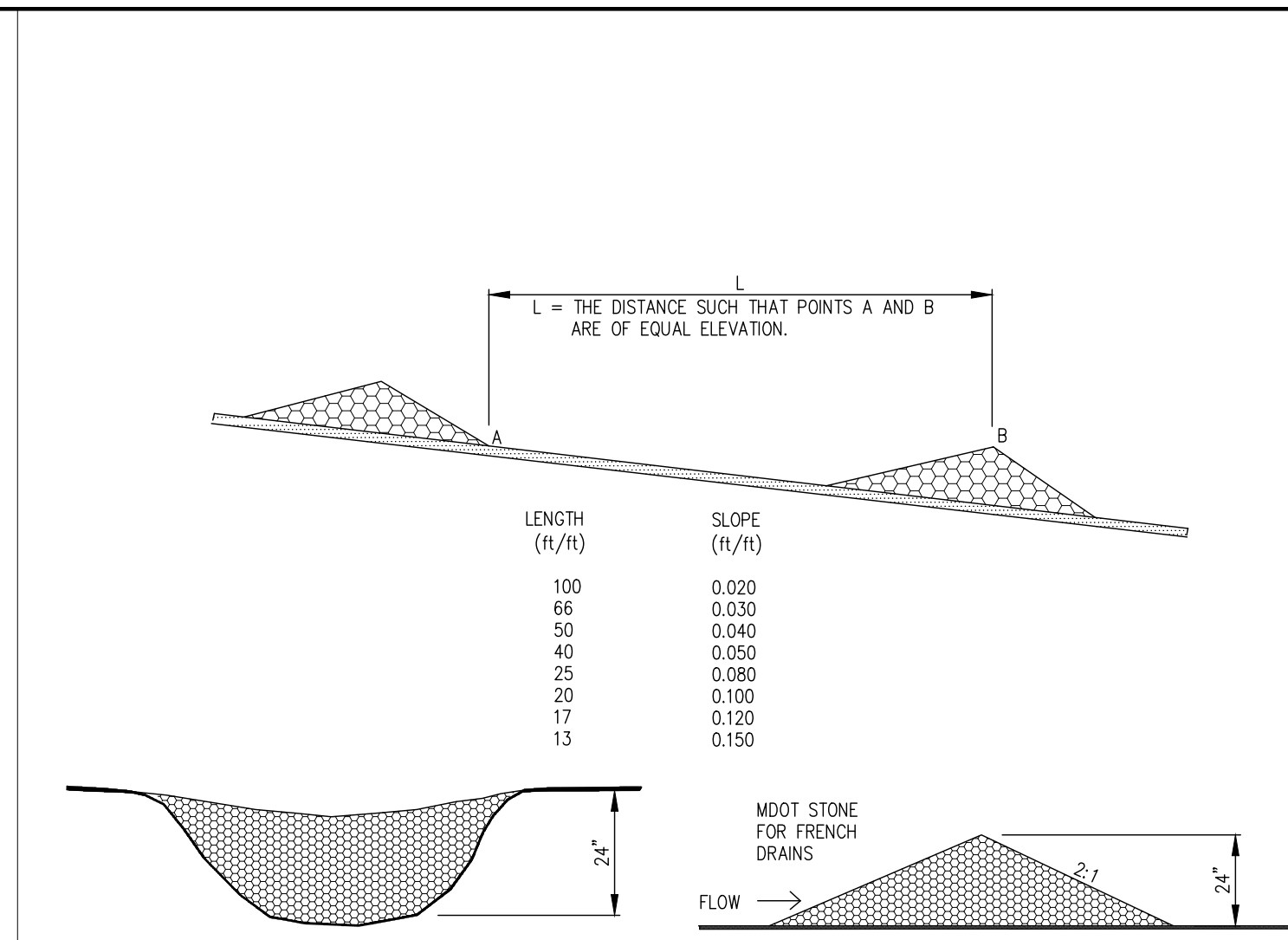
**GENERAL NOTES:**  
1. ON SITE STABILIZATION WILL BE DONE WITHIN 15 DAYS OF FINAL GRADING OR WITHIN 30 DAYS OF INITIAL SOIL DISTURBANCE.  
2. EVERY WEEK AND AFTER PRECIPITATION PRODUCING THE EQUIVALENT OF ONE HALF INCH OF RAINFALL, THE CONTRACTOR SHALL INSPECT AND MAINTAIN ALL EROSION CONTROL MEASURES. MAINTENANCE SHALL INCLUDE, BUT NOT BE LIMITED TO REMOVAL OF SEDIMENT FROM SILT FENCE IF SOIL ACCUMULATES TO A DEPTH OF ONE-HALF THE FABRIC HEIGHT; REPAIR OF HAY BALE BARRIERS IF RUNOFF CHANNELIZES UNDER OR AROUND THE BALES; REMOVAL OF EXCESS ACCUMULATED SEDIMENT FROM POND; AND WASHING OF TEMPORARY CONSTRUCTION ENTRANCES PRIOR TO OCCURRENCES OF SIGNIFICANT TRACKING.  
3. ALL EROSION CONTROL MEASURES SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH "MAINE EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION- BEST MANAGEMENT PRACTICES" BY CUMBERLAND COUNTY SWCD, DEPARTMENT OF ENVIRONMENTAL PROTECTION, MARCH, 1991.  
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL EROSION CONTROL MEASURES, INCLUDING MATERIALS, CONSTRUCTION, MAINTENANCE AND REMOVAL.  
5. JUTE MESH SHALL BE INSTALLED ON ALL LOAM AND SEEDED AREAS WHICH HAVE A SLOPE GREATER THAN 3:1.  
6. EROSION CONTROL MEASURES SHALL BE INSPECTED ON A MONTHLY BASIS ONCE FINAL STABILIZATION IS COMPLETE, BY THE INSPECTING ENGINEER. THIS INSPECTION IS NO WAY REDUCES OR ELIMINATES THE CONTRACTOR'S RESPONSIBILITY TO ADHERE WITH VERBAL OR WRITTEN REQUIREMENTS OF DEP, ARMY CORPS, EPA OR OTHER JURISDICTIONAL AGENCIES. CONTRACTOR MUST FURTHER ADHERE TO ALL REQUIREMENTS SET FORTH IN THE DEP ORDER OF CONDITIONS.  
7. AFTER EACH INSPECTION OF EROSION CONTROL MEASURES, AND INSPECTION REPORT DETAILING THE SCOPE OF THE INSPECTION, NAME(S) OF PERSONNEL CONDUCTING THE INSPECTION, DATE, MAJOR OBSERVATION AND ACTIONS TAKEN, SHALL BE MADE AND KEPT ON FILE FOR THREE YEARS AFTER THE INSPECTION.

CONTRACTOR TO INSTALL SILT SOCKS IN ALL DOWN GRADE CATCH BASINS DURING CONSTRUCTION

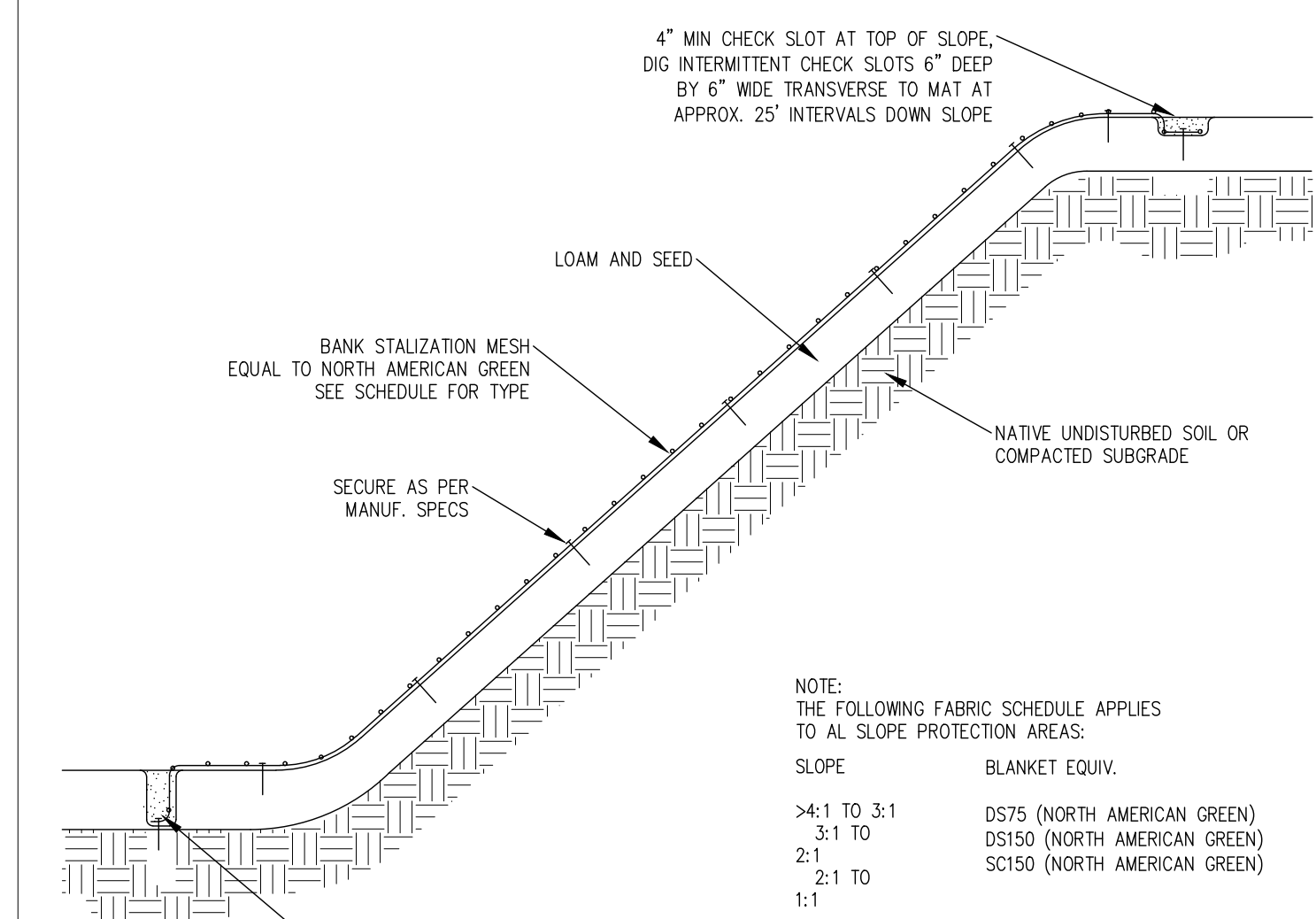


**GRATE BASIN PROTECTION**  
NOT TO SCALE

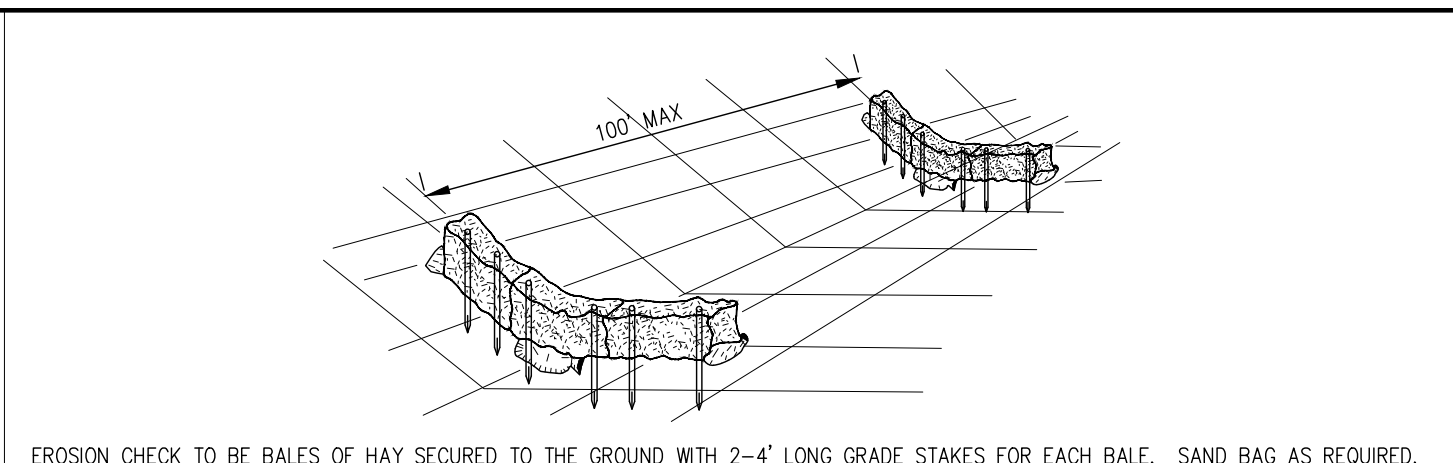
**CONSTRUCTION SPECIFICATIONS:**  
1. BALES SHALL BE PLACED WITH ENDS TIGHTLY ABUTTING THE ADJACENT BALES.  
2. EACH BALE SHALL BE EMBEDDED IN THE SOIL A MINIMUM OF FOUR INCHES AND PLACED SO THE BINDINGS ARE HORIZONTAL.  
3. BALES SHALL BE SECURELY ANCHORED IN PLACE BY EITHER TWO STAKES OR RE-BARS DRIVEN THROUGH THE BALE. THE FIRST STAKE IN EACH BALE SHALL BE DRIVEN TOWARD THE PREVIOUSLY LAID BALE AT AN ANGLE TO FORCE THE BALES TOGETHER. STAKES SHALL BE DRIVEN FLUSH WITH THE BALE.  
4. INSPECTION SHALL BE FREQUENT AND REPAIR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED.  
5. BALES SHALL BE REMOVED WHEN THEY HAVE SERVED THEIR USEFULNESS SO AS NOT TO BLOCK OR IMPEDE STORM FLOW OR DRAINAGE.



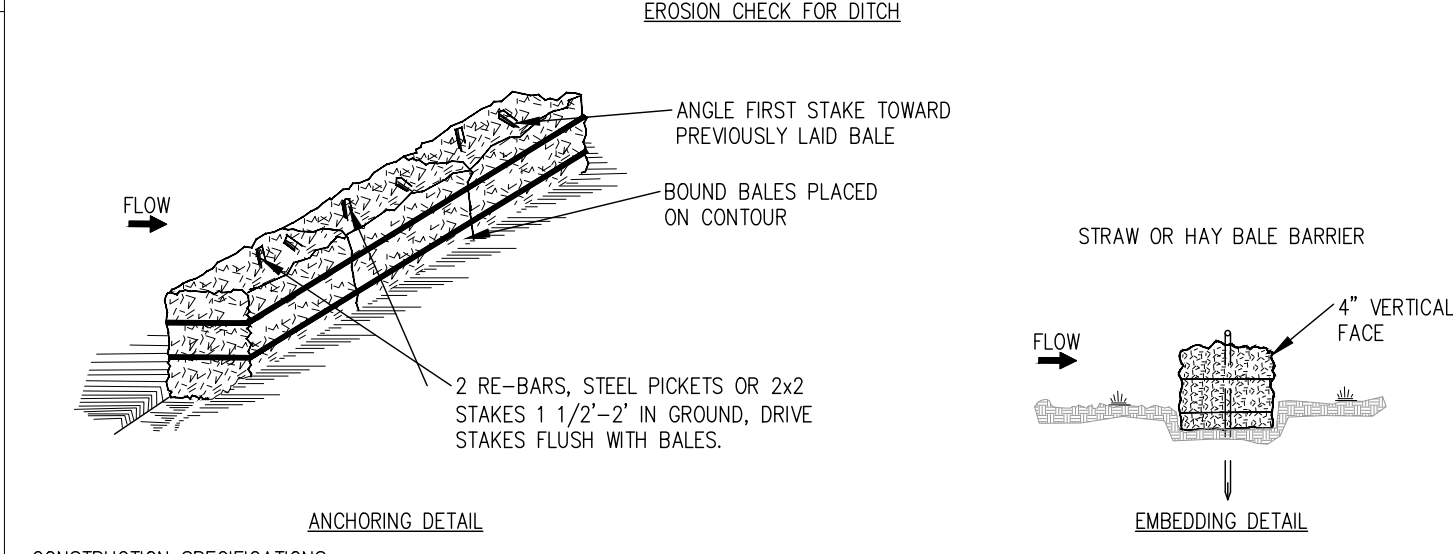
**STONE CHECK DAM DETAILS**  
NOT TO SCALE



**BANK STABILIZATION**  
NOT TO SCALE

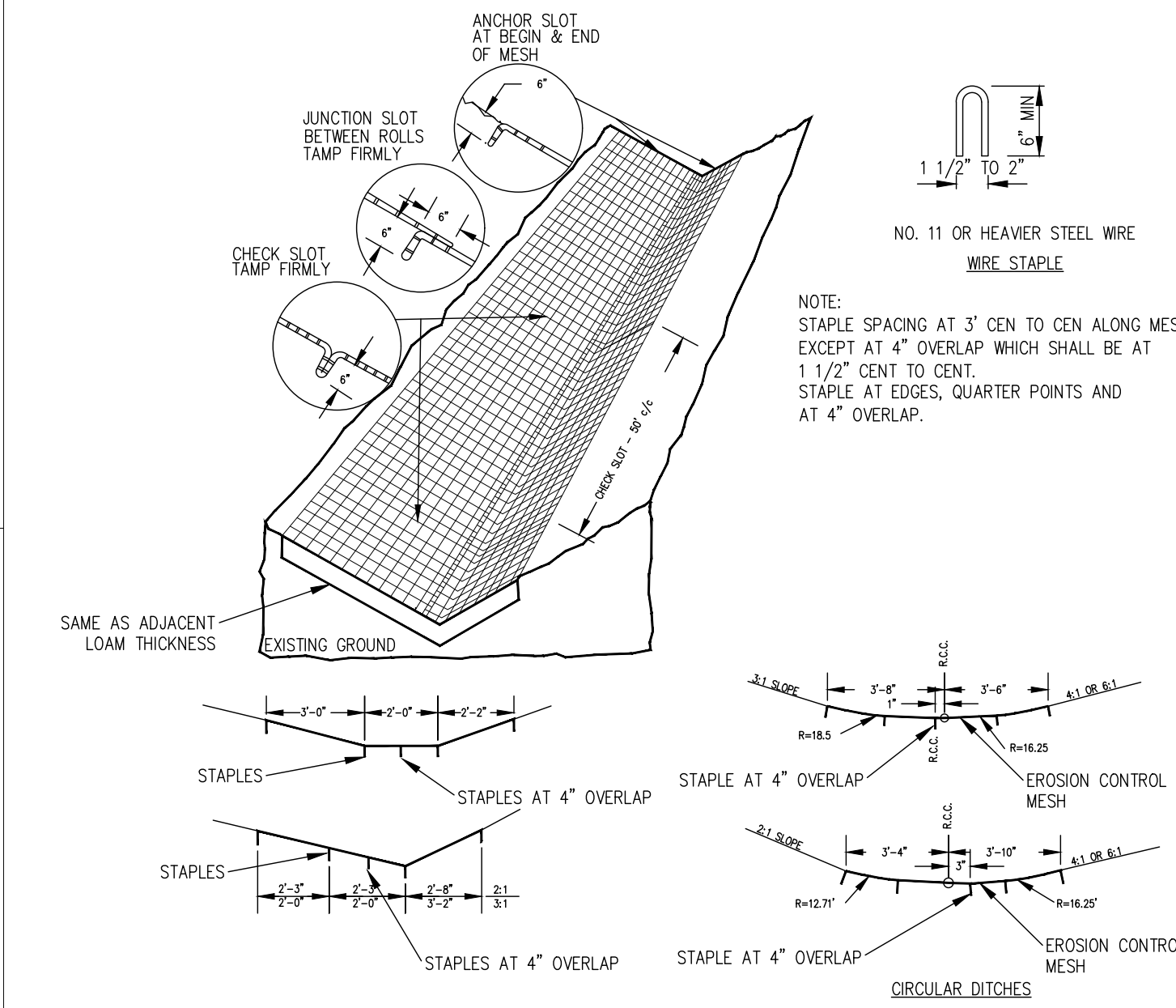


EROSION CHECK TO BE BALES OF HAY SECURED TO THE GROUND WITH 2-4" LONG GRADE STAKES FOR EACH BALE. SAND BAG AS REQUIRED.

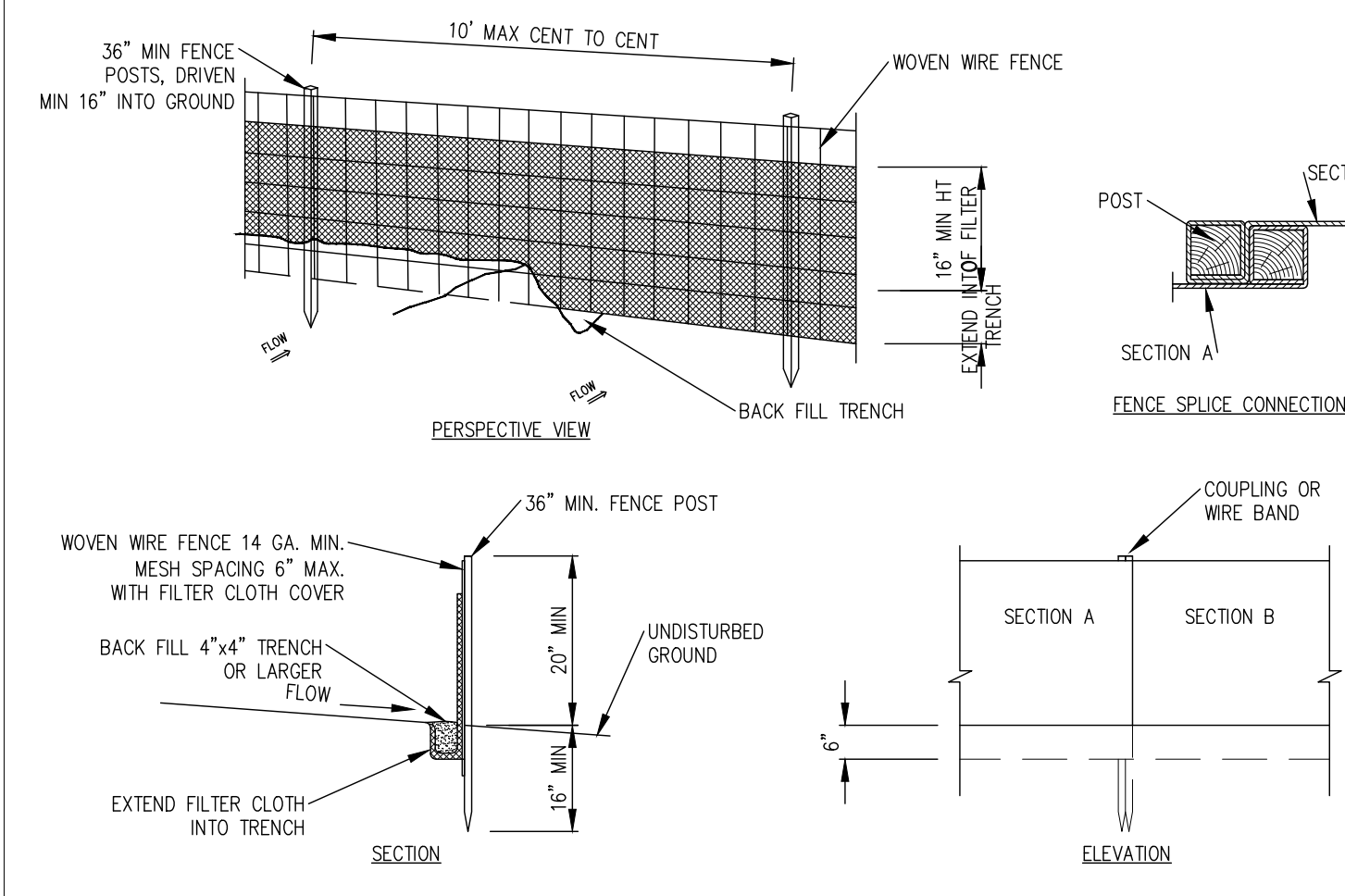


**HAY BALE DETAIL**  
NOT TO SCALE

**CONSTRUCTION SPECIFICATIONS:**  
1. BALES SHALL BE PLACED AT THE TOE OF A SLOPE OR ON THE CONTOUR AND IN A ROW WITH ENDS TIGHTLY ABUTTING THE ADJACENT BALES.  
2. EACH BALE SHALL BE EMBEDDED IN THE SOIL A MINIMUM OF FOUR INCHES AND PLACED SO THE BINDINGS ARE HORIZONTAL.  
3. BALES SHALL BE SECURELY ANCHORED IN PLACE BY EITHER TWO STAKES OR RE-BARS DRIVEN THROUGH THE BALE. THE FIRST STAKE IN EACH BALE SHALL BE DRIVEN TOWARD THE PREVIOUSLY LAID BALE AT AN ANGLE TO FORCE THE BALES TOGETHER. STAKES SHALL BE DRIVEN FLUSH WITH THE BALE.  
4. INSPECTION SHALL BE FREQUENT AND REPAIR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED.  
5. BALES SHALL BE REMOVED WHEN THEY HAVE SERVED THEIR USEFULNESS SO AS NOT TO BLOCK OR IMPEDE STORM FLOW OR DRAINAGE.

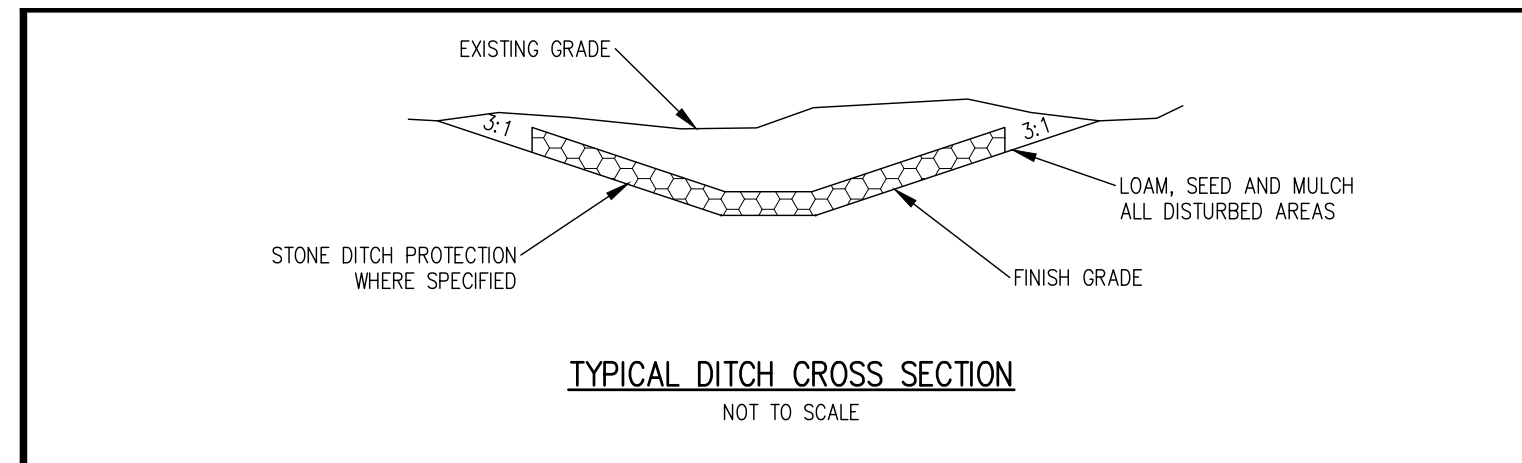


**EROSION CONTROL MESH**  
NOT TO SCALE

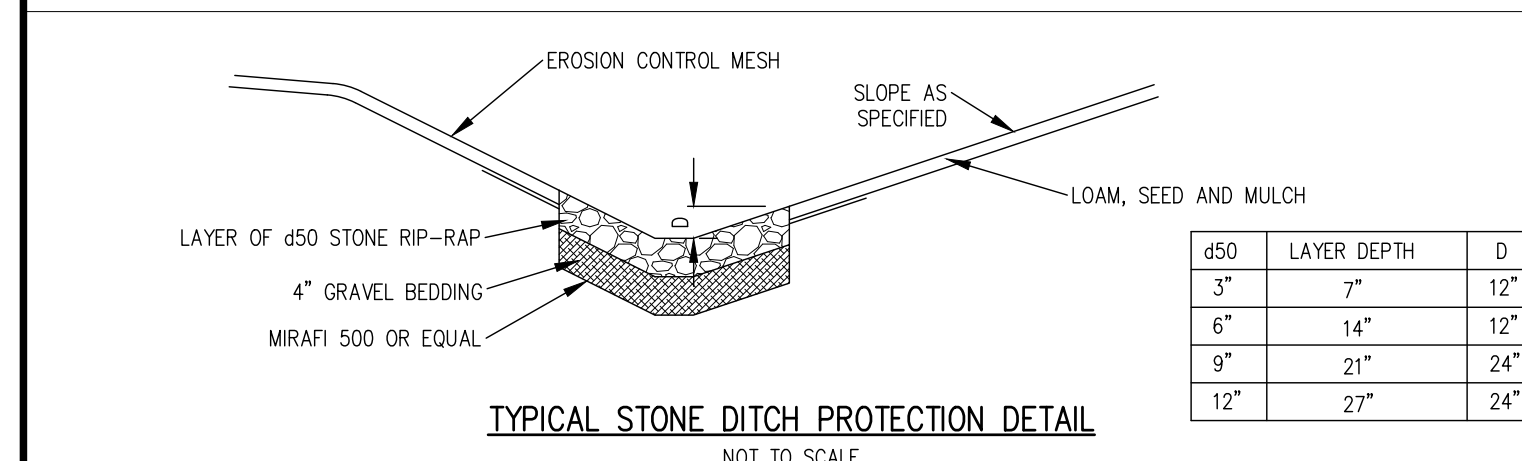


**SILT FENCE DETAIL**  
NOT TO SCALE

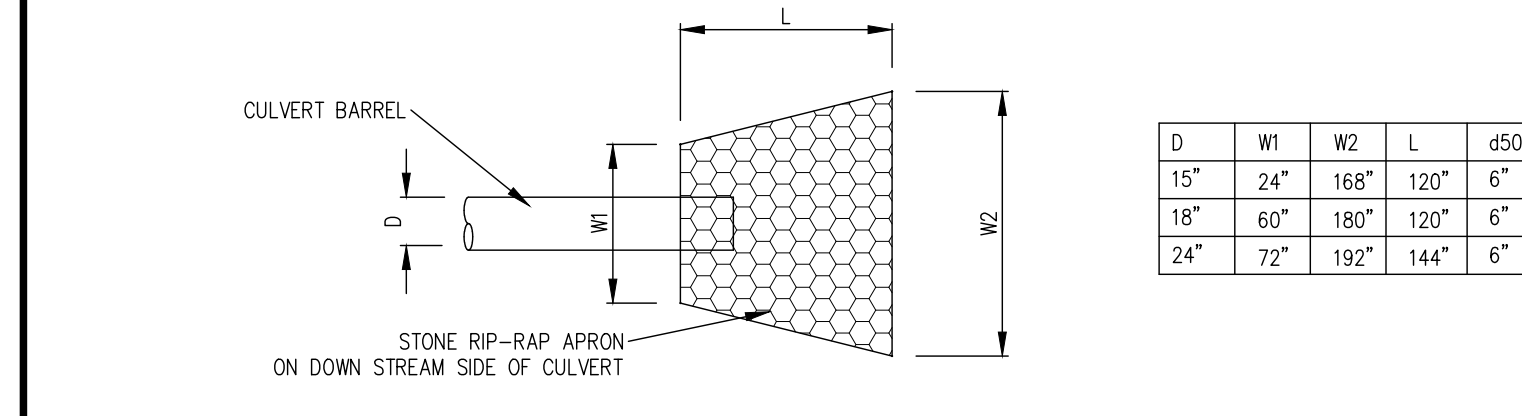
**CONSTRUCTION SPECIFICATIONS:**  
THE CONTRACTOR HAS THE OPTION TO NOT USE WOVEN WIRE MESH IF STAKE SPACERS ARE REDUCED TO 6' o.c.  
1. WOVEN WIRE FENCE TO BE FASTENED SECURELY TO FENCE POSTS WITH WIRE TIES OR STAPLES.  
2. FILTER CLOTH TO BE FASTENED SECURELY TO WOVEN WIRE FENCE WITH TIES SPACED EVERY 24" AT TOP OF MID SECTION.  
3. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVER LAPPED BY SIX INCHES AND FOLDED.  
4. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN BULGES DEVELOP IN THE SILT FENCE.  
5. POSTS: STEEL EITHER T OR U TYPE OR 2" HARDWOOD. FENCE: WOVEN WIRE, 14 GA. 6" MAX. MESH OPENING. FILTER CLOTH: FILTER X, MARAFI 100X, STABI-LINKA T140N OR APPROVED EQUAL. PREFABRICATED UNIT: GEOFAB, ENVROFENCE, OR APPROVED EQUAL.



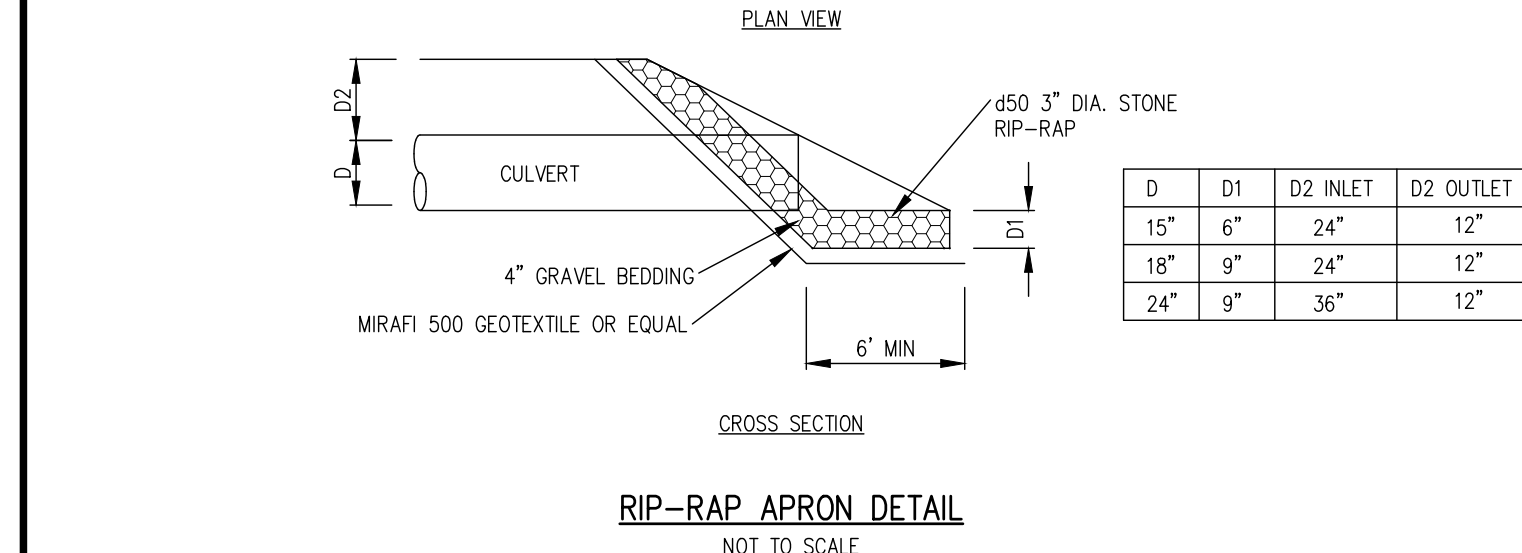
**TYPICAL DITCH CROSS SECTION**  
NOT TO SCALE



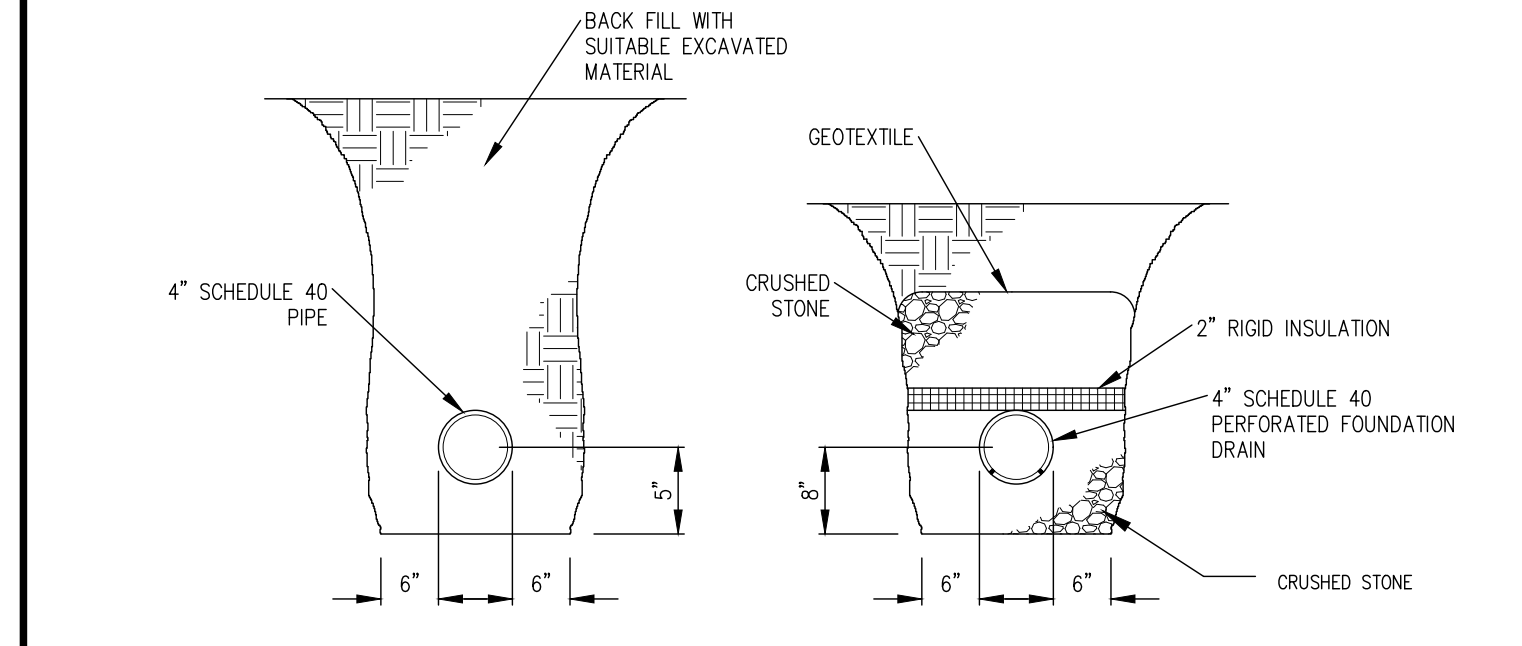
**TYPICAL STONE DITCH PROTECTION DETAIL**  
NOT TO SCALE



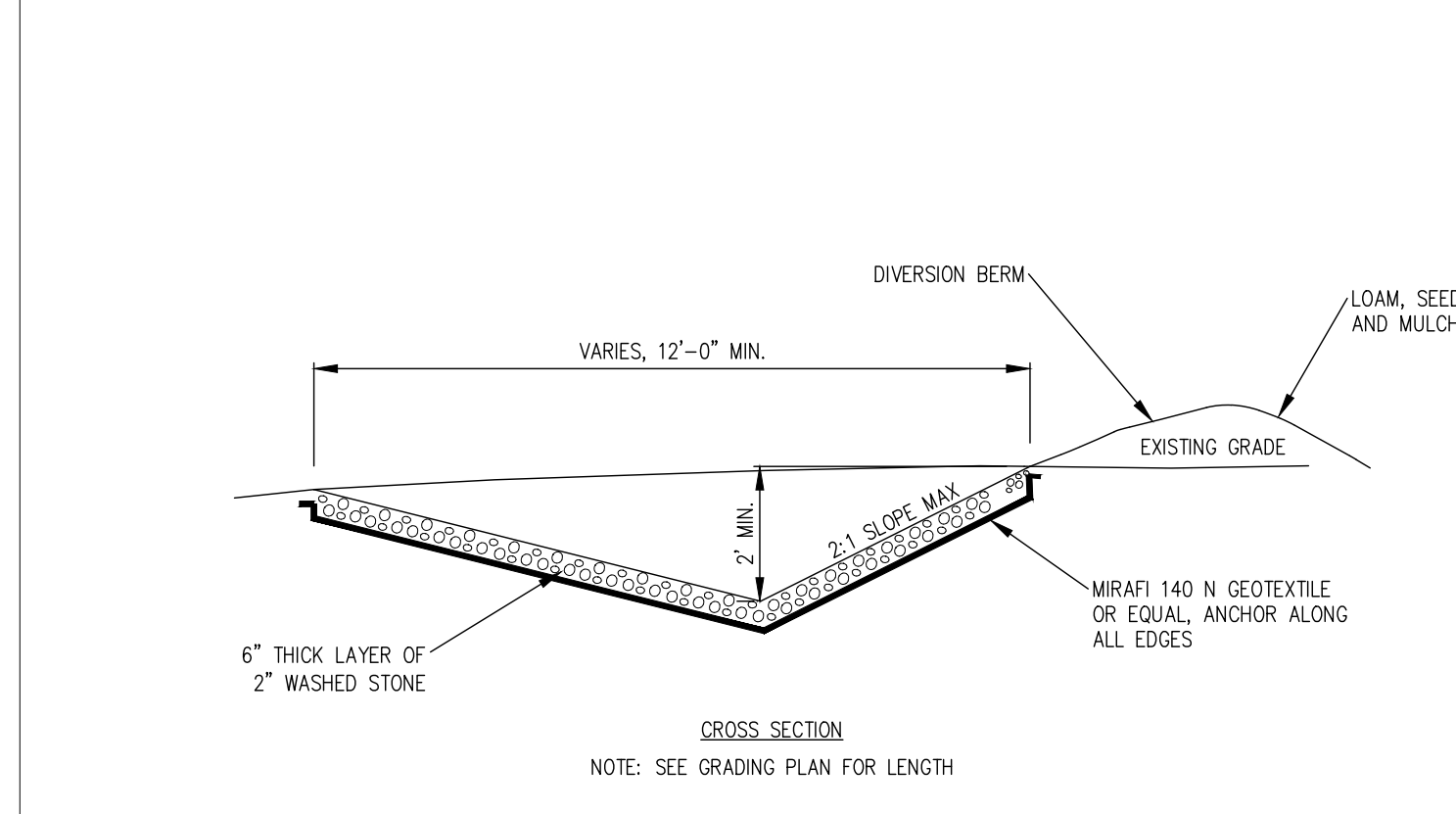
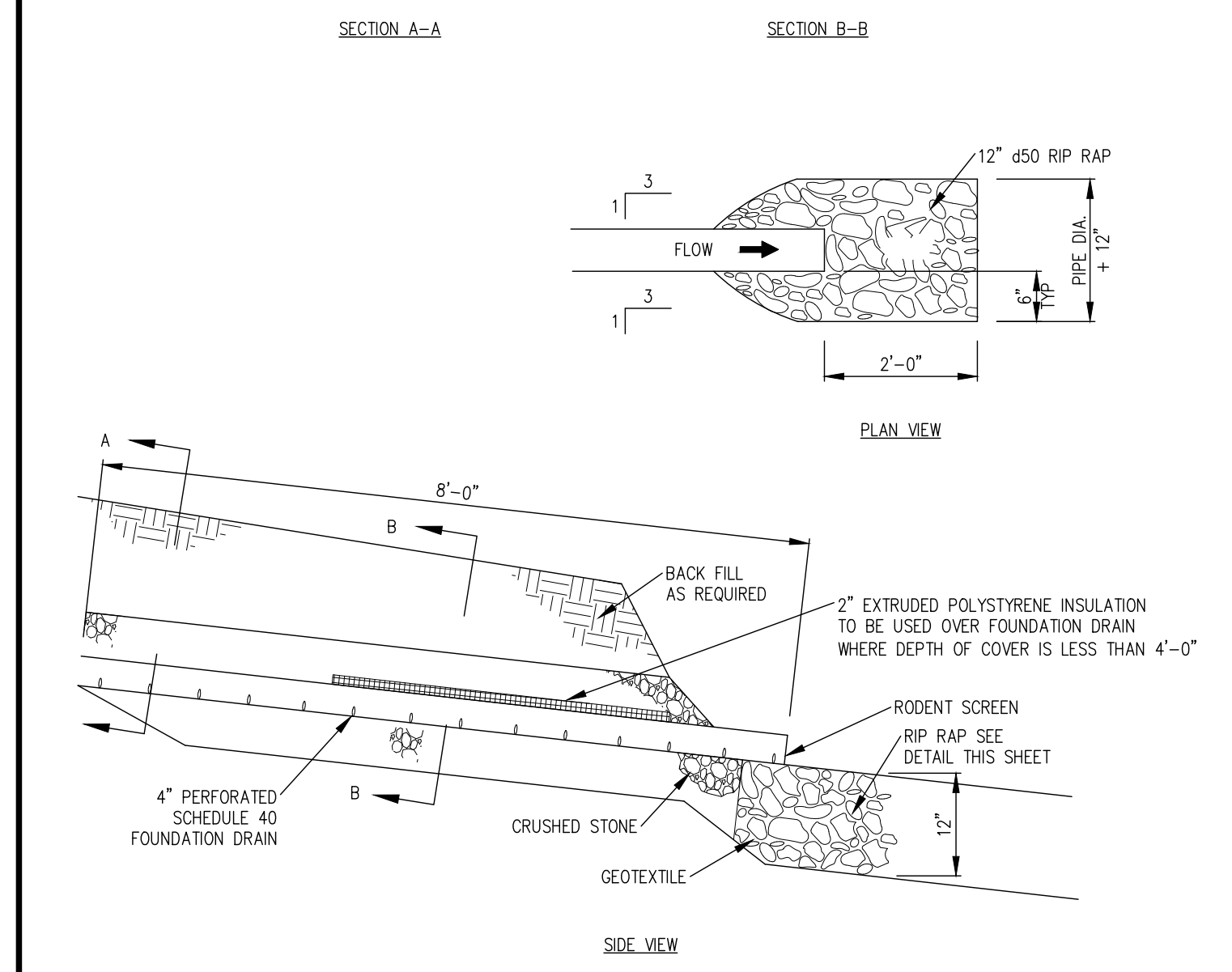
**RIP-RAP APRON DETAIL**  
NOT TO SCALE



**RIP-RAP APRON DETAIL**  
NOT TO SCALE

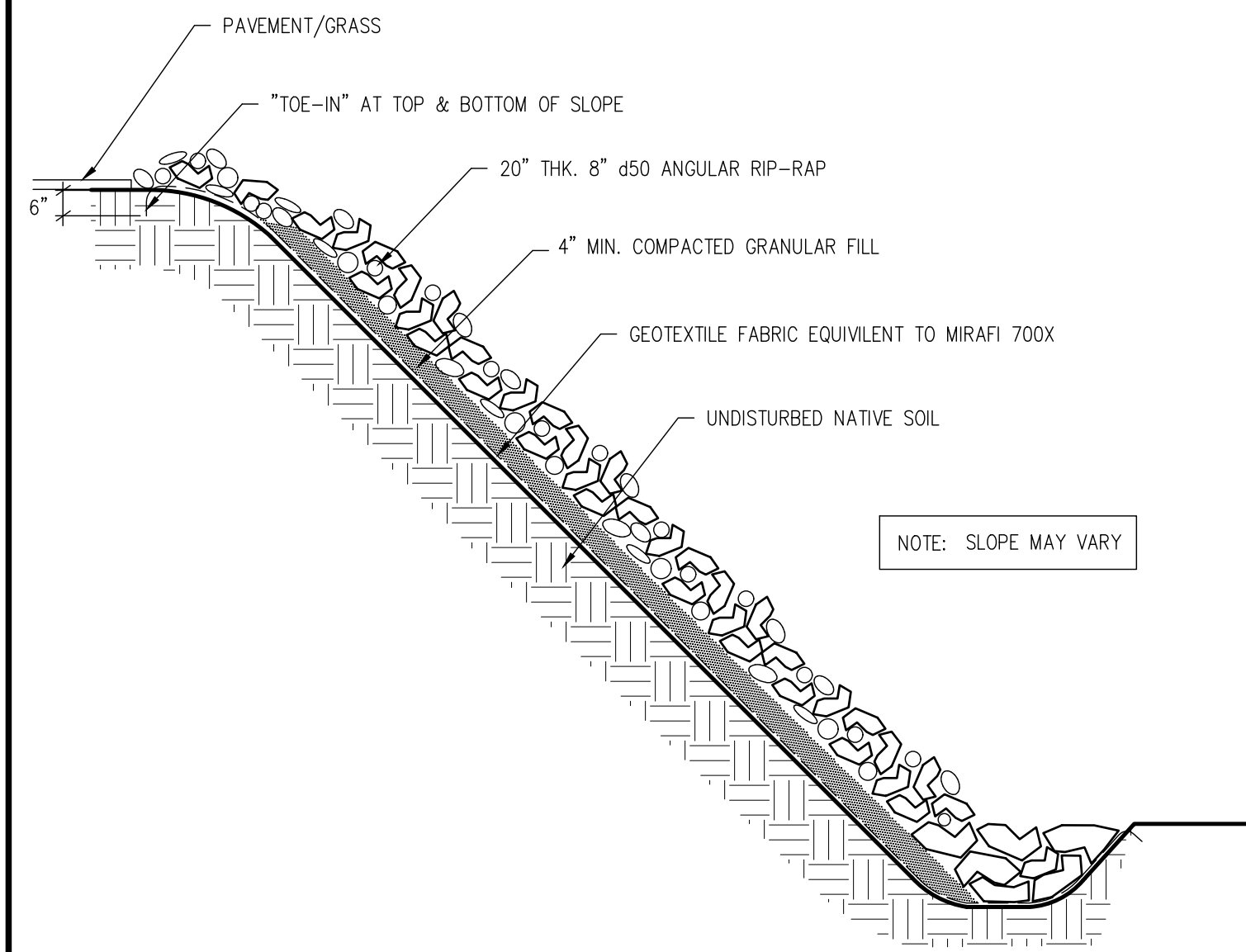


**DRAIN OUTLET DETAIL**  
NOT TO SCALE

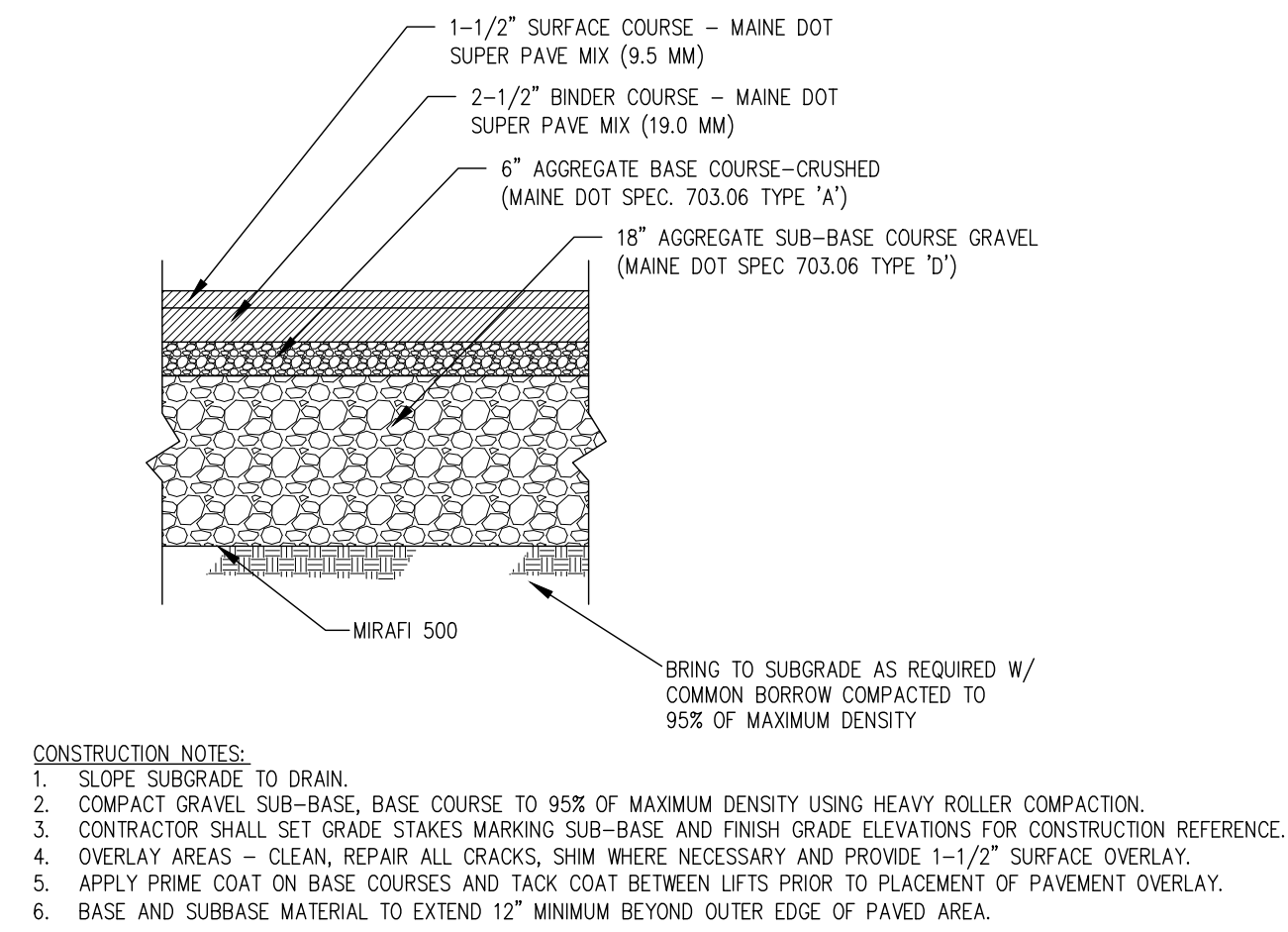


**TYPICAL LEVEL SPREADER**

**CONSTRUCTION SPECIFICATIONS:**  
1. ALL LEVEL SPREADERS SHALL BE CONSTRUCTED IN A CUT SECTION, I.E. THERE SHALL BE NO EARTH FILL ALONG THE DOWNSTREAM EDGE.  
2. ALL LEVEL SPREADERS SHALL BE 20'-0" LONG AND SHALL BE ALIGNED PARALLEL TO THE EXISTING CONTOURS.  
3. THE ENTRANCE DITCH TO THE LEVEL SPREADER SHALL HAVE A MAXIMUM GRADE OF 1% FOR AT LEAST 50 FEET IMMEDIATELY PRIOR TO ENTERING THE SPREADER.  
4. THE LEVEL SPREADER SHALL HAVE A LONGITUDINAL GRADE OF 0%.

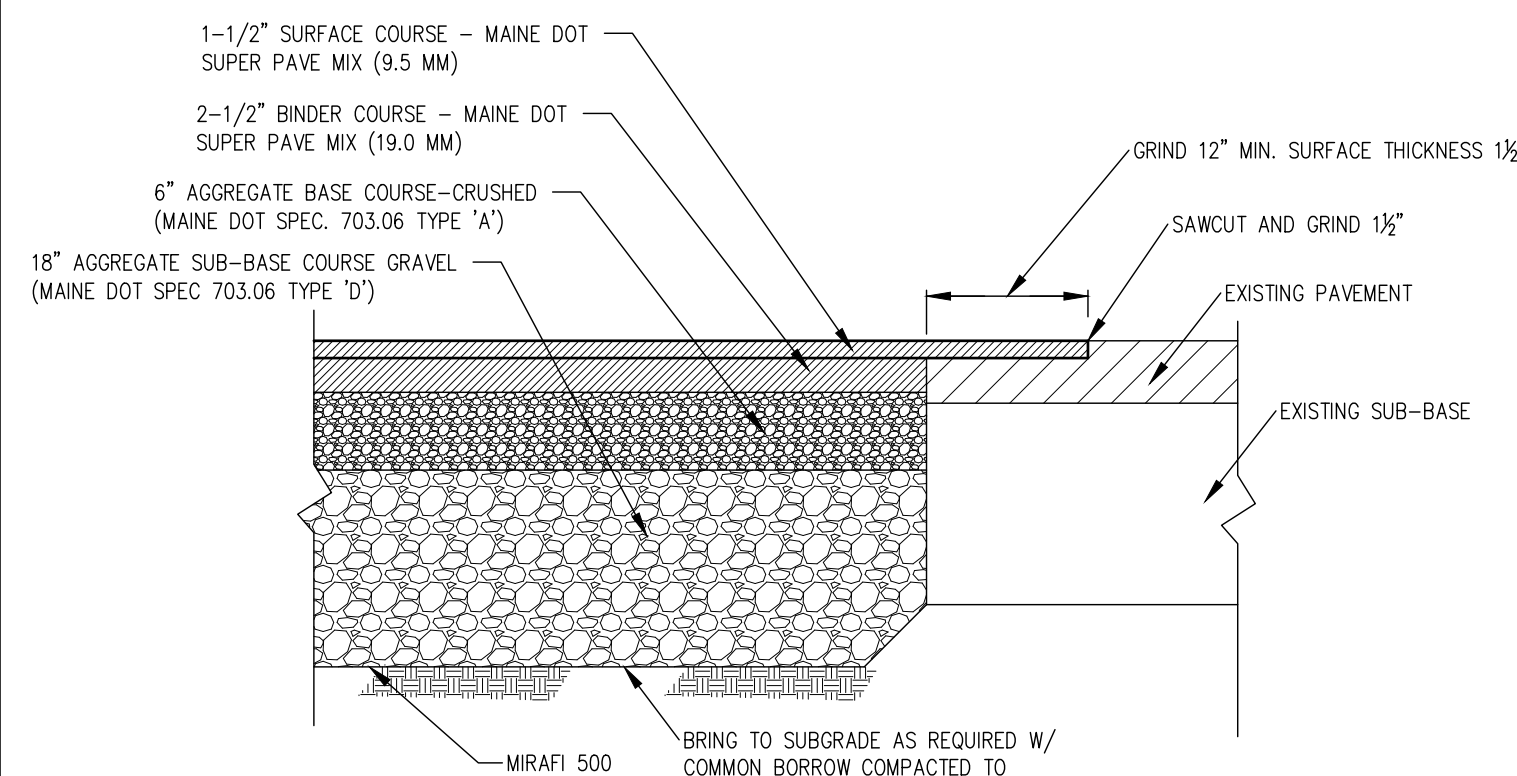


**RIP-RAP BANK DETAIL**  
NOT TO SCALE



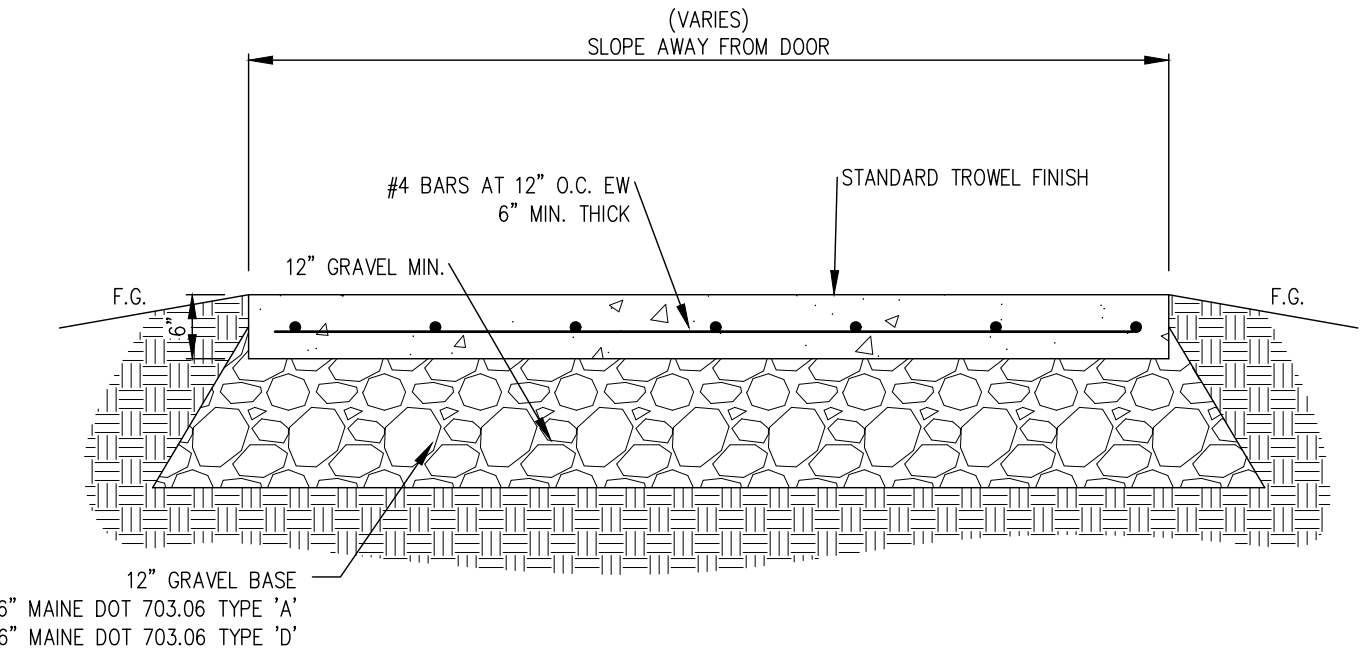
- CONSTRUCTION NOTES:**
1. SLOPE SUBGRADE TO DRAIN.
  2. COMPACT GRAVEL SUB-BASE, BASE COURSE TO 95% OF MAXIMUM DENSITY USING HEAVY ROLLER COMPACTION.
  3. CONTRACTOR SHALL SET GRADE STAKES MARKING SUB-BASE AND FINISH GRADE ELEVATIONS FOR CONSTRUCTION REFERENCE.
  4. OVERLAY AREAS - CLEAN, REPAIR ALL CRACKS, SHIM WHERE NECESSARY AND PROVIDE 1-1/2" SURFACE OVERLAY.
  5. APPLY PRIME COAT ON BASE COURSES AND TACK COAT BETWEEN LIFTS PRIOR TO PLACEMENT OF PAVEMENT OVERLAY.
  6. BASE AND SUBBASE MATERIAL TO EXTEND 12" MINIMUM BEYOND OUTER EDGE OF PAVED AREA.

**TYPICAL TRENCH PAVED SECTION**  
NOT TO SCALE



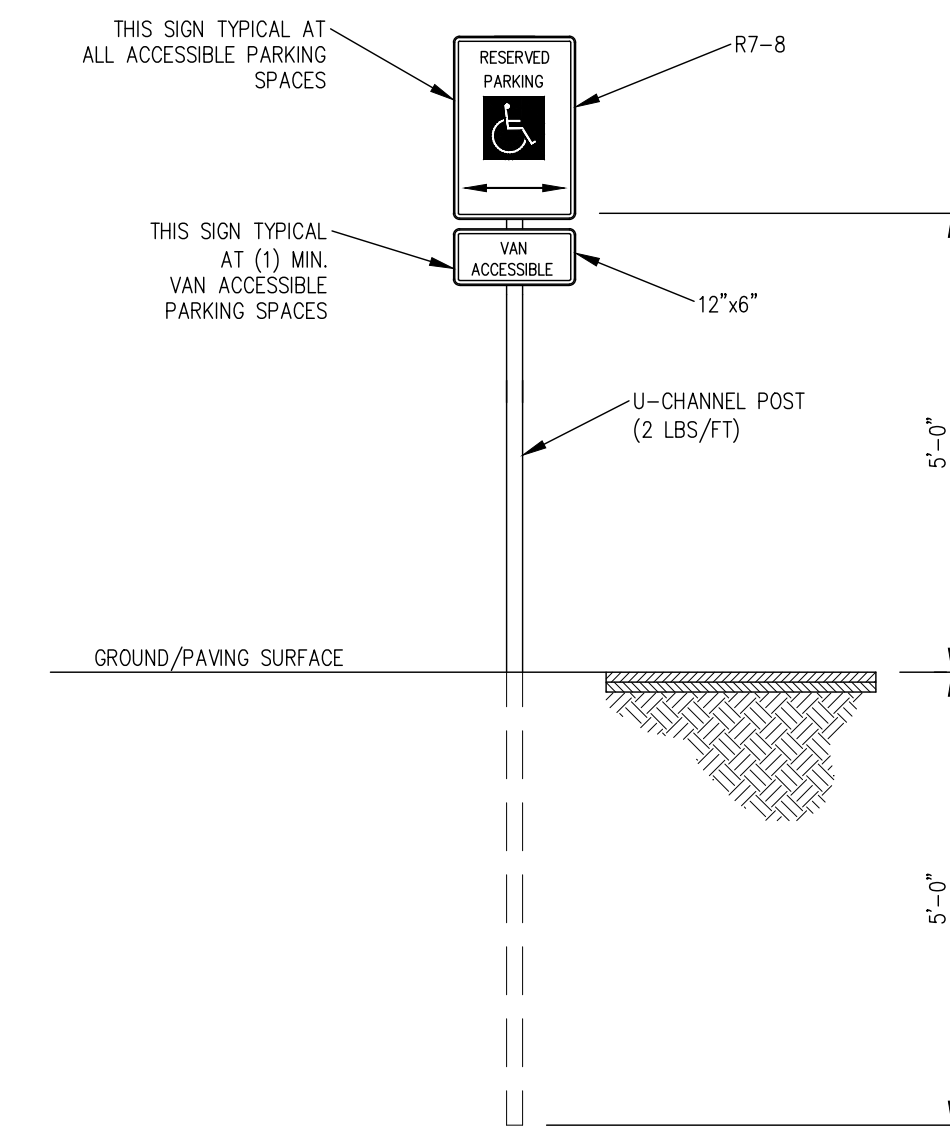
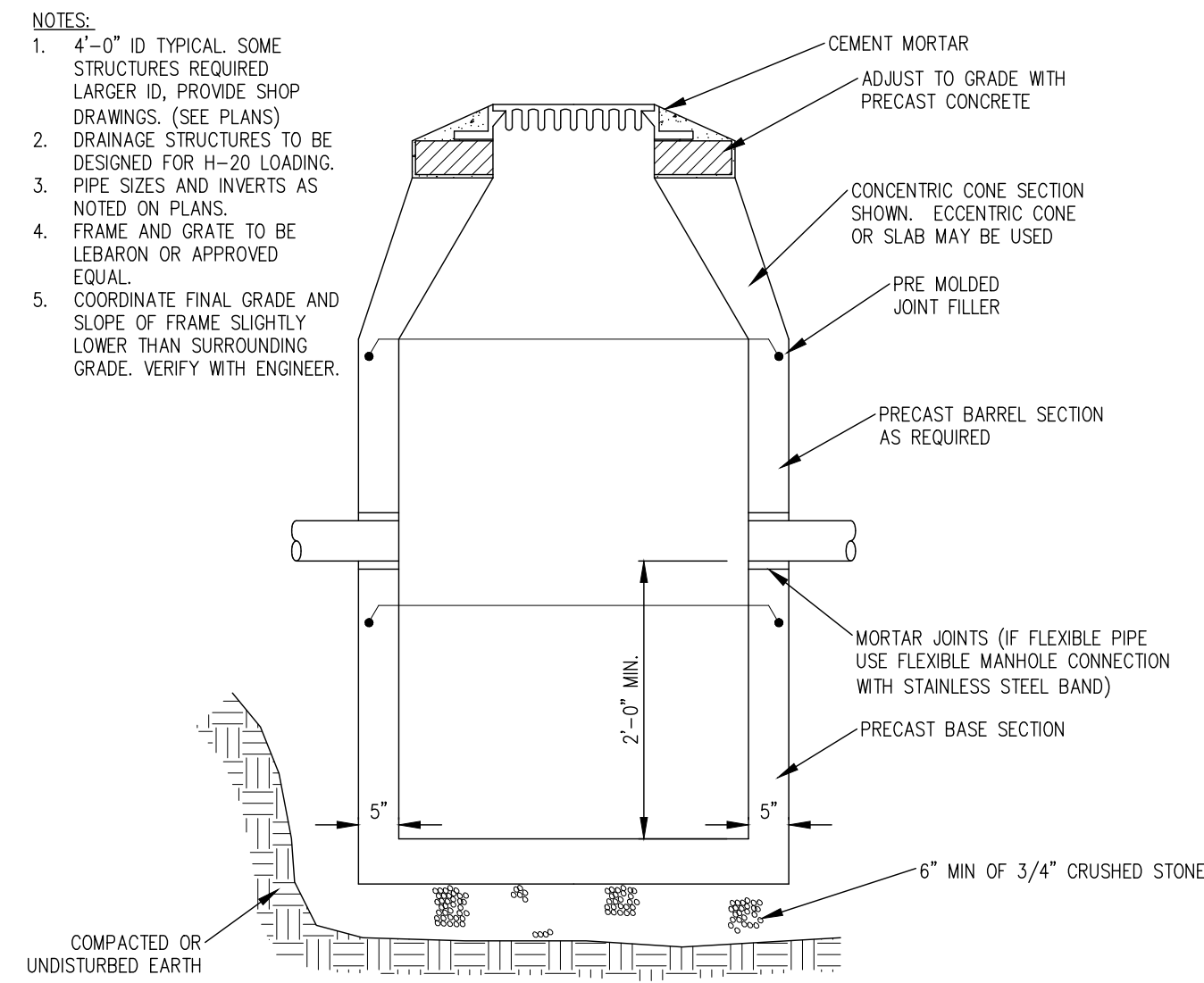
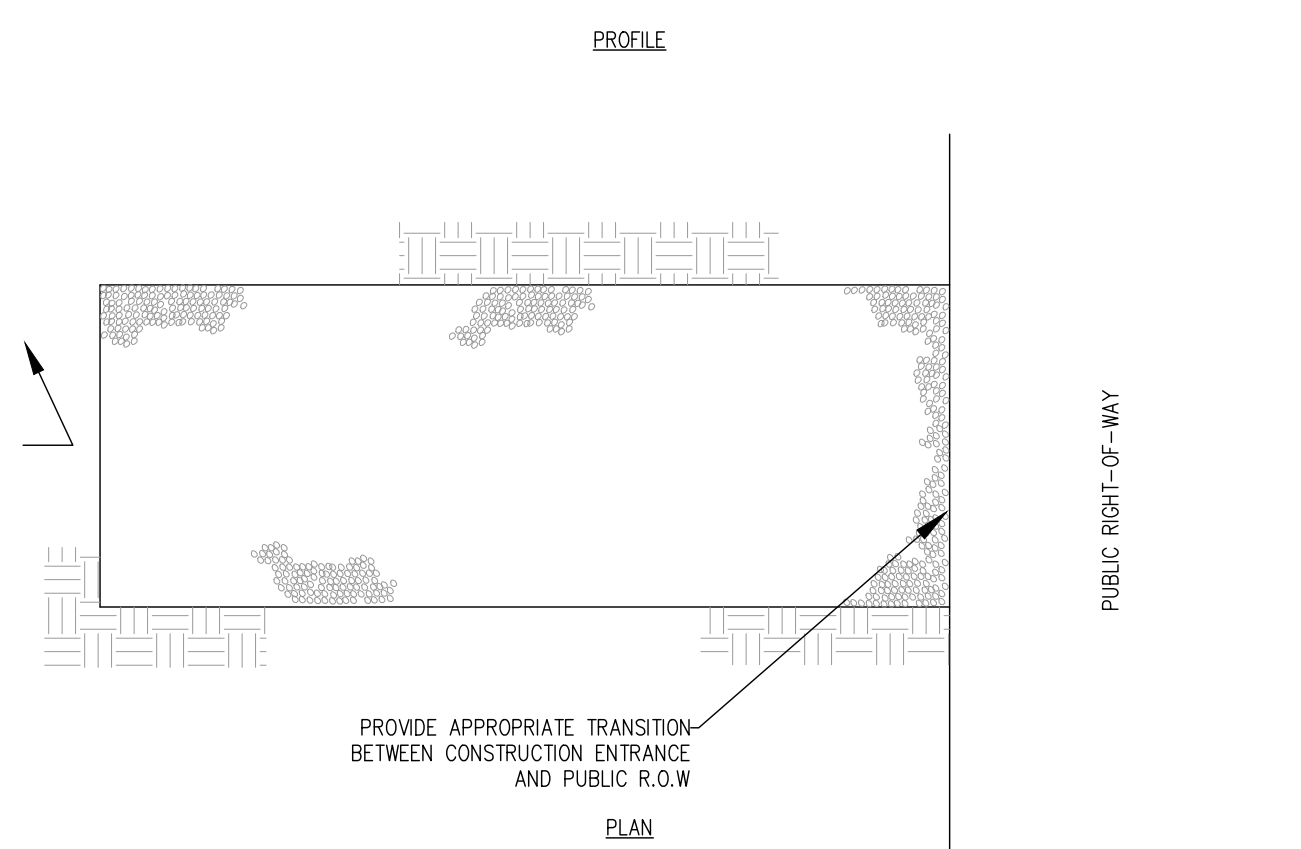
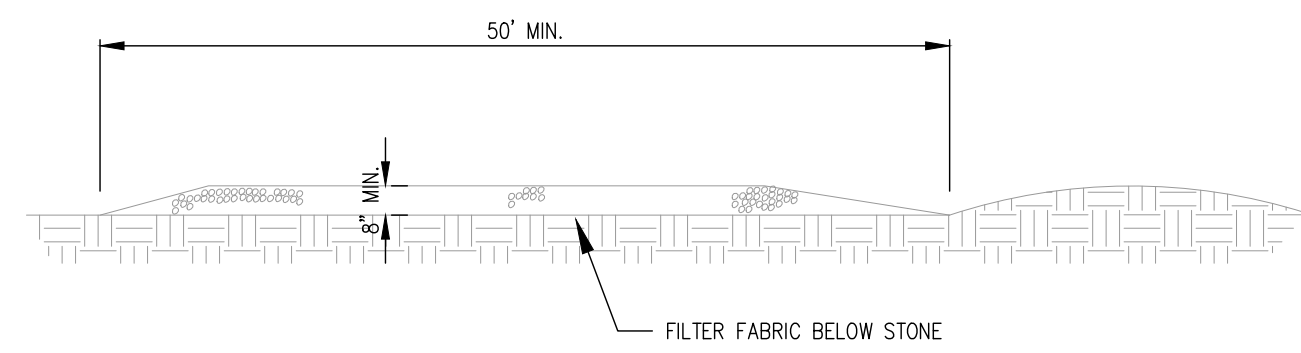
- CONSTRUCTION NOTES:**
1. SLOPE SUBGRADE TO DRAIN.
  2. COMPACT GRAVEL SUB-BASE, BASE COURSE TO 95% OF MAXIMUM DENSITY USING HEAVY ROLLER COMPACTION.
  3. CONTRACTOR SHALL SET GRADE STAKES MARKING SUB-BASE AND FINISH GRADE ELEVATIONS FOR CONSTRUCTION REFERENCE.
  4. OVERLAY AREAS - CLEAN, REPAIR ALL CRACKS, SHIM WHERE NECESSARY AND PROVIDE 1-1/2" SURFACE OVERLAY.
  5. APPLY PRIME COAT ON BASE COURSES AND TACK COAT BETWEEN LIFTS PRIOR TO PLACEMENT OF PAVEMENT OVERLAY.
  6. BASE AND SUBBASE MATERIAL TO EXTEND 12" MINIMUM BEYOND OUTER EDGE OF PAVED AREA.

**NEW TRENCH PAVEMENT DETAIL (AT EXISTING)**  
NOT TO SCALE



- NOTE:**
1. REFER TO PROPOSED SITE PLAN FOR LOCATIONS. SLAB TO BE POURED TEMPERATURE AND SHRINKAGE STEEL PLACED AT MIDDLE OF THE SLAB THICKNESS.
  2. SLOPE AWAY FROM DOOR.

**CONCRETE DOOR PAD**  
NOT TO SCALE



**TRENCH AND BEDDING DETAILS**  
NOT TO SCALE

**STABILIZED CONSTRUCTION ENTRANCE**  
NOT TO SCALE

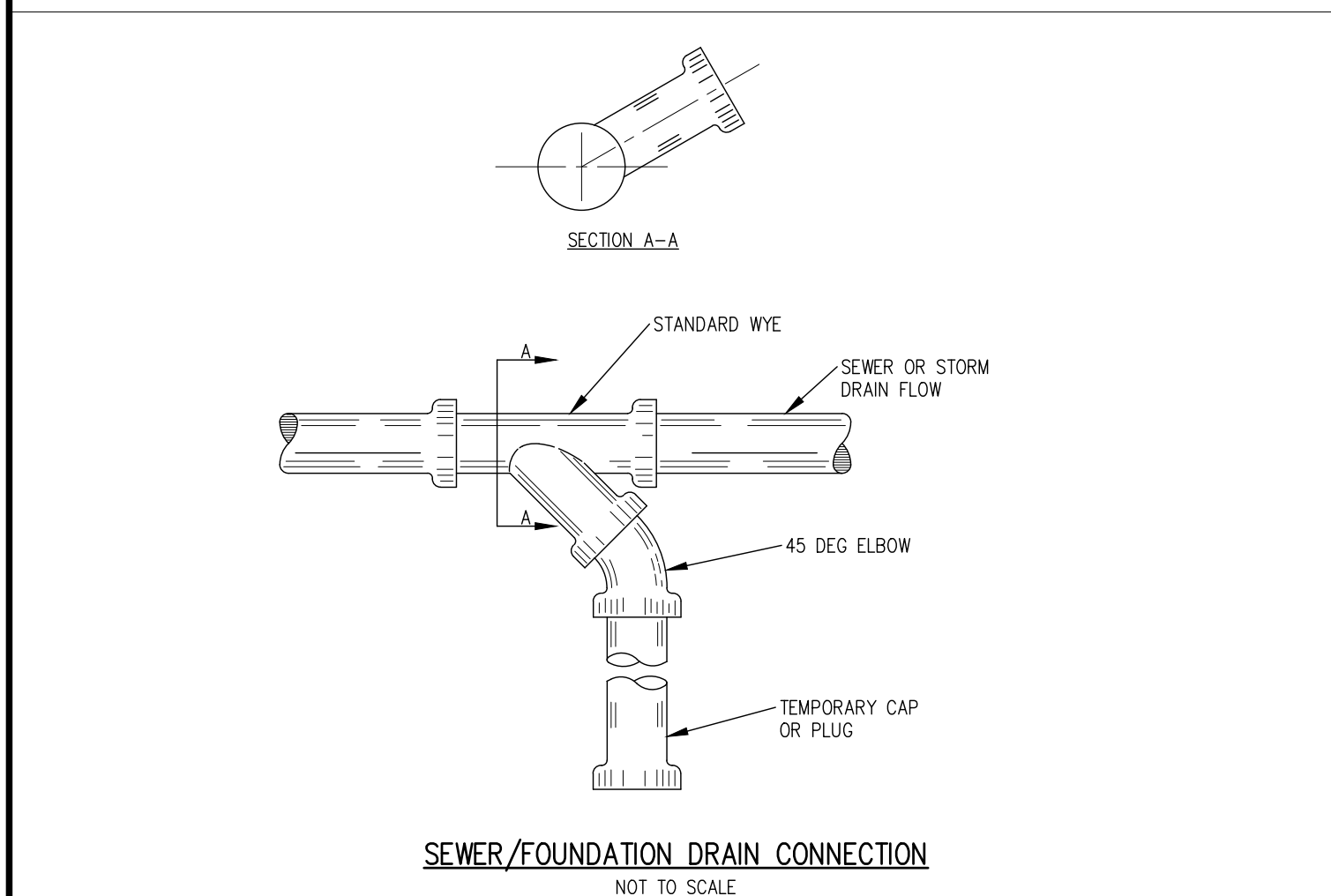
**PRECAST CONCRETE CATCH BASIN**  
NOT TO SCALE

**ACCESSIBLE PARKING SIGN**  
NOT TO SCALE

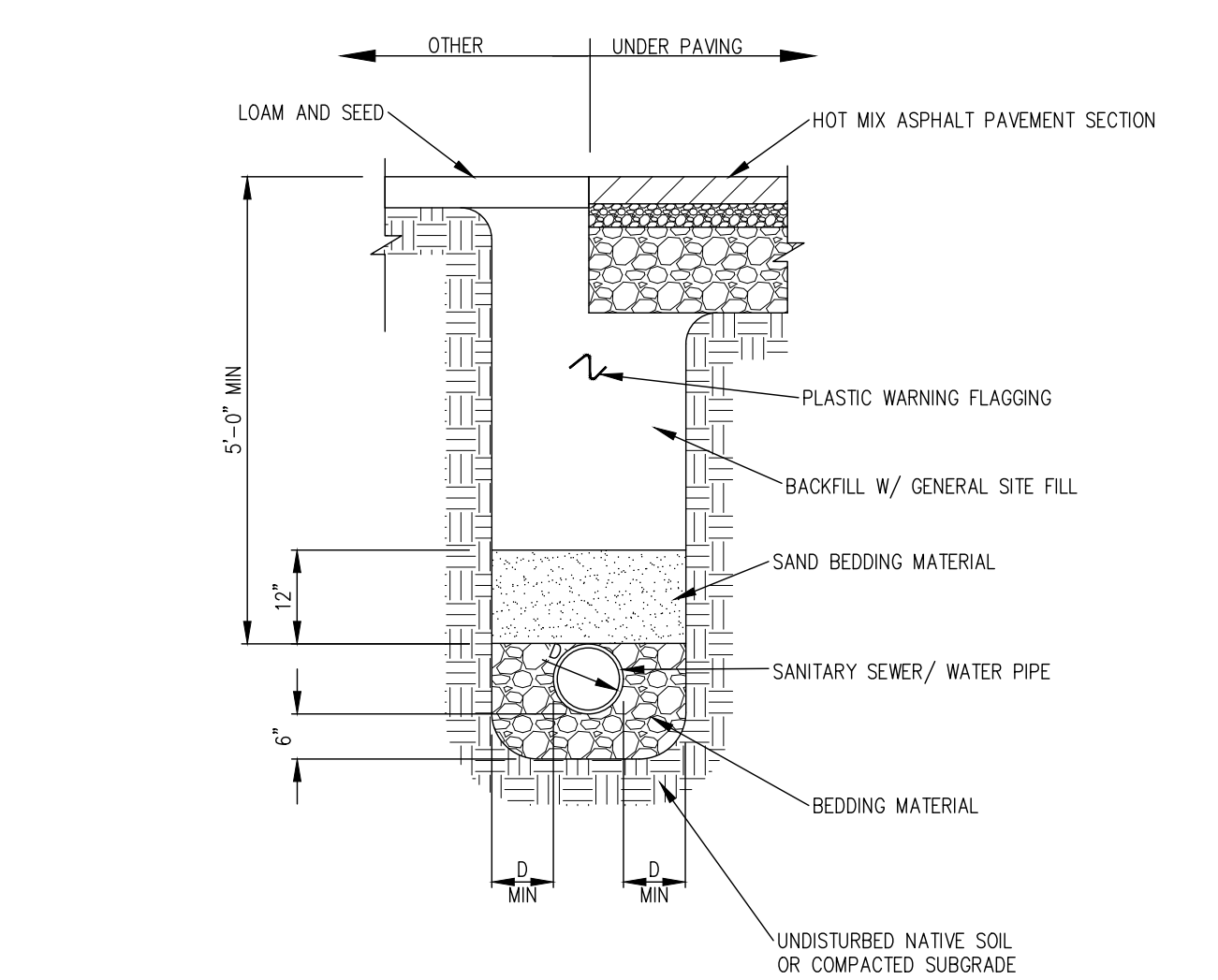
- NOTES:**
1. STONE SIZE - AASHTO DESIGNATION M33, SIZE NO. 2 (2 1/2" TO 1 1/2"). USE CRUSHED STONE.
  2. LENGTH - AS SHOWN ON GRADING PLAN, MIN. 50 FEET.
  3. THICKNESS - NOT LESS THAN EIGHT (8) INCHES.
  4. WIDTH - NOT LESS THAN FULL WIDTH OF ALL POINT OF INGRESS OR EGRESS.
  5. MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHT-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED, OR TRACKED ONTO PUBLIC RIGHT-OF-WAY MUST BE REMOVED IMMEDIATELY.

- NOTES:**
1. 4"-0" ID TYPICAL. SOME STRUCTURES REQUIRED LARGER ID. PROVIDE SHOP DRAWINGS. (SEE PLANS)
  2. DRAINAGE STRUCTURES TO BE DESIGNED FOR H=20 LOADING.
  3. PIPE SIZES AND INVERTS AS NOTED ON PLANS.
  4. FRAME AND GRATE TO BE LEASOR OR APPROVED EQUAL.
  5. COORDINATE FINAL GRADE AND SLOPE OF FRAME SLIGHTLY LOWER THAN SURROUNDING GRADE. VERIFY WITH ENGINEER.

- NOTES:**
1. THIS SIGN TYPICAL AT ALL ACCESSIBLE PARKING SPACES
  2. THIS SIGN TYPICAL AT (1) MIN. VAN ACCESSIBLE PARKING SPACES

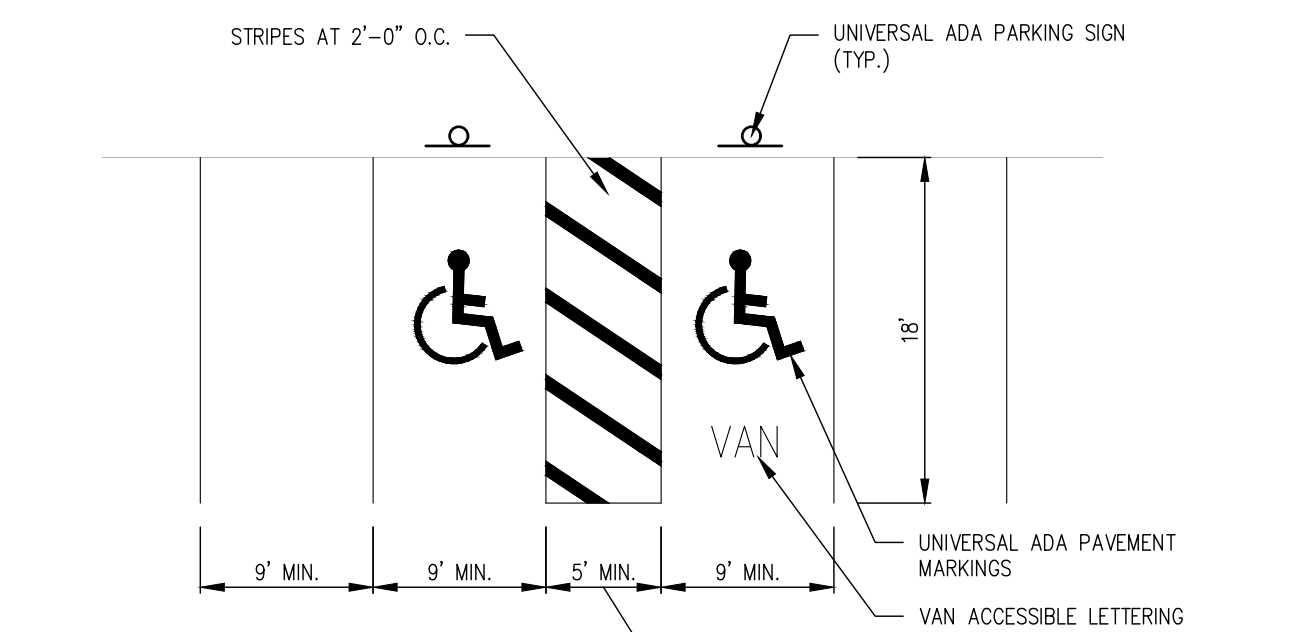


**SEWER/FOUNDATION DRAIN CONNECTION**  
NOT TO SCALE



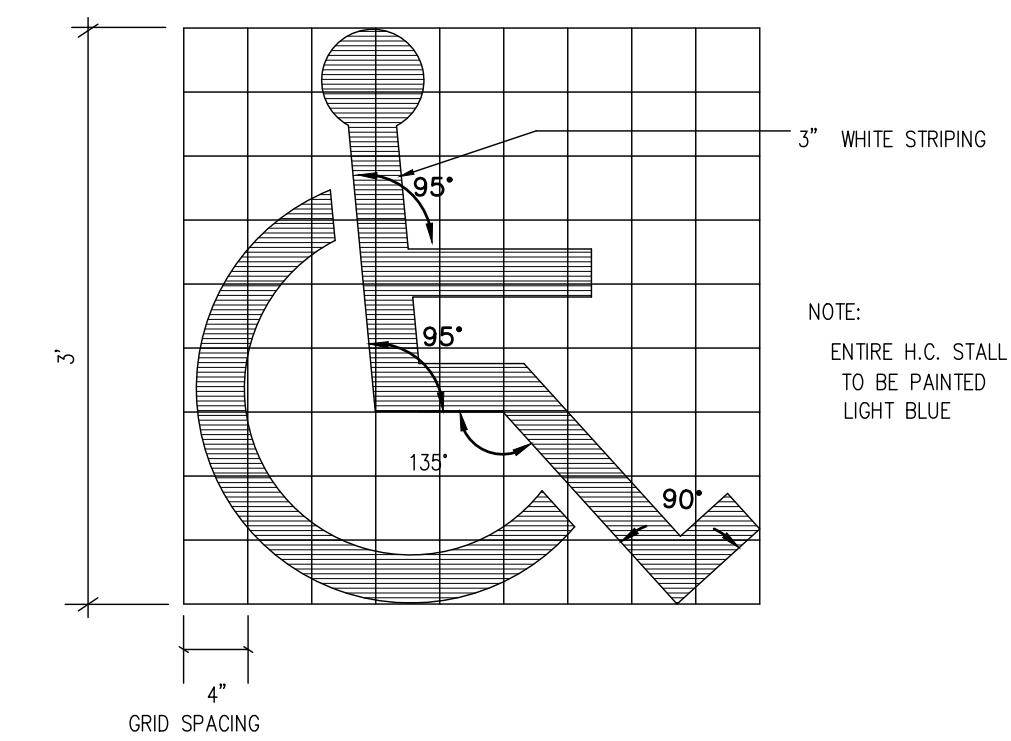
- NOTE:**
1. WHEN INSTALLING NEW COPPER WATER SERVICE, A SAND BEDDING MATERIAL SHALL BE USED IN LIEU OF COARSE AGGREGATE

**SEWER/WATER TRENCH**  
NOT TO SCALE

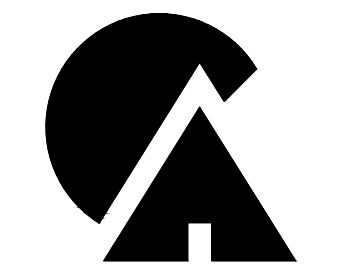


- 1. THE MAXIMUM SLOPE AT HANDICAP PARKING SPACES AND ACCESS AISLES SHALL HAVE A MAXIMUM SLOPE OF 2% IN ALL DIRECTIONS**

**PAINTED UNIVERSAL ADA PARKING LAYOUT**  
NOT TO SCALE

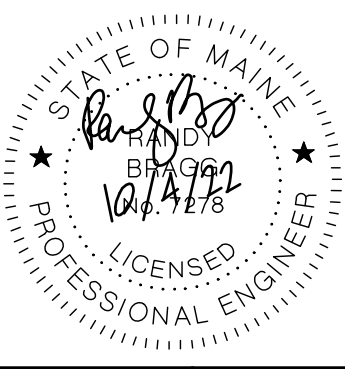


**PAINTED H/C PAVEMENT MARKING DETAIL**  
NOT TO SCALE



**CARPENTER ASSOCIATES**  
CONSULTING ENGINEERS  
687 STILLWATER AVENUE • OLD TOWN • MAINE 04468

REVISIONS		DESCRIPTION	DATE	BY	RE/A/E	PLANNING/NOTES
NO.	1		10-04-2022			



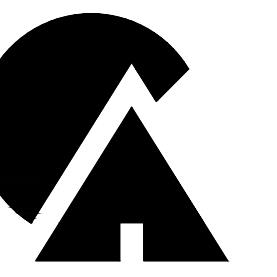
CAROUSEL DIVERSIFIED SERVICES  
**BUILDING ADDITION**  
BANGOR, MAINE

**SITE DETAILS**

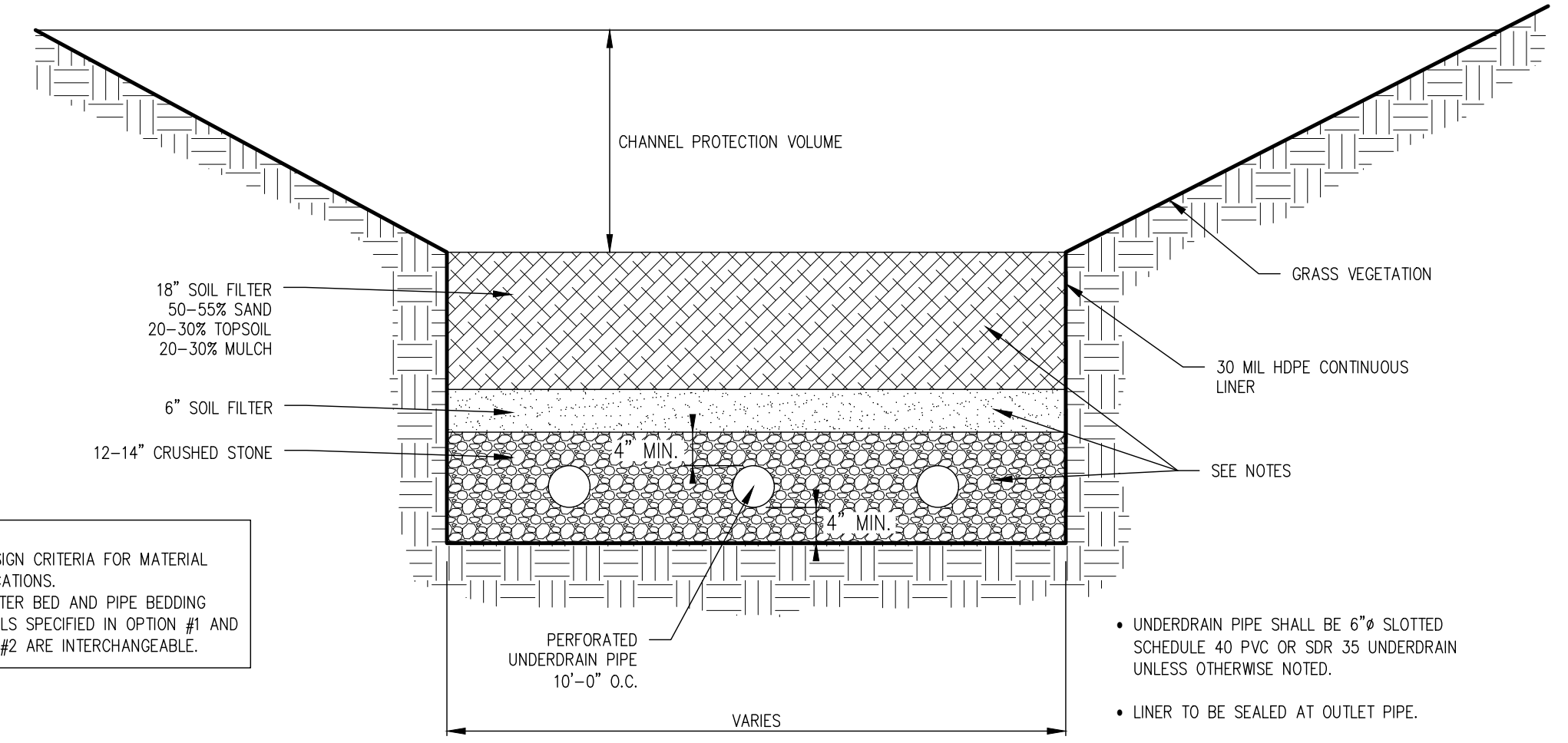
Drawn: JE  
Checked: RB  
Scale: AS NOTED  
Date: 08-01-2022  
Project No: 2022122  
Sheet Number:

**3**

**FOR REVIEW**  
09-30-2022  
REVISED: 10-04-2022



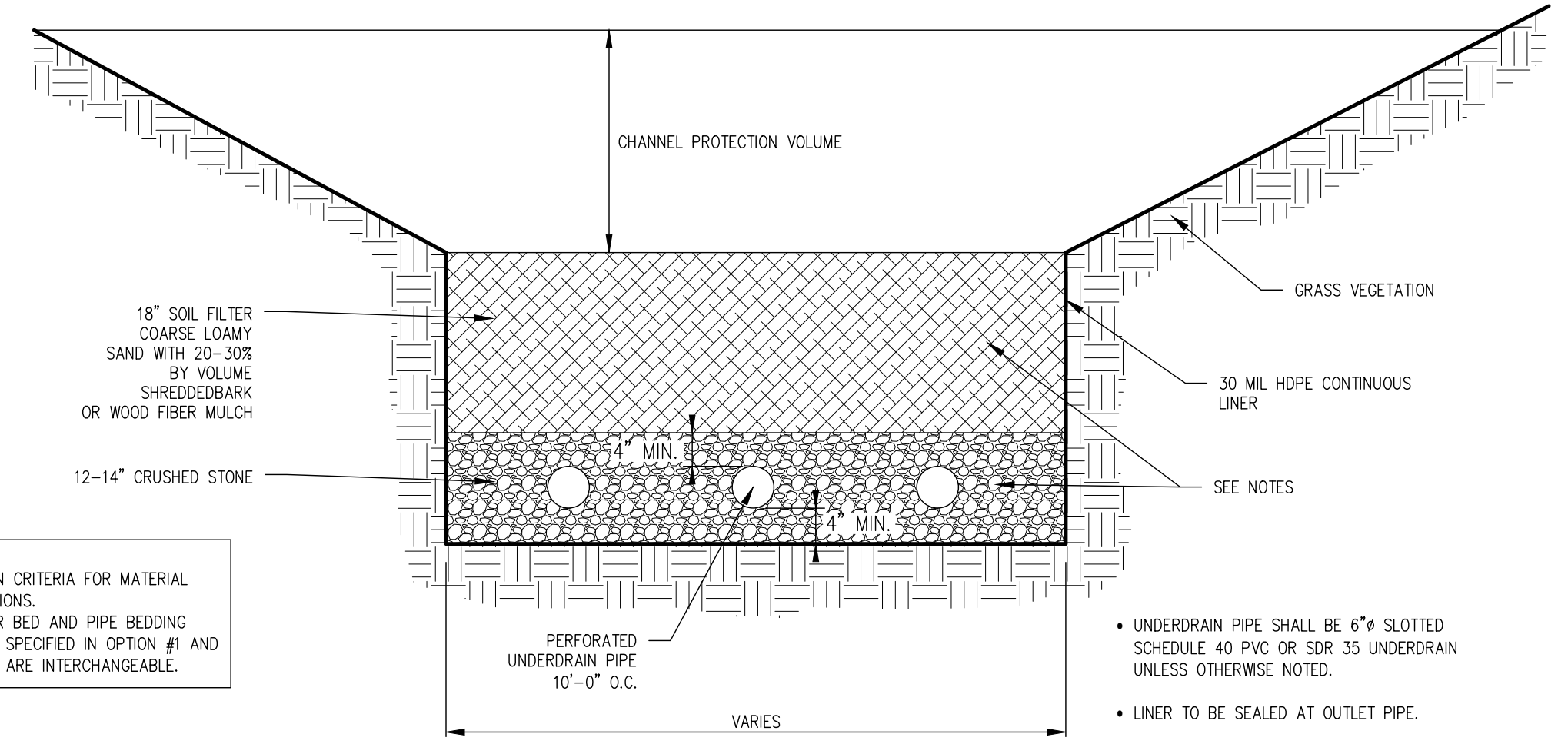
**CARPENTER ASSOCIATES**  
 CONSULTING ENGINEERS  
 687 STILLWATER AVENUE • OLD TOWN • MAINE 04468



NOTES:  
 1. SEE DESIGN CRITERIA FOR MATERIAL SPECIFICATIONS.  
 2. SOIL FILTER BED AND PIPE BEDDING MATERIALS SPECIFIED IN OPTION #1 AND OPTION #2 ARE INTERCHANGEABLE.

- UNDERDRAIN PIPE SHALL BE 6"Ø SLOTTED SCHEDULE 40 PVC OR SDR 35 UNDERDRAIN UNLESS OTHERWISE NOTED.
- LINER TO BE SEALED AT OUTLET PIPE.
- CRUSHED STONE TO BE WRAPPED WITH GEOFABRIC.

**UNDERDRAIN SOIL FILTER DETAIL (OPTION #1)**  
 NOT TO SCALE

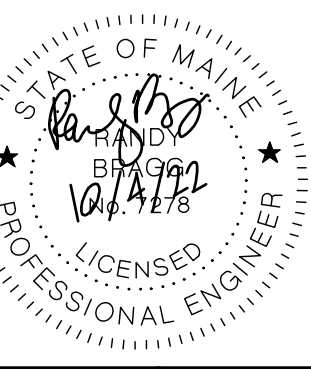


NOTES:  
 1. SEE DESIGN CRITERIA FOR MATERIAL SPECIFICATIONS.  
 2. SOIL FILTER BED AND PIPE BEDDING MATERIALS SPECIFIED IN OPTION #1 AND OPTION #2 ARE INTERCHANGEABLE.

- UNDERDRAIN PIPE SHALL BE 6"Ø SLOTTED SCHEDULE 40 PVC OR SDR 35 UNDERDRAIN UNLESS OTHERWISE NOTED.
- LINER TO BE SEALED AT OUTLET PIPE.
- CRUSHED STONE TO BE WRAPPED WITH GEOFABRIC.

**UNDERDRAIN SOIL FILTER DETAIL (OPTION #2)**  
 NOT TO SCALE

NO.	DATE	DESCRIPTION
1	10-04-2022	PLANTING/NOTES



CAROUSEL DIVERSIFIED SERVICES  
**BUILDING ADDITION**  
 BANGOR, MAINE  
**SITE DETAILS**

Drawn: JE  
 Checked: RB  
 Scale: AS NOTED  
 Date: 08-01-2022  
 Project No: 2022122  
 Sheet Number:

**FOR REVIEW**  
 09-30-2022  
REVISED: 10-04-2022

**4**



Southern Boundary

RECEIVED  
OCT 04 2022

57 Bangor Mall Boulevard



Northern Boundary

OCT 04 2022





Northern Boundary

OCT 04 2022



**CITY OF BANGOR**  
Planning Division

For Staff Use Only  
**RECEIVED**  
OCT 11 2022  
C & ED Planning

**Owner-Applicant-Agent Authorization for Land Development Applications**

Project: Green Tea

Project Location: 57 Bangor Mall Boulevard

Map 61 Lot 015

*I give permission to the applicant and/or agent noted below to pursue permits for the above-noted property.*

Property Owner: Z&S Realty Estate

Address: 18 Hillside Drive, Veazie, ME 04401

Contact Name: Joyce Lin Phone: (917) 292-2375

Email Address: zlscl028@gmail.com

Property Owner Signature: [Signature]

*I give permission to the applicant and/or agent noted below to represent my interests on the application and to be the primary contact person for the process.*

Applicant: Carousel Diversified Services

Email Address: carousel123@msn.com

Phone: (207) 299-6422

Applicant Signature: [Signature]

Agent Designation Name: Randy Bragg, Carpenter Associates

Agent Email Address: info@carpenterassoc.com

Agent Phone: (207) 827-8001 :



**CITY OF BANGOR**

PLANNING DIVISION

OWNER-APPLICANT-AGENT SIGN OFF SHEET FOR LAND DEVELOPMENT APPLICATIONS

RECEIVED  
OCT 04 2022  
G & EB and Planning

DATE SUBMITTED: 10-04-22  
STAFF INITIALS: ML

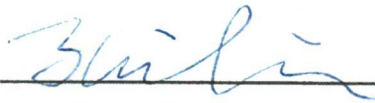
Project: Green Tea

Project Location: 57 Bangor Mall Boulevard

Map 61 Lot 015

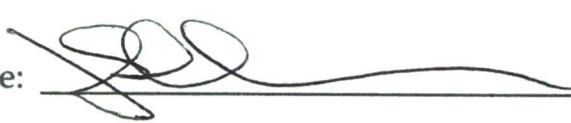
*I give permission to the applicant noted below to pursue permits for the above-noted property.*

Property Owner: Z&S Realty Estate

Property Owner Signature 

*I give permission to Agent noted below to represent my interests on the application and to be the primary contact person for the process.*

Applicant: CAROUSEL DIVERSIFIED SERVICES

Applicant Signature: 

Agent: Carpenter Associates, 687 Stillwater Ave., Old Town, ME 04468

Agent Phone Number or Email: 827-8001 info@carpenterassoc.com

NOT AN OFFICIAL COPY  
QUITCLAIM DEED WITH COVENANT  
NOT AN OFFICIAL COPY

RECEIVED  
OCT 04 2022  
C & ED and Planning

NDEN: 1002240193329 NOT

**D. S. W. CORPORATION**, a Maine corporation with a principal place of business at Brewer, Penobscot County, Maine, for consideration paid, grants to **Z & S REALTY ESTATE, INC.**, a Maine corporation with a principal place of business at Veazie, Penobscot County, Maine, with Quitclaim Covenant, the land, together with any buildings and improvements thereon, in Bangor, Penobscot County, State of Maine, described as follows:

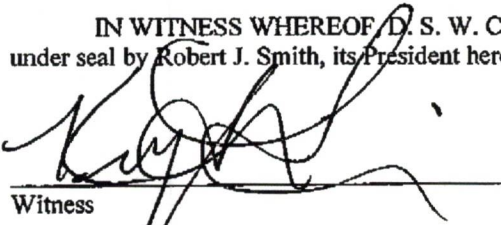
See Exhibit A attached hereto and made a part hereof.

Any and all other rights, easements, privileges and appurtenance belonging to the granted estate are hereby conveyed.

For grantor's source of title, reference may be had to a deed from Depositors Trust Company of Eastern Maine to D. S. W. Corporation dated February 24, 1983 and recorded in Book 3375, Page 350 of the Penobscot County Registry of Deeds.

The Grantee's mailing address is 18 Hillside Drive, Veazie, Maine 04401.

IN WITNESS WHEREOF, D. S. W. Corporation has caused this instrument to be signed as an instrument under seal by Robert J. Smith, its President hereunto duly authorized, this 12 day of May, 2022.

  
\_\_\_\_\_  
Witness

D. S. W. Corporation

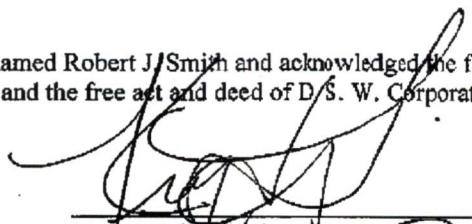
By: Robert Smith  
Robert J. Smith  
Its President  
Hereunto Duly Authorized

STATE OF MAINE  
COUNTY OF PENOBSCOT

May 12, 2022

Then personally appeared the above-named Robert J. Smith and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of D. S. W. Corporation.

Before me,

  
\_\_\_\_\_  
Notary Public/Maine Attorney-at-law  
Type or Print Notary Name:  
My Commission Expires: \_\_\_\_\_

A-19542

Krysten Fabri  
Maine Attorney at Law





# CITY OF BANGOR

Planning Division

## Checklist for Land Development Applications

Pre-application Meeting Date 8/9/2022

Date submitted 10/4/2022

Date Reviewed 10/7/2022

Initials ABC

Project: Green Tea

Project Location: 57 Bangor Mall Blvd; Map-lot R61-015

Applicant: Z&S Realty Estate, Inc.

Applicant Representative: Carpenter Associates - Randy Bragg

Phone Number or Email: [info@carpenterassoc.com](mailto:info@carpenterassoc.com)

Project Zoning District: S&PS; SP

Allowed Use \_\_\_\_\_

Conditional Use: Drive-in business

Site Plan Requirement Reference: §165-111.A(1), (3), (5)

Project Disturbs More than One Acre? Yes \_\_\_\_\_ No X

If Yes, Applicant aware of MCGP and Chapter 500 Permitting through Maine DEP?

Yes \_\_\_\_\_ Informed by City Staff \_\_\_\_\_

Yes	No	Not applicable / Other	Site Plan Element
X			Scale
X			North Arrow
	X		Building/Lot dimensions
X			Building locations/uses



# CITY OF BANGOR

Planning Division

## Checklist for Land Development Applications

Yes	No	Not applicable / Other	Site Plan Element
X			Parking/access/loading locations
X			Signage
	X		Lighting
X			Screening and Buffer
X			Erosion and sedimentation
X			Stormwater
X			Manholes/catch basins
X			Sewer
X			Water
		X	Fire Hydrants fire pond?
X			Electric/Communication
X			Curbs and gutters
X			Paved/un-vegetated/vegetated areas
X			Trash
		X	Outdoor display/storage
X			Existing trees
X			Deed or other instrument allowing pursuit of permits
X			Topo
X			Adjacent buildings and features
		X	Traffic
X			Location sketch
	X		Post Construction Stormwater Maintenance Plan
X			Building Permit Application
		X	Fire Comments - pending
	X		Shoreland delineation/zoning compliance
	X		Floodplain location
		X	Effects on scenic, etc
X			Table showing compliance with dimensional Requirements
X			Table showing compliance with Parking Requirements
	X		<b>Additional Conditional Use General Requirements</b> Traffic Study Support Letter for paragraph (4)



## CITY OF BANGOR

Planning Division

Checklist for Land Development Applications

Yes	No	Not applicable / Other	Site Plan Element
			<b>Additional Conditional Use Specific Requirements for Use or District</b>
		X	<b>Additional Subdivision Requirements</b> Lot lines Existing street connections Open space reservation Abutters Onsite wastewater Easements Soils Wetlands
		X	<b>Additional Solar applications</b> Height Yard Buffers Glare Decommissioning plan Utility Connections Confirmation of use
		X	Proposed temporary construction access roads
		X	Proposed bus stop location

### Comments on Completeness

Please include dimensions on addition.

Is any new lighting planned? If so, please provide locations and specs. If using existing lighting, it needs to comply with standards in [§165-81](#).

Please indicate floodplain/flood zone location and shoreland zone boundary (the latter does overlap with the Stream Protection District, so can just add a note to where the zoning is indicated currently).





## CITY OF BANGOR

Planning Division

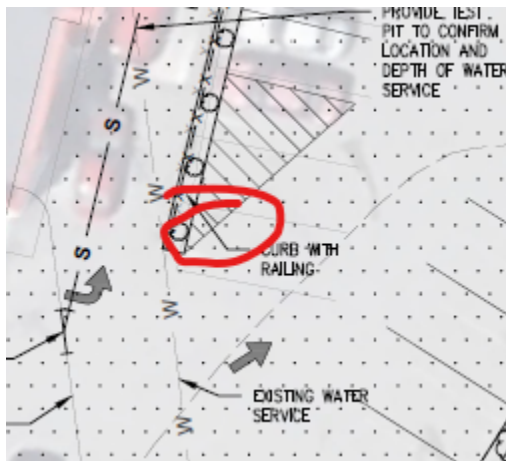
Checklist for Land Development Applications

Please provide a narrative indicating how project meets conditional use standards, primarily standards listed for this use in S&PS, and indicating that the property is still covered by the Maine DOT traffic review for the Arby's that was there previously.

Please include a post construction stormwater maintenance plan for the underdrain soil filters.

### Comments on Compliance

Please include "Do Not Enter" sign in the location shown below.



Possible Planning Board agenda (if application is complete): 11/1/2022

Deadline to advertise: 10/19/2022

Deadline to post to abutters: 10/19/2022

Deadline for edits or amendments: 10/14/2022

**\*\*For edits, please only send digital copies until staff has determined the plans are okay to go to Planning Board. Once staff has made that determination, hard copies of the final plans can be sent.**

**From:** [Noah Bussiere](#)  
**To:** [Bickford, Melissa](#)  
**Subject:** Re: Plans Review  
**Date:** Wednesday, October 12, 2022 12:50:56 PM

---

**WARNING:** This email originated outside of our organization. Messages claiming or appearing to be from someone within our organization may be fraudulent. **DO NOT CLICK** links or attachments unless you can verify the sender and know the content is safe.

---

Hello Melissa,

I reviewed the plans for Green Tea. They are all set on our end, I see that they will test pit to confirm there is sufficient cover under the water service.

Thank you,  
- Noah

Sent from my U.S.Cellular© Smartphone  
Get [Outlook for Android](#)

---

**From:** Noah Bussiere <[noah@bangorwater.org](mailto:noah@bangorwater.org)>  
**Sent:** Tuesday, October 4, 2022, 1:43 PM  
**To:** Bickford, Melissa <[melissa.bickford@bangormaine.gov](mailto:melissa.bickford@bangormaine.gov)>  
**Subject:** Accepted: Plans Review



# CARPENTER ASSOCIATES

## CONSULTING ENGINEERS

October 14, 2022

Melissa Bickford  
City of Bangor  
73 Harlow Street  
Bangor, Maine 04401

Re: 57 Bangor Mall Boulevard

Dear Mel:

Please accept this letter as supplemental information requested based on staff review for Green Tea, 57 Bangor Mall Boulevard, Map R61, Lot 015.

- Building dimensions for existing and proposed have been included on site plan.
- Lighting has been labeled on the site plan; all fixtures will be cut-off style. Note has been added.
- Refer to attached proposed post construction stormwater maintenance plan.
- Shoreland delineation and Resource Protection overlays have been added to the site plan from the Bangor GIS. Please note that the original Resource setback line of 75' was established on the 2003 approved Site Plan, along with the 100' flood plain elevation of 96.9'.
- The traffic anticipated for Green Tea is expected to be similar to that of previous Arby's. Per ITE, the previous Arby's (4,128sf±) with drive thru, use classification 934-Fast Food Restaurant with Drive-Through Window had a peak hour trip rate of 32.67/1000sf, or about 135 peak hour trips. The proposed Green Tea (5,533sf±) use classification 932-High Turnover (Sit-Down) Restaurant has a peak hour trip rate of 9.77/1000sf, or about 54 peak hour trips. The proposed project will maintain a pick-up window (not a drive-thru) for convenience. We do not expect this pick-up window to affect the trips greatly. We estimate no more than 20% additional trips will be generated for a total estimated peak hour trips of 65. This is approximately 50% of what was approved for Arby's.

Mel Bickford

Page 2

- Attached are Inspection and Maintenance instructions for the contractor during construction, as well as post-construction owner responsibilities. The instructions explain contract if needed, recertification and the duration of maintenance. Also included for owner use is a Long-Term Inspection and Maintenance Plan Checklist.

Hopefully this addresses all concerns.

Sincerely,



Randy Bragg, P.E.

Attachment

Cc: Joe Schaller  
Anne Kreig  
John Theriault  
Jeff Wallace

## INSPECTION AND MAINTENANCE

**1. During construction.** The following standards must be met during construction.  
(Contractor responsibility)

- (a) Inspection and corrective action. Inspect disturbed and impervious areas, erosion control measures, materials storage areas that are exposed to precipitation, and locations where vehicles enter or exit the site. Inspect these areas at least once a week as well as before and after a storm event, and prior to completing permanent stabilization measures. A person with knowledge of erosion and stormwater control, including the standards and conditions in the permit, shall conduct the inspections.
- (b) Maintenance. Maintain all measures in effective operating condition until areas are permanently stabilized. If best management practices (BMPs) need to be maintained or modified, additional BMPs are necessary, or other corrective action is needed, implementation must be completed within 7 calendar days and prior to any storm event (rainfall).
- (c) Documentation. Keep a log (report) summarizing the inspections and any corrective action taken. The log must include the name(s) and qualifications of the person making the inspections, the date(s) of the inspections, and major observations about the operation and maintenance of erosion and sedimentation controls, materials storage areas, and vehicles access points to the parcel. Major observations must include BMPs that need maintenance, BMPs that failed to operate as designed or proved inadequate for a particular location, and location(s) where additional BMPs are needed. For each BMP requiring maintenance, BMP needing replacement, and location needing additional BMPs, note in the log the corrective action taken and when it was taken. The log must be made accessible to department staff and a copy must be provided upon request. The permittee shall retain a copy of the log for a period of at least three years from the completion of permanent stabilization.

**2. Post-construction.** The following standards must be met after construction. (Owner responsibility)

The responsible party to provide inspection and maintenance will be provided by the applicant. Refer to the Sedimentation and Erosion Control Plan for location and Long Term Inspection & Maintenance Plan Table for when inspection will be conducted.

The owner accepts responsibility for inspection and maintenance of the project specifically the items listed in the Long Term Inspection & Maintenance Plan Table.

- (a) Plan. Carry out an approved inspection and maintenance plan that is consistent with the minimum requirements of this section. The plan must address inspection and maintenance of the project's permanent erosion control measures and stormwater management system.
- (b) Inspection and corrective action. All measures must be maintained in effective operating condition. A person with knowledge of erosion and stormwater control, including the

standards and conditions in the permit, shall conduct the inspections. The following areas, facilities, and measures must be inspected and identified deficiencies must be corrected. Areas, facilities, and measures other than those listed below may also require inspection on a specific site.

- (i) Inspect vegetated areas, particularly slopes and embankments, early in the growing season or after heavy rains to identify active or potential erosion problems. Replant bare areas or areas with sparse growth. Where rill erosion is evident, armor the area with an appropriate lining or divert the erosive flows to on-site areas able to withstand the concentrated flows.
- (ii) Inspect ditches, swales and other open stormwater channels in the spring, late fall, and after heavy rains to remove any obstructions to flow, remove accumulated sediments and debris, to control vegetated growth that could obstruct flow, and to repair any erosion of the ditch lining. Vegetated ditches must be mowed at least annually or otherwise maintained to control the growth of woody vegetation and maintain flow capacity. Any woody vegetation growing through riprap linings must also be removed. Repair any slumping side slopes as soon as practicable. If the ditch has a riprap lining, replace riprap on areas where any underlying filter fabric or underdrain gravel is showing through the stone or where stones have dislodged. The channel must receive adequate routine maintenance to maintain capacity and prevent or correct any erosion of the channel's bottom or sideslopes.
- (iii) Inspect culverts in the spring, late fall, and after heavy rains to remove any obstructions to flow; remove accumulated sediments and debris at the inlet, at the outlet, and within the conduit; and to repair any erosion damage at the culvert's inlet and outlet.
- (iv) Inspect and, if required, clean-out catch basins at least once a year, preferably in early spring. Clean-out must include the removal and legal disposal of any accumulated sediments and debris at the bottom of the basin, at inlet any grates, at any inflow channels to the basin, and at any pipes between basins. If the basin outlet is designed to trap floatable materials, then remove the floating debris and any floating oils (using oil-absorptive pads).
- (v) Inspect resource and treatment buffers at least once a year for evidence of erosion, concentrating flow, and encroachment by development. If flows are concentrating within a buffer, site grading, level spreaders, or ditch turn-outs must be used to ensure a more even distribution of flow into a buffer. Check down slope of all spreaders and turn-outs for erosion. If erosion is present, adjust or modify the spreader's or turnout's lip to ensure a better distribution of flow into a buffer. Clean-out any accumulation of sediment within the spreader bays or turn-out pools.

(c) Regular maintenance

- (i) Clear accumulations of winter sand in parking lots and along roadways at least once a year, preferably in the spring. Accumulations on pavement may be removed by pavement sweeping. Accumulations of sand along road shoulders may be removed by grading excess sand to the pavement edge and removing it manually or by a front-end loader. Grading of gravel roads, or grading of the gravel shoulders of gravel or paved roads, must be routinely performed to ensure that stormwater drains immediately off the road surface to adjacent buffer areas or stable ditches, and is not impeded by accumulations of graded material on the road shoulder or by

excavation of false ditches in the shoulder. If water bars or open-top culverts are used to divert runoff from road surfaces, clean-out any sediment within or at the outlet of these structures to restore their function.

- (ii) Manage each buffer's vegetation consistently with the requirements in any deed restrictions for the buffer. Wooded buffers must remain fully wooded and have no disturbance to the duff layer. Vegetation in non-wooded buffers may not be cut more than three times per year, and may not be cut shorter than six inches.
- (d) Documentation. Keep a log (report) summarizing inspections, maintenance, and any corrective actions taken. The log must include the date on which each inspection or maintenance task was performed, a description of the inspection findings or maintenance completed, and the name of the inspector or maintenance personnel performing the task. If a maintenance task requires the clean-out of any sediments or debris, indicate where the sediment and debris was disposed after removal. The log must be made accessible to department staff and a copy provided to the department upon request. The permittee shall retain a copy of the log for a period of at least three years from the completion of permanent stabilization.
- 3. Maintenance contract.** The owner will arrange for the removal of accumulated sediments, oils, and debris. The frequency of sediment clean-out and filter replacements will be consistent with the unit's storage capacity and the estimated pollutant load from the contributing drainage area.
- 4. Re-certification.** Submit a certification of the following to the department within three months of the expiration of each five-year interval from the date of issuance of the permit.
- (a) Identification and repair of erosion problems. All areas of the project site have been inspected for areas of erosion, and appropriate steps have been taken to permanently stabilize these areas.
  - (b) Inspection and repair of stormwater control system. All aspects of the stormwater control system have been inspected for damage, wear, and malfunction, and appropriate steps have been taken to repair or replace the system, or portions of the system.
  - (c) Maintenance. The erosion and stormwater maintenance plan for the site is being implemented as written, or modifications to the plan have been submitted to and approved by the department, and the maintenance log is being maintained.

Municipalities with separate storm sewer systems regulated under the Maine Pollutant Discharge Elimination System (MPDES) Program may report on all regulated systems under their control as part of their required annual reporting in lieu of separate certification of each system. Municipalities not regulated by MPDES, but that are responsible for maintenance of permitted stormwater systems, may report on multiple stormwater systems in one report.

- 5. Duration of maintenance.** Perform maintenance as described and required in the permit unless and until the system is formally accepted by the municipality or quasi-municipal district, or is placed under the jurisdiction of a legally created association that will be responsible for the maintenance of the system. If a municipality or quasi-municipal district

chooses to accept a stormwater management system, or a component of a stormwater system, it must provide a letter to the department stating that it assumes responsibility for the system. The letter must specify the components of the system for which the municipality or district will assume responsibility, and that the municipality or district agrees to maintain those components of the system in compliance with department standards. Upon such assumption of responsibility, and approval by the department, the municipality, quasi-municipal district, or association becomes a co-permittee for this purpose only and must comply with all terms and conditions of the permit.



<b>LONG-TERM INSPECTION &amp; MAINTENANCE PLAN</b>				
	<b>Spring</b>	<b>Fall or Yearly</b>	<b>After a Major Storm</b>	<b>Every 2- 5 Years</b>
<b>Vegetated Areas</b>				
Inspect all slopes and embankments	X		X	
Replant bare areas or areas with sparse growth	X		X	
Armor areas with rill erosion with an appropriate lining or divert the erosive flows to on-site areas able to withstand concentrated flows.	X		X	
<b>Stormwater Channels</b>				
Inspect ditches, swales and other open stormwater channels	X	X	X	
Remove any obstructions and accumulated sediments or debris	X	X		
Control vegetated growth and woody vegetation		X		
Repair any erosion of the ditch lining		X		
Mow vegetated ditches		X		
Remove woody vegetation growing through riprap		X		
Repair any slumping side slopes		X		
Replace riprap where underlying filter fabric or underdrain gravel is showing or where stones have dislodge		X		
<b>Culverts</b>				
Remove accumulated sediments and debris at the inlet, at the outlet and within the conduit	X	X	X	
Repair any erosion damage at the culvert's inlet and outlet	X	X	X	
<b>Catch Basin Systems</b>				
Remove and legally dispose of accumulated sediments and debris from the bottom of the basin, inlet grates, inflow channels to the basin and pipes between basins	X	X		
Remove floating debris and floating oils (using oil absorptive pads) from any trap designed for such	X	X		
<b>Roadways and Parking Surfaces</b>				
Clear accumulated winter sand in parking lots and along roadways	X			
Sweep pavement to remove sediment	X			
Grade road shoulders and remove excess sand either manually or by a front-end loader	X			
Grade gravel roads and gravel shoulders	X			
Clean-out the sediment within water bars or open-top culvert	X			
Ensure that stormwater is not impeded by accumulations of material or false ditches in the shoulder	X			
<b>Buffers</b>				
Inspect treatment buffers for evidence of erosion, concentrated flow or encroachment by development		X		
Manage the buffer's vegetation with the requirements in any deed restrictions		X		

Mow vegetation in non-wooded buffers no shorter than six inches and less than three times per year		X		
Repair any sign of erosion within a buffer		X		
Inspect and repair down-slope of all spreaders and turn-outs for erosion		X		
Install more level spreaders or ditch turn-outs if needed for a better distribution of flow		X		
Clean-out any accumulation of sediment within the spreader bays or turn-out pools		X		
<b>Stormwater Detention and Retention Facilities</b>				
Inspect the embankments for settlement, slope erosion, internal piping and downstream swamping. A professional engineer must review these immediately.		X	X	
Mow the embankment to control woody vegetation		X		
Inspect the outlet control structure for broken seals, obstructed orifices and plugged trash racks		X	X	
Remove and dispose of sediments and debris within the control structure		X		
Repair any damage to trash racks or debris guards		X		
Mow vegetated spillways to control woody vegetation and replace any dislodged stone in riprap spillways		X		
Remove and dispose of accumulated sediments within the impoundment and forebay				X
<b>Runoff Infiltration Facilities</b>				
Inspect and clean-out any pre-treatment measures that collect sediment and hydrocarbons entering an infiltration measure	X	X		
Provide for the removal and disposal of accumulated sediments within the infiltration area				X
Renew the infiltration measure if it fails to drain within 72 hours after a rainfall of one-half inch or more				X
Till and replant the soil of vegetated infiltration basins				X
Reconstruct rock-lined basins or stone-filled trenches by removing the stones, replacing new underlying filter fabric and tilling or removing the underlying soil				X
<b>Proprietary Treatment Devices</b>				
Contract with a third-party for the removal of accumulated sediments, oils and debris within the device and replacement of any absorptive filters	The frequency of maintenance is established by the unit's storage capacity, the pollutant load and the manufacturer recommendations			
<b>Other Practices and Measures</b>				
Contact the department for appropriate inspection and maintenance requirements for other drainage control and runoff treatment measures.				





# CITY OF BANGOR

Planning Division

## Checklist for Land Development Applications

Pre-application Meeting Date 8/9/2022

Date (re-)submitted 10/14/2022

Date Reviewed 10/19/2022

Initials ABC

Project: Green Tea

Project Location: 57 Bangor Mall Blvd; Map-lot R61-015

Applicant: Z&S Realty Estate, Inc.

Applicant Representative: Carpenter Associates - Randy Bragg

Phone Number or Email: [info@carpenterassoc.com](mailto:info@carpenterassoc.com)

Project Zoning District: S&PS; SP

Allowed Use \_\_\_\_\_

Conditional Use: Drive-in business

Site Plan Requirement Reference: §165-111.A(1), (3), (5)

Project Disturbs More than One Acre? Yes \_\_\_\_\_ No X

If Yes, Applicant aware of MCGP and Chapter 500 Permitting through Maine DEP?

Yes \_\_\_\_\_ Informed by City Staff \_\_\_\_\_

Yes	No	Not applicable / Other	Site Plan Element
X			Scale
X			North Arrow
X			Building/Lot dimensions
X			Building locations/uses



## CITY OF BANGOR

Planning Division

### Checklist for Land Development Applications

Yes	No	Not applicable / Other	Site Plan Element
X			Parking/access/loading locations
X			Signage
X			Lighting
X			Screening and Buffer
X			Erosion and sedimentation
	X		Stormwater
X			Manholes/catch basins
X			Sewer
X			Water
		X	Fire Hydrants fire pond?
X			Electric/Communication
X			Curbs and gutters
X			Paved/un-vegetated/vegetated areas
X			Trash
		X	Outdoor display/storage
X			Existing trees
X			Deed or other instrument allowing pursuit of permits
X			Topo
X			Adjacent buildings and features
		X	Traffic
X			Location sketch
X			Post Construction Stormwater Maintenance Plan
X			Building Permit Application
		X	Fire Comments - pending
X			Shoreland delineation/zoning compliance
X			Floodplain location
		X	Effects on scenic, etc
X			Table showing compliance with dimensional Requirements
X			Table showing compliance with Parking Requirements
	X		<b>Additional Conditional Use General Requirements</b> Traffic Study Support Letter for paragraph (4)



**CITY OF BANGOR**

Planning Division

Checklist for Land Development Applications

Yes	No	Not applicable / Other	Site Plan Element
			<b>Additional Conditional Use Specific Requirements for Use or District</b>
		X	<b>Additional Subdivision Requirements</b> Lot lines Existing street connections Open space reservation Abutters Onsite wastewater Easements Soils Wetlands
		X	<b>Additional Solar applications</b> Height Yard Buffers Glare Decommissioning plan Utility Connections Confirmation of use
		X	Proposed temporary construction access roads
		X	Proposed bus stop location

**Comments on Completeness**

Please provide a narrative indicating how project meets conditional use standards, primarily standards listed for this use in S&PS.

Water District requested that location of water curb stop be shown on the plans so it isn't damaged during construction.

Stormwater comments:



## CITY OF BANGOR

Planning Division

Checklist for Land Development Applications

- USF details such as filter bed elevations not shown.
- Also it is unclear what is to be built along the front: “Underdrain to filter (typ.)” and “Remove Pavement as Necessary, Install USF or filter (typ.)”

### Comments on Compliance

Possible Planning Board agenda (if application is complete): 11/15/2022

Deadline to advertise: 11/1/2022

Deadline to post to abutters: 11/1/2022

Deadline for edits or amendments: 10/28/2022

**\*\*For edits, please only send digital copies until staff has determined the plans are okay to go to Planning Board. Once staff has made that determination, hard copies of the final plans can be sent.**

### Other Notes

Note for the record: the Water District asked about the curb with railing indicated on the plans adjacent to drive-thru lane; applicant indicated these will be replaced with shrubs.



# CARPENTER ASSOCIATES

## CONSULTING ENGINEERS

October 25, 2022

Anja Collette  
City of Bangor  
73 Harlow Street  
Bangor, ME 04401

Re: 57 Bangor Mall Boulevard  
Response to Staff Review

Dear Anja:

We have responded with the supplemental information requested using your recent email as a guide.

1. Conditional Use Standards:

4(a) The original Arby's was approved with a traditional drive thru window. The new restaurant wishes to maintain a pickup window for convenience. It seems that as a result of COVID this has become a request for customers to pick up their food orders. Most restaurants seem to have incorporated this option and added a pickup window or provide curbside delivery. The traffic circulation on the site has been improved dramatically. Generally, the flow would be counter clockwise around the building and into the pickup lane. The distance that could be used for queuing is greater than 450', enough for 20+ vehicles. No more than a couple are expected to be in this pickup lane at any one time.

4(b) 5 spaces of parking, have been re-established to allow for a "curb-side" pickup. There are several other parking spaces on site for those who wish to consume the food on the premises. The available parking on site is well above that required based on the new restaurant.

2. Water District – Curb stop:

The contractor is required to locate all utilities prior to commencing work. They are also required to coordinate all water work with the Bangor Water District. Refer to General Notes, and added note on plan.

2022122



3. Stormwater:

USF Details: Bed elevations are shown on the Plans, Sheet 1. Details/depths are shown on Sheet 4.

Front USF: The intent here is to construct a long narrow USF style filter that will discharge to the proposed catch basin. We have added contour 106, adjusted 107, and added underdrain piping in the area of the catch basin. These areas are to be constructed as USF's, shown on Sheet 4 of the drawing set.

Feel free to contact our office with any questions.

Sincerely,



Randy Bragg, P.E.

Cc: Joe Schaller  
Anne Krieg  
Melissa Bickford

Attachments

## Carpenter Associates

---

**To:** Randy Bragg  
**Subject:** RE: 202222 Comments on 57 Bangor Mall Blvd application

---

**From:** Collette, Anja <[anja.collette@bangormaine.gov](mailto:anja.collette@bangormaine.gov)>  
**Sent:** Thursday, October 27, 2022 2:08 PM  
**To:** Carpenter Associates <[info@carpenterassoc.com](mailto:info@carpenterassoc.com)>  
**Cc:** Bickford, Melissa <[melissa.bickford@bangormaine.gov](mailto:melissa.bickford@bangormaine.gov)>; Randy Bragg <[rbragg@carpenterassoc.com](mailto:rbragg@carpenterassoc.com)>  
**Subject:** RE: 202222 Comments on 57 Bangor Mall Blvd application

Hi Randy, I talked to Anne and you can keep the parking spaces as is, so feel free to disregard my email from earlier.

---

**From:** Collette, Anja <[anja.collette@bangormaine.gov](mailto:anja.collette@bangormaine.gov)>  
**Sent:** Monday, October 24, 2022 4:18 PM  
**To:** Randy Bragg <[rbragg@carpenterassoc.com](mailto:rbragg@carpenterassoc.com)>  
**Cc:** Bickford, Melissa <[melissa.bickford@bangormaine.gov](mailto:melissa.bickford@bangormaine.gov)>  
**Subject:** Comments on 57 Bangor Mall Blvd application

Hi Randy, I'm not quite finished gathering staff comments on the Green Tea application, but I wanted to go ahead and send you some preliminary comments so you can go ahead and start on those at least. Let me know if you have any questions.

-Please provide a narrative indicating how project meets conditional use standards, primarily standards listed for this use in S&PS.

-Water District requested that location of water curb stop be shown on the plans so it isn't damaged during construction.

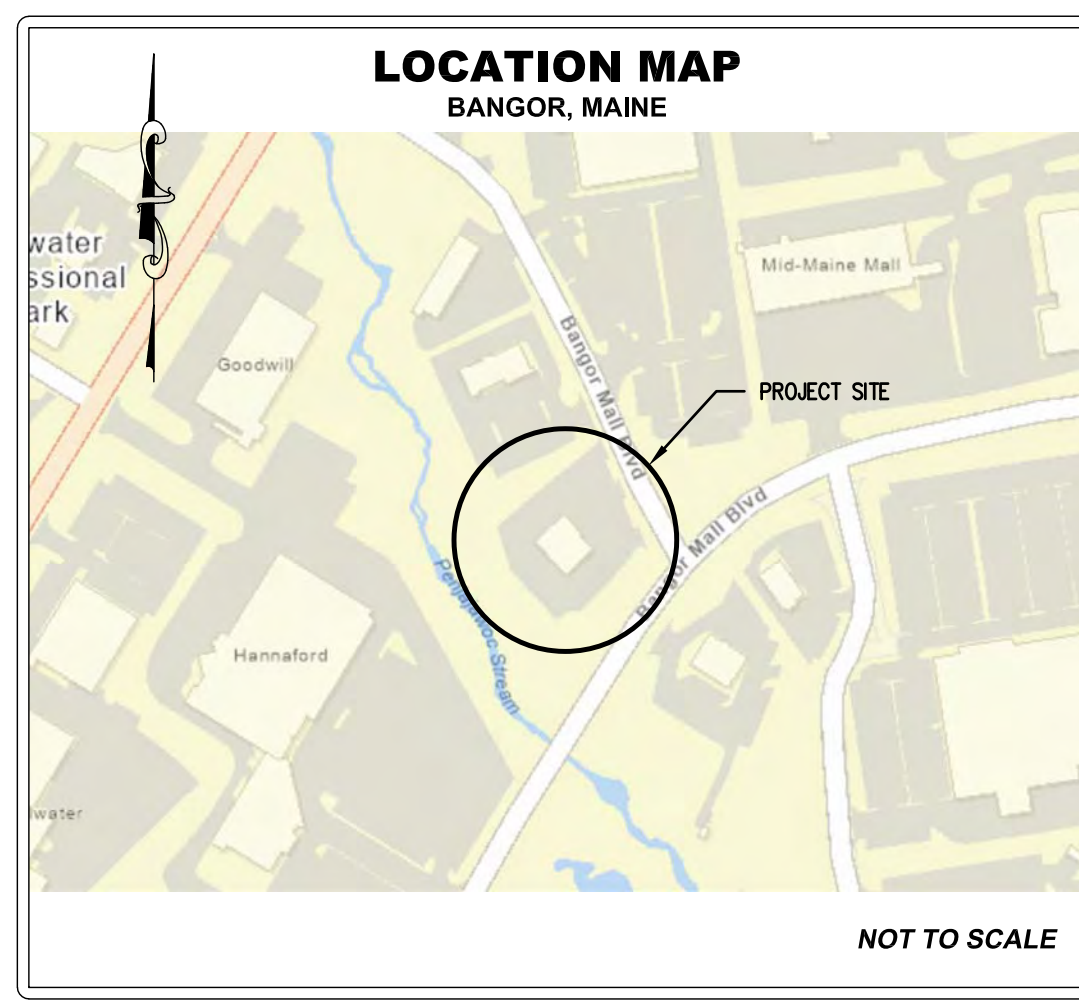
-Stormwater comments:

- USF details such as filter bed elevations not shown.
- Also it is unclear what is to be built along the front: "Underdrain to filter (typ.)" and "Remove Pavement as Necessary, Install USF or filter (typ.)"



## CITY OF BANGOR

**Anja Collette**  
*Planning Analyst*  
*Community & Economic Development*  
*Planning Division*  
73 Harlow Street  
Bangor, ME 04401  
[anja.collette@bangormaine.gov](mailto:anja.collette@bangormaine.gov)



**PRE-DEVELOPMENT IMPERVIOUS AREA:**

BUILDING = 4,128 SF±  
PAVEMENT = 33,081 SF±  
TOTAL = 37,209 SF±

**POST-DEVELOPMENT IMPERVIOUS AREA:**

BUILDING = 5,533 SF±  
PAVEMENT = 29,992 SF±  
TOTAL = 33,525 SF±

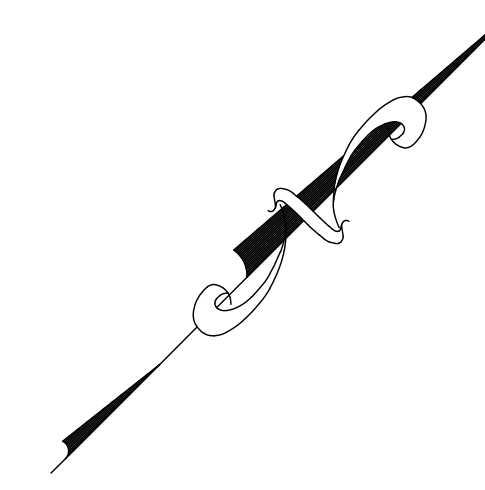
**LIGHTING FIXTURE SCHEDULE**

SYMBOL	MAKE AND MODEL	DESCRIPTION	POWER (WATTS)	NOTES
	--	WALL PACK, BUILDING MOUNTED CUT-OFF STYLE MEETING 165-81	--	--

**CITY OF BANGOR SCHEDULE**

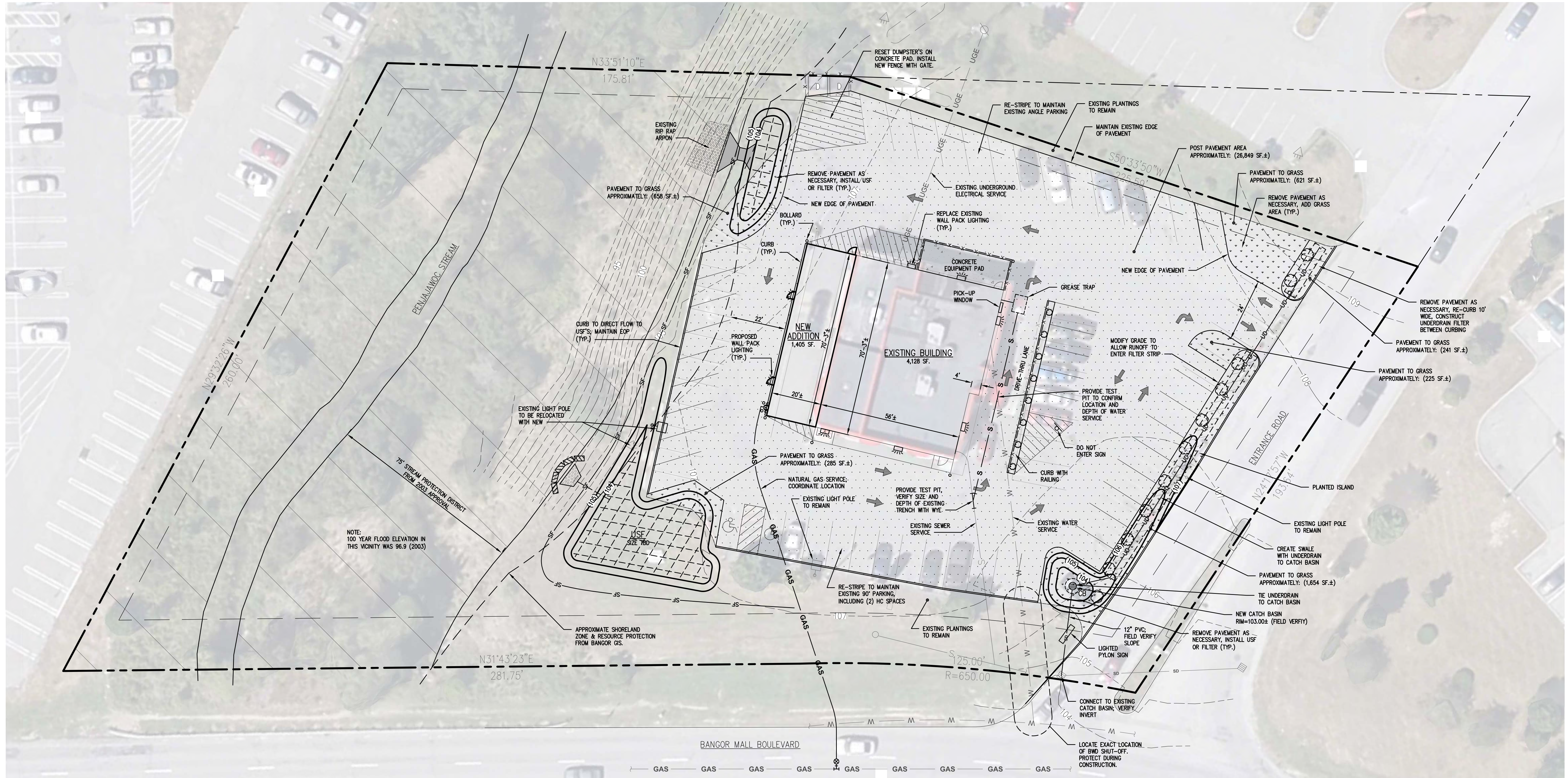
ZONE - S & PS	CONDITIONAL USE	PROPOSED
MIN. LOT AREA	10,000 SF.	95,484 SF±
MIN. FRONT YARD DEPTH	20'	150'+
MIN. SIDE YARD DEPTH	10'	100'+
MIN. REAR YARD DEPTH	10'	350'+
MAX. HEIGHT	40'	--
MAX. LOT COVERAGE	30%	5.8%
MAX. FLOOR RATIO	0.6	0.058
MAX. IMPERVIOUS RATIO	0.70	0.44
MIN. OPEN SPACE	--	--
MIN. LOT WIDTH	100'	193'+

PARKING:  
EXISTING SPACES = (50) SPACES, (2) HC  
PROPOSED SPACES = (50) SPACES, (2) HC

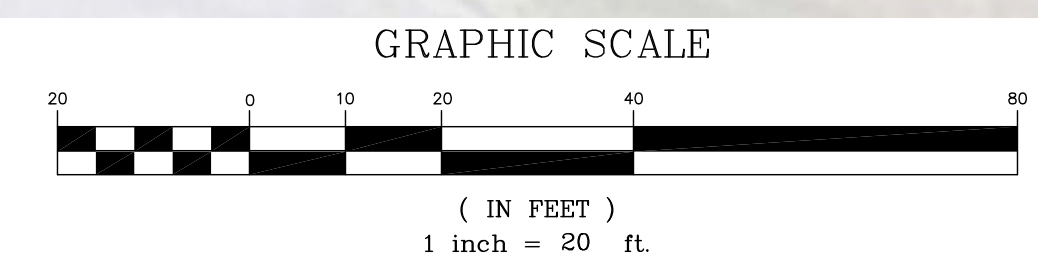


**GENERAL NOTES:**

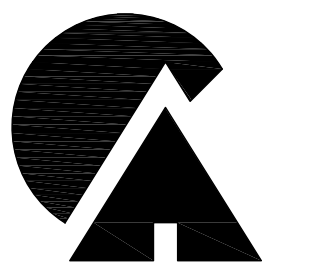
1. BASE PLAN INFORMATION TAKEN FROM PREVIOUS APPROVED SITE PLAN BY CARPENTER ASSOCIATES, DATED: NOVEMBER 25, 2003.
2. CONTRACTOR SHALL CONTACT DIGSAFE PRIOR TO ANY EXCAVATION WORK.
3. EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO BEGINNING OF CONSTRUCTION.
4. THE CONTRACTOR SHALL TAKE MEASURES TO PREVENT SEDIMENT AND OTHER POLLUTANTS FROM ENTERING EXISTING DRAINAGE WAYS AND OTHER STORM WATER CONVEYANCES LOCATED ON THE SITE. CONTRACTOR MUST ADHERE TO BEST MANAGEMENT OF PRACTICES.
5. HAY BALE BARRIERS SHALL BE INSTALLED AROUND EXISTING CATCH BASINS, AND PIPE INLETS / OUTLETS DURING CONSTRUCTION.
6. CONTRACTOR SHALL ADHERE TO BEST MANAGEMENT PRACTICES DURING CONSTRUCTION. ALL DISTURBED AREAS SHALL BE REVEGETATED AND RECEIVE PROPER EROSION CONTROL MANAGEMENT. 4" LOAM, SEED AND MULCH ALL DISTURBED AREAS.
7. EROSION CONTROL MESH SHALL BE INSTALLED ON ALL SLOPES STEEPER THAN 3:1.
8. CONSTRUCTION ACTIVITIES OCCURRING AFTER NOVEMBER 15TH SHALL INCORPORATE A WINTER CONSTRUCTION PLAN.
9. CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE EXACT LOCATION OF EXISTING UTILITIES WITH ALL UTILITY COMPANIES BEFORE BEGINNING CONSTRUCTION.
10. ALL SITE WORK INCLUDING SEWER, STORM, ETC. MUST MEET CITY OF BANGOR STANDARDS. SEWER SERVICE SHALL BE 6" MIN.
11. ELECTRICAL WORK MUST BE COORDINATED WITH VERSANT.
12. WATER UTILITY WORK MUST ADHERE TO BANGOR WATER DISTRICT STANDARDS. SERVICE SHALL BE 2" MIN.
13. NATURAL GAS WORK MUST BE COORDINATED WITH BANGOR NATURAL GAS.
14. CONTRACTOR TO ADD 4" RIGID INSULATION OVER ALL PIPES CROSSING THE DRIVEWAY, WALKWAY OR PARKING LOT AREA AND BETWEEN ALL PIPES.
15. GRADING SHALL NOT ENCRUCH ON NEIGHBORING PROPERTIES.
16. ALL CURB AND PAVEMENT STRIPING RADII SHALL BE 5' UNLESS OTHERWISE NOTED.
17. COORDINATE LANDSCAPING PLANTINGS TO AVOID BURIED UTILITIES.
18. MAINTAIN ALL BOUNDARY PLANTINGS.
19. LIGHTING TO ADHERE TO 165-81. WALL PACKS SHALL BE CUT-OFF STYLE



NOTE:  
100 YEAR FLOOD ELEVATION IN THIS VICINITY WAS 96.9 (2003)



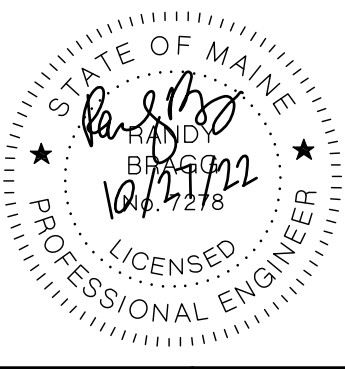
**FOR REVIEW**  
09-30-2022  
REVISED: 10-27-2022



**CARPENTER ASSOCIATES**  
CONSULTING ENGINEERS  
687 STILLWATER AVENUE-OLD TOWN-MAINE 04468

**REVISIONS**

NO.	DATE	DESCRIPTION
1	10-04-2022	PLANTINGS, UTILITIES, & NOTES
2	10-14-2022	BUILDING, LIGHTING, & NOTES
3	10-27-2022	ADDITIONAL CITY COMMENTS



CAROUSEL DIVERSIFIED SERVICES  
**BUILDING ADDITION**  
BANGOR, MAINE  
**57 BANGOR MALL BOULEVARD**  
SITE PLAN

Drawn: JE  
Checked: RB  
Scale: AS NOTED  
Date: 08-01-2022  
Project No: 2022122  
Sheet Number:

**1**

# Legal Notices



## CITY OF BANGOR

Please be advised that the Planning Board of the **City of Bangor** will hold a public hearing on **Tuesday, November 15, 2022, beginning at 7:00 p.m.** in the Third Floor Council Chambers of Bangor City Hall and will consider the following application:

**Land Development Permit Application – Site Development Plan, Conditional Use for proposed 1,405 s.f. addition and order pick-up window at property located at 57 Bangor Mall Blvd, Map-Lot R61-015, in the Shopping & Personal Service District (S&PS). Applicant: Carousel Diversified Services/Z&S Realty Estate, Inc.**

Bangor City Hall is open to attend the meeting in person. Interested parties may also attend the meeting on Zoom. Zoom details are published on the city's website ([www.bangormaine.gov](http://www.bangormaine.gov)) on the home page under Public Meetings and Events. To submit comments or receive a copy of the plan, please email [planning@bangormaine.gov](mailto:planning@bangormaine.gov) or call 207.992.4257. Interested parties can also make an appointment by email or phone to meet with Planning Department staff. The meeting may also be streamed live via the City of Bangor's Facebook page. Comments that are posted on the Facebook livestream are not monitored during the meeting. Please call our office if you have questions about the process or participation in the hearing process.

- (1) One or more buildings containing 13 to 30 dwelling units, provided that the parcel is a minimum of three acres in size.
  - (2) Mobile home parks, provided that:
    - (a) They meet the requirements of Article XVII.
    - (b) They have sewer service from the City of Bangor.
    - (c) They have water service from the Bangor Water District.
    - (d) They contain a minimum of 25 mobile home spaces and a minimum land area of five acres.
    - (e) They do not contain more than six mobile homes per acre (of lotted area).
    - (f) They receive site development approval under Article XVI.
  - (3) Congregate housing, including subsidized housing for the elderly, provided that:
    - (a) The site development contains a minimum of two acres.
    - (b) No building contains more than 100 dwelling units.
    - (c) Development density does not exceed 25 dwelling units per acre.
    - (d) Buildings in excess of 50 units shall include two or more architectural elements minimizing building bulk and mass from the following list:
      - [1] Changes in facade materials.
      - [2] Changes in color.
      - [3] Changes in alignment of building facades.
  - (4) Cluster subdivision for buildings containing one dwelling unit, provided that:
    - (a) The subdivision contains a minimum total site development area of five acres.
    - (b) The subdivision is served by both sewer service from the City of Bangor and water service from the Bangor Water District.
    - (c) The subdivision and related buildings shall be subject to conditional use review, including architectural guidelines included in development covenants and deed restrictions such as a homeowners' association or other means. The construction of each individual structure does not require separate conditional use review.
  - (5) Places of worship and nursing homes, provided that:
    - (a) They are located on a major arterial street.
    - (b) The site development receives approval under Article XVI.
  - (6) Public service and public utility uses, provided that:
    - (a) Such use is necessary to the viability of the area or the community.
    - (b) Such use is designed and sited so that it will not adversely affect adjacent uses because of too close proximity of architecturally incompatible structures or other visual impact.
  - (7) Day-care center, provided that:
    - (a) Such use will provide a B Buffer Yard along any property line within 50 feet of any residential structure or an A Buffer Yard along any property line abutting any residential zoning district.
    - (b) Such use will not be located in a structure which is more than 175% the size of existing residential structures located on abutting parcels in height or gross floor area.
  - (8) Boardinghouses that are located on a major arterial street.  
[Added 6-27-2022 by Ord. No. 22-214]
- E. Prohibited uses. Any use not specifically permitted in this section or in Articles II through XII of this chapter is prohibited.

### § 165-101 Shopping and Personal Service District (S & PS).

- A. Statement of purpose. The Shopping and Personal Service District is established to provide retail and service activities catering to the individual and to create opportunities for the beneficial collocation of compatible businesses, as in shopping centers, where easy automobile and pedestrian access is necessary.
- B. Basic requirements. Buildings or land used or occupied and buildings or structures erected, constructed, reconstructed, moved or structurally altered, whether permitted uses or conditional uses, shall comply with the

requirements of this section, Articles II through XII and the specific development standards of Article XIX of this chapter.

C. Permitted uses. The following uses are permitted in this district:

[Amended 12-27-2000 by Ord. No. 01-61]

- (1) Business office or professional office.
- (2) Retail or service business conducted wholly within a building with no goods or materials displayed or stored outdoors, except goods or materials of a seasonal nature displayed for retail sale, with outdoor display area limited to 1% of the gross floor area of the building.
- (3) Motel, hotel or inn.
- (4) Schools conducted for profit, such as trade, business, dance, gymnastics and music schools.
- (5) Fitness centers.<sup>[1]</sup>

[Added 3-8-2021 by Ord. No. 21-101]  
[1] Editor's Note: Former Subsection C(5), Group day-care or nursery school, was repealed 3-13-2017 by Ord. No. 17-096.
- (6) Day-care center (small or large).

[Amended 3-13-2017 by Ord. No. 17-096]
- (7) Enclosed recreation centers for profit.
- (8) Community service organizations.
- (9) Private membership social and fraternal clubs.
- (10) Restaurants.
- (11) Places of worship.
- (12) Clinic, medical or dental.

[Added 11-13-2002 by Ord. No. 02-370<sup>[2]</sup>  
[2] Editor's Note: This ordinance also redesignated former Subsection C(12) as C(13).
- (13) Parking garage.<sup>[3]</sup>

[Added 3-8-2021 by Ord. No. 21-101]  
[3] Editor's Note: Former Subsection C(13), Registered dispensary, added 10-13-2010 by Ord. No. 10-336 [which ordinance also redesignated the-then Subsection C(13) as Subsection C(14)], was repealed 12-10-2018 by Ord. No. 19-020.
- (14) Information processing and communications facilities.

[Added 10-12-2016 by Ord. No. 16-364<sup>[4]</sup>  
[4] Editor's Note: This ordinance also redesignated former Subsection C(14) as Subsection C(15).
- (15) Marijuana store, provided that:

[Added 3-12-2018 by Ord. No. 18-107<sup>[5]</sup>; amended 4-23-2018 by Ord. No. 18-151; 9-10-2018 by Ord. No. 18-337]

  - (a) The building in which the facility is located must be at least 1,000 feet from, or on the other side of a controlled access highway from, the real property comprising any public or private elementary or secondary school or school dormitory, juvenile shelter, orphanage, public playground, or public park as defined in § 231-2 of this Code.

[Amended 1-28-2019 by Ord. No. 19-074]
  - (b) The building in which the facility is located must be at least 300 feet from, or on the other side of a controlled access highway from, any church, chapel, parish house, other place of worship, day care, or dwelling on a residential parcel, measured by a straight line from building to building.

[Amended 9-24-2018 by Ord. No. 18-355; 1-28-2019 by Ord. No. 19-074]
  - (c) (Reserved)
  - (d) No marijuana cultivation facility, marijuana manufacturing facility, or marijuana testing facility may be accessory to a retail marijuana store.
  - (e) No drive-in windows are allowed. No curbside or other pickup of marijuana by persons outside the store is allowed.
  - (f) Signage designed to appeal to persons under 21 years of age is prohibited.

[5] Editor's Note: This ordinance also redesignated former Subsection C(15) as Subsection C(16).
- (16) Personal services establishment.

[Added 3-8-2021 by Ord. No. 21-101<sup>[6]</sup>  
[6] Editor's Note: This ordinance also redesignated former Subsection C(16) as Subsection C(17).
- (17) Accessory uses on the same lot and customarily incidental to and subordinate to the above uses and any use approved under Subsection D below.

- D. Conditional uses. Subject to Planning Board approval under the provisions of § 165-9, the following uses may be permitted in this district:
- (1) High-rise hotel, provided that:
    - (a) Such use meets height requirements of this chapter (Article XIX), with the exception of the district maximum for this district, which may be up to 60 feet for this use.
    - (b) Such use has a maximum floor area ratio not to exceed 0.7.
    - (c) The other requirements of Article XIX are met.
  - (2) Self-storage facility, provided that:

[Amended 3-11-2019 by Ord. No. 19-105]

    - (a) No more than 1,000 square feet of floor area are provided to any one customer except on a lot with a yard that abuts Bangor Mall Boulevard, Longview Drive, Stillwater Avenue or Hogan Road, where more than 1,000 square feet of floor area may be provided to one customer.

[Amended 3-8-2021 by Ord. No. 21-101; 5-12-2021 by Ord. No. 21-168]
    - (b) No hazardous or highly flammable substances are stored.
    - (c) Retail sale of goods accessory to the storage use, such as sales of packing materials, storage supplies, and other such related goods, is allowed on site by the owner of the facility. No sales activity of goods or materials of any sort shall be conducted from individual storage units or by storage unit customers.
    - (d) The requirements of Article XIX are met.
  - (3) Retail auto service, provided that:
    - (a) Adequate provision is made for automobile queuing at any service bays or service doors which will not restrict vehicular movement onto or off from the site.
    - (b) Additional provision is made for parking of vehicles left for any accessory installations.
    - (c) The use is not located in the Penjajawoc Marsh Overlay Zone.

[Added 3-8-2021 by Ord. No. 21-101]
  - (4) Drive-in business, provided that:
    - (a) Adequate queuing space shall be provided for vehicles, without restricting vehicular movements on the site at access points to any service road or street, including at least five spaces for each service window or station at a drive-in bank or drive-in restaurant.
    - (b) Additional parking area is provided for vehicles where any product is to be consumed on the premises or where service to vehicles away from drive-up windows or stations is contemplated or possible.
  - (5) Gasoline service station, provided that:
    - (a) No gasoline pump shall be located within 100 feet of any existing residential building.
    - (b) Adequate queuing space is provided for at least two vehicles for each gas-dispensing nozzle without restricting automobile access to and egress from the site.
    - (c) The use is not located in the Penjajawoc Marsh Overlay Zone.

[Added 3-8-2021 by Ord. No. 21-101]
  - (6) Warehousing or wholesaling of goods and materials, provided that:

[Amended 3-8-2021 by Ord. No. 21-101; 5-12-2021 by Ord. No. 21-168]

    - (a) The operation is conducted entirely within a building with no goods or materials stored outdoors.
    - (b) The gross floor area of a building housing such uses shall not exceed 20,000 square feet, except on a lot with a yard that abuts Bangor Mall Boulevard, Longview Drive, Stillwater Avenue or Hogan Road, where more than 20,000 square feet of floor area may be allowed.
    - (c) The use is not located in the Penjajawoc Marsh Overlay Zone.
    - (d) The requirements of Article XIX are met.
  - (7) Building supply or other retail or service business conducted within a building but which by virtue of the nature of the business or service shall require an outdoor display or storage area of greater than 1% of the gross floor area of the building, provided that:
    - (a) Exterior display or storage area shall not exceed 50% of the gross floor area of the building (or building area devoted to the use, whichever is less).
    - (b) No outdoor display will be located in any side yard or rear yard, nor will any outdoor storage be located in a front yard.

[Amended 9-14-1998 by Ord. No. 98-339]

- (c) All display and storage areas will be separate from any vehicle parking and circulation areas and be screened from view from any public street.
  - (d) The requirements of Article XIX are met.
- (8) Auto, truck, boat, manufactured or modular homes, agricultural and construction machinery sales, provided that:  
[Amended 1-11-2010 by Ord. No. 10-039; 3-8-2021 by Ord. No. 21-101]
- (a) No facilities to service such vehicles, homes, boats or machinery are included.
  - (b) Outdoor display of products shall not exceed 50% of the gross floor area of the building (or building area devoted to the use, whichever is less).
  - (c) No outdoor display or storage of products will be conducted in any side yard or rear yard.
  - (d) The use is not located in the Penjajawoc Marsh Overlay Zone.
  - (e) The requirements of Article XIX are met.
- (9) A mixed residential and commercial use, provided that:
- (a) The commercial activity is a use permitted in Subsection C above.
  - (b) In addition to the basic development standards required for the commercial use in this district in Article XIX, additional lot area will be provided commensurate to the requirements for residential units in the URD-2 District.
  - (c) (Reserved)<sup>[7]</sup>  
[7] *Editor's Note: Former Subsection D(9)(c), regarding additional off-street parking, was repealed 3-8-2021 by Ord. No. 21-101.*
  - (d) The impervious surface limit requirements for residential uses in the URD-2 District will be met.  
[Amended 9-10-2018 by Ord. No. 18-315]
- (10) Public utility and public service uses, provided that:
- (a) Such facilities are not sited so as to create an extreme juxtaposition of the architectural scale or style to the detriment of existing buildings on adjacent lots.
  - (b) Such uses must be certified as necessary in the particular location to service the area and the community.
- (11) Entertainment or recreational use not wholly contained within a building, provided that:  
[Added 9-8-2003 by Ord. No. 03-264]
- (a) The applicant demonstrates that noise levels will not adversely affect any adjacent property.
  - (b) The boundary of the use area is not less than 300 feet from any existing residential building. For the purpose of this section, "use area" shall include any area where there will be any activity associated with the use, human or otherwise, but shall not include any required bufferyard.  
[Amended 8-22-2005 by Ord. No. 05-269]
  - (c) Outdoor recreational facilities shall use full cut-off or directionally shielded lighting fixtures aimed towards the recreation area. All lighting shall be shielded to prevent light from directly shining on any adjacent property.  
[Amended 8-22-2005 by Ord. No. 05-269]
  - (d) Outdoor recreational facilities shall provide, at minimum, a D-1 buffer or equivalent using existing vegetation, or a combination of existing vegetation and new buffer elements, along any residential district boundary.  
[Amended 8-22-2005 by Ord. No. 05-269]
- (12) Manufacturing, compounding, assembling, packing, treatment, or warehousing or wholesaling of goods and products, provided that:  
[Added 3-8-2021 by Ord. No. 101]
- (a) The activity will not be noxious or injurious by reason of the production or emission of dust, smoke, odor, gas, fumes, refuse matter, noise, vibration or similar substances or conditions. The applicant must demonstrate that no adjacent property or business will be adversely affected by the use.
  - (b) The use is not located in the Penjajawoc Marsh Overlay Zone.
  - (c) The use is located on a lot with a yard that abuts Bangor Mall Boulevard, Longview Drive, Stillwater Avenue or Hogan Road.  
[Amended 5-12-2021 by Ord. No. 21-168]
- E. Prohibited uses. Any use not specifically permitted in this section or in Articles II through XII of this chapter is prohibited.

## § 165-102 General Commercial and Service District (GC & S).



the City. The maps or amendments thereto shall be signed and attested to by the City Clerk.

- E. Replacement of Zoning Map. In the event that the entire Zoning Map, or any page or pages thereof, becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions to either the map or the district boundaries, the City Council may, by Council order, adopt a new Zoning Map or any number of new pages thereof which shall supersede the prior map. The new map may correct drafting or other errors or omissions in the prior map, but no such corrections shall have the effect of amending the original Zoning Map or any subsequent amendments thereof. (The Zoning Map shall only be amended in accordance with § 165-6 of this chapter). The new map shall be attested to by the City Clerk.

### § 165-9 Conditional uses.

The Planning Board is hereby authorized to grant conditional uses hereinafter set forth in this chapter in specific cases, after public notice and hearing, subject to appropriate conditions and safeguards. No conditional uses shall be granted unless specific provisions therefor are made in this chapter. All conditional uses shall be subject to land development permit approval as provided for in Article XVI.

- A. Standards for conditional uses. Before the Planning Board shall grant a conditional use, it shall have determined that:
- (1) The development standards and use conditions of the district in which the property in question is located have been complied with. Conditional uses which also require a variance of development or other standards shall not be granted.
  - (2) The proposed use will not create unreasonable traffic congestion or hazardous conditions on contiguous or adjacent streets.
  - (3) The proper operation of the conditional use will be ensured by providing and maintaining adequate and appropriate utilities, fire protection, drainage, parking and loading and other necessary site improvements.
  - (4) The proposed use, although not appropriate for every site in the zone, is appropriate for the location for which it is sought because the proposed use will conform to the general physical development pattern of the immediate area as to architectural style, building bulk and extent, and intensity of site use. As to architectural style, the applicant must show that the proposed structure conforms to the exterior facade, rooflines, shape, and materials used on buildings in the immediate area. As to building bulk, the applicant shall cause his/her proposed building to conform to the height and the existing ratio of land area to building area for other properties in the immediate area. For purposes of this chapter, the term "immediate area" shall include all properties located within the same block and within 500 feet of the site of the proposed use.  
[Amended 6-27-2022 by Ord. No. 22-214]
- B. Procedure.  
[Amended 2-11-2008 by Ord. No. 08-070; 1-9-2017 by Ord. No. 17-055]
- (1) An application for a conditional use shall be filed with the Staff Coordinator. The format and number of copies of the application submitted shall be as set by the Staff Coordinator. The applicant shall also pay an application processing fee in such an amount as may be established from time to time by the City Council by Council order. This application processing fee is in addition to any advertising fee which may also be established by the City Council. The Code Enforcement Officer, Planning Director, City Engineer, and other staff as appropriate shall examine the application for technical compliance with the terms of this chapter. If the application complies, the Planning Officer shall place the application on the agenda of the Planning Board at its next regularly scheduled meeting which allows for the necessary notices to be given as outlined below.
  - (2) An application for conditional use must include a site plan and elevation drawings in sufficient detail to illustrate the feasibility of meeting all standards and site development features pertinent to review of the application. The Planning Division may request such additional information as it deems necessary in reviewing such an application.
  - (3) Upon a finding of technical compliance by staff, the Planning Officer shall set a date for the public hearing and shall give notice to all property owners within 500 feet of the exterior boundaries of the property involved, at least 10 days prior, of the time and place of the hearing and shall place a public notice of the hearing, at least 10 days prior, in a newspaper of general circulation in the City of Bangor. The owners of the property shall be considered to be those against whom taxes were assessed on April 1 prior to the application. Failure of any person owning property within 500 feet of said property to receive notice of public hearing shall not necessitate another hearing nor invalidate any action by the Planning Board.  
[Amended 6-27-2022 by Ord. No. 22-214]
  - (4) At the hearing, any person may be represented by an attorney or other representative. The hearing shall not be continued to another time except for good cause, and, if so requested by the applicant, all advertising costs shall be borne by the applicant.
  - (5) Within 20 days after the public hearing, the Planning Board shall vote to deny, approve, conditionally approve or approve with modifications the requested conditional use; provided, however, that no conditional use shall be approved unless it receives a majority of affirmative votes of the Planning Board members (i.e., four votes). The Board shall then inform the applicant, the Staff Coordinator and the Code Enforcement Officer of its decision in writing.
- C. Changes to Conditional Uses.<sup>[1]</sup>  
[Added 6-8-2015 by Ord. No. 15-191]

- (1) No change shall be made to a property approved for a conditional use that would cause the property to fail to comply with the details of the Board's approval under the standards of § 165-9A, unless approved by the Planning Board through a review of the changed conditional use.
  - (a) Building details. Changes to building elevations which impact the elements reviewed and approved by the Board may only be approved by the Planning Board. Changes to architectural details not within the scope of § 165-9A(4) do not require Planning Board approval.
  - (b) Traffic analysis. Changes to trip generation or peak hour of generation do not require Planning Board approval if the following standards are met as determined by the Code Enforcement Officer in consultation with the City Engineer:
    - [1] The number of trips during the peak hour does not increase.
    - [2] The peak hour does not change to a different hour.
    - [3] The peak hour does not change from a weekday to a weekend day, or vice versa.
- (2) Minor revisions. Notwithstanding § 165-9C(1), the following changes may be requested as minor revisions pursuant to § 165-116:
  - (a) Changes to site plan elements not within the purview of § 165-9A if such changes would otherwise qualify as minor revisions.
  - (b) Traffic analysis. Changes to trip generation if the following standards are met:
    - [1] The number of trips during the peak hour does not increase by more than 50 trips from the most current approval.
    - [2] The peak hour does not change to a different hour.
    - [3] The peak hour does not change from a weekday to a weekend day, or vice versa.
- (3) Conditional uses which are discontinued for more than 12 consecutive months are deemed abandoned.
  - [1] *Editor's Note: Former Subsection C, Appeal, was repealed 12-27-2000 by Ord. No. 01-63.*

**D. Land development permit approval.**

- (1) No conditional use shall be finally approved by the Planning Board unless and until an application and plan thereof have been submitted to and approved by the Planning Board in accordance with Article XVI of this chapter. The applicant for a conditional use may submit an application and plan with or subsequent to the application for conditional use approval. The Planning Board may approve a conditional use upon the condition that the applicant receive a land development permit.
  - (2) Upon failure to obtain land development permit approval within 60 days of conditional approval of a conditional use, such conditional approval shall expire and the conditional use shall be deemed to be denied; provided, however, that a majority of the Planning Board may vote, for good cause shown, to extend the conditional approval to a date certain by which time the applicant must receive land development permit approval.
- E. Notification of Code Enforcement Officer.** Upon notification of the final decision of the Planning Board, the Code Enforcement Officer shall immediately issue or deny a building permit or occupancy permit in accordance with the decision of the Planning Board, unless such project fails to meet the requirements of another City ordinance.
- F. Expiration of final approval.** Conditional use approval secured under the provisions of this chapter shall expire if the use, work or change approved is not commenced within one year of the date on which such conditional use is finally approved by the Planning Board or if the work or change proposed is not substantially completed within two years of the date on which such conditional use is finally approved, unless the land development permit completion date shall have been extended in accordance with the provisions of Article XVI, § 165-113.

**§ 165-10 Administration and enforcement.**

[Amended 9-14-1998 by Ord. No. 98-339]

The administration and enforcement of this chapter shall be the responsibility of the Code Enforcement Officer.

- A. Code Enforcement Officer.** It shall be the duty of the Code Enforcement Officer to enforce the provisions of this chapter. If the Code Enforcement Officer shall find that any provision of this chapter is being violated, he/she shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings or structures or removal of illegal buildings, structures, additions or work being done or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.
- B. Permit required.** No building or structure shall be erected, added to or structurally altered until a permit therefor has been issued by the Code Enforcement Officer. All applications for such permits shall be in accordance with the requirements of this chapter.
  - (1) All applications for building permits shall be submitted, in writing, to the Code Enforcement Officer on forms provided for that purpose.

#	LD 2003 provisions
1	<p>Sec. 3. 5 MRSA §13056, sub-§9 is enacted to read:</p> <p><b>9. Establish statewide housing production goals.</b> Establish, in coordination with the Maine State Housing Authority, a statewide housing production goal that increases the availability and affordability of all types of housing in all parts of the State. The department shall establish regional housing production goals based on the statewide housing production goal. In establishing these goals, the department shall:</p> <p>B. Consider information submitted to the department from municipalities about current or prospective housing developments and permits issued for the construction of housing;</p>
2	<p><b>Sec. 4. 30-A MRSA §4364</b></p> <p>1. Definition. For the purposes of this section, "affordable housing development" means:</p> <p>A. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs; and</p>
3	<p>B. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.</p>

4	<p><b>2. Density requirements.</b> A municipality shall allow an affordable housing development where multifamily dwellings are allowed to have a dwelling unit density of at least 2 1/2 times the base density that is otherwise allowed in that location and may not require more than 2 off-street parking spaces for every 3 units. The development must be in a designated growth area of a municipality consistent with section 4349-A, subsection 1, paragraph A or B or the development must be served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system. The development must comply with minimum lot size requirements in accordance with Title 12, chapter 423- A, as applicable.</p>
5	<p><b>3. Long-term affordability.</b> Before approving an affordable housing development, a municipality shall require that the owner of the affordable housing development have executed a restrictive covenant, recorded in the appropriate registry of deeds, for the benefit of and enforceable by a party acceptable to the municipality, to ensure that for at least 30 years after completion of construction:</p>
6	<p>A. For rental housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and</p>
7	<p>B. For owned housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy.</p>
8	<p><b>4. Shoreland zoning.</b> An affordable housing development must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 and municipal shoreland zoning ordinances.</p>
9	<p><b>5. Water and wastewater.</b> The owner of an affordable housing development shall provide written verification to the municipality that each unit of the housing development is connected to adequate water and wastewater services before the municipality may certify the development for occupancy. Written verification under this subsection must include:</p>
10	<p><b>6. Subdivision requirements.</b> This section may not be construed to exempt a subdivider from the requirements for division of a tract or parcel of land in accordance with subchapter 4.</p>

11	<p><b>7. Restrictive covenants.</b> This section may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.</p>
12	<p><b>Sec. 5. 30-A MRSA §4364-A 1. Use allowed.</b> Notwithstanding any provision of law to the contrary, except as provided in Title 12, chapter 423-A, for any area in which housing is allowed, a municipality shall allow structures with up to 2 dwelling units per lot if that lot does not contain an existing dwelling unit, except that a municipality shall allow up to 4 dwelling units per lot if that lot does not contain an existing dwelling unit and the lot is located in a designated growth area within a municipality consistent with section 4349-A, subsection 1, paragraph A or B or if the lot is served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system in a municipality without a comprehensive plan. A municipality shall allow on a lot with one existing dwelling unit the addition of up to 2 dwelling units: one additional dwelling unit within or attached to an existing structure or one additional detached dwelling unit, or one of each.</p> <p>A municipality may allow more units than the number required to be allowed by this subsection.</p>
13	<p><b>2. Zoning requirements.</b> With respect to dwelling units allowed under this section, municipal zoning ordinances must comply with the following conditions.</p>
14	<p>A. If more than one dwelling unit has been constructed on a lot as a result of the allowance under this section or section 4364-B, the lot is not eligible for any additional increases in density except as allowed by the municipality.</p>

15	B. A municipal zoning ordinance may establish a prohibition or an allowance for lots where a dwelling unit in existence after July 1, 2023 is torn down and an empty lot results
16	<b>3. General requirements.</b> A municipal ordinance may not establish dimensional requirements or setback requirements for dwelling units allowed under this section that are greater than dimensional requirements or setback requirements for single-family housing units, except that a municipal ordinance may establish requirements for a lot area per dwelling unit as long as the required lot area for subsequent units on a lot is not greater than the required lot area for the first unit.
17	4. Water and wastewater. The owner of a housing structure must provide written verification to the municipality that the structure is connected to adequate water and wastewater services before the municipality may certify the structure for occupancy. Written verification under this subsection must include:
18	<b>5. Municipal implementation.</b> In adopting an ordinance, a municipality may: A. Establish an application and permitting process for housing structures;
19	B. Impose fines for violations of building, zoning and utility requirements for housing structures; and
20	C. Establish alternative criteria that are less restrictive than the requirements of subsection 4 for the approval of a housing structure only in circumstances in which the municipality would be able to provide a variance under section 4353, subsection 4, 4-A, 4-B or 4-C.
21	Subsection 6-10
22	chapter 423-A, a municipality shall allow an accessory dwelling unit to be located on the same lot as a single-family dwelling unit in any area in which housing is permitted.
23	<b>2. Restrictions.</b> An accessory dwelling unit may be constructed only:
24	A. Within an existing dwelling unit on the lot;
25	B. Attached to or sharing a wall with a single-family dwelling unit; or

26	C. As a new structure on the lot for the primary purpose of creating an accessory dwelling unit.
27	This subsection does not restrict the construction or permitting of accessory dwelling units constructed and certified for occupancy prior to July 1, 2023.
28	<b>3. Zoning requirements.</b> With respect to accessory dwelling units, municipal zoning ordinances must comply with the following conditions:
29	A. At least one accessory dwelling unit must be allowed on any lot where a single-family dwelling unit is the principal structure; and
30	B. If more than one accessory dwelling unit has been constructed on a lot as a result of the allowance under this section or section 4364-A, the lot is not eligible for any additional increases in density except as allowed by the municipality.
31	<b>4. General requirements.</b> With respect to accessory dwelling units, municipalities shall comply with the following conditions.
32	A. A municipality shall exempt an accessory dwelling unit from any density requirements or calculations related to the area in which the accessory dwelling unit is constructed.
33	B. For an accessory dwelling unit located within the same structure as a single-family dwelling unit or attached to or sharing a wall with a single-family dwelling unit, the setback requirements and dimensional requirements must be the same as the setback requirements and dimensional requirements of the single-family dwelling unit, except for an accessory dwelling unit permitted in an existing accessory building or secondary building or garage as of July 1, 2023, in which case the requisite setback requirements for such a structure apply. A municipality may establish more permissive dimensional and set back requirements for an accessory dwelling unit.
34	C. An accessory dwelling unit may not be subject to any additional parking requirements beyond the parking requirements of the single-family dwelling unit on the lot where the accessory dwelling unit is located.
35	<b>5. Shoreland zoning.</b> An accessory dwelling unit must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 and municipal shoreland zoning ordinances.

36	<p><b>6. Size requirements.</b> An accessory dwelling unit must meet a minimum size of 190 square feet. If the Technical Building Codes and Standards Board under Title 10, section 9722 adopts a different minimum size, that standard applies. A municipality may impose a maximum size for an accessory dwelling unit.</p>
37	<p><b>7. Water and wastewater.</b></p>
38	<p><b>8. Municipal implementation.</b> In adopting an ordinance under this section, a municipality may:</p>
39	<p>A. Establish an application and permitting process for accessory dwelling units;</p>
40	<p>B. Impose fines for violations of building, zoning and utility requirements for accessory dwelling units; and</p>
41	<p>C. Establish alternative criteria that are less restrictive than the requirements of subsections 4, 5, 6 and 7 for the approval of an accessory dwelling unit only in circumstances in which the municipality would be able to provide a variance under section 4353, subsection 4, 4-A, 4-B or 4-C.</p>
42	<p><b>9. Rate of growth ordinance.</b> A permit issued by a municipality for an accessory dwelling unit does not count as a permit issued toward a municipality's rate of growth ordinance as described in section 4360.</p>
43	<p>#10-13</p>
44	<p><b>§4364-C. Municipal role in statewide housing production goals</b></p> <p><b>1. Fair housing and nondiscrimination.</b> A municipality shall ensure that ordinances and regulations are designed to affirmatively further the purposes of the federal Fair Housing Act, 42 United States Code, Chapter 45, as amended, and the Maine Human Rights Act to achieve the statewide or regional housing production goal.</p>



45	<p><b>2. Municipalities may regulate short-term rentals.</b> A municipality may establish and enforce regulations regarding short-term rental units in order to achieve the statewide or regional housing production goal. For the purposes of this subsection, "short-term rental unit" means living quarters offered for rental through a transient rental platform as defined by Title 36, section 1752, subsection 20-C.</p>
----	--

**Relation to city code**

The city may want to assign a goal of encouraging a certain number of units to meet a percentage increase in units, or, to reach a percentage of housing stock that is for households of low to moderate income. This goal could be placed in the Comprehensive Plan.

This definition will need to be incorporated into the Land Development Code

Same as above

The Code would need to be changed to add the use "affordable housing development" and allow it in the multi family and Service District ( M&SD), Urban Residence 2 (URD-2), Low Density Residential (LDR) and High Density Residential (HDR) - accompanying changes would include parking requirement changes and dimensional controls (for density allowance)

This requirement will need to be added for affordable housing developments.

Same as above

Same as above

No change needed.

Language would be added to the Land Development Permit requirements to ensure this verification - the code office does this already

No change needed

; add density increases for each

This language should be added to subdivision

This is a little more complicated. In the URD-1 district, an ADU is currently allowed. To meet this requirement, URD-1 would have to be modified to indicate that a lot with no development (using the enactment date as the starting point) may have up to 4 units on it. The language would also have to be modified to allow for additional dwellings on a lot with an existing single family dwelling. This is important because the likelihood of infill development in URD-1 under this statute is high for lots with a house already there. Notable for discussion is whether the city wants to increase the lot size requirement to allow for additional dwelling units. The minimum lot size is 5,000 SF right now for a dwelling with an ADU. The city may want to require, to be in keeping with the ratio in current dimensional controls, that a 10,000 SF lot is required to place a 4 family in the URD-1 district. 4 units are already allowed in URD-2 and in the M&SD districts, as well as LDR and HDR so no changes are anticipated there from this statute.

No additional change needed once amendments above are adopted.

Optional for the city to not to create an incentive for tearing down single family homes to achieve more units. The city may want to consider this prohibition in the historic districts.

This was discussed above for URD-1 changes.

No change needed as the city does this already in the Code office.

Permitting for single family home structures already apply.

Fines for violations already apply.

This is optional - the city does have many undersized lots that are difficult to build upon. Looking into this allowance a little more might be helpful in providing infill opportunities in older neighborhoods or in the re-development of older placarded properties.

Addressed above.

The city has ADU's as an allowance for almost 3 years now that meets these requirements!

We meet the statute for this requirements as well.
We do not require additional parking for ADU's
No change needed.

The city has a maximum ADU size. A minimum size should be added.

No change needed. Chapter 15, Sewer Ordinance, or Chapter 6, Construction Code, Article V Plumbing Code, already applies.

A Building permit process already applies.

Violation provisions already apply.

The town may establish lesser criteria. It is not clear that dimensionl controls are a barrier to the construction of ADU's.

The Town does not have a rate of growth ordinance.

Our codes can be evaluated for requirements that are not applied to single family homes that are imposed on multifamily housing up to 4 units. The town can make an affirmative statement that adoption of amendments in compliance with LD 2003 furthers fair housing goals.

ADU have an explicit requirement that ADUs may not be operated as STRs. The city has not discussed a final policy for STR's, this statute gives empowerment to regulate under the auspice of meeting the city's housing goals, which is helpful to your discussions in the future on this use. Currently STR's are considered not allowed in the city.





## CITY OF BANGOR

Planning Division

### Memorandum

To: Tanya Emery, Director of Community & Economic Development  
From: Anne Krieg AICP, Planning Officer  
Date: 9.13.22  
CC: David Szewczyk, City Solicitor  
Jeff Wallace, Code Enforcement Officer  
Planning Board members  
Regarding: LD2003 Analysis to 9.20.22 Business & Economic Development Committee meeting (BED)

---

Please accept the attached document as a line-by-line gap analysis of the requirements found in the recently enacted state statute informally known as LD2003, formally known as *An Act to Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions*. The action requested is to receive feedback from BED regarding the changes as well as a discussion on the timeline.

The most notable changes to the Land Development Code include:

1. The insertion of density bonuses for affordable housing projects as defined in the statute.
2. The modifications to the single-family zoning district URD-1 to accommodate the new density requirements for properties in the growth district boundary.

Other aspects of the statute are items we already have in our codes, mostly as a result of the city's Affordable Housing Work Group Recommendations.

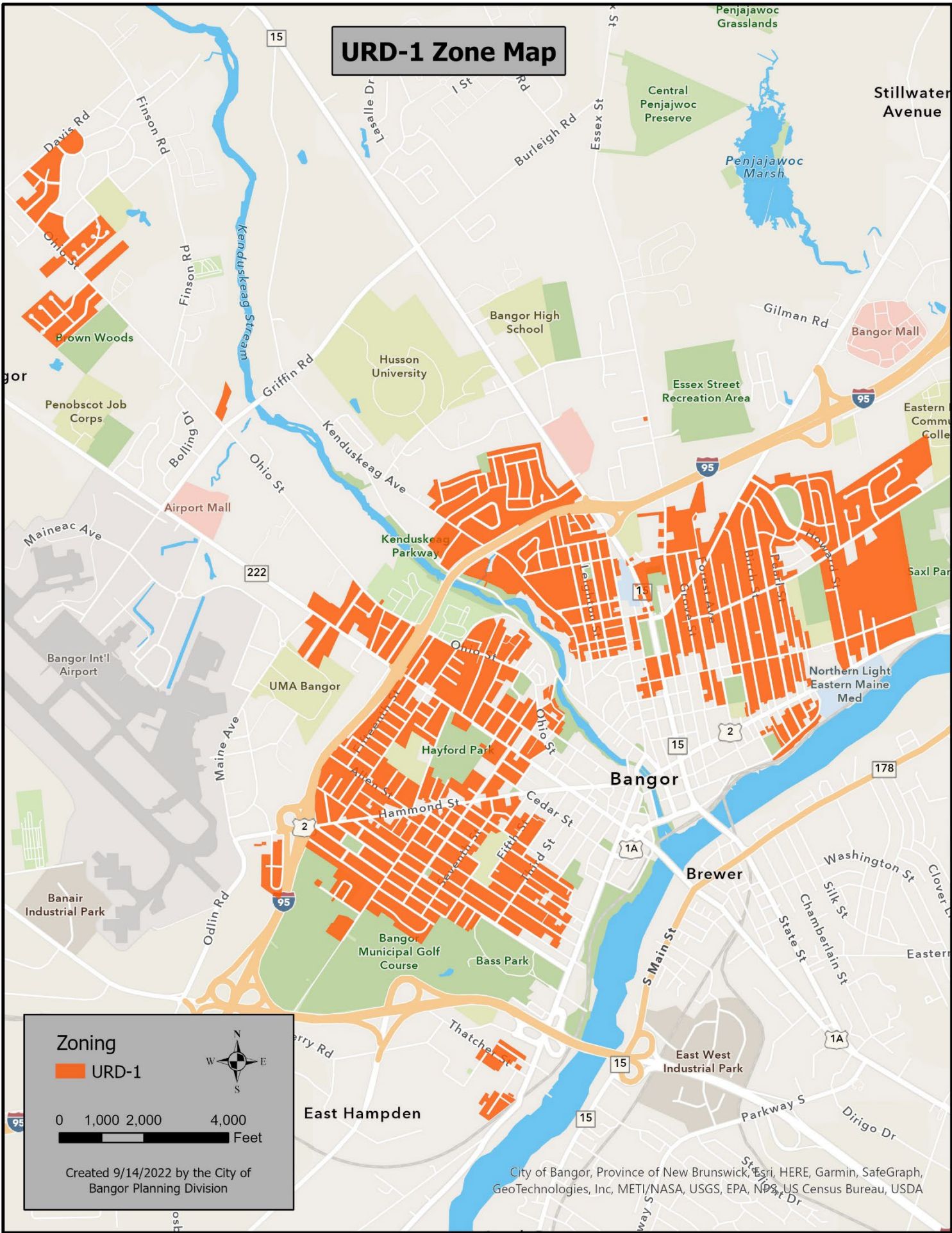
The other notable fact is the use of the growth boundary to segregate increased density allowances and requirements. This is remarkable as it gives legal credibility to this important land use and development decision in the comprehensive plan.

Attached please find a map of URD-1, as well as a map of the growth boundary, as it stands today. Staff has scheduled agenda time in pre-council on September 26<sup>th</sup> to discuss this boundary for the next Comprehensive Plan. The current staff recommendation is that this boundary follows the service area for water and sewer in the city. Please note this boundary, once approved as part of the Comprehensive Plan, can be adjusted as the city deems fit. For the purpose of discussion on LD2003, however, it does play a role that needs attention.

Thank you for providing this opportunity for discussion with BED.

amk

# URD-1 Zone Map

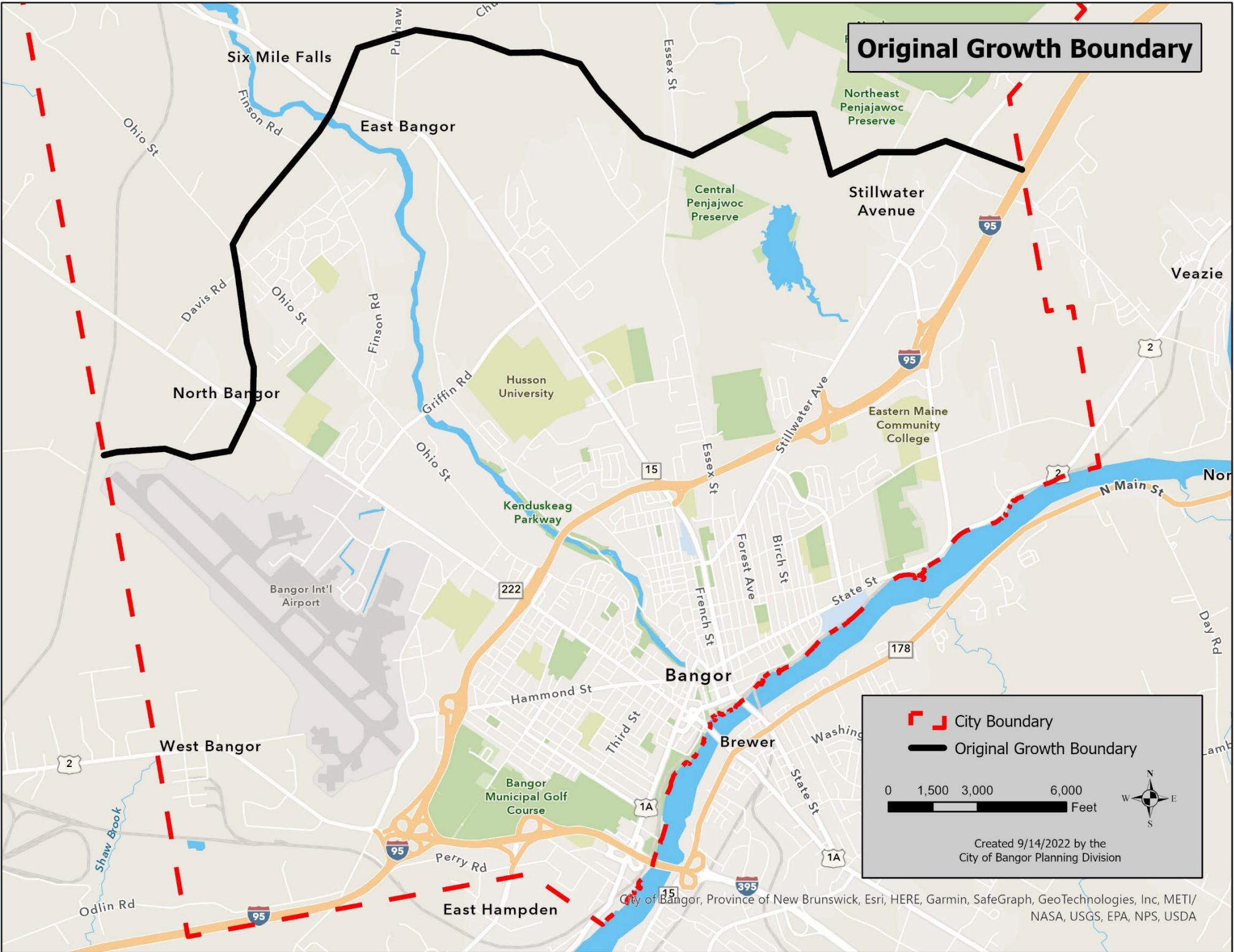


**Zoning**  
URD-1

0 1,000 2,000 4,000 Feet

Created 9/14/2022 by the City of Bangor Planning Division

City of Bangor, Province of New Brunswick, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA



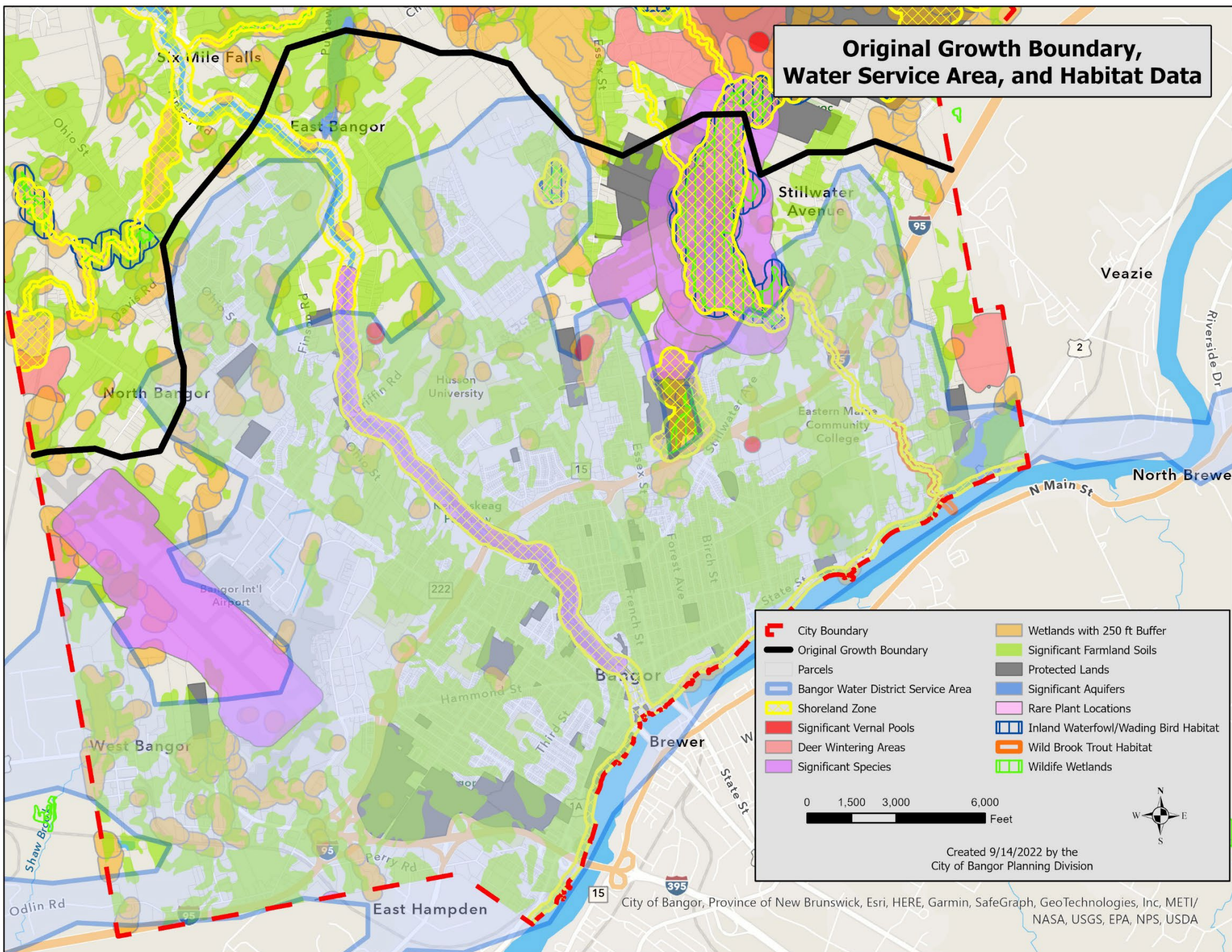
**Original Growth Boundary**

┌┐ City Boundary  
 Original Growth Boundary

0    1,500    3,000    6,000  
 Feet

Created 9/14/2022 by the  
 City of Bangor Planning Division

# Original Growth Boundary, Water Service Area, and Habitat Data



	City Boundary		Wetlands with 250 ft Buffer
	Original Growth Boundary		Significant Farmland Soils
	Parcels		Protected Lands
	Bangor Water District Service Area		Significant Aquifers
	Shoreland Zone		Rare Plant Locations
	Significant Vernal Pools		Inland Waterfowl/Wading Bird Habitat
	Deer Wintering Areas		Wild Brook Trout Habitat
	Significant Species		Wildlife Wetlands



Created 9/14/2022 by the City of Bangor Planning Division

# ZONING PRACTICE

NOVEMBER 2018



AMERICAN PLANNING ASSOCIATION

➔ ISSUE NUMBER 11

## PRACTICE RURAL VENUES



Wedding

11

# Rural Event Venues—Rustic Charm and Rural Zoning

By Doug Demosi, AICP

Perform a Google search for “rural event venues,” “wedding barns,” or a similar phrase, and the results will be staggering. You’ll get millions of hits. The most popular sites will more than likely contain information on nearby event venues, or “retreats” as they are also known.

The rural retreat trend, which began several years ago, seems to be increasingly popular nationwide. What is it that makes these venues so attractive, and what are the implications for planners?

Many of these venues are unique and can provide beautiful views and a rustic ambiance that cannot be found in urban areas. Brandon Whitt, owner of The Grove at Williamson Place in Rutherford County, Tennessee, says that venues in rural areas “can also provide something that venues within urban environments cannot: space. These venues provide the kind of space where you can stretch out and not feel confined as some people might by a more urban or suburban environment.”

It’s also important to realize that it is not just weddings that can occur at these facilities. Most who inquire about establishing such a facility will often propose “a wedding venue,” but other events are likely to be held there. These can include proms, fraternity and sorority events, family gatherings, and corporate events and retreats. Rural retreats have a wide variety of property sizes and occupancy loads, just one important consideration among many for planners and local officials.

## CHALLENGES AND IMPACTS

So this all sounds great, right? Old wooden barns in rural areas being fixed up for special events, with lots of people, alcohol being served, and tables set with candles. What could possibly go wrong?

As it turns out, plenty. There are many potential issues that make these venues a challenge for county and rural planners. First, rural event venues don’t always make the best neighbors. Concerns typically raised at public meetings include increased levels of traffic, patrons who have had too much to drink driving on the roads, noise and lights

from parties that can last deep into the night, and eventgoers trespassing onto neighboring properties. Neighbors living next to what is perceived to be a commercial business also worry about property values.

Compliance with building and safety codes is also a significant concern for local planners and code administrators. In my experience, many rural retreats get their start when people attend or hear about an event at a similar facility.

Perhaps they consider fixing up an existing barn on their property or building a new purpose-built facility and begin advertising for events on their property. Unfortunately, they are often shocked when they see just how much time and expense goes into making such a facility meet applicable building and fire codes. This is especially frustrating for those who have already made a significant investment in the property or who have already begun hosting events.

Finally, many county and rural community zoning ordinances do not have specific regulations for rural event venues. Being a relatively new trend, most of these communities (my community included) were not prepared to address the demand for these facilities. Having standards in place allows for predictability in the application process and provides applicants guidance as to where these rural event venues are allowed and what is expected of them. These standards can also assist planning and code staff with enforcement.

The purpose of this article is not to identify a perfect solution to these issues. Nor is it meant to be an exhaustive review of the different regulations that are currently approved. Rather, this article seeks to identify common issues with rural retreats and venues, and to make suggestions based on current practice as to how these issues can be addressed in the context of the local zoning ordinance. As with any planning project, each application is unique and has its own set of challenges, even among venues in the same jurisdiction. Therefore, it is essential for planners to



Saddle Wood Farms

➔ Given the growing popularity of rural event venues, planners and zoning administrators in rural areas should be aware of their challenges and local impacts.

consider the issues and solutions within the local context of their communities.

## AGRICULTURAL VERSUS NONAGRICULTURAL USES

Of all the issues involved with regulating rural event venues, parsing out the particulars of nonagricultural uses on agricultural land is probably the most challenging to address.

Many states have laws that exempt agricultural uses from certain zoning requirements, especially in counties or in predominantly rural areas. For example, Tennessee Code Annotated Section 13-3-105 2.A. includes most of the items one would expect to find in such a definition, such as the land, buildings, and machinery used in the commercial production of farm products and nursery stock. The code also addresses “entertainment activities” by stating that they are permissible when, “conducted with, but secondary to, commercial production of farm products and nursery stock, when such activities occur on land used for the commercial production of farm products and nursery stock.” Unfortunately, entertainment activities are not further defined in this section.

While it can likely be argued that event venues and rural retreats on agricultural property fall into this exception, it can also be argued that these venues are not promoting or maintaining agricultural

use of the property, and that these venues are taking advantage of agricultural exemptions that were never intended for such activities.

The code described above also does not expand on what “secondary to” means. Is it secondary to the amount of income earned, land area, time involved, or some other metric? Perhaps several applicants have stated that they are looking for ways to supplement income from their farm by building an event venue, a common reason for entering the rural retreat market.

Yet the particularities of their land introduce yet another variable. Should a property used only for baling hay be afforded the same protection for “entertainment activities” as a true working farm? Even with a working farm, if most of the income produced on the property is from the special events, should these properties also be afforded the same protection? This becomes especially problematic when it comes to regulating event venues where potential impacts from noise, traffic, etc., are the same whether or not the use falls under an agricultural exemption.

Some jurisdictions are more prescriptive in their ordinances. The Snohomish County, Washington, code specifically states that for properties within the A-10 Zoning District, “The applicant must demonstrate that the use is accessory to the primary use of the site for agricultural purposes and supports, promotes or sustains agricultural operations and production,” and that it does not interfere with “the overall agricultural use of the property and neighboring properties” (§30.22.130(87)(a)(e)).

Applicants may try to claim an agricultural exemption, but the gray areas are considerable. Just because somebody has 50 acres of land and an old barn on the property doesn’t mean they automatically qualify as “agriculture,” especially if the land hasn’t been actively farmed for a number of years.

There really are no easy answers to these questions. For planners, administrators, and other local officials, it is important to know what agricultural exemptions exist in your locality so that they can be taken into consideration in the review process.

### PERSONAL VERSUS BUSINESS USE

Besides determining whether or not a facility is protected by agricultural exemptions, the second most challenging task can be whether or not the facility is being used for strictly personal reasons or for business use.

Some venues begin when a property owner hosts a private event for a family member or close friend. Unfortunately, when the owners see how successful these events can be, a second event is held, and then a third, etc. Word-of-mouth, Facebook pages, and websites typically follow. Before you know it, what was just a barn used for personal reasons has now become a full-fledged business. In trying to make a determination of business use, a variety of sources can be used, such as whether or not a business license has been issued, or whether or not there is a presence on the internet or social media. Many of these venues will also advertise in more traditional formats, such as newspapers or local magazines.

Defining an “event” in the local code can assist with this issue. Butte County, California, defines a special event as “. . . a celebration, ceremony, wedding, reception, corporate function or similar activity for the benefit of someone other than the property owner that takes place on a periodic basis, involving the gathering of individuals assembled for the common purpose of attending a special event” (§24-175.2.B.1.). This definition does not include uses that are accessory to a single-family residential use, such as private parties, gatherings and similar activities. In addition, one-time, private events can be specifically excluded from regulation.

In Rutherford County, Tennessee, language was inserted into their ordinance that states, “This definition does not include uses that are accessory to a single-family residential use, such as private parties, gatherings and similar activities” (§1408.E.b.i.(2)).

### BUILDING, FIRE, AND HEALTH CODES

Although many state statutes will exempt certain agricultural uses from zoning

regulations, those exemptions do not typically apply to building, fire, and health codes. Event venues are classified as an Assembly Group A-2 under the 2012 International Building Code (§303.3). According to the code, these uses are intended for food and drink consumption in areas wherein large numbers of people congregate in high densities. The uniqueness of this type of occupancy is characterized by low lighting, entertainment by bands or loud music above normal sound levels, and tables and chairs arranged to create “aisles”—all of which have the potential to cause a delayed awareness of a fire situation, confuse occupant response time, and hamper their ability to vacate the building without panic.

While compliance with building and fire codes is typically understood, adding some language to your ordinance to this effect, or directly referencing any applicable fire and building codes, can clarify any potential misunderstandings during the application process. Most of the regulations reviewed for



The Grove at Williamson Place

➡ Since many rural event venues are retrofits of existing structures, it is important to ensure they follow applicable building, fire, and health codes.

this article contained some type of language requiring code compliance, certificates of occupancy, and even annual inspections and renewal to ensure building and fire code compliance. If temporary structures such as tents are used, materials should be made of a fire-retardant material and inspected, especially if they are going to be up for a considerable length of time.

Building and fire code requirements are easier to incorporate into new construction than they are for retrofitted existing structures. When property owners plan to convert an existing barn into an event venue, they want to save as much of the “charm” of the existing structure as possible. However, this charm will often be lost due to modifications required to comply with these codes.

Some examples of high-cost, noncontextual items can include a new, completely independent septic system, sufficient bathroom facilities, commercial-grade electrical wiring and fixtures, emergency ingress/egress hinged doors equipped with panic hardware, handicapped accessibility/ADA compliance, and HVAC for year-round events. In rural areas, where water availability can be a challenge, fire hydrants and sprinkler systems may also be required.

Rutherford County (Tennessee) Fire Chief Larry Farley summed it up nicely in a *Daily News Journal* newspaper article when he said, “You don’t want the happiest day of your life to turn out to be the worst day of your life. You have people packed inside these old barns. It’s just a recipe for disaster.”

If food and beverages are to be served as part of these events, local health department regulations may also be required. Alcohol may require a beer or liquor license. While not necessarily a zoning function, a blanket statement that venues are required to meet all other local and state regulations is appropriate.

#### BY-RIGHT OR SPECIAL EXCEPTION/ CONDITIONAL USE PERMIT

The regulations reviewed for this article varied regarding how event venues and rural retreats are permitted. Some allow them by right, such as Snohomish County,

Washington (provided certain standards are met), but most of them require a special exception/conditional use permit review.

In Rutherford County, Tennessee, retreats are classified as Minimal Impact Facilities, which are only allowed by special exception in certain districts. Retreats that are less than 10 acres or desire to have more than 30 events in a given year are required to apply for planned unit development zoning (§1408.E.6.B.i.(2)).

Jurisdictions may wish to look for alternatives to commercial zoning for these venues, as large acreage tracts in rural areas may not be consistent with either the comprehensive plan or with the character of the area. This is especially true if the venue doesn’t succeed and is sold to another party, where incompatible land uses that are allowed within a nonresidential zoning district could be established on the property.

#### BULK REQUIREMENTS

Rural areas tend to have larger property sizes due to the predominance of agricultural and traditionally rural land-use patterns. Given the potential impacts from operating a venue, such as the provision of adequate parking areas, noise and lighting issues, nuisances, etc., establishing lot size standards, specific setbacks, and parking and screening requirements is appropriate. Proper and contextual standards will be dependent upon the adopted plans and regulations tailored to the context of each jurisdiction. Compliance with these regulations can be verified through the site plan review process.

- **Minimum Lot Size:** The minimum lot size regulations reviewed for this article varied considerably. The smallest lot size requirement was three acres (Riley County, Kansas (§8.6.R.)), while the largest was 150 acres (Round Hill, Virginia, where the minimum lot size depended on Intensity and Character (§5-601.I.)). Some ordinances did not specify a minimum lot size, defaulting to the minimum lot size of the respective district. The most common minimum size was 10 acres.

- **Setbacks and Screening:** Space and screening can be useful tools to help diminish some of the potential impacts from event venues. The smallest setback (30 feet) was found in Butte County, California, although there was flexibility built into their regulations that could provide for a larger setback if necessary (§24-175.2.F.6). Knox County, Tennessee, requires setbacks of at least 200 feet from property lines and 300 feet from existing residential dwellings on adjacent parcels, although these could be reduced with written agreement from adjacent property owners (§4.104.02.D). Lake Elmo, Minnesota, requires parking areas to be 100 feet from residential property lines and 200 feet from neighboring houses, while indoor and outdoor activity spaces are required to be 300 feet and 400 feet, respectively (§154.310.D.8.). Setbacks of at least 100 feet are common.

Specific screening requirements for event venues were not listed in several ordinances. Some reference existing screening requirements. Others, such as Riley County, Kansas, were vague in their screening requirements. Riley County requires parking areas to be located or screened in a manner that mitigates visual impact on the rural character of the area (§8.6.R.). Rutherford County, Tennessee, ties setback requirements to screening. Wider, or more opaque, buffers result in smaller setbacks. Even with the thickest buffer allowed (i.e. a Type 3 buffer) the minimum setback is still 50 feet (§1408.E.6.B.i.(2)).

- **Floor Area Limitation:** Some ordinances place limits on floor area maximums. Others, like Williamson County, Tennessee’s, provide a limit of 5,000 square feet on limited retreats (§11.03(D)(6)b)). Extensive Retreats with a conference/event component limit the maximum floor area to 1,000 square feet for every five acres of site area, up to a maximum of 20,000 square feet (§11.03(D)(5)c)vi)). Other ordinances, such as Rutherford County, Tennessee’s, use a percentage of the lot area (2.5 percent) (§1408.E.6.B.i.(2)).





Bulk, setbacks, and floor area regulations may be especially challenging to put in place for venues that previously served agricultural uses, as in the building pictured here.

(§73.30 G., which references §51.10.F.7.). Riley County, Kansas, did not specifically call out this use in their ordinance, besides requiring all places of assembly to have one space for every four seats (§14.8); however, their ordinance does have a statement within their zoning regulations that uses not listed are determined by the county zoning officer (§14.8). Most ordinances also reference compliance with ADA standard.

Another consideration is the surface material of the parking areas. Applicants for event venues, especially in rural areas, may be hesitant to provide paved parking areas due to cost and the feeling that it will ruin the rustic ambiance of the area. Some ordinances, such as Rutherford and Knox Counties in Tennessee, allow other options for parking besides paving, with the approval of engineering staff or the board or commission. (§1408.E.6.B.i.(2) and §4.104.02.E., respectively). Despite allowing other surface options, any required handicapped parking is still required to meet ADA standards.

overload the system and cause sewage backups. Systems designed for event venues are most similar to those designed for churches, which see similar usage patterns.

Timmy Jennette, with the Tennessee Department of Environment and Conservation, states that any property considered for an event venue should assume seven-days-a-week functionality, even if the majority of the events occur on weekends. Therefore, if there is a need or desire to host an event during the week, adequate system capacity will exist. Other methods Jennette suggests to prevent extra water from making its way into the system include maintaining plumbing fixtures and using other water-saving fixtures, such as low-flow toilets, timed sinks, and squeeze handles for kitchen sinks. Building codes will typically require permanent bathroom facilities to serve all uses. Installing a septic system that is large enough to accommodate potentially hundreds of guests may not be practical or possible in some cases. As long as permanent bathroom facilities are provided, portable bathroom facilities can be encouraged for individual events. It should be noted, however, that the business should not rely on portable toilets exclusively.

## ACCESS AND PARKING

Access to the property is discussed in several ordinances. Knox County, Tennessee, requires that rural retreats have direct access to an arterial or collector street as defined in their major road plan (§4.104.02.A). Rutherford County, Tennessee, does not allow access off of private easements (§1408.E.6.B.i.(2)). Some ordinances also require traffic studies or traffic control plans, such as in Butte County, California (§24-175.2.F.3). The provision of adequate fire access routes is also an important consideration and was referenced in several ordinances.

Most ordinances establish off-street parking requirements. Butte County, California, for example, requires one space for every four seats or one space for every four persons based upon maximum building occupancy, whichever is greater (§24-175.2.F.10). Hood River County, Oregon, requires one space for every three guests

## SEWAGE DISPOSAL

Lack of access to sanitary sewer systems is a common characteristic of rural development. Most properties have to rely on conventional septic systems for sewage disposal. If event venues have to rely on conventional septic systems, it is important to know the topography, soil types, and regulations for the area. Conventional systems are composed of a septic tank and soils area for effluent disposal. The soils area should not be disturbed, as the proper working of the system depends on them. The size of the system is determined by average flows for the proposed use.

The primary issue for determining the amount of septic soil needed is with identifying peak flows. Peak flows are typically averaged out over days, whereas with event venues, their peak flows will occur during the events, many of which occur on weekend. Events that serve alcohol can also increase these flows. This has the potential to

## EVENT MANAGEMENT

Management of individual events within a venue normally falls outside of traditional zoning regulations. That being said, jurisdictions can take steps to regulate various aspects of these events that have the potential to cause adverse effects to neighboring properties.

Some, like Hood River County, Oregon, limit the time of events from 7 a.m. to 10 p.m. (§73.30.D.). Williamson County, Tennessee, divides rural retreats into two categories: extensive and limited. There are no time restraints for events at extensive retreats, with the exception of those retreats with a conference/event center component (§11.03(D)(5)civ)), but limited retreats must have events between the hours of 7 a.m. and 8 p.m. (§11.03(D)(6)d)).

Rutherford County, Tennessee, doesn't have any time restrictions specifically for events, but does state that any amplified



An aerial view of The Grove at Williamson Place in Murfreesboro, Tennessee, highlights parking and access issues that should be considered for rural event venues.

music and outdoor lighting must be discontinued at 10 p.m. (§1408.E.6.B.i.(2)). Williamson County, Tennessee, has a similar regulation for sound but uses decibel levels as opposed to requiring them to be turned off altogether (§11.03(D)(5) and (6)).

Several other jurisdictions use decibel levels, such as Riley County, Kansas. Its regulations also call for all exterior lighting to be shielded or directed away from any adjacent lot, parcel, street, or residential use (§8.6.R.). If a jurisdiction already has lighting and noise standards, it might be appropriate to simply reference those in the regulations.

Some jurisdictions regulate the number and size of events that can occur at a venue.

Hood River County, Oregon, for example, allows no more than one event per day and limits that event to a maximum of 300 guests (§73.30.B. and C). Butte County, California, limits events to no longer than two days, with a maximum of 500 guests

(§24-175.2.F.4.b.). These limitations were not a common thread through the various ordinances I reviewed, but they might be a viable option in some communities.

Another potential tool is requiring a business plan. Butte County, California, requires the owner/operator to maintain an event management plan that includes applicable conditions of approval, traffic management plan, etc. A copy of the plan is provided to the county's Department of Development Services and must be available for on-site inspection at all times (§24-175.2.F.1).

#### OVERNIGHT ACCOMMODATIONS

Some venues may offer overnight accommodations for guests. Regulations can be placed that limit the use of overnight accommodations in conjunction with scheduled events only. Many ordinances also limit the length of stays for event patrons. The rooms should not be rented out to those who are

not attending an event at the facility.

There is also a clear distinction between a rural retreat with guest accommodations and a bed-and-breakfast facility; retreats do not provide meals for guests beyond whatever food and beverages may be served during the actual event. However, overnight accommodations may still be considered hotel rooms by a jurisdiction and subject to local or state hotel and motel taxes.

#### OTHER POTENTIAL ISSUES AND CONSIDERATIONS

Other issues that should be considered when creating an event venue ordinance include:

- **Signage:** Most of the ordinances reviewed require compliance with existing sign codes. Butte County, California, however, provided specific standards for signage, subject to the general standards of their sign regulations (§24-175.2.F.4.8.).

## CODE RESOURCES

This article cites a number of municipalities who are using their zoning, land use, and building codes to regulate rural event venues. These municipalities and the location of their codes are listed below.

- Butte County, California. Available at <https://bit.ly/2Chxox7>.
- Hood River, County, Oregon. Available at <https://bit.ly/2PxnGua>.
- Know County, Tennessee. Available at <https://bit.ly/2yGlt7y>.
- Lake Elmo, Minnesota. Available at <https://bit.ly/2AdgvlRv>.
- Riley County, Kansas. Available at <https://bit.ly/2PA5vE8>.
- Round Hill, Virginia. Available at <https://bit.ly/2pXpmCc>.
- Rutherford County, Tennessee. Available at <https://bit.ly/2COGa6L>.
- Snohomish County, Washington. Available at <https://bit.ly/2yIK5oB>.
- Williamson, County, Tennessee. Available at <https://bit.ly/2YGMQY>.

- **Solid Waste Disposal:** Events can create huge amounts of trash. Having regulations in place can help ensure that trash is contained to the site and disposed of properly. Lake Elmo, Minnesota, requires that all solid waste must be stored in a manner to prevent attracting flies and rodents, etc. and must be removed at least once every seven days by a licensed solid waste hauler (§154.310.D.18.). Snohomish County, Washington, requires adequate facilities to be provided on-site pursuant to health district provisions (§30.22.130(87)(b)(iii)). Most ordinances do not provide specific regulations such as those in Lake Elmo, but many do require this information as part of the application process (i.e., Rutherford and Knox Counties, Tennessee (§1408.E.6.B.i.(1) and 4.104.01.A., respectively)).
- **Accessory Uses:** Many ordinances allow for uses incidental and subordinate to the venue, including swimming pools, tennis courts, and banquet facilities, etc. These should be intended for use by event guests and not available to the general public.

## APPLICATION PROCESS AND ENFORCEMENT

It's imperative to provide direction to potential applicants. Meet with staff members from the departments mentioned in

this article—planning, engineering, building code, fire department, etc. Several ordinances (i.e., those in Rutherford and Knox Counties, Tennessee, among others) include a requirement for a description of proposed activities, which include several elements—the number of employees, hours of operation, proposed lighting and sound amplification, etc. This is a good tool to use to begin the conversation and to let applicants know what is expected of them.

Enforcement of these provisions is very important, as it is with any zoning or code regulation. If the provisions can't be enforced, there really isn't much point of creating them in the first place. Compounding this issue is the fact that most events occur during nonworking hours for zoning enforcement officials, meaning that inspectors have to rely on neighbor testimony or the venue's social media presence. Inspectors may have to work during nonbusiness hours to determine if a venue is operating without approval or if an approved venue is in violation of any regulations. Proper inspections are critical, considering the potential for legal liability should a mishap occur.

## CONCLUSION

Whether the rural wedding and event-space trend is simply a fad or the new normal is yet to be seen. It seems possible that eventually, the supply of these venues will begin to outweigh the demand. When and if this

happens, it's reasonable to expect that the more established venues will survive, while others will be abandoned (likely leading to additional issues).

Regardless of the direction taken to address the issues these venues can raise, it is important that local regulations are clear and easy to understand so that a balance can be struck between rural charm and effective zoning controls.

## ABOUT THE AUTHOR

Doug Demosi, AICP, is the planning director for Rutherford County, Tennessee, where he has worked since 2006. He received his master's degree in city and regional planning from Clemson University. He currently serves as chapter president for APA Tennessee.

Cover: Photo by iStockphoto©

## VOL. 35, NO. 11

**Zoning Practice (ISSN 1548-0135) is a monthly publication of the American Planning Association. James M. Drinan, JD, Chief Executive Officer; David Rouse, FAICP, Managing Director of Research and Advisory Services; Joseph DeAngelis, AICP, and David Morley, AICP, Editors.**

**Subscriptions are available for \$95 (U.S.) and \$120 (foreign). Missing and damaged print issues: Contact APA Customer Service (312-431-9100 or [subscriptions@planning.org](mailto:subscriptions@planning.org)) within 90 days of the publication date.**

**©2018 by the American Planning Association, which has offices at 205 N. Michigan Ave., Suite 1200, Chicago, IL 60601-5927, and 1030 15th St., NW, Suite 750 West, Washington, DC 20005-1503; [planning.org](http://planning.org).**

**All rights reserved. No part of this publication may be reproduced or utilized in any form or by any means without permission in writing from APA.**

**Printed on recycled paper, including 50-70% recycled fiber and 10% postconsumer waste.**

**ZONING PRACTICE**  
AMERICAN PLANNING ASSOCIATION

205 N. Michigan Ave.  
Suite 1200  
Chicago, IL 60601-5927



IS YOUR COMMUNITY  
PREPARED FOR RURAL  
EVENT VENUES?

11



## CITY OF BANGOR

PLANNING DIVISION

# COMMUNITY & ECONOMIC DEVELOPMENT

**SPECIAL MEETING  
PLANNING BOARD  
TUESDAY, SEPTEMBER 27, 2022, 7:00 P.M.  
CITY COUNCIL CHAMBERS, 3RD FLOOR CITY HALL  
ALSO; ATTENDANCE VIA ZOOM BY PUBLIC**

### MEETING MINUTES

**Board Members Present:**

Ken Huhn, Chair  
Reese Perkins, Vice Chair  
Michael Bazinet  
Ted Brush  
Don Meagher  
John Kenney

**City Staff Present:**

Anne Krieg, Planning Officer  
Brittanie Thomas, Asst. City Solicitor

---

Chair Huhn called the meeting to order at 7:00 P.M.

---

- 1. Land Development Permit Application - Minor Subdivision – Conditional Use – Lancaster Avenue – Map-Lot 044-043 – Team Properties, LLC** - Land Development Permit approval for a Minor Subdivision, a Conditional Use for proposed planned group development of 12.13 acres, at the property located on Lancaster Avenue, Map-Lot 044-043. The proposal is for 30 duplexes with accompanying site changes/amenities, utilities/stormwater, parking, and access driveways. The property is governed by the requirements in the Low-Density Residential (LDR) District. Applicant, Team Properties, LLC. – *possible endorsement of written decision*

Planning Officer Krieg began by discussing the purpose of the decision letter and what is typically included in one. Stated that they are done for every application, but for applications with significant public record, [staff] likes to have the Board review and sign it. The letter includes what the permit request is, the zoning district, the dates of the public hearing, which Board members were present, and what the Board vote was. Under Factual Proceedings and Background, all the exhibits are listed; it lists out every written comment received, as well as all the drawings and any correspondence with staff (anything that went in the packets). Next is listed the applicable provisions, in the order of how they appear in the Land Development Code. The Findings state the decision and then the conditions that were part of the decision are listed. Krieg listed the conditions for this application and the general permit requirements.

Member Brush asked if it was standard practice to not include information about the vote. Krieg stated that she had just handwritten it in - realized this wasn't in there; stated that, yes, it was a 4 to 2 vote.

Member Bazinet commented that he spoke with the City attorney today regarding the 4 to 2 vote and said that those who voted against it do not have to sign. Planning Officer Krieg confirmed.

Vice Chair Perkins asked about Member Bazinet not being at one of the meetings. Member Bazinet stated he watched it on Zoom. Perkins also mentioned the wording of condition 2; currently states "from the Lancaster driveway to the project to the edge of Essex Street" – might be easier to understand if it says "from the Lancaster entrance of the project to the edge of Essex Street".

Chair Huhn called a vote to approve the decision. Vice Chair Perkins moved to approve the motion as amended, with the amendments being the wording on condition 2 and adding the record of the vote on the first page. Member Meagher seconded the motion. No further discussion. All members in favor. Motion carries.

Board members signed the signature page of the letter and the subdivision plan.

A member of the public asked if they could enter it into the record that this constitutes the final action on this matter. Planning Officer Krieg and Chair Huhn confirmed that it was.

## **2. Adjournment – 7:14 P.M.**

Respectfully submitted,  
Anja Collette, Planning Analyst  
Planning Division



## CITY OF BANGOR

PLANNING DIVISION

# COMMUNITY & ECONOMIC DEVELOPMENT

**PLANNING BOARD**  
**TUESDAY, OCTOBER 18, 2022, 7:00 P.M.**  
**CITY COUNCIL CHAMBERS, 3RD FLOOR CITY HALL**  
**ALSO; ATTENDANCE VIA ZOOM**

### MEETING MINUTES

#### Board Members Present:

Ken Huhn, Chair  
Reese Perkins, Vice Chair  
Michael Bazinet  
Ted Brush  
Trish Hayes  
Don Meagher

#### City Staff Present:

Anne Krieg, Planning Officer  
John Theriault, City Engineer  
Brittanie Thomas, Asst. City Solicitor

Chair Huhn called the meeting to order at 7:00 P.M.

### LAND DEVELOPMENT PERMITS:

- 1. Site Development Permit – Conditional Use – 570 Stillwater Avenue – Map-Lot R62-001 -**  
Land Development Permit Application – Site Development Plan, Conditional Use for proposed multi-tenant building consisting of 2,467 SF of restaurant with drive-thru, and 3,000 SF retail user at property located at 570 Stillwater Avenue, Map-Lot R62-001, in the Shopping & Personal Services (S&PS) District. Applicant: Bangor Retail Management, LLC.

The applicant, Jake Modestow, representing Bangor Retail Management, LLC, presented the following:

- Has been looking at different iterations for this property since the development of the southern end of the property
- Different tenants are interested in the property
- Chick-Fil-A is across the street from this location. Is located in the Shopping and Personal Services District and is surrounded by commercial uses.
- Currently on site are technically 3 buildings- Bangor Braces, connected by overhead to main body of shopping center, and then a previously approved building to the south. As part of the previous approval, did a lot of improvements to the property entrance and the Stillwater/Bangor Mall entrance intersection. Looking to build on that with this development.

- Looking to raze part of the existing, larger building and install a new 5,464 square foot, multi-tenant building. Part of this will be a Starbucks on the south side of the new building where a drive-thru user is shown. There will also be a by-pass lane for the drive-thru.
- 21 parking spaces are required for the building; applicant is doing 40. Users would come in off Stillwater and would be one-way circulation around the building/into the drive-thru.
- Is reducing impervious coverage by about 5%. Trash enclosure at rear of property to service the tenants about 7 feet in height with screening.
- Will be a single sign within 20 feet of the property line, southeast of the new building, just after entering the site.
- Proposing 7 new LED area lights, 20 feet in height, along with 13 wall-mounted lights. All lights will be directed down and inward towards the property.
- Continuing the planting configuration along Stillwater Avenue and also proposing 22 red maples and 22 evergreen plantings scattered around the property.
- Because the property is located in a high-quality watershed, is proposing a large water quality unit to help filter runoff from the site. Located at the rear of the site to discharge stormwater at where the current site does, at the northwest of the property.
- Has been working with the DOT and the City on the Stillwater Avenue/Bangor mall intersection; looking to build onto the existing TMP [Traffic Movement Permit] that's in place.

Member Brush asked what the retail component of the new building would be. The applicant stated that they're not sure yet; they have a lot of interest from national firms. Expect it to be something similar to a Mattress Firm, a cellular device store - generally one of those kind of users.

Vice Chair Perkins mentioned the conditional use standard related to traffic congestion. Noted that this is a very messy intersection; issues with traffic backing up from the I-95 intersection to the light at this intersection. Is surprised that there hasn't been consideration of putting traffic onto the road along the west side of the property, between this property and the L.L. Bean store. Seems like it would relieve a lot of the problem. Applicant responded that Starbucks is considered more of a pass-by user, drawing from existing traffic that's on the network and not generating new traffic. Also stated that the applicant reached out twice to the adjoining landowner and has been unsuccessful in obtaining a cross-access agreement. Vice Chair Perkins clarified that the problem isn't getting to the access road, but using the access road is not something the [adjacent landowner] is allowing them to do. The applicant confirmed that this was the case, but stated the applicant is trying again to make that connection.

No further questions from Board Members.



Planning Officer Krieg noted some requested conditions from staff, the first being the receipt of the permit from Maine DOT prior to the issuance of a building permit, and that as part of the building permit process there be a final sign-off from the Water District and the Fire Department, and that there be a pre-construction meeting with pertinent staff.

Chair Huhn closed the public hearing.

Vice Chair Perkins moved to approve the Land Development Permit for a Conditional Use for proposed multi-tenant building consisting of 2,467 SF of restaurant with drive-thru, and 3,000 SF retail user at property located at 570 Stillwater Avenue, Map-Lot R62-001, in the Shopping & Personal Services (S&PS) District. Applicant: Bangor Retail Management, LLC. The motion was conditioned on receiving a permit from the Maine DOT prior to issuance of a building permit, as well as on the project being approved by the Water District and the Fire Department having final approval of the gas meter location as part of the building permit process, and that there be a pre-construction meeting for planning purposes to coordinate with the existing tenants in the rest of the buildings on the property. The motion was seconded by Member Meagher. No further discussion. All members in favor, none opposed. Motion carries.

## **LAND DEVELOPMENT CODE CHANGES**

- 2. Amending Chapter 165, Land Development Code, by adding a new section of the Land Development Code, Article XX, sections 165-137 through 165-40 to regulate a newly defined use, Tiny Home Park. The regulations include a definition of tiny home and tiny home park, allowed uses districts, parking requirements, dimensional controls, and permitting needs.**

Planning Officer Krieg presented the proposal. Stated that anyone could currently put a tiny home on a lot; this proposal is to allow for multiple tiny homes on one lot, as a way to diversify housing availability. Staff used the state statute as a guide for the definition and used some of the mobile home park requirements since some of the concepts are the same, although the scale is different. Wanted to give creativity to developers of tiny home parks as far as design, parking. Focused on the outer residential zones- low density, high density, and rural residential zones. Also gave the allowance to convert an existing mobile home park to a tiny home park. Keeping out of the URD-1 and URD-2 districts because these are more urban zones and not as much in line with the scale of the development; the Board can re-visit later.

Member Brush asked Planning Officer Krieg about the conversion of mobile home parks, whether it's all or nothing- could they convert part of a park, or would it have to be the whole thing. Krieg stated that it could be a partial conversion- it's something the Planning Board would look at as part of their review.

Member Meagher asked about the height restrictions and whether it would be same as the district these are allowed in. Krieg stated that it they would be- the height and outside setbacks were dimensional controls [staff] really wanted to keep. Member Meagher interprets this as meaning these structures wouldn't be limited to one story; Planning Officer Krieg confirmed this would be the case. Vice Chair Perkins asked if these could have an accessory dwelling unit. Officer Krieg stated they could, but it would have to meet the setback requirement, which would be difficult given the small size of the lot. Members discussed the building footprint and whether that was limited to 400, or if it was the entire building that was limited to 400 square feet. Officer Krieg stated that it was the building footprint.

Luke McKennell and Louie Morrison of 35 Main Downtown, LLC approached the podium to comment. Has a personal interest in this type of development. Interested in bringing affordable housing to the community. [This type of development] is affordable and you can put a lot of structures on a fairly small piece of land; doesn't need to be spread out over acres and acres. But it can still look professional and be the first park in the state of Maine. Are part-time investors; have over 300 rental properties and they're always full. Sees the affordable housing crisis. Bought 37-lot mobile home park, although it only had 19 mobile homes in it. Only 9 of them are being lived in. These homes have been sitting for years with no one living in them. Could've just bought new mobile homes and brought them in; thinks they can do something quicker and more effective.

Member Bazinet asked if it was likely they were going to make improvements to the area. McKennell and Morrison confirmed and said they had already removed 5 or 6 trailers no one was living in that were full of junk. Has already spent \$100,000 on cleaning up the park. Wants to make it nice enough so people want to live there.

Member Brush asked about the mixed uses and setbacks in the mobile home park; asked how they would address the difference in setbacks between mobile homes and tiny homes. McKennell stated that the ordinance proposed uses some of the same setbacks, but that tiny homes take up a significantly smaller footprint than a trailer, so the setbacks aren't as much of a concern. In their layout that's being worked on, they're taking out the same amount of space that a trailer would so the green space is going to triple, and will also have a parking spot and a fenced in backyard.

Member Meagher stated that if these were super-insulated, with heat pumps, maybe solar, it would bring a big benefit for residents. Morrison said the homes wouldn't be using propane tanks or oil tanks and would essentially be what Member Meagher mentioned. Member Bazinet asked if they would be using City water and sewer; Morrison confirmed that they would. Member Hayes asked if they would be rental units or owner occupied. McKennell said they weren't sure yet, would probably be a mix of both. Trying to be cautious with the people who still live in mobile homes there.

No other questions from the Board. No public comments in person or via Zoom.

Chair Huhn closed public hearing.

Member Meagher moved to approve recommending to City Council to amend Chapter 165, Land Development Code, by adding a new section of the Land Development Code, Article XX, sections 165-137 through 165-40 to regulate a newly defined use, Tiny Home Park. The regulations include a definition of tiny home and tiny home park, allowed uses districts, parking requirements, dimensional controls, and permitting needs. The motion was seconded by Member Bazinet. No further discussion. All members in agreement. Motion carries.

**3. Amending Chapter 165, Land Development Code, by providing buffering and setback relief for Electric Vehicle (EV) Supply Equipment. The change also defines EV Supply Equipment.**

Planning Officer Krieg presented the proposal. Proposal is to give relief from parking setback requirements [for EV chargers]. Because of the setback requirement language, they have to move everything in for the chargers. Want to encourage applicants to put these in to make them convenient for people to use.

Member Meagher asked about the language around the parking setbacks and the use of the word “hold”. Krieg clarified that it meant “adhere to”. Member Perkins asked about stipulations around using bollards to prevent cars from damaging the chargers. Krieg was not sure, but was going to look into the life safety requirements for chargers. Krieg asked City Engineer Theriault if he knew. Theriault stated the City has chargers with bollards, but wasn’t sure if there was a requirement for it. Members discussed what a bollard is.

Member Bazinet asked about whether people would have to pay to use these chargers and if these would be put in by the City. Krieg stated they could be put in by any property owner. Bazinet asked if it was assumed that the electricity grid would be able to handle the voltage that will be necessary and whether it would have to be evaluated every time. Krieg stated that it would. Bazinet asked if it could be in part of the language. Krieg stated this is just dealing with setbacks; whether the location is good for them or not is something that would be looked at during site plans because [staff] always looks at utility connections as part of a site plan. Huhn asked if it would cover any type of charger regardless of time it takes to charge. Krieg stated that yes, it would cover either.

Member Perkins referred back to Member Bazinet’s comment about the electricity usage and stated that something like a Tesla supercharger would have to get approval from the power company because it uses a lot of electricity.

No other questions from the Board. No public comments in person or via Zoom.

Chair Huhn closed public hearing.

Vice Chair Perkins moved to approve the recommendation to City Council to amend Chapter 165, Land Development Code, by providing buffering and setback relief for Electric Vehicle (EV) Supply Equipment. The change also defines EV Supply Equipment. The motion was seconded by Member Bazinet. No further discussion. All members in agreement. Motion carries.

**4. Amending Chapter 165, Land Development Code, by defining and regulating a use proposed to be known as Permanent Supportive Housing. These changes include defining the use and adding it to the Government and Institutional Service District (G&ISD) as a conditional use.**

Planning Officer Krieg presented the proposal. Is part of work at staff level to create more diverse housing. Would allow for a different type of housing use in the Government and Institutional Service District. Currently what's allowed in this zone as a conditional use is transitional housing, which is a temporary stay for up to 24 months, with services on-site. There is a housing type that's not necessarily transitional; might be a permanent resident who lives in an efficiency apartment who also needs services that are available on-site. So this is offered to create that new use, right next to transitional housing, as a new use in the Government and Institutional Service District.

Jason Bird, housing development director for Penquis, discussed the need for the proposed language. With the current housing crisis, need to be creative, flexible, and adaptable; this is just one of the things the City could do to give more flexible options around the varying housing needs out there. Vice Chair Perkins interprets this to mean it will make some difference for [Penquis]. Bird confirmed that it would help with an active project, but there are many other developer partners in the City that this would benefit as well.

No other questions from the Board. No public comments in person or via Zoom.

Chair Huhn closed public hearing.

Member Meagher moved to recommend to the City Council to amend Chapter 165, Land Development Code, by defining and regulating a use proposed to be known as Permanent Supportive Housing. These changes include defining the use and adding it to the Government and Institutional Service District (G&ISD) as a conditional use. The motion was seconded by Vice Chair Perkins. No further discussion. All members in agreement. Motion carries.

**5. Amending Chapter 165, Land Development Code, by modifying the requirements in 165-22 Home Occupation to allow residents who obtain a food sovereignty license to be exempt from certain conditions of the home occupation requirements.**

Assistant City Solicitor Thomas presented the proposal. City Council passed a food sovereignty ordinance; after further review from staff, determined there were more things that needed to be included in it. One of those is an exemption under the home occupation; as it stands, food sovereignty would be in conflict with that. This would allow people to sell from their homes. Purpose of the food sovereignty act is for very small scale things, such as homesteads, small farms. Another thing added is the licensing requirement, so the City will be able to see who has one, who's been approved, and the application process itself will make sure there are no large-scale modifications.

Vice Chair Perkins asked about the food sovereignty license and whether there was a way to make sure somebody wouldn't sell [marijuana] from a food stand. Thomas said that the definition was for only food. Perkins asked about edibles. Thomas stated that this only applies to meat products, eggs, etc. Edibles were not included; if people asked the City if they could do it, the City would say no. Perkins asked for clarification; thought that meat and poultry were excluded. Thomas said it excludes it if someone doesn't go through the proper FDA channels. The food sovereignty law doesn't give someone the ability to bypass state food laws when it comes to meat and poultry; can still be done if FDA rules are followed. The idea is to allow cities and towns to bypass some of the state food laws, but only in very specific things; meat and poultry isn't one of them. This was meant for someone to sell extra meals they made at their house, things of that nature. Chair Huhn asked if it would let people sell raw milk. Thomas stated that wasn't a part of this.

Member Bazinet asked if this meant someone could have a large farm animal in one of the downtown neighborhoods. Thomas stated that it would not be based on this. Stated this is for prepared foods, not livestock or things of that nature. Member Brush asked if it covers the conditions required for preparation. Said that the USDA typically has extensive requirements for preparation of food. Thomas stated that since it wouldn't involve cooking things like chicken and beef, wouldn't need to worry about salmonella and those types of things; this is more based on things like vegetables, fruit, and seafood.

Vice Chair Perkins asked about kids selling lemonade. Thomas stated that was covered by something else.

Chair Huhn asked about the cost of the license. Thomas said it would be \$25.

Member Brush asked what the ramifications would be if they voted this down. Thomas stated that it would set back some of the amendments currently in process for the food sovereignty ordinance. One of the things in the home occupation ordinance is that food can't be sold from the home, and this would have to be food sold from the home. Planning Officer Krieg added that if the Board voted against it, it would take a two-thirds vote from City Council to pass it.

No other questions from the Board. No public comments in person or via Zoom.

Chair Huhn closed public hearing.

Member Brush moved to approve recommending that City Council amend Chapter 165, Land Development Code, by modifying the requirements in 165-22 Home Occupation to allow residents who obtain a food sovereignty license to be exempt from certain conditions of the home occupation requirements. The motion was seconded by Member Bazinet. No further discussion. All members in agreement. Motion carries.

## **OTHER BUSINESS**

### **6. Comprehensive Plan Check-in –**

Planning Officer Krieg discussed the schedule for the next phases of the plan. The policy survey is on the website for the public to provide feedback. The same survey will be sent to the Board. Krieg discussed the format of the survey and how discussion will be formatted. Requested that the Board fill out the survey before the next meeting.

Chair Huhn introduced new Board Member, Trish Hayes.

### **7. Meeting Minutes –**

Meeting minutes were not yet available for the previous meetings so this item was skipped.

### **6. Adjournment – 8:01 P.M.**

Respectfully submitted,  
Anja Collette, Planning Analyst  
Planning Division