

PLANNING BOARD MINUTES
WEDNESDAY, JULY 20, 2022
MUNICIPAL COUNCIL CHAMBERS – 6:30 P.M.

Present: Phil Ruck, John Beckett, Bob Bayer, Jud McIntosh, Christa Schwintzer, Lisa Buck

Absent: Dave Thompson, Michael Costello, Ashley Case

Town Staff: Kyle Drexler, Jessica Chadbourne

Acceptance of the Agenda

Mr. Ruck asked for a motion to accept the agenda.

Motion: John Beckett

Second: Bob Bayer

Mr. Ruck asked for a roll call vote. The vote to accept the agenda passed with six in favor, none opposed.

Approval of the Minutes of the May 18, 2022 Planning Board Meeting

Mr. Ruck asked for a motion to approve the May Planning Board Minutes.

Motion: John Beckett

Second: Bob Bayer

Corrections to the May minutes were noted, and Mr. Ruck asked for a roll call vote. The vote to approve the may meeting minutes passed four in favor, with two abstaining due to absence at the May Planning Board Meeting.

Old Business

There was no old business.

New Business

Item A: A contract zone and site plan review application by Tyler Technologies, Inc located on 5 College Avenue, Tax Map 19-4 Lot 66. The application proposes to change the zoning district for the parcel from Medium Density Residential to Village Commercial, with certain restrictions put in place. In addition, the application proposes to demolish the existing building previously used as a hotel and construct a new office building with a 14,933 sq ft footprint to be used for a software development firm in approximately the same area of the lot.

Before the presentation began, Mr. McIntosh, who works for Tyler Technologies, recused himself from the Board.

Mr. Ruck invited the applicant to present their project to the Board. Mr. Jeff Aceto stepped forward on behalf of SMRT, the engineering and architectural firm that designed the proposed building. Mr. Aceto explained that the project included the demolition of the existing building, and the construction of a new office building to be used by Tyler Technologies, and began his presentation by going over the need for and conditions of the Contract Zone change request.

Mr. Aceto then moved on to the proposed site plan. He explained that, under the conditions of the

requested contract zone change, the current building would be torn down and a new two story building would be erected in its place. The parking that currently existed on the non-river side would be restructured to allow for better flow through the lot. The proposed changes to the parking area would not only result in 1/10th of an acre less of impervious area, but also reduce the entrances to the lot from 2 to 1 and shift the single entrance approximately 30 feet further down hill, toward the bridge and away from the busy traffic lights and intersection above. The existing tree line will be maintained, and the small sections of wetlands currently on the property will not be disturbed.

The existing utility services will be adequate for the new building, calculations show that the new building will generate about less than a third of the sewer flow of the existing hotel building. Currently they anticipate being able to use the existing sewer service line, as well as the two existing water services. The applicants are in conversation with the gas company to see what it would take to maintain the existing gas service, and though the electrical pole on site will be relocated the intent is to still carry electricity onto the property via the same overhead line that currently crosses lower College Avenue. Not impacting College Avenue is one of the project's primary goals.

With regards to stormwater management: there will be just slightly less impervious area for the finished building than there is currently with the hotel in place, and all current patterns of flow will be maintained.

The new building will reuse the existing building location to a degree, but is being set approximately 20 ft further from the side property line that abuts University Pl, closer to the College Ave side property line. The building is also designed in a way that will keep it entirely out of the Shoreland Zone, whereas the existing building has one corner that dips into that area of the property.

Mr. Alex Janjic, the project architect from SMRT, stepped into explain the details of the proposed building. He explained how the intent to change the zone of the lot to Village Commercial had impacted their choice of design aesthetics and materials. The building will also meet the VC requirements for building height, actually coming in under the zoning district maximum of 45 feet. The elevations will be a mix of brick, stone, and wood siding, the architects staggered the elevations of the building to make it feel more like a residential structure than a commercial one. There will be solar panels installed on some of the roof slopes to augment the buildings' energy supply.

There will be three distinct sections to the building: a glass atrium, and two adjoining wings. There will also be a partially covered patio to the rear of the building and the existing walking path will be shifted east towards the tree line to make for a quieter, more scenic walking experience

Mr. Aceto finished the presentation by explaining to the Board that the number of bike racks shown on the site plan is currently incorrect. Mr. Drexler had pointed out their miscalculation, and the applicants are aware that they need to make a correction to include the correct number of bike racks as required by Town Ordinance and requirements of the contract zone, and that this will likely be a condition of approval.

Mr. Ruck asked Mr. Drexler to present his report to the Board. Mr. Drexler corroborated the information that the applicant had already provided, and added that changing the zone of the lot to the Village Commercial make sense as this proposed project meets a lot of the wants and intentions of the Town's Comprehensive Plan. At the time there is no planned signage of for the business other than what's located on the side of the building, and with regards to the streetlights in the parking lot, the

few mounted lights on the buildings sides, and the small lights that will illuminate the walking path, all are well within the standards of the Town Ordinances about to light pollution. As a result, at the abutting property lines the light levels are 0 or close to 0, and close to 0 if not 0 going down the lawn towards the river.

Mr. Ruck opened the conversation up to questions from the Board. He asked the applicant about the rooftop air conditioning that is intended to sit on top of the atrium, between the high roof peaks of the two adjacent wings, and whether it would cause any significant noise. Mr. Aceto explained that, aside from the buffering provided by the two wings, there would also be barriers erected on the other two sides of the unit that are also intended to mute noise from the air conditioning unit.

Mr. Ruck also asked about any existing stormwater issues on the property, pointing out that it seemed like - should any issues currently exist - the proposed changes to the property might actually improve drainage and reduce the impact of existing issues. Mr. Aceto agreed that stormwater management on the property should improve, and pointed out that there is an issue with drainage of the pavement currently that should be improved by changes to the parking area. Mr. Drexler added that there had been a discussion between Town Staff, Public Works, and the Town Engineer about the existing conditions on the property and they hadn't identified any significant stormwater issues.

Mr. Beckett asked whether the applicants had considered the impact of light from traffic in the parking lot on the abutting residential properties on University Pl. Mr. Aceto replied that they had not analyzed the potential light levels from vehicles entering and exiting the parking lot, but pointed out that there is substantial vegetation between the parking lot and the University Pl neighborhood.

Mr. Ruck opened the public hearing. The Board heard public comments from John Jemison, Paul Murphy, Deb Lease, and Payson Welch, pertaining to concerns about light pollution and noise levels. The applicant was happy to consider additional screenings, probably rows or hedges of evergreens, around the parking area to reduce those impacts on the surrounding community. The applicant also clarified a concern about late night traffic, explaining that the building's hours of operation would be standard day time hours and that employees rotate through a combination remote and in-person schedule, so that the whole staff is seldom present in the building all at once. Thus cutting down on potential in an out traffic on any given day.

The applicant also addressed concerns about the generator indicated on the plans, explaining that it was a back up generator, intended only to provide enough power for employees to safely exit the building. There will be no server farm on the property, and thus no need for a long-term generator to power the full building through blackouts.

Mr. Drexler also read two emails to the Board from members of the public who could not be in attendance, Nancy Zollitsch and Deanna Prince, who expressed concerns or posed questions similar to those previously addressed.

Mr. Ruck asked for a motion to recommend the contract zone change to Council

Motion: Lisa Buck motioned that the Board recommend the proposed contract zone change to the Town Council.

Second: John Beckett

Mr. Ruck asked for a roll call vote. The vote to recommend the contract zone change to council passed with five in favor and one abstaining.

Mr. Ruck then asked for a motion to approve the site plan application.

Motion: Lisa Buck moved the the Board approve the site plan review application by Tyler Technologies, Inc located on 5 College Avenue, Tax Map 19-4 Lot 66, to demolish the existing building previously used as a hotel and construct a new office building with a 14,933 sq ft footprint to be used for a software development firm in approximately the same area of the lot, with the following conditions:

1. That the Town Council approve the final contract zone agreement to change the zoning of the property and allow the office use to operate on the property, and the signed contract zone agreement be recorded at the Penobscot County Registry of Deeds prior to obtaining any building permits;
2. That any necessary federal, state, and local permits are obtained;
3. That prior to the issuance of a building permit, a pre-construction meeting be held between the contractor, property owner representatives, the clerk of works, applicant engineer, Town staff and any other relevant parties so that a discussion can be had to make sure all conditions of approval have been communicated and the logistics of the construction process have been made clear so that Town staff can raise any concerns involving any temporary measures taken during the construction process;
4. That the applicant add three additional bike racks located adjacent to the proposed bike racks to provide a total of twelve bicycle parking spaces as required by the contract zone agreement
5. That the applicant work with Town Staff to provide adequate screenings for lighting and sound to reduce the impact on the adjacent neighborhoods.

Second: John Beckett

Mr. Ruck read the proposed findings of fact into record, then asked for a roll call vote. The vote to approve the site plan application passed with five in favor and one abstaining.

Item B: An amended site plan review application by University of Maine and Radnor Property Group, LLC located on 168 College Avenue, Tax Map 11-0 Lot 77, in the University District. The application proposes amendments to a previously approved site plan for the redevelopment of Coburn and Holmes Hall to be used as a hotel.

Mr. Ruck invited the applicant to explain their amendment to the Board. Jodi O’Neal from Sewell, the consulting engineering firm for the project, presented on behalf of Radnor and the University of Maine. Ms. O’Neal provided the Board with a brief description of the changes that had been made to the site plan for the hotel project, due in large part to the University having to seek input from the Maine State Historic Preservation Commission and the National Park Service with regards to the changes planned to the two campus buildings and a number of trees that had previously been marked for removal.

The original plans called for an addition to be built on to Holmes Hall. That addition will now be a

separate structure, unattached to the original Holmes Hall building. The Commission also wanted Holmes Hall to be lowered and not be as high as originally intended. The Park service also had a number of trees that they did not want removed, which necessitated some changes to the location and shape of both the proposed building and the parking areas.

Mr. Drexler added that the new parking layout had by necessity eliminated a few parking spaces, increasing the number of parking spaces for the project to be accommodated by the existing steam plant parking lot on College Ave.

Mr. Ruck asked for questions from the Board. Hearing none, he opened the public hearing. Mr. Bayer, who recused himself from voting on this issue, introduced himself to the applicant and explained that his wife's ashes had been spread under a tree on campus and he was concerned it might be one of the trees marked for removal. Ms. O'Neal offered to work with him and the University of Maine to identify which tree and determined whether it was marked for removal and, if so, what might be done. There were no other comments or questions from the public, so Mr. Ruck closed the public hearing and read the proposed findings of fact into the record.

Mr. Ruck then asked for a motion approve the proposed site plan amendment.

Motion: Lisa Buck moved that the Board approve the amended site plan review application by University of Maine and Radnor Property Group, LLC located on 168 College Avenue, Tax Map 11-0 Lot 77 to make changes to a previously approved site plan for the redevelopment of Coburn and Holmes Hall to be used as a hotel, with no additional conditions.

Second: John Beckett

Mr. Ruck asked for a roll call vote. The vote to approve the site plan amendment passed with five in favor and one abstaining.

Other New Business

There was no other new business.

Discussion

Mr. Ruck asked Mr. Drexler about any forthcoming projects slated for Planning Board review. Mr. Drexler provided him with a short summary of possible August projects.

Adjournment

Mr. Ruck asked for a motion to adjourn the July meeting of the Planning Board.

Motion: John Beckett moved to adjourn.

Second: Christa Schwintzer

The motion to adjourn the meeting passed six in favor, none opposed, and the meeting was adjourned at 8:31 pm July 20th, 2022.