

Minutes

Planning Board Meeting

Tuesday, January 26, 2016

Members Present: Neil Schuster, chairperson; Don Girouard, Donna Bailey, Peter Scontras, Rene Ittenbach, Michael O'Toole, and Bob Hamblen, City Planner. Absent: Marty Devlin

5:00p.m.

**Request for Clarification: the City Council requests clarification of language found in Section II.F and III.B related to the proposed size of buildings in the draft contract zone agreement for a proposed School on the parcel at 184 Simpson Road. Applicant is The Ecology School. Tax Map 121, Lot 6. Zoned C-1.**

**Neil: there will be no public input**

**Hamblen:** This is largely about clarification and correction of the proposed building footprint and floor area proposed dorm and dining hall buildings.

The Board reviewed The Ecology School contract zone application at its meetings of Oct. 27 and Nov. 10, 2015. A site walk was held on Nov. 6. The Board voted 5-1 to forward a positive recommendation, which would allow a 'School' use to be established at 184 Simpson Road.

The City Council then met for its usual four meetings, commencing with a workshop on Nov. 14, 2015 and, most recently, a Second and Final Reading on January 19, 2016. The Council reviewed and adopted a number of amendments to the CZ agreement, then tabled further review pending input from the Planning Board on a single issue, described by the City Administrator this way: "**The planning board needs to clarify their position on 9,000 sq ft. footprint vs. a 9,000 sq. ft building (clarification of language for 11.F and 111.B.),**"

That's what this meeting is all about, footprint vs. floor area. Based on the quick turnaround from the Jan. 19 meeting, this is not a public hearing - those notification requirements could not be met. Otherwise, this is an advertised meeting, abutters have been notified, and the agenda has been posted in City Hall and on the website. It will be up to the Board as to whether it accepts public comment, or not.

Also, a brief glossary of terms:

**Building footprint:** The area on a project site that is used by the building structure and is defined by the perimeter of the building plan. ([www.leaduser.com](http://www.leaduser.com))

**Floor area:** The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks. (Zoning Ordinance, Article 3) (For this meeting, staff proposes to use the terms 'floor area' and 'gross building area,' as introduced by the applicant, interchangeably).

Based on that original application language, the Board worked its way on Nov. 10 through each of the four standards found in Sec. 1403-6, and arrived at this motion specific to 1403-6.D, found in the minutes of the Nov. 10 meeting.

D. That the conditions proposed are sufficient to meet the intent of this section 1403-D. Don moved for a positive finding with the condition that the students be limited to 120. That section II B of the contract zone agreement to not be based on the total floor area of 9,000 and 7,000 sq.ft., but that it be based on a 35ft limit on the overall building height as required by that zone, and that the language in section 1403-D “shall run with the Property” be deleted and that this contract be only for this applicant, seconded by Donna. Vote was 6-0. Motion passes.

The Mayor suggested listening to the meeting once again, starting at the 2:02 mark, which was done by staff. As a result, the minutes have been clarified and say something quite different:

**(D). that the conditions proposed are sufficient to meet the intent of section 1403-D. Don moved for a positive finding, with the conditions that: the number of students be limited to 120; that section II.B of the contract zone agreement be based on a total floor area (not footprint) of 9,000 s.f. for each dormitory building, and 7,000 s.f. for the proposed dining hall/kitchen/classroom building; that each building be subject to the existing 35 foot limit on overall building height; and that the language in section III.D “shall run with the Property” be deleted and that this contract instead be specific to this applicant only, seconded by Donna. Vote was 6-0. Motion passes.**

Handouts of Natalie Burns’s comments, as well as comments from Don Girouard, as well as further proposed amendments.

**Peter:** He voted for this, but, when I recall in my mind, that the first floor would be 4,500 s.f. per floor, with 9,000 s.f. total floor area. I think that was Don’s intent. I don’t see what the confusion is. If you have 9,000 s.f. total floor area, if you go 3,000 sq.ft. per floor. So whether they do it with 3 floors or 2 floors of 4,500 sq.ft. per floor, totaling the 9,000 s.f. total floor space; not the footprint, that would be compatible with the footprint. That is what he was thinking. I will say that when he looks at the revised III.B, he doesn’t know where these figures came from, but we are just supposed to give the council a clarification of what we were thinking. This new motion says that this property can contain no more than 2 dormitories, each with a footprint of approximately 10,500 s.f. His first thought was 4500sq.ft each floor, with 2 floors

totaling 9,000sq.ft. of floor area. He doesn't know where those numbers came from. **Bob:** You are not looking at the newly revised memo, where it reads: the footprint would be 5,250 s.f., which constitutes 2 stories

**Neil:** That revision to that item was done by the city council at the last meeting.

**Don:** It doesn't matter where the edits came from. It doesn't matter what the new numbers are, that's not the issue on this table tonight. The issue on the table and what the council has asked for is; when the Board forwarded their recommendation to the council, what was in your mind was floor area and footprint in particular. The confusion that we are running up against is "what footprint were you contemplating about", when you approved and made that recommendation up to the council. That is all the council has asked for.

**Donna to Don:** So having said that. Can you please tell us what was your intent was when you made the motion that night? I know why I seconded, but I would like to hear what you were thinking when you made the motion.

**Don:** When Bob listened to the tape again, and corrected the minutes, I was obviously not contemplating dormitory buildings of a 9,000 sq.ft. footprint. My first reaction a couple of days ago, I was contemplating a 3,000 sq.ft. footprint, but as Peter has just alluded to, could I have been thinking that evening the possibility of a 9,000 sq.ft. total floor area building, could have had just 2 stories and had a 4,500 sq.ft. footprint. To be honest, I can't recall back on Nov. 10<sup>th</sup>, if that was the frame of mind I was in. So I don't really know for sure if I was thinking of a 3,000 sq.ft. or 4,500 sq.ft. footprint. I know for sure that I was not thinking of 9,000 sq.ft. I think that the motion that we should be sending up to the council should be dealing with the footprint, because from an ecological standpoint, that's what the Board was concerned about. How big a building is sitting on the ground? Within the height limit, I really don't care how many square feet they are putting above the footprint. He was and is more concerned about how big of an impact the footprint was going to have on the property. They were asking for 2 dormitories. I certainly didn't think they were proposing 18,000 sq.ft. of footprint. Was I thinking the footprint should have been 6,000 sq.ft.? or did I think that the footprint should have been 9,000 sq.ft. I'm just not certain about that.

**Rene:** His thought the intent was 9,000 sq.ft. of total floor space of the building. Based on 2 dormitories, 60 students per dormitory. That would be 150 sq.ft. per student. That would be a sizeable building. So, 9,000 sq.ft. of total living area for 60 students, is adequate. So either 2 stories, with 4,500 sq.ft. footprint, or 3 stories at 3,000 sq.ft., it doesn't matter. That would be up to the council. But my intent was 9,000 sq.ft. of total building area. That is a good size dormitory. That was his intent when he voted on this motion.

**Donna:** She agrees. That was her thinking as well. That we were just looking to put parameters, so we put a limit on students, and also for the total area of the dormitory. The applicant at that time wasn't really clear on what size dorms they wanted, or how many; or how

many floors. We figured we would leave it for Site Plan. **Neil:** That was his recollection as well. The applicant had a general idea. It wasn't until the contract zone was done, and that whatever the specifics are, would be brought up at Site plan. There is nothing harden fast about making a recommendation. The applicant may choose to change up things. We are just an advisory to the council.

**Mike O:** He used the 120 students as well, but he used another example such as the TA dormitories. His thought was a 9,000 s.f. footprint, because that is about the size of the dorms at TA. **Peter:** He does not think it should be compared to the TA dormitories, because those are for permanent housing 9 months out of the year. Some of the students stay longer than that, almost the entire 12 months. Parents who live there as house parents stay there for 12 months. That's their permanent residence. **Mike O:** I didn't think that we were necessarily saying that we would only recommend 9,000 s.f. or under. I didn't realize it was a harden fast number. I thought that the 120 was a reasonable amount of students. **Peter:** Except that the minutes recorded states the number of students to be 120, which I took it to mean 120 students for 2 dorms, total, not 120 per dorm. It also states that the total floor area, not footprint of 9,000 s.f. for each dormitory building. That is what the minutes say. That is what we voted on.

**Neil:** That is the purpose for this discussion. To clarify our motion.

**Donna:** Maybe the word "dormitory" is the wrong word. Again when you think of a dormitory, I think of a college dorm, or private school dorm. I picture these more like bunk houses, or buildings they have at summer camp. So I was thinking something small.

**Don:** the motion was 6-0 that night. I can tell you what was in my mind that night. I didn't care how many square feet they were providing for floor area. My concern from the impact from an ecological standpoint, was the footprint of the building. And I think you can sense in my motion that if the dormitory is going to be 9,000 sq.ft. and when I made the motion, I thought that was too significant and I didn't support that and I didn't make the motion to support that. I think what we were contemplating that night is, the applicant said up to 9,000 sq.ft., up to 3 floors. His first thought was, 3 - 3,000 sq.ft floors, which would be a 3,000 sq.ft. footprint. As Peter mentioned could I have had in my mind that it was a 2 story building at 9,000 sq.ft , with a 4,500 sq.ft. footprint. Maybe, but I simply don't recall. If this Board would decide to recommend up to council than we should be discussing footprint, not floor area. Who cares what the floor area is. The real significance is what impact do these buildings have, the number, and footprint size on the site.

**Donna:** So Don, why didn't you put in your motion some limitation on the footprint? She remembers the dialog we had and your concerns about limiting the footprint, but you didn't put it in your motion. **Peter:** He is very concerned about the impact on the land, but it's not just the surface impact, but the impact of the students. How did we come up with the number of 120, and 2 dorms? Do we know how much the land will absorb? Wells will be dug. Is the land

sufficient enough to support it. You said you had a concern about the impact. That's his concern as well.

**Don:** He understands your concern about the impact, as he is concerned. From the stand point, how big of a building footprint is practical to locate on the site. All the things that you are talking about he knows that Site plan is down the road and these things will be discussed then, where we will have more input and control on them being done properly, more so than a contract zone. Again, I think that we need to decide whether an ecology school can work in that area. And tagging along with that was the number of students, and the sizes of the buildings.

**Donna:** And I think we said yes with these limitations. I believe what we meant when making the motion was 9,000 sq.ft. total floor area, but also a suggestion with no more than a certain size footprint. Perhaps that is what you meant to move on, but did not do.

**Don:** When he made the motion at the Nov. 10<sup>th</sup> planning board meeting, he didn't care about the square footage. His concern was the size of the footprint. Three floors, at 3,000 sq.ft. each = 9,000 sq.ft. The significance to him is the 9,000 sq.ft. footprint, and the impact that it might have on the land. **Peter:** He cares more about the impact of the land, and how much can the land absorb

**Don: He would like to make a motion.**

**Don: Move to clarify for the City Council and to advise the City Council that the Planning Board's finding with respect to Section 1403-D of the Ordinance for The Ecology School at the Board's meeting of November 10, 2015 was a positive finding based on: 1) "The Board understood that there would be two dormitory buildings, each with up to three floors, each with up to 9,000 sq.ft. of total floor area, and each with a footprint not to exceed 3,000 sq.ft. The sum total footprint of the dormitory buildings was understood to be 6,000 sq.ft. and 2) the Board understood that there would be one dining hall/kitchen/classroom building with total floor area of 7,000 sq.ft. and a footprint of 7,000 sq.ft..**

**Discussion:**

**Peter:** How did you come up with 6,000 sq.ft? **Don:** What he is saying is the sum total footprint of the dormitory buildings was understood to be 6,000 sq.ft., collectively. He's very careful to use the "sum total footprint of all dormitory buildings".

The Board did not agree with motion. **Don:** He agonized whether he meant the footprint to be 4,500 sq.ft. or 3,000 sq.ft. that night. **Mike:** that's not what he thought he voted for.

**Rene:** My intent was not to limit it to a 3,000 sq.ft. footprint, but to give them 9,000 sq.ft. of total floor area. If they wanted to do 2 floors at 4,500 sq.ft, that was up to the applicant. On another note, has anyone given thought to the 7,000 sq.ft. dining hall? That means it could be

3,500 sq.ft footprint with 2 stories. **Donna:** She also considered a dining hall to be larger. So she is ok with one floor 7,000 sq.ft.

**Don withdrew his original motion, and re-submitted a second motion:**

2<sup>nd</sup> motion

**Don: Move to clarify for the City Council and to advise the City Council that the Planning Board's finding with respect to Section 1403-D of the Ordinance for The Ecology School at the Board's meeting of November 10, 2015 was a positive finding based on: 1) "The Board understood that there would be two dormitory buildings, each with up to three floors, each with up to 9,000 sq.ft. of total floor area, and each with a footprint not to exceed 4,500 sq.ft. The sum total footprint of the dormitory buildings was understood to be 9,000 sq.ft. and 2) the Board understood that there would be one dining hall/kitchen/classroom building with total floor area of 7,000 sq.ft. and a footprint of 7,000 sq.ft. seconded by Donna. Motion passes 5-1 (Mike)**

**Meeting adjourned at 6:00 p.m.**

**Respectfully submitted by,**

**Maggie Edwards, Board Secretary**