

CITY OF SOUTH PORTLAND

Name of Body: Planning Board
Results for Meeting of: April 4, 2017 (Rescheduled from March 28th)
Meeting Begins: 7:00 p.m.
Meeting Location: Council Chambers, City Hall

RESULTS

Members Present

Kevin Carr, Chairperson
Linda Boudreau
William Laidley
Isaac Misiuk
Kathleen Phillips
Adrian Dowling

Staff Present

Tex Haeuser, Planning & Develop. Director
Steve Puleo, Community Planner

Absent

Taylor Neff

Pledge of Allegiance

Chairperson Carr opened the meeting at 7:00 p.m. and welcomed all in attendance. He reviewed the meeting's agenda and reminded the audience and Board of policies regarding a Planning Board Meeting and Public Hearings. He read into the record Planning Board Regulation #5, standard condition of approval: This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. No project, plan or development previously approved by the Planning Board may be altered or modified without securing prior approval of the Planning Board in the form of an amended approval; provided however, that, if at any time it becomes necessary or desirable to make modifications to the project, plan or development, the Planning Director may approve modifications determined by the Planning Director to be de minimis in that they (i) do not amount to a waiver or substantial alteration of any condition or requirement set by the Planning Board; (ii) do not affect any approval standard; (iii) meet all applicable ordinances and laws; (iv) are reviewed and approved by all appropriate City staff and consultants; and (v) do not involve any changes to lot lines. De minimis changes include only the modifications listed in Section 24-27 of the Subdivision Ordinance and Section 27-140 of the Zoning Ordinance.

Item #1. Approval of the February 28, 2017, Planning Board minutes.

A. Dowling motioned to approve the February 28, 2017, Planning Board minutes.

L. Boudreau seconded; (6-0) (T. Neff absent).

Item #2A. Consent Calendar. Performance Guarantee Release – Ridgeland Gardens – 101 Ridgeland Avenue

L. Boudreau motioned to recuse Mr. Misiuk from discussions and voting on this item. W. Laidley seconded; (5-0) (T. Neff absent, I. Misiuk recused).

K. Phillips motioned to approve the total release of the \$57,500.00 public improvements performance guarantee for the project listed above. W. Laidley seconded; (5-0) (T. Neff absent, I. Misiuk recused).

Item #2B. Consent Calendar. Third Amended Minor Subdivision and Site Plan – Subdivision Amendment to 363 Maine Mall Road Commercial Condominium and the Development of Tru By Hilton Hotel – 363 Maine Mall Road – VanEastland, LLC, Van Parcel LLC, VanSleep, LLC- FINDINGS

W. Laidley motioned to approve the amended site plan of VanEastland, LLC, VanParcel, LLC, and VanSleep, LLC, dated February 21, 2017, through March 21, 2017, and drawings dated July 28, 2016, through February 21, 2017, for modification to the stormwater management system located at the 363 Maine Mall Road Condominium Complex, with the following conditions:

- 1. Planning Board Regulation #5, standard condition of approval, as stated by the Chair at the opening of the meeting.**
- 2. The approval of the amended site plan shall incorporate the Findings of Fact and all conditions of approval dated October 27, 2009, July 27, 2010, August 13, 2013, June 10, 2014, October 14, 2014, and July 12, 2016.**

I. Misiuk seconded; (6-0) (T. Neff absent).

FINDINGS

A. Dowling motioned to accept the findings. L. Boudreau seconded; (6-0) (T. Neff absent).

Item #3. PUBLIC HEARING – Zoning Text Amendment – Amendment to Chapter 27 Zoning Ordinance for the Creation of Solar Energy Systems Ordinance – City of South Portland

The City of South Portland Planning Staff is requesting the Planning Board consider proposed amendments to correct an inconsistency in the recently adopted solar ordinance relative to the height limit for solar systems.

Per Ordinance Section 27-115(g), the Planning Board will, after the close of the public hearing, make a recommendation to the City Council regarding the proposed amendments.

Legal advertisements regarding this request appeared in the Portland Press Herald on February 28th and March 6th, 2017. Public notices were posted February 28, 2017 at the City Hall, Public Libraries, and on the City's webpages.

L. Boudreau motioned for the Planning Board to send a favorable recommendation to the City Council for the proposed solar ordinance amendments based on their consistency with the South Portland Comprehensive Plan. I. Misiuk seconded; (6-0) (T. Neff absent).

Item #4. PUBLIC HEARING – Special Exception Request – Warehouse Storage Use – 1 Madison Street – PODS Enterprises, LLC – FINDINGS

PODS Enterprises, LLC is requesting a special exception approval to lease a portion of a building owned by HHHI, LLC to store rental "pods" within an existing building located at 1 Madison Street. The property owner, HHHI, LLC, owns and operates the building by leasing office space within the building. Per Section 27-923 (b), the applicant's proposal is to use approximately 31,630 SF of the existing building for warehouse and distribution space for the rental PODS. The PODS are stored in the building before their final delivery. The empty PODS will be stored on a half acre paved area of the property. The property owner is not proposing any outside site disturbance and only interior building fit-up is necessary. The property is further identified as Assessor's Map 6, Lot 206, located within the Shipyard (S) District.

Public hearing notices were mailed on March 6, 2017, to the 180 property owners within 500 feet of the proposed project and the applicant and sent via email to the Conservation Commission, Planning Board, and City Council.

L. Boudreau motioned to approve the special exception application of HHHI, LLC and PODS Enterprises, LLC, dated February 10, 2017, through March 7, 2017, for a Warehouse and Distribution Facility located at 1 Madison Street, with the following conditions:

- 1. Planning Board Regulation #5, standard condition of approval, as read by the Chair at the opening of the meeting.**
- 2. Prior to the issuing of the building permits, the applicant shall pay all outstanding review escrow account fees.**
- 3. The applicant shall provide to Planning and Development Director a signage detail addressing Ordinance Section 27-1561 prior to issuing a sign permit.**

K. Phillips seconded; (6-0) (T. Neff absent).

FINDINGS

A. Dowling motioned to accept the findings. L. Boudreau seconded; (6-0) (T. Neff absent).

Item #5. PUBLIC HEARING – Amended Site Plan Request – Drive-thru Modifications – 419 Gorham Road – McDonald’s Corporation – FINDINGS

McDonald’s Corporation is requesting an amended site plan approval to modify the drive-thru service lane of their McDonald's restaurant located at 419 Gorham Road. The applicant's proposal is to remove the existing drive-thru service lane, menu board, speaker, and other structures to construct a new side-by-side drive-thru layout. Additional work includes reconstructing accessible features, expanding the building's storage area, and updating the building architecture. The property is further identified as Assessor’s Map 68, Lot 3, located within the Central and Regional Commercial (CCR).

Public hearing notices were mailed on March 20, 2017, to 15 property owners within 500 feet of the proposed project and the applicant and were sent by email to the Conservation Commission, Planning Board, and City Council.

A. Dowling motioned to approve the waiver request of Section 27-1536 (H)(2), for a substitution of the City’s Post-Construction Stormwater Management Plan for the Long Creek Watershed Management Plan for the 200 Maine Mall Road site; to approve the amended site plan application of McDonald’s Corporation dated February 15, 2017, through March 21, 2017, and drawings dated January 27, 2017, through March 17, 2017, for a two-lane drive-thru service system as follows:

CONDITIONS

- 1. Planning Board Regulation #5, standard condition of approval, as read by the Chair at the opening of the meeting.**
- 2. Prior to the scheduling of a preconstruction meeting, the applicant shall pay all outstanding review escrow account fees, post the necessary performance guarantee(s) in such amount(s) as established by the City, post and sedimentation control inspection escrow, and pay all compensation and/or impact fees as determined by the Planning Board.**

K. Phillips seconded; (6-0) (T. Neff absent).

FINDINGS

W. Laidley motioned to accept the findings with #3 removed. K. Phillips seconded; (6-0) (T. Neff absent).

Item #6. PUBLIC HEARING – Site Plan – Highland Avenue Storage Building – 1325 & 1345 Highland Avenue – Julie Barber – FINDINGS

Ms. Julie Barber is requesting a site plan approval to construct a storage building on her property located at 1325 and 1345 Highland Ave. The applicant is proposing to construct a 3,000 SF building to store her recreational vehicles. The majority of the building will be unheated with approximately 800 SF of heated space for a private workshop including a bathroom. The location of the storage building is permitted in the INR zoning district and passage through the A-1 zoning district is permitted to access uses in the INR. The proposed building will have three overhead doors and will be a single story with 14-foot high walls and an overall height of 20' 8" at the peak of the roof. The properties are further identified as Assessor's Map 59, Lot 6 & 6C, located within the Conditional Residential Use A-1 District and Non-Residential Industrial (INR) District.

Public hearing notices were mailed on March 20, 2017, to the 37 property owners within 500 feet of the proposed project and the applicant and were sent by email to the Conservation Commission, Planning Board, and City Council.

I. Misiuk motioned to approve the waiver request of Section 27-1536 (e)(1) for upland buffer loss of 1,508 SF;

to approve the site plan application of Julie Barber dated February 22, 2017, through March 21, 2017, and drawings dated September 14, 2015, through March 1, 2017, for a Personal Storage Building located at 1325 Highland Ave. as follows:

CONDITIONS

- 1. Planning Board Regulation #5, standard condition of approval, as read by the Chair at the opening of the meeting.**
- 2. Prior to the scheduling of a preconstruction meeting, the applicant shall pay all outstanding review escrow account fees, post the necessary performance guarantee(s) in such amount(s) as established by the City, post and sedimentation control inspection escrow, and pay the Wetland Compensation and Upland Buffer Compensation Fee of \$3,322.00, as determined by the Planning Board.**
- 3. The property is subject to a Stormwater Management System Maintenance Agreement that runs with the land and is binding upon the property owner and its successors and assigns as their interests may from time to time appear. Prior to the scheduling of a preconstruction meeting, said agreement shall be duly executed and recorded by the applicant at the Cumberland County Registry of Deeds, with a copy of the recorded instrument contemporaneously provided to the Director of Planning and Development.**
- 4. Prior to the issuance of a Certificate of Occupancy ~~for each completed phase~~, the applicant must submit an inspection report to the Code Enforcement Officer documenting that the stormwater facilities have been installed and are functioning as designed and approved and are fully operational. This inspection report must be prepared by a qualified third party inspector as defined in Section 27-1536 (c)(3)(e) of the South Portland Code of Ordinances, as may be amended.**

5. On or by July 15th of each year, a completed and signed certification shall be provided by the applicant to the City's Director of Water Resource Protection in a form provided by that Department, certifying that a qualified third-party inspection employed by the property owner or applicant has inspected, cleaned and maintained the stormwater management facilities, describing any deficiencies found during inspection of the stormwater management facilities and certifying that the person has repaired any deficiencies in the stormwater management facilities noted.

W. Laidley seconded. Vote (6-0); (T. Neff absent).

FINDINGS

A. Dowling motioned to accept the findings with #6 and #9 removed and the reference to phasing removed in #4. L. Boudreau seconded. Vote (6-0) (T. Neff absent).

Item #7. PUBLIC HEARING – Zoning Text Amendments and Zoning Map Change – Suburban Commercial District (CS) Zoning Text Amendments – City of South Portland

The City of South Portland Planning Staff is requesting the Planning Board to consider proposed amendments to the Zoning Ordinance regarding text amendments to the Suburban Commercial (CS) District and zoning map changes to the lots in the area of the Sable Oaks Golf Facility and two parcels located at 300 and 450 Clark's Pond Parkway.

Per Ordinance Section 27-115(g), the Planning Board will, after the close of the public hearing, make a recommendation to the City Council regarding the proposed amendments.

A. Dowling motioned that the Planning Board send a positive recommendation to the City Council for the proposed Suburban Commercial zoning text and map amendments based on their consistency with the City's Comprehensive Plan. K. Phillips seconded.

L. Boudreau amended the motion by allowing for a maximum building height of 156'. W. Laidley seconded; (6-0) (T. Neff absent).

Vote on original motion by A. Dowling, seconded by K. Phillips, and amended by L. Boudreau; (6-0) (T. Neff absent).

Item #8. PUBLIC HEARING – Zoning Text Amendments – Inclusionary Zoning Ordinance and a Housing Trust Fund – City of South Portland

The City of South Portland Planning Staff is requesting the Planning Board to consider proposed amendments to the Zoning Ordinance regarding text amendments for an Inclusionary Zoning ordinance and a Housing Trust Fund.

Per Ordinance Section 27-115(g), the Planning Board will, after the close of the public hearing, make a recommendation to the City Council regarding the proposed amendments.

A. Dowling motioned to allow Mr. Misiuk participate in this agenda item, including voting on the motion.

L. Boudreau seconded. Vote (2-3) (Boudreau, Laidley, Phillips) (I. Misiuk recused, T. Neff absent). Motion failed.

L. Boudreau motioned to postpone the Public Hearing for the Inclusionary Zoning Ordinance to May 9th with a workshop on April 25th. A. Dowling seconded; (5-0) (I. Misiuk recused, T. Neff absent).

Item #9. Public Comment on Items Not on the Agenda

Russ Lunt, Brigham St., thanked everyone for the comments while he was out. He asked what's happening with the Wok Inn.

S. Puleo said the Dunkin Donuts proposal has a two-year approval and they are good until late fall 2018. There is infrastructure going into Route 1.

R. Lunt said it's too bad about Bugaboo Creek. He's surprised nothing went in there.

Item #10. Comments from the Planning Board and Director of Planning & Development

T. Haeuser said Council amended the agenda for tomorrow to include a discussion to extend the marijuana moratorium. If so, they will postpone the hearing scheduled for April 11th. There would likely be Council workshops before it came back to the Board.

There is a meeting April 11th, a workshop on April 25th, and another meeting on May 9th.

W. Laidley asked about the site walk. **T. Haeuser** said it's April 12th, Mill Creek to the Bug Light section of Broadway.

A. Dowling asked if it's an official site walk. **T. Haeuser** said no.

L. Boudreau said the O'Neil Street Redevelopment Committee had its first meeting last Thursday. They are going out tomorrow for a tour of the public works facility. There is an invitation for input and to contact her or Mr. Haeuser. The next meeting is April 27th. It's an important project and a big parcel available for redevelopment.

W. Laidley said the Big Apple is moving along and should be opening in the next few weeks.

Item #11. Adjournment

9:30 pm L. Boudreau motioned to adjourn. I. Misiuk seconded; (6-0) (T. Neff absent).

Please Note: No new agenda items will be begun after 11:00 p.m. If during the course of a Planning Board meeting it becomes apparent that the Board will not reach certain agenda items, the Board may, prior to its 11:00 p.m. cut-off, offer to the proponents of such items the opportunity to have their items tabled immediately to the beginning of the next regularly scheduled meeting. Agenda items remaining after the 11:00 p.m. cut-off time will automatically be tabled to the next regularly scheduled meeting.