

**CITY OF SOUTH PORTLAND**

**Name of Body:** Planning Board  
**Minutes for Meeting of:** May 23, 2017  
**Meeting Begins:** 7:00 p.m.  
**Meeting Location:** Council Chambers, City Hall

**MINUTES**

**Members Present**

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

**Staff Present**

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

**Absent**

District Three vacant  
At-Large vacant

**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.

**K. Carr** noted that following Item #4, the Board will vote on findings that were missing from the last meeting.

**Item #1. Approval of the May 9, 2017, Planning Board minutes**

**K. Phillips motioned to approve the May 9, 2017, Planning Board minutes. W. Laidley seconded; (4-0) (District Three and At-Large vacant).**

**Item 2A. Consent Calendar – Amended Final Major Subdivision and Site Plan Review – Riverbrook Properties – 20 Lydia Lane – Riverbrook Properties, LLC – FINDINGS**

Riverbrook Properties, LLC is requesting an amendment to their final major subdivision and site plan to waive the requirements that the stormwater facilities inspection report be submitted to the Code Enforcement Officer prior to obtaining the first Certificate of Occupancy for the

Riverbrook apartment complex located at 20 Lydia Lane. The property is further identified as Assessor's Tax Map 44A, Lot 304, in the Conditional Residential and Commercial District G-3.

This submission is being reviewed under Chapter 24, Subdivisions; and for compliance with Chapter 27, Article XII. Conditional Residential and Commercial District G-3.

**T. Haeuser** explained that this relates to the approved project in Brick Hill, which is a two-phased project with 118 apartment units. The issue is that it's not possible for the stormwater management system to be completed prior to occupancy permits for the first phase. He explained that Mr. Puleo advised the applicant about this. Unless the Board grants the waiver, the project cannot proceed. This type of waiver has been done before and the applicant will need to complete the system prior to Phase Two, so there will be leverage to hold up occupancy permits if they do not complete this as required. Staff is comfortable in recommending approval.

**A. Dowling** said that he read the letter from Carroll Associates and the request seems reasonable to him.

**L. Boudreau** agreed. With the need out there, she thinks they need to get the apartments completed. As long as runoff can be handled during construction, and she believes it can, she is okay with this.

**W. Laidley** and **K. Phillips** expressed no concerns.

**A. Dowling** motioned to approve the waiver request of Section 27-1536 (h)(1) to modify the Post construction Stormwater Management Plan to provide the applicant's Stormwater Facilities Inspection Report on or before October 31, 2017, per Section 27-1536 (c)(2)(f);

to approve the amended site plan application of Riverbrook Properties, LLC, dated May 16, 2017, and drawings dated May 16, 2017, for modification to the Riverbrook Properties approvals located at 20 Lydia Lane, 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. The applicant may obtain the Certificate of Occupancy for five buildings containing a total of 62 dwelling unit prior to the submission of an inspection report to the Code Enforcement Officer. The applicant shall provide this to Code Enforcement Officer, on or before October 31, 2017, 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 inspector as defined in Section 27-1536 (c)(3)(e) of the South Portland Code of Ordinances, as may be amended.

3. The amended final major subdivision and site plan approval shall incorporate the Findings of Fact and all the conditions of approval dated September 27, 2016.

**L. Boudreau** seconded; (4-0) (District Three and At-Large vacant).

## FINDINGS

**L. Boudreau motioned to accept the findings with “one building unit” changed to “five building units” in item #2. A. Dowling seconded; (4-0) (District Three and At-Large vacant).**

### Item #3. PUBLIC HEARING –Site Plan Review – Highland Ave. Solar Electric Facility – 929 Highland Ave. – ReVision Energy – FINDINGS

ReVision Sunfill, LLC, a division of ReVision Energy, is requesting a site plan approval to construct a large-scale ground mounted solar energy system located on the City-owned capped landfill site at 929 Highland Ave. The applicant is proposing to construct a 1,000.32 kW solar electric array per the City's Article XVIII Solar Energy System provisions. The applicant and the City have entered into a Solar Agreement to design, construct, install, operate, and maintain the new facility. The property is further identified as Assessor's Map 56, Lot 6, located within the Non-Residential Industrial District (INR).

Public hearing notices were mailed on May 19, 2017, to the 85 property owners within 500 feet of the proposed project and the applicant and sent by email to the Conservation Commission, Planning Board, and City Council.

This site plan submission will be reviewed under Chapter 27, Article XIV Site Plan Review and in compliance with Article XI Non-Residential Industrial District (INR).

**T. Haeuser** introduced the item and showed the location on the map. The objective of the solar array project is to produce electricity which will be interconnected to the Central Maine Power (CMP) grid. The development will disturb less than an acre of land and will not require a Maine Department of Environmental Protection (MDEP) Chapter 500 Stormwater permit. There is almost no traffic associated other than someone checking the system on a monthly basis. Drainage of the proposed solar array facility will generally follow predevelopment conditions. He reviewed waivers, noting that the applicant is requesting a waiver to modify the Post-construction Stormwater Management Plan to allow sheet flow to continue in its natural drainage patterns. Furthermore, to minimize disturbance on the capped landfill, the applicant will install the solar arrays on footer blocks and will have a turf reinforced access road, and excavation of the utility trench will be restored to existing conditions.

He then reviewed Section 27-1807 Additional Standards for Medium and Large-scale Ground Mounted Solar Energy Systems:

- (a) Utility connections - The applicant is proposing to place all utility connections underground.
- (b) Safety - The applicant has provided a site plan for the Fire Chief to review and comment. The City's Fire Department has commented and the applicant has addressed the City's Fire Chief's concerns.
- (c) Visual Impact - The applicant states that the location of the solar arrays on the landfill will minimize any opportunity of the facility being seen from Highland Avenue.
- (d) Glare – The applicant states that the solar arrays are positioned in a way to face away from the residential abutters of the City property.

(e) Additional Standards for Large Scale Solar Energy Systems - The applicant has provided the operations and maintenance plan addressing installation and operational maintenance of the facility. The applicant is not proposing any signage at this time. Post approval, the applicant will work with the Fire Department to address any further emergency service concerns they may have, the removal plan, and the required abandonment guarantee.

He stated that there will need to be a sign for owner and contact information. Staff recommendation is for approval. He reviewed the conditions.

## PUBLIC HEARING OPEN

**Josh Baston, ReVision Energy**, asked Mr. Haeuser to show the site map. He stated that the array is going on the southwestern slope of the landfill. There are seven rows of panels that slope at a 35-degree angle to the south with 20 feet of green space between the rows. This is so one row doesn't shade the other and to allow vegetation between the rows, which allows the City to maintain the landfill as required. Most of the landfill will return to its vegetated state. Overall, stormwater characteristics will not change. The only impervious surface are the concrete footer blocks, which DEP determined will not impact drainage conditions. He explained how the power will work and go into the CMP grid. He showed where the turf access road and the electrical conduit crossing will be, which minimizes drainage concerns by bringing everything down slope. He explained that Doug Howard, the Public Works Director, is okay with this. The other key piece of the project is the fencing: they are required by electric code to fence in the area with a seven-foot tall fence. However, the fence will encompass the entire landfill, not just the array area, so that they don't disturb the caps. This is a benefit because it keeps everyone out of the landfill. There will be two access gates.

**Russ Lunt, Brigham St.**, thinks this is a wonderful project. He believes Portland is in on this as well. He thinks it's a good idea to have it fenced. The City is proactive and always looking ahead. He thanked the Board for their work on this.

**Jonathan Ruterbories, 876 Highland Ave.**, thinks this is a great idea. He asked if it's possible to get the site plan and what the economic impact or benefit is that serves the abutters who tie into this energy.

**Micah Engber, 117 Sunset Ave.**, asked if the jetport and FAA have been advised of this because of potential glare and blinding.

**T. Haeuser** said a copy of the site plan can be emailed to anyone who wants it. As for the economic impact, this is under the net metering provisions. It will offset the use of nine meters, or buildings, in the City.

**Fortunat Mueller, ReVision Energy**, explained that although the application says it's tied to the CMP grid, which is accurate, it is actually connected behind the meter at the new public works garage. It first offsets electric use at the public works building and any excess power flows back to the grid and generates a CMP credit to be used against the public works meter when the sun is not out or nine other meters around the City. They select the highest cost meters. He also

explained that the FAA has glare requirements for solar arrays within certain distances of active runways, but this location is not included in that area.

**W. Laidley** asked what the operating life of the array is.

**F. Mueller** said they're long-lived and different parts have different operating lives. The solar panels have a 25-year warranty and the useful life is around 35-40 years. The shortest lived element is likely the inverter, which has a 15-20 year service life. In this case they have a 15-year warranty.

**W. Laidley** explained that the Board has the technical data that the public doesn't always see. A discussion like this is helpful. He asked about vandalism—is the array made of glass, plastic, tempered glass?

**F. Mueller** said that solar panels are hearty; they are covered in tempered glass. It is possible to break them if you really try. It is fenced in this case and they think the chances of vandalism are low. It is helpful that Public Works is next door with people there all day and night. The array owner carries insurance as well.

**A. Dowling** asked if the fencing is chain link and if there's anything on top.

**J. Baston** said they are not planning to add barbed wire. The fence will be chain link with tension wire on the bottom and concrete corners.

**A. Dowling** asked how close public works will be to the array when they're mowing and if there would need to be maintenance such as weed whacking.

**J. Baston** said the closest thing will be the ballast blocks. Anything close to where they can mow has to be rated for heavy damage. It will be up to Public Works on how to maintain the area. He thinks they will want some sort of low-growth mix.

**L. Boudreau** asked if there's another landfill with solar in the state, if they did the one in northern Maine, and if this one will look like that.

**F. Mueller** said there's one in Belfast, this is second, and Portland is the third. They did not do the one in northern Maine. That one is more like individual trackers and this is different—they are fixed panels that do not move.

**L. Boudreau** is glad to hear there's 20 feet between them and asked about runoff from the slope of the panel—why won't that make a trench?

**F. Mueller** said each set of panels is not that long; there's not much water coming off. It will only be about 2.8 feet in height in the front and 11 feet in the back. If it turns out there is something that happens, they can do something with the drip edge. Their experience is that it doesn't come up.

**L. Boudreau** asked if the road that was shown was the Highland Avenue connector road that has been discussed before. If it is, it looks like the array is close.

**F. Mueller** said this doesn't impact the possibility of doing anything to that road. Everything they do is on the cap or connected inside the fence at the new transfer station where the utility transformer is. If there is a highway and they need to dig, they just need to be aware of the conductors. It's about 50 feet or so from the panels.

**S. Puleo** noted that said there is a lot of elevation from the road to the panel. It may be 50 feet horizontally but there is an elevation change.

**L. Boudreau** said that along with the benefit of solar panels offsetting electricity for the City, the fact that they're putting a fence along the entire landfill is another benefit.

#### PUBLIC HEARING CLOSED

**S. Puleo** noted that Condition #4 is incorrect and should say: "Prior to the issuance of a building permit, the applicant shall provide the Planning and Development Director with satisfactory evidence that one of the first six methods set forth in Section 3(B) of the City's Site Plan application form relating to the applicant's financial capacity is in place." The findings are amended accordingly.

**L. Boudreau** motioned to approve the waiver request of Section 27-1536 (h)(2) to modify the Post-construction Stormwater Management Plan, per Section 27-1536 (c)(1)(b), to allow runoff to sheet flow into the natural drainage patterns; to approve the site plan application of ReVision Sunfill, LLC dated April 11, 2017, through May 16, 2017, and drawings dated March 2017 through May 15, 2017, for the Highland Avenue Solar Electric Facility located at 929 Highland Avenue 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.
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 building permit, the applicant shall provide the Planning and Development Director with satisfactory evidence that one of the first six methods set forth in Section 3(B) of the City's Site Plan application form relating to the applicant's financial capacity is in place.

**K. Phillips** seconded; (4-0) (District Three and At-Large vacant).

## FINDINGS

**A. Dowling motioned to accept the findings with #4 changed to “Prior to the issuance of a building permit, the applicant shall provide the Planning and Development Director with satisfactory evidence that one of the first six methods set forth in Section 3(B) of the City’s Site Plan application form relating to the applicant’s financial capacity is in place.”**

**L. Boudreau seconded; (4-0) (District Three and At-Large vacant).**

Item #4. PUBLIC HEARING – Zoning Text Amendment and Zoning Map Change – Rezoning Residential District A to Conditional Residential Use G-5. – 131 Sunset Avenue – South Portland Housing Development Corp.

South Portland Housing Development Corporation is requesting a Zoning Text Amendment and Zoning Map change to rezone their property located at 131 Sunset Avenue from Residential District A to a Conditional Residential Use G-5. The applicant has purchased the property from a previous owner who obtained a Subdivision and Site Plan approval for a five-unit cluster development. The property was also used during the construction of Phase I of the Thornton Heights improvement project conducted by the City. The applicant's proposal is to establish a multi-family housing project. The applicant is proposing to create a 28- unit housing project in which 20% will be affordable at 80% of the AMI. A proposed condition of the new zoning district will grant a "Conservation Easement Area" to the City of South Portland. The property is further identified as Assessor’s Tax Map 62, Lot 9, in Residential District A.

The Planning Board will make a recommendation to the City Council on the proposed zoning map change and zoning text amendment.

Legal advertisements appeared in the Portland Press Herald on May 9 and 15, 2017, and were posted in City Hall on May 9, 2017. Public hearing notices were sent on May 9, 2017, to 89 property owners within 500 feet of the proposed project and to the applicant and sent by email to the Conservation Commission, Planning Board, and City Council.

This submission is being reviewed under Section 27-117 Conditional or contract zoning and in compliance with Article XIII Residential District A and consistency with the City’s Comprehensive Plan.

**T. Haeuser** introduced the item and showed the location on a map. He explained that if you wanted to drive away from the site and go to Main St., if you’re going south you go onto Gerry Ave. If you’re going north, you still probably use Gerry but there’s a chance you could go up Tremont or Union. There will be testimony that these are narrow streets and Google would show you they are. This is an important consideration. The good thing is that the narrowness helps keep the speeds down more so than wider streets.

He reviewed the differences between the zones, reviewing the table included in the memo. He explained that the primary consideration for granting a zone change is conformity with the Comprehensive Plan. The applicant has provided citations from sections in the Plan to support their application request. He reviewed these, including sections under Population and Demographics (page 5-1 of the Comprehensive Plan), stating that there is information showing a

need for at least another 870 affordable homes in the City. He also reviewed Housing (page 5-14). He noted that the first draft, marked by Corporation Counsel, and the revised draft, which has a few minor typos, have been provided to the Board. Maps from Mr. Puleo showing the location of the property, how it's proposed to be changed, and how it would appear in the City zoning map were also provided to the Board. Staff recommendation based on conformity with the Comprehensive Plan is for a positive recommendation to City Council.

#### PUBLIC HEARING OPEN

**Mike Hulsey, South Portland Housing Authority**, said the mission of the Housing Authority is to develop and manage housing that's affordable to low and moderate income residents. They have several units serving low income individuals: public housing, they issue Section 8 vouchers, and they have units that are "tax credit" units for those 60 and 50% of AMI. The need in the City is for those who are moderate income and for three- and two-bedroom apartments. Their wait list for a three-bedroom is three to six years. This project would create 28 units total: two buildings with 16 three-bedrooms and 12 two-bedrooms. People in this income bracket have a hard time finding a home; there is a need for 870 units like this. They chose this site because they want to build residential homes in a residential neighborhood. There aren't a lot of options to develop housing like this in the City. The size of the buildings would be mitigated by the fact that it sits below the hill and at the end of the road. They also think it will be a buffer from the neighborhood from the railroad.

**Isaac Misiuk, South Portland Housing Authority**, noted that this was originally proposed as five units. The site was purchased in November 2016 with intent to build the five units. After reviewing, it ended up coming out as \$270,000 per unit without site costs. This is costly from a mission point-of-view. That prompted this economy of scale.

**Gwen Steuterman, 59 Mclean St.**, believes something should be there but 28 units is too much for the area. She expressed concern about there being too much traffic in the area already; kids play in the street, sidewalks are close to the road. She also expressed concern about the tankers at the railyard and congestion in the case of an evacuation.

**L. Boudreau** asked if there's a chance Mr. Haeuser can get Google maps working so they can see the roads and how wide they are. Without this, she will feel compelled to ask for a site walk.

**T. Haeuser** said he would try it again.

**Andrew Capone-Sprague, 6 Gerry Ave.**, spoke about the narrowness of the road; when people are parked on the street there is not space for two cars to get by. It can be dangerous with kids waiting at the bus stop. He's afraid traffic will end up on Gerry.

**Dan Ellis, 35 Grand View Ave.**, stated that there is another lot at the end of Sunset that was deemed unstable but seems drier and less elevated than this site. He wonders how the apartments, backyard, and parking will fit and why this lot was chosen.

**Millie Pelletier, 13 Gerry Ave.,** has a medical condition and sometimes needs an ambulance. Ambulances, fire trucks, and police have difficulty getting up the street because of traffic. Neighbors fight over spots in the street. She also expressed concern of drug activity.

**Catherine Ellis, 35 Grand View Ave.,** agrees that something should go in and doesn't think it's about the type of housing but the number of units. She expressed concern about the number of cars possibly added to the area, the narrowness of the streets, and the dangers of traffic and children playing near the street. She wants to know about traffic impact, where extra cars will go, and what happens when there are visitors.

**Oleg Kladov, 117 Sunset Ave.,** doesn't think that anyone is against affordable housing. His concern is about 28 units not suitable to be built on that land. They have a small condo association with two spaces per unit. This is next to the proposed building. He reiterated concerns about traffic and crowded streets.

**Clinton Wyman, 74 Geary Ave.,** reiterated concerns about the narrowness of the road, the number of cars parking on the street, the number of units proposed, and concerns about crowding in case of an evacuation. He thinks something should go there but doesn't believe this is the right place for the project.

**Russ Lunt, Brigham St.,** thinks it's wonderful that the Housing Authority will do this. Everywhere they go, they get opposition. There's a need for this site. The streets are narrow but there are many other streets to go on and there are other ways out. The City needs the housing.

**Gloria Buchanan, 55 Carignan Ave.,** said she fights cars every day, morning and night. She expressed concern about traffic. The neighborhood is family oriented. She also expressed concern about the cars at Rigby and evacuation.

**Jonathan Ruterbories, 876 Highland Ave.,** stated that they tried to buy City-owned property before but were rejected because the City values open space greater than any other element they possess. He doesn't live in the area but from what's been shown on Google, this is open space possibly where children play. He expressed concern about street width and agrees that they need housing but this may be too much. He also expressed concern about drug activity.

**Cindy Rubinoff-Myers, 8 Geary Ave.,** acknowledges that there's a need for more affordable housing. Their community is congested with houses and traffic; she does not consider this open space—it is ugly, near the retention ponds and trains. Their community has been burdened with many issues: they have the Maine Motel which has a police presence, noisy trains that they see more now with the trees cut down for the ponds, and trouble getting out onto Route 1. She thinks most people go down Gerry Ave. and expressed concern over parking. She does not believe this is the right place for the project and wants to know why anyone thinks that this use will not significantly negatively impact the neighbors or diminish quality of life. She would like a statement about the positive impact to the neighbors in the community.

**Robert Babiak, 92 Grand View Ave.,** said this project will abut the back of his property. If it goes through, the area will be reshaped and not positively. He reiterated concerns about increased traffic, noise, and congestion.

**Marcus Pelletier 15 Gerry Ave.,** is a land surveyor for Sebago Technics but is here as a resident. In the development and design of the neighborhood and sewer separation project for Thornton Heights, in which Sebago Technics played a role, this type of development was not considered in the development and design of the sewer separation, streets, and sidewalks. He feels that if this building had been there, it would have had an impact in how Sunset Ave. was designed. He agrees with all the complaints already stated and in his professional opinion, the feasibility of putting this project on this lot does not fit. There doesn't seem to be enough space.

**Laura O'Hanlon, 57 Coach Rd.,** does not live in this neighborhood but has read about the development. Initially she liked the drawings of the project but thinks the location is not right. She expressed concern about egress from the property, including in the winter with snowbanks, narrow roads, and ice. She also expressed concern about the standing water in the ponds and railroad tracks in terms of safety for children. Overall, she likes the affordable housing in the City. She asked if the City has the capacity to absorb the children in the schools and elderly with need for hospital and other services.

**Nicholas Bogs, 9 Gerry Ave.,** thanked everyone for coming tonight. He thinks this is too large for the amount of space. He's for the original five homes but 28 is too much. He agrees with what everyone else has said.

**Amy Vogt, 15 Gerry Ave.,** asked Mr. Haeuser to turn the map to show the lot and explained that there is a large drop. This area has deterred families—it's next to a railroad and empty lot that no one is sure what will happen to, and the house next door to the lot has been on the market for a year now. The neighborhood is saddled with the motel at one end of the neighborhood, where there are many residents and drug problems, and now with a possible 28 units with 50-70 more people at the other end. She expressed concern for children because there are transients coming off the trains who set up forts and campfires in the woods. She's concerned that it was approved for five units and now there could be 28. She understands that everyone is trying to make money but feels like it could be to the demise of the neighborhood. This is her first home and she landed in the neighborhood because it fit in their budget. She believes most people in the area are of moderate income; they worked hard, purchased their properties, pay taxes, and she feels as if any investment made in their properties could be ambushed by a 28-unit apartment building.

**Micah Engber, 117 Sunset Ave.,** has been here for 30 years. He came to the Board and suggested the ponds should not be there because kids play in there and it's dangerous, and he was upset when the Board rezoned it. The South Portland Housing Authority bought it knowing it was zoned for five. He said that there is a need for 870 units in the City but named a number of projects, including Liberty Lane, the Maine Mall and Sable Oaks, and Knightville projects, that may bring in over 1000 units. He believes it's time to stabilize and isn't sure how this will affect the services the City needs to provide. He expressed concern over the narrowness of the road. He thinks it's a nice idea but a bad plan and it's the wrong place because it's not safe.

**Phil Dipierro, 118 Broadturn Rd., Scarborough,** owns 71 Carignan Ave. and this directly abuts this site. His parents owned this property at one point. He's not opposed to the South Portland Housing Authority or their mission but does not support the zone change or proposed apartments. He stated that there is already an approved project—why not build what's already approved? He mentioned that there were areas of the Comprehensive Plan to show it meets the criteria. He disagrees it meets the requirements. He cited areas that show why the zone change shouldn't go through, including how 28 units is not compatible with the patterns of the neighborhood, how this area is considered a limited growth area and an established single-family neighborhood, and how this will not minimize the traffic impact in a residential neighborhood. He does not think this meets the goals of the Comprehensive Plan and urged the Board to not make the neighborhood pay because proper due diligence wasn't done on South Portland Housing Authority's part. He echoed concerns with parking and impacting the school system. He's also not sure if the conservation easement is a benefit since it's already a wetland. He asked if the City has done a zone change request before.

**Andrew Capone-Sprague, 6 Gerry Ave.,** mentioned there were other places considered but they couldn't find the land. It seems like they are pushing this project in.

**Gwen Steuterman, 59 Mclean St.,** was concerned that a drug parlor or growing operation could go in under a G zone because of an earlier comment but the audience clarified that was not what was meant. She thinks it needs to be cleaned up. There are a lot of seniors in the area.

**Micah Engber, 117 Sunset Ave.,** spoke about egress and stated that Gerry Ave. is where Route One narrows from four to two lanes. It is difficult to turn off or on the avenue.

**Dan Ellis, 35 Grand View Ave.,** stated he would still like to know why this site was chosen over the other lot.

**Kelly Amadei, 69 Grand View Ave.,** sent an email and photos to Mr. Haeuser of what Gerry Ave. looks like when cars are parked on the sides—it is down to one lane. She spoke about sight lines being obstructed by trees and the inability to see cars because of this. She stated that her letter reiterates what's been said. The retaining ponds have no fencing and will attract children. There is also nothing to deter them from the train tracks.

**K. Carr** thought it may be prudent to discuss a site walk early on. He cannot visualize what he's seeing on the map. Taking the totality of the testimony and the map, he can't get the scoping scale. This is a significant zone change and he doesn't see how it can be acted upon without walking the neighborhood.

The Board agreed.

**L. Boudreau** said looking at this photo alone, it looks like there's no lane on the right hand side.

**K. Carr** said they appreciate the comments, but at this point they need to hear from staff about the logistics of a site walk and the Board needs to decide how to proceed.

**Millie Pelletier, 13 Gerry Ave.,** asked if there will be fire or police input.

**K. Carr** said yes, comments related to the zoning change and any site plan that comes from that would receive a thorough review.

The Board agreed on a site walk of the area on June 8<sup>th</sup> at 6 PM. Notices will go out for this. The next Planning Board meeting is June 13<sup>th</sup> and this discussion would resume then.

**I. Misiuk** addressed questions from the discussion. In response to Ms. Vogt, he thinks she may have misunderstood his comments about the economy of scale. They are a nonprofit and don't go into this looking to make a dollar. Because the cost of the five buildings was so high, it didn't meet their mission statement of providing low- to moderate-income housing.

They have met with Acting Deputy Chief Williams and regarding safety issues and the proposed development. He doesn't see evacuation concerns with the increase in traffic. They will submit a traffic study with the site plan application. He reminded everyone that this is meeting is for a zoning change.

In regard to parking, they took what they knew they would need for the development at one-to-one parking. They have engineers working to maximize parking on the lot. The site is challenging; there are wetlands and a small developable space. There is a turnaround easement approved in December 2015 that is still there. They've seen internally with their projects that one-to-one parking should be adequate; many people are not looking for additional cars. They rent to low to moderate income people and an additional car is a luxury.

In terms of egress, they are not approving the building tonight. They are still talking to engineers and the fire department will review everything.

They have met with the superintendent and he is not concerned with the increased number of children. They would be project basing at least 25% of the units with a project-based voucher. As for the rest, there is nothing stopping an elderly couple from renting out a three-bedroom.

In response to Mr. Engber's comment about the possibility of 1000 units coming into the City, he stated that those projects are not approved yet. He also reiterated that there is a G zone partially down the road.

**T. Haeuser** asked if they were planning to restrict or limit the number of cars per unit.

**I. Misiuk** said that they have talked about it and that is part of the idea. They wouldn't rent to someone who has four cars. Additional cars tend to be a luxury and doesn't fit their mission statement of low to moderate income individuals.

**Patrick Coughlin, St. Germain Collins,** said there is 30 feet of urban fill on the other lot and while it may look nice, it's expensive to build on. There's evidence that the slope is moving downhill. The site they're looking at has not been designed and there is 10 feet of fill from the Gorham Sand & Gravel project. They believe they can get to native fill and have cost-effective

foundation. Stormwater is an issue for all projects; they haven't designed a solution for this site. They have talked about sewer separation and there is adequate capacity for this site according to Portland Water District staff.

**T. Haeuser** asked how they can fit the size of what's proposed in this area.

**P. Coughlin** said he has developed larger projects on smaller parcels. It's a small lot working at different layouts to maximize parking and allow proper access. They will provide turnarounds for fire trucks, plows, and trash trucks that don't exist on Sunset. It is a manageable site.

**T. Haeuser** asked if fencing around the ponds would be a possibility and if they're willing to pay for it. **P. Coughlin** said he would have to defer to the South Portland Housing Authority.

**Micah Engber, 117 Sunset Ave.**, asked how they found 10 feet of fill because he can see 30 from living there before and after.

**P. Coughlin** said they've done a preliminary geotechnical investigation taking borings 20-30 feet down and saw construction fill that ended at about 10 feet. Once they figure out where the building would be, they would go back and check the four corners. There may be more.

**A. Dowling** asked if the Board will hold off on analysis until after the site walk.

**K. Carr** said yes, unless someone can persuade them otherwise they will continue action on this item until June 13<sup>th</sup> and have the site walk between. There will be additional opportunity for public comment and questions that may arise.

**L. Boudreau** said in modeling the G-5, when numbers were chosen in the table Mr. Haeuser referenced, was this designed with this project in mind or because the Planning Department thought the parcel could accommodate these numbers?

**T. Haeuser** said they directed the applicant to look at other conditional zones and they put the table together.

**L. Boudreau** confirmed that what they see is built around a 28-unit building for that site.

**T. Haeuser** said yes.

The Board discussed possible logistics of the site walk.

**PUBLIC HEARING CLOSED**

**L. Boudreau** motioned to postpone this item to the June 13<sup>th</sup> Planning Board meeting following the June 8<sup>th</sup> site walk. **W. Laidley** seconded; (4-0) (District Three and At-Large vacant).

Vote on Findings from May 9, 2017 – Consent Calendar. Site Plan Review – Proposed Hotel Development – 50 Maine Mall Rd. – New Gen Ventures, LLC

**S. Puleo** said the last two sentences in section #6, paragraph 2, should be removed.

**W. Laidley** asked for a definition of “regiment compliance report” in condition #3. **S. Puleo** said that is specific language that the Noise Ordinance references as a specific compliance report from the noise engineers.

**A. Dowling** motioned to accept the findings with the deletion of the last two sentences in section #6, paragraph 2. **K. Phillips** seconded; (4-0) (District Three and At-Large vacant).

Item #5. Public Comment on Items Not on the Agenda

**Russ Lunt, Brigham St.**, said he understands their thinking on the last item but they need the housing. Sunset is the only way to get in but there are other ways out of there. He wished the Board luck handing the marijuana issue. He also talked about the Council questioning some parts of the Planning Board’s job.

**Jonathan Ruterbories, 876 Highland Ave.**, asked for the Google Earth image for the solar panel site again. He showed that there is a path into the forest near the cemetery and halfway through the path is a ledge into the transfer station. People use that path to gain access to the transfer station and slide down the hill. He wanted to bring it to the Board’s attention because it is dangerous.

Item #6. Comments from the Planning Board and Director of Planning & Development

**T. Haeuser** said that Mr. Lunt alluded to a City Council workshop likely in the summer or fall looking at changing part of the zoning ordinance having to do with changes and amendments to the zoning ordinance. He read the language and said some Councilors want to remove the Planning Board from being able to initiate a change to the zoning ordinance.

**L. Boudreau** asked how often they issue an amendment from the Planning Board. She can’t think of any times they’ve done it.

**T. Haeuser** said it’s pretty rare. It’s not clear if it’s strictly about it being initiated by the Planning Board or concerns about amendments initiated by staff to go through the Planning Board or if it’s having Planning Board hearings on zoning changes before the Council. He thinks the concern is that the Planning Board may be put in a position of exercising an undue amount of policy development for the City that rightfully should be the Council’s.

**L. Boudreau** asked if it’s because they had a discussion that some of the things that come before them lately, such as the inclusionary zone, are more of a policy issue but it came to them because it’s zoning.

**T. Haeuser** thinks it came from the fact that the Planning Board had a hearing on the marijuana

issue before some Councilors wanted it and the way the ordinance got written is not the way some Councilors wanted it to be written.

**T. Haeuser** asked the Board for approval to relieve their secretary of having to keep their Chapter 27 Zoning Ordinance paper copies updated. It is appreciated if members use the website. It's been difficult to deal with and there have been a number of amendments.

The Board agreed to this.

**K. Carr** said there's a Planning Department and a Planning Board. He thinks this Board has commented in stating in regard to marijuana that until the Council articulated its policy vision, he's not sure how they have a conversation in this body. Is there confusion about the role of the Board versus the department?

**T. Haeuser** suspects it will be a wide ranging discussion.

**A. Dowling** asked if they can be kept in the loop of when the workshop will happen.

**K. Carr** noted that Ms. Neff has resigned and thanked her for her service.

Item #7. Adjournment

**9:45 pm A. Dowling motioned to adjourn. W. Laidley seconded; (4-0) (District Three and At-Large vacant).**

\*\*\*\*\*

**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.