

CITY OF SOUTH PORTLAND

Name of Body: Planning Board
Results for Meeting of: December 12, 2017
Meeting Begins: 7:00 p.m.
Meeting Location: Council Chambers, City Hall

RESULTS

Members Present

Kevin Carr, Chairperson
William Laidley
Linda Boudreau
Katherine Gatti
Mary DeRose

Staff Present

Tex Haeuser, Planning & Develop. Director

Absent

Steve Puleo, Community Planner
Leslie Dillon
District 2 vacant

Pledge of Allegiance

Chairperson Carr opened the meeting at 7:00 p.m. and welcomed all in attendance. He reviewed the meeting 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 November 21, 2017, Planning Board minutes.

W. Laidley motioned to approve the November 21, 2017, Planning Board minutes. K. Gatti seconded; (5-0) (L. Dillon absent, District 2 vacant).

Item #2A. Consent Calendar – Performance Guarantee Releases – CN Brown at 334 Cottage Rd.; Revision Energy at 929 Highland Ave.

L. Boudreau motioned to approve the total release of \$34,600.00/Public Improvements and \$21,200.00 Erosion Control performance guarantees for CN Brown at 334 Cottage Rd. and the Highland Ave. Capped Solar Landfill at 929 Highland Ave. K. Gatti seconded; (5-0) (L. Dillon absent, District 2 vacant).

Item #3. PUBLIC HEARING – Site Plan Review – Coffee Shop – 372 Cottage Road – Omi's Coffee Shop – FINDINGS

813, LLC is requesting a site plan approval to create a 16-seat coffee shop located at 372 Cottage Road. The applicant is proposing to perform interior renovations to convert the former real estate office and

relocate Omi's Coffee Shop from its current Brackett Street location. The applicant is restriping the existing parking to provide five parking spaces and a bicycle rack. The applicant is expected to generate the majority of customers from the local area. The property is further identified Assessor's Map 10, Lot 209A, located within the Meetinghouse Hill Community Commercial (MHCC) District.

Public hearing notices were mailed on December 1, 2017, to the 106 property owners within 500 feet of the proposed project, the applicant, the Conservation Commission, Planning Board, and City Council.

L. Boudreau motioned to approve the site plan application of 813 LLC dated October 23, 2017, through December 1, 2017, and drawings dated November 2, 2017, through November 30, 2017, for Omi's Coffee Shop located at 372 Cottage Road 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 issuance of any sign permit, the applicant shall provide the Director of Planning and Development with details of the location, size, and materials pursuant to Section 27-1561 of the South Portland Code of Ordinances, as may be amended.

3. Hours during which trash removal is allowed is from 7 a.m. to 9 p.m.

W. Laidley seconded; (5-0) (L. Dillon absent, District 2 vacant).

FINDINGS

K. Gatti motioned to accept the findings as amended. W. Laidley seconded; (5-0) (L. Dillon absent, District 2 vacant).

Item #4. PUBLIC HEARING – Special Exception Accessory Dwelling Unit – Frazier & Farrington-ADU – 75 Ridgeland Avenue – Lynn (Farrington) Frazier and Charles Frazier – FINDINGS

Lynn (Farrington) Frazier and Charles Frazier are requesting a Special Exception approval for an Accessory Dwelling Unit (ADU) to be created in their home located at 75 Ridgeland Ave. The single family home is 2,698 SF in the area and the proposed ADU is 524 SF in area. The third floor of the home will be converted into a one bedroom ADU. There are four (4) vehicle parking spaces available on site. The property is further identified in mention is Assessor's Map 32, Lot 181, located within the Residential District A.

Public hearing notices were mailed on December 1, 2017, to the 80 property owners within 500 feet of the proposed project, the applicant, and were sent via email to the Conservation Commission, Planning Board, and City Council.

L. Boudreau motioned to approve the special exception ADU application of Lynn (Farrington) Frazier and Charles Frazier dated September 4, 2017, for an accessory dwelling unit located at 75 Ridgeland 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. The Planning & Development Director shall provide a Certificate of Approval to the applicant. This Certificate of Approval must be recorded by the applicant in the Cumberland County Registry of Deeds. A copy of the Certificate of Approval, complete with the Registry's stamp, must be returned within ninety (90) days to the Planning & Development Director. Upon receipt of the Certificate of Approval, the Planning & Development Department shall accept applicable permits for the creation of the accessory dwelling unit.**

W. Laidley seconded; (5-0) (L. Dillon absent, District 2 vacant).

FINDINGS

W. Laidley motioned to accept the findings. L. Boudreau seconded; (5-0) (L. Dillon absent, District 2 vacant).

Item #5. PUBLIC HEARING – Non-Conforming Lot of Record – Single-Family Residence – 205 Pine Street – Star Homes, Inc. – FINDINGS

Star Homes, Inc. is requesting a site plan approval to develop a nonconforming residential lot of record. The applicant is proposing to construct a three bedroom, two-story detached single-family home. The parcel is 5,000 SF in size with 50 feet of street frontage. Public utilities are available in the Pine Street ROW. The applicant is proposing a 26.25 foot tall home. The stormwater runoff associated with the development will be directed to vegetated drainage swale to field inlet connected to the City's Separated Stormwater System. The property is further identified in mention is Assessor's Map 9, Lot 84, located within the Residential A District and Ferry Village Neighborhood.

Public hearing notices were mailed on December 1, 2017, to 122 property owners within 500 feet and the applicant and sent by email to the Conservation Commission, Planning Board, and City Council.

L. Boudreau motioned to approve a waiver of the ordinance provision requiring utilities to be underground;

to approve the site plan application of Star Homes, Inc. to build a single-family home on a nonconforming lot of record located at 205 Pine Street, dated September 13, 2017 through December 1, 2017, and drawings dated September 12, 2017, through December 1, 2017, with the following conditions of approval:

- 1. 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 change 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.**
- 2. Prior to issuing building permits, the applicant shall provide evidence to the Planning and Development Director that they have recorded the Certificate of Approval and Finding of Facts for the development in the Cumberland County Registry of Deeds (CCRD) and that they have signed the Level One Contractor's Erosion and Sediment Control Certification.**
- 3. Prior to issuing the certificate of occupancy, the applicant shall complete all improvements in accordance with the approved site plan, and said improvements shall have been inspected and found satisfactory by the City's Engineer or other duly designated person.**
- ~~4. Prior to the issuance of the certificate of occupancy, the applicant shall provide the Planning & Development Director with evidence satisfactory to the Corporation Counsel that a maintenance plan and drainage maintenance agreement has been accepted by the City of South Portland and will be executed and recorded at the Cumberland County Registry of Deeds (CCRD).~~**

~~4.5.~~ Prior to issuing the certificate of occupancy, the applicant shall provide to the Planning and Development Director a certified “as-built” grading plan meeting the City’s G.I.S. requirements; grades will not be modified without first obtaining a Planning Board approval.

~~5.6.~~ Prior to providing an occupancy permit, the applicant shall include a Stormwater Management Maintenance Plan acceptable to the Planning & Development Director that has been recorded at the Cumberland County Registry of Deeds. The owner of the property and all future owners shall be required to maintain all elements of the Drainage Plan as contained in the Stormwater Management Maintenance Plan.

~~6.7.~~ In accordance with Section 27-304(f)(2), the height of the building shall not exceed 28 feet. This condition will be attached to the building permit.

~~7.8.~~ The area between the three street utility excavations shall be milled so that pavement restoration is unified.

W. Laidley seconded; (4-1) (M. DeRose opposed, L. Dillon absent, District 2 vacant).

FINDINGS

K. Gatti motioned to accept the findings as amended. L. Boudreau seconded; (5-0) (L. Dillon absent, District 2 vacant).

Item #6. PUBLIC HEARING – Preliminary Subdivision Approval – West End Apartments – 576 Westbrook Street – Avesta Housing – FINDINGS

Avesta Housing is requesting a Preliminary Subdivision approval to develop a five story, mixed-income, mixed-use project located at 576 Westbrook Street. The ground floor will include a 4,000 square foot retail space, a small office space for Opportunity Alliance’s “Resource Hub”, and community space for Avesta’s residents. The upper four floors will consist of a range of unit types including 22 Studios, 16 One-Beds, 16 Two-Beds, and 10 Three-Bedroom apartments for a total of 64 units. The property is further identified in mention is Assessor’s Map 50, Lot 74 and 74B, located within the West End Neighborhood Center District.

Public hearing notices were mailed on December 1, 2017, to the 19 property owners within 500 feet of the proposed project, the applicant, and were sent via email to the Conservation Commission, Planning Board, and City Council.

K. Gatti motioned to approve the preliminary major subdivision plan application of Avesta Housing dated November 29, 2017, through December 3, 2017, and drawings November 27, 2017, through November 29, 2017, for a mixed-use building at 586 Westbrook Street as follows:

CONDITIONS

1. Planning Board Regulation #5, standard condition of approval, as read by the Chair at the opening of the meeting.

L. Boudreau seconded; (5-0) (L. Dillon absent, District 2 vacant).

FINDINGS

K. Gatti motioned to accept the findings. L. Boudreau seconded; (5-0) (L. Dillon absent, District 2 vacant).

Item #7. Public Comment on Items Not on the Agenda

Adrian Dowling noted that he misses the Planning Board but enjoys the Council. He is appreciative of the work that the Board does.

Item #8. Comments from the Planning Board and Planning Director

K. Carr suggested talking about Cottage Road and the survey results at the next meeting.

Item #9. Election of the Planning Board Chair

L. Boudreau motioned to nominate **Mr. Carr** as **Planning Board Chair**. **W. Laidley** seconded.

K. Gatti said that **Mr. Carr** maintains order well.

Vote 4-0. (K. Carr abstained, L. Dillon absent, District 2 vacant).

Item #10. Adjournment

10:00 p.m. **K Gatti** motioned to adjourn. **K. Carr** seconded; (5-0) (**L. Dillon** absent, **District 2** vacant).

Respectfully submitted,
Dana Bettez 12/14/17

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.