

**CITY OF SOUTH PORTLAND**

**Name of Body:**  
**Minutes for Meeting of:**  
**Meeting Begins:**  
**Meeting Location:**

**Planning Board**  
**September 26, 2017**  
**7:00 p.m.**  
**Council Chambers, City Hall**

**MINUTES**

**Members Present**

Kevin Carr, Chairperson  
William Laidley  
Adrian Dowling  
Leslie Dillon  
Katherine Gatti  
Mary DeRose

**Staff Present**

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

**Absent**

Linda Boudreau

**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 September 12, 2017, Planning Board minutes**

**W. Laidley motioned to approve the September 12, 2017 Planning Board minutes. A. Dowling seconded; (6-0) (L. Boudreau absent).**

**Item #2A. Consent Calendar. Performance Guarantee Release – Main Street Retail Center – 385 Main Street – G & J Properties, LLC**

**T. Haeuser** introduced the item, stating that David Kasik certified they are able to release the \$52,000.00 in Public Improvements and \$6,783.00 in Erosion Control for Main Street Retail at 385 Main Street.

**A. Dowling motioned to approve the total release of the \$52,000.00 Public Improvements and \$6,783.00 Erosion Control performance guarantees for the Main Street Retail Center, 385 Main Street. K. Gatti seconded; (6-0) (L. Boudreau absent)**

Item #3. PUBLIC HEARING – Amended Site Plan Review — Medical Office Building — 192 Western Avenue — Dr. Daniel J. Armstrong of KADA Properties, LLC – FINDINGS

Dr. Daniel Armstrong of KADA Properties, LLC is requesting an amended site plan review to construct an addition to his existing medical office building located at 192 Western Ave. The applicant proposes to construct an addition onto his existing medical office building located at 192 Western Avenue. The proposed addition will be 4,560 SF in size with additional parking and stormwater facilities. The proposed improvements include a two-way driveway around the building, the addition of a dumpster facility, an underground stormwater detention system, an above ground FILTERRA stormwater treatment unit, and a walkway connecting to the Western Avenue sidewalk. The applicant's proposal will create a total of 50 parking spaces, including five handicapped spaces to serve the existing building and the addition. The parcel is further identified as Assessor's Tax Map 67, Lots 12 & 12B, located within the Suburban Commercial District (CS).

Public hearing notices were mailed on September 18, 2017, to the 31 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.

**T. Haeuser** introduced the item and showed the location on a map. He reviewed traffic, stating that there would be an additional 10 AM Peak Hour and 16 PM Peak Hour trip-ends and the project does not require a Traffic Movement Permit. There are traffic impact fees for the Westbrook Street at Western Avenue and John Roberts Road at Philbrook Avenue intersections for a total of \$1,350.00. There will be a five-foot wide sidewalk extended from the existing sidewalk to accommodate customers and pedestrians. He reviewed stormwater, stating that in addition to getting a minor amendment to their Department of Environmental Protection (DEP) permit, they are meeting the post construction stormwater management plan and are treating 104% of the new impervious surfaces and 112% of the new developed area. He asked for an explanation of this. They have paid over \$3000 as a compensation fee to the Long Creek Watershed Management District and are using a variety of stormwater treatment systems known as a "treatment train." The site is already landscaped but they will add shade trees and shrubs. He asked Mr. Puleo if the October date in the waiver is correct.

**S. Puleo** corrected it to be "September 26, 2019."

**Jim Fisher, Northeast Civil Solutions**, introduced himself as representing Daniel Armstrong of KADA Properties. They have worked together for a number of years and Dr. Armstrong has been in this location for about 30 years. He is planning the addition, shown on the screen, as an expansion of his dental office. He showed that the area is vegetated and they will clear some but not all of it. Traffic is minimized and there is not much impact. Stormwater is fortunate in that the expansion area is already adjacent and well vegetated. He explained the subgrade catchment along with the Filterra system. He explained that they have been working on this project for a while but DEP realized it's not just a stormwater permit; this was the fourth permit granted under site location and there is a lot more to the permit now. He explained that they went not just for the amendment but an entirely new permit and that took time. Everything regarding this is now completed and paid. The site is landscaped already but they will add more.

PUBLIC HEARING OPEN

**Russ Lunt, Brigham St.**, thinks it's a wonderful project and beautiful practice. It's good to want to expand. It's another win for the City.

**T. Haeuser** asked for an explanation of the 104% and 112% treatment mathematics.

**J. Fisher** said that given the topography, some stormwater off the property is now being treated on the property; they're taking in more.

**A. Dowling** asked for the correct date for the waiver to be repeated. **T. Haeuser** said September 26, 2019.

**A. Dowling** said there was a question in their packets about turning radius from the fire department and the applicant responded that it was adequate. Have they heard any more from the fire department?

**J. Fisher** said that they have turning templates for any size vehicle and they have generously applied these. They ensured the curves at the four corners would accommodate the longest vehicle in the South Portland staple of engines and the Fire Chief was happy with that.

**W. Laidley** asked who oversees the Long Creek Watershed Management District (LCWMD). **T. Haeuser** said it is a separate organization and the City has representation.

**W. Laidley** asked about membership.

**S. Puleo** said it's an agency that is in the Cumberland County Soils & Water Conservation district and represented by communities that have Long Creek within in it. South Portland has good representation because most of Long Creek is in the City. Members such as Dr. Armstrong have to contribute to maintenance. This fee that the applicant paid for the permit is based on new impervious in the watershed. Dr. Armstrong has an individual stormwater management permit, permitted by DEP, to do what Mr. Fisher indicated through treatment and flooding control. It still shares responsibility with the LCWMD. The watershed manages different kinds of Best Management Practices and subcatchment improvement programs—they contributed to the three acre wetpond behind the Maine Mall. One of the first projects was the catchment behind Dick's Sporting Goods.

**T. Haeuser** said the basic idea is that instead of individual property owners getting their own licenses, they have the option to become dues-paying members based on the amount of impervious on their property. The organization has a plan on what to work on and come up with projects using membership money to address high priority areas.

**W. Laidley** asked if the fees are what keep it going. **S. Puleo** said yes—it's roughly \$3000 per acre of impervious. This project has an individual permit because they're under an acre but they're adding more so they have to pay the fee, which contributes to ongoing programs.

**W. Laidley** said 18 months doesn't add up to September 26, 2019. **T. Haeuser** explained that it's on top of the six months they need to begin.

**L. Dillon** asked if this property is inside or outside of the West End area.

**T. Haeuser** said it's outside but not far. He showed the areas on the map. The plan goes beyond in terms of looking at connections in the City. There is new zoning on both sides, so in that sense it is in the planning area.

PUBLIC HEARING CLOSED

**A. Dowling** motioned to approve the waiver of request of Section 27-1428 (a), Time Limitations, for the opportunity to have an 18-month extension to the approval period for the start of construction, expiring on ~~October 10~~ September 26, 2019;

to approve the amended site plan application of Dr. Daniel Armstrong of KADA Properties, LLC dated August 12, 2017, through September 7, 2017, and drawings August 16, 2016, through August 17, 2017, for a Medical Office Building located at 192 Western 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 scheduling a pre-construction meeting with the City, the applicant shall pay all outstanding review escrow account fees and post the necessary performance guarantee(s) in such amount(s) as established by the City.**
  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 the project, 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 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 each property owner or applicant to the City’s Director of Water Resource Protection in a form provided by that Department, certifying that a qualified 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.**
  6. **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. Gatti seconded; (6-0) (L. Boudreau absent).**

**FINDINGS**

- A. Dowling motioned to accept the findings. W. Laidley seconded; (6-0) (L. Boudreau absent).**

Item #4. PUBLIC HEARING – Zoning Text Amendment and Zone Map Change – MeetingHouse Hill Community Commercial District (MHCC) – 352, 362, 366, 372, 374, 376, and 378 Cottage Road – City of South Portland

The City of South Portland is requesting a second Land Use Recommendation to rezone the properties located at 352, 362, 366, 372, 374, 376, and 378 Cottage Road. The City Council held a workshop on July 24, 2017, and decided to refer to proposed rezoning the Planning Board for a public hearing. The Planning Board held a public hearing on August 22, 2017 and provided a positive Land Use Recommendation to the City Council. The City Council modified the proposed ordinance provisions requiring another Planning Board public hearing on the changes. As described at the August meeting, the proposal is to create a new zoning district known as the “Meetinghouse Hill Community Commercial (MHCC) District.” The zoning district change is found in the City’s Comprehensive Plan, Sections 6-11 and 6-16. The parcels are further identified as South Portland Assessor’s Map 10, Lots 206, 207, 208, 209, 209A, 210, and 211, located within the Transitional Residential (RT) district and Limited Business (LB) district.

The Planning Board will provide a Land Use Recommendation to the City Council, per Section 27-115 of the Codes of Ordinances.

Legal advertisements regarding this request appeared in the Portland Press Herald on September 12 and 18, 2017. A public notice was posted at City Hall and on the City's Planning Board webpage on September 12, 2017. Public notices regarding the proposed zoning text amendment and map change were mailed on September 12, 2017, to 174 property owners located within 500 feet of the parcels under consideration and the seven property owners under consideration and were sent by email to the Conservation Commission, Planning Board, and City Council.

**T. Haeuser** introduced the item and showed the location on a map. He explained that this is the second Planning Board public hearing on the item. This began as a request of a few property owners in the middle of the block on Cottage Road between Vincent and Pillsbury. At the request of City Council, the area was expanded to include the entire block. This is a proposal to rezone according to detailed directions in the Comprehensive Plan, which envisions the area to be a slightly more intense mixed-use residential business commercial district serving both local residents and people driving through the area. The Comprehensive Plan suggests that those areas at either end would stay more residential and less intensive.

After the first Planning Board public hearing, the Board made a 6-0 positive recommendation to Council with two amendments: one removing all types drive-throughs and the second to lower the maximum allowed building height from 45 feet to 35 feet. The Board felt that while the zoning was somewhat independent of a difficult existing traffic situation, this could potentially help with that situation by bringing more activity to the street and having cars get used to slowing down. The Board additionally recommended that there be an ad hoc committee to look at traffic and safety in the area.

This went to Council's first reading and they passed the proposed zoning with both amendments, 5-2. They sanctioned the idea of working on traffic and safety in the area. After discussion, Council agreed to put this in the purview of the City's Bike-Ped Committee, of which two Councilors are involved. At some point, a subcommittee will be formed. There will be an initial meeting on October 11<sup>th</sup> at 7:30 am in the Planning Department and invitations have gone out to property owners in the area. Anyone is welcome to come with the idea that you will make a commitment to continue. He also anticipates a neighborhood meeting to talk about problems and possible solutions.

The two amendments were substantive changes and require a second Planning Board public hearing. It was readvertised and notices were mailed out.

#### PUBLIC HEARING OPEN

**Richard Colson, 440 Sawyer St.**, has lived here for 26 years. At the previous meeting, he was for the proposal but now he is wondering how the change was brought up and who is behind it—the property owner or the City. He sees mostly multi- or single-family homes in the area with one real business and he wonders how this fits the definition. He stated that most people were concerned with traffic at the last meeting; the area is a bottleneck and he does not see a lot of foot traffic. He noted that the parking spots are made for smaller vehicles. He mentioned that this states it will increase the existing business density and he doesn't know where people will park and what will happen when supply trucks need to get access.

**Erik Weisenburger, 15 Vincent St.**, is thrilled that the coffee shop is moving in. He thinks this comes down to density and 24 units per acre will be the main concern. He doesn't mind the revisions and he abuts the area. He would like more discussion or consideration as to how dense they will allow the developments to be and how it will maintain the same flavor as their residential neighborhood. As for traffic, he is looking forward to seeing what happens. He will be at the meeting.

**Ed Rowe, 352 Cottage Rd.,** has owned his property since 1987. Parking is common on Vincent Street and the reason is because people don't have parking there so they park on the street. He has had people park in his lot in the winter. It's a common complaint. Speaking to density, the City needs housing. The cost to build an 800 SF apartment, insure and pay taxes on it, is \$1,000 per month. You haven't made a profit. If you are pro-housing and believe in supply and demand, then density is good.

**Naomi Hall, 34 Carter St.,** clarified that when they originally went forward to discuss 372 Cottage, they wanted to change the zoning for them and Mr. Rowe, not to push an entire MHCC area. Per the recommendation, they went forward with this plan as part of the Comprehensive Plan. She stated that 352 is multi-unit rental and craft studio, 362 and 366 are multi-units, 372 is their property, 374 is a residence, and 376 is a rental house. 378 includes David's and is five businesses. She sees one property as changing, not the entire area. She sees the traffic issues but to her knowledge they are preexisting and are being worked on. She doesn't feel that they shouldn't be addressed but they should not be used against this moving forward because she feels it would benefit the community.

**Katie Bruzgo, 34 Carter St.,** said that on both sides of the zone are multiple businesses; many are small doctor's offices. It seems that the general idea is streamlining an area so it's similar. When there are many small businesses it will increase the walkability of the neighborhood—people can walk instead of needing to drive for coffee and if it's all in one area, it will be a hub. She sees a lot of foot traffic in the area—children walking to and from school, people walking dogs. She suggested more policing in the area as many people drive fast. She said they want to make things better for the community; as business owners, they want to contribute and make the community happy.

**Russ Lunt, Brigham St.,** thinks this is a nice walking area. There are two beautiful neighborhoods on either side. He thinks it's wonderful to bring a business there. There's not a lot you can do with Cottage—he's interested to see what happens. Cottage is busy and narrow; improvements may be limited.

**Tim Pinette, 374 Cottage Rd.,** said he is not here about the coffee shop. At last meeting he talked a lot about traffic, safety, and parking. Parking is not adequate for the businesses now; you will see cars parked where it says no parking and cars blocking or partially blocking his driveway. He agrees that the parking spaces are not big enough for something other than compact cars. The area can support the coffee shop but traffic, speed, and parking are issues. It was hinted that all property owners were approached but he was not. He doesn't see anything in the verbiage of the MHCC that talks about single-family residential. He thinks the change is good and it's an area that has enough traffic to support small businesses but he doesn't believe most people at the coffee shop will be walkers. It is difficult to get back onto Cottage in either direction because of traffic volume, speed, and parked cars. He thinks it needs more than just the zoning change—the change is great but there is more to it.

**T. Haeuser** addressed Mr. Colson's question of how, given existing uses, this block qualifies for MHCC. This is a case where there are some businesses that fit—the multi-family is a nonconforming use that would be made conforming based on the new zone. More importantly, the Comprehensive Plan suggests an evolution along this stretch to something that is different from the neighborhoods in the back. It will not be compatible in the sense that it's identical to the neighborhoods. It's intended to be more than that to serve the area. At the same time, there are protections in buffering, requirements for meeting design standards, and the reduction in building height. In regard to all of the comments on speed and traffic safety: they couldn't agree more. They have gone beyond ruling out curb extensions and other traffic calming measures. Density at 24 units per acre is the same as Knightville and Thornton Heights. These are small lots and it's hard to get many units—24 is probably not enough. Parking and cars blocking driveways will be looked at as part of the traffic issues. Lastly, the zoning permits single-family detached dwellings.

**K. Carr** asked about the nature of the current uses versus the proposed change.

**T. Haeuser** said essentially, you have two zones in the block: LB on the ends and RT overlaying A in the middle. LB is 45' height that allows drive-throughs, residential, and various types of commercial. RT is a residential transitional that adds to basic the single-family detached zoning, some multifamily and some types of business and offices. What's proposed is more robust mixed-use with a variety of residential and business uses with some additional standards. **S. Puleo** said the intent of the Comprehensive Plan is to extend all the way to Edgewood and Angell. Most of the zoning in that corridor is LB. This is the part that is not.

**K. Carr** asked for parameters of the Meetinghouse Hill Community Commercial Hub. **T. Haeuser** showed a map where the Hub would be according to the Comprehensive Plan. The two ends are proposed to stay as-is with residential.

**K. Carr** asked where they are now—the beginning of the transformation or the end.

**T. Haeuser** said it's to start with the idea that people came forward wanting a zone change. It was felt that they should go beyond but not to take on the entire section at once. The idea is that the City will begin with rezoning this and over time they would extend it.

**W. Laidley** said one issue raised was why instead of having the single property, others were included. He thinks this goes back to spot zoning and asked Mr. Haeuser to elaborate.

**T. Haeuser** said this moved forward the same way the recent rezoning happened on Broadway in the Ridgeland Area, where one person requested a zone change and they said it wouldn't work alone; they need a group because it would seem like spot zoning otherwise. There has to be a logical mass for going through the time and effort of zoning. That is what Ms. Bruzgo did and they were not able to bring everyone along but she had a number of other co-applicants. The Council expanded beyond that and took it over as a City project.

**K. Gatti** said the Committee talked about pedestrian safety and asked for a confirmation that they will also talk about parking.

**T. Haeuser** said yes; they want to look at it all: parking, the ability to get out of driveways. The emphasis is mostly on pedestrian safety but there are other issues. He's made an effort to ensure DiPietro's is involved because any businesses along here live and die by parking and they will have to balance what they do with parking. They are looking at everything, but there will be some bold proposals for reclaiming the commuting route for the City and neighborhood.

**W. Laidley** is familiar with this area. Like a lot of other issues the City deals with, the proposal brings to the surface a lot of things that weren't before. Traffic enforcement is one of the many in this area. His perception and that of some others is that people are driving too fast and could have unhappy consequences. He asked what the net gain is for the neighborhood—that is what the Board and Council should look at. Speed bumps and flashing lights are specific approaches to traffic issues. He doesn't put a lot of faith in the committee but he wishes them well. If he had a basis to vote against this he would, but on the surface he can't find a basis. These problems have been here, below the surface, and this change brought them into a public forum.

**K. Gatti** said in regard to net gain, there were some convincing rhetoric from the community for a central place to gather. If they do recommend tonight, it's not saying there will not always be a coffee shop in the area. People spoke about a community feel and places to gather and talk. She sees that as a net gain and

thinks it fits well with the Comprehensive Plan. She's happy Council was on board with the ad hoc committee and suggests Ms. Bruzgo attends the meetings. It was only suggested because people came to the meeting and talked about their complaints.

**L. Dillon** said as Mr. Laidley requested a clarification on the area under consideration for the public, it might be worth continuing to clarify or bringing City Council's attention to the specific area under consideration, particularly if there's a comparison to the process that was just completed for the West End. She encourages everyone to remember that the details of implementing the new zone as recommended in the Comprehensive Plan needs input and ideas. She's grateful for input in the past two hearings and if you want to be more involved, please continue to come to the hearings and speak to your City Councilors. She reiterates that there should be a distinct and announced timeline for the subcommittee to form to then have goals and findings for when things will be implemented. She asked how and who they encourage to continue the process of engaging the neighborhood.

**T. Haeuser** said he hasn't thought about it but he will.

**L. Dillon** said with the basis of what came forward with the West End master plan, how the community was engaged in giving feedback so they could create something to match the Comprehensive Plan and had neighbors involved in approving, she hopes to see that happen here.

**A. Dowling** asked for the committee's mission.

**T. Haeuser** said it's coming under Bike-Ped Committee, which is ad hoc and has annual appointments of Councilors. Members aren't appointed. It's chaired by Rosemarie DeAngelis and has a number of residents on it, as well as people from GPCOG and PACTS who sit in. The group has met for three or four years and have done a variety of work: public forums, surveys, extending bike lanes. It will begin with a regular Bike-Ped meeting and will talk about goals, process, timeline, and will see who from the community wants to be involved. They anticipate they will have subcommittee meetings to continue the process.

**A. Dowling** said this highlights a concern he has about Bike-Ped Committee. He couldn't get information on them or their minutes because they don't have a page on the City's website. He feels that there isn't a lot of transparency; it makes him uncomfortable that it's a subcommittee of a committee that is hard to find. He thinks speed bumps work and spoke to how well they work on Brickhill Ave. He also spoke about permanent radar-type signs and crosswalk flashers. He asked if the police department has a parking enforcement division.

**T. Haeuser** said it's not a designated group; it's another issue that regular police deal with.

**A. Dowling** hates the idea of adding more to the budget, but with more growth you need to consider using new tax revenue to deal with the side effects that come with economic growth and development. Like Mr. Laidley, he doesn't feel empowered to vote against this. He wants the Council, through reading the minutes or watching the video, to see how seriously they've taken this and that it's an issue they've struggled with. It's up to them to carry it the rest of the way.

**M. DeRose** will vote in favor. She has faith that traffic issues have been heard and a solution will be worked out.

**K. Carr** is with Mr. Laidley; he can't find reason to vote against but he's heard things from his colleagues that are encouraging. As Ms. Dillon said, looking through the lens of a higher level of community engagement is needed. With regard to Council, last night at the workshop the Chair noted the

well-reasoned recommendations from the Planning Board with regard to this item. Although they didn't take them up on having a specific ad hoc committee focused on traffic and pedestrian safety, at least they have comfort in knowing there's a standing committee to address that. He's encouraged that there are Councilors on the committee and they need to hear from the public. He suggests sharing contact information with Mr. Haeuser.

PUBLIC HEARING CLOSED

**K. Gatti motioned to recommend to the City Council to approve the zoning map change for Assessor's Map 10 Lots 206, 207, 208, 209, 209A, 210, and 211 from the Transitional Residential (RT) and Limited Business (LB) districts to the Meetinghouse Hill Community Commercial (MHCC) District. W. Laidley seconded; (6-0) (L. Boudreau absent).**

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

**Naomi Hall, 34 Carter St.**, said in terms of getting communities involved, there was a larger turnout at the last public hearing due to the fact that they participate so much in the local community. Creating community hubs is part of the Comprehensive Plan and one of the main benefits is getting participation and awareness within the City Council and Planning Board.

**Russ Lunt, Brigham St.**, said Ms. Dillon is right, it's good to have the public engaged. He thought Mr. Dowling's comments on the speed bumps were good as well. He also thought there were good comments last night at the Council workshop. He thinks they realize what the Board does. The Board has a lot going on and he thinks they do a wonderful job.

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

**T. Haeuser** said they had a second public meeting at SMCC on the Smart Corridor transportation study and there are recommendations to beef up pedestrian crossings at Pine and Broadway and Sawyer and Broadway. At Broadway and Ocean, they are wrestling with the existing free right from Broadway onto Ocean and would like to control it for pedestrians. One recommendation at Broadway and Sawyer is a roundabout and they will look more at that. As far as the project for converting streetlights to more efficient LED lights that the City would own and not lease from CMP, they are close to the stage of putting test lights around the City. Once it's finalized there will be info on the City's website and a way to provide feedback.

**K. Carr** asked about a legislative update and if anyone is going to the Municipal Client Seminar on Thursday night.

**W. Laidley** is going and will get information. He asked if there is information on the two big housing projects.

**T. Haeuser** said no. **S. Puleo** said they are working on it; the one on Clark's Pond had challenges with water lines and had to negotiate. There is nothing on Sable Oaks yet.

**K. Carr** said last night the City Council had a workshop and the first item was the role of the Planning Board. He, Mr. Laidley, and Ms. Dillon attended. Mr. Haeuser. He thinks the crux of the problem they attempted to solve was difficult to pin down and he sensed that was felt by some Councilors. One concern is if the Board should be limited to a quasi-judicial role or if there is there a role in advising policy.

**W. Laidley** said it was a bit nebulous and went back and forth because Councilor Rose talked about legislative possibilities of the Board versus being held accountable in some respect. Councilors act

legislatively and are subject to losing their election and that isn't the case for the Planning Board. He didn't see it progress.

**T. Haeuser** said the big one on legislative policy was the feeling on zone changes where it's a recommendation—that is a more legislative action. If the zone change comes from the Planning Board to Council, in effect the Board is acting in a policy-making way. There was concern that policy making should be reserved or steered by Council. He thinks there was an objection to zoning requests coming to the Board first whereas already knowing that concern, they changed practice and now go to Council workshop first. The idea that the Planning Board shouldn't have policy recommendations would be different from any other community around. It's felt that the Board has a very important role at times to make recommendations based on the Board's land use knowledge. Another aspect was how the Planning Board can initiate recommendation of the Council when Planning Board members don't have access to the agenda. Councilor Rose felt staff controls the agenda and the Board is locked out of the ability to have a more active role. As he has mentioned to members, different Boards have been more or less active in working on ordinance changes and other policy. It's not frequent and there could be subcommittees but as he explained, what often happens is other committees are formed for more specific purposes. Each generally has a Planning Board representative. If Board members want a more active role, there is opportunity, but he's not sure about setting the agenda. You could make requests during this item or they could come up with something different. Councilor Morgan asked if they've had a vision-setting workshop as a Board and they haven't. There have been training sessions but nothing to spend time to talk about how things are going and what they're interested in. He thinks that's a good idea.

**W. Laidley** said it was called a retreat. Another issue from Councilor Rose was the indication that because the Planning Board works with staff, it becomes a rubber stamp of the executive branch. That does not happen—if the issues are vetted and meet requirements, they have to approve them.

**T. Haeuser** said the other thing was both Councilors and some members talked about the problem of the public not understanding when there are items that are quasi-judicial that are development applications that the Board makes a decision on. They have a limited range of decision making to work with. It seems like that is almost never well understood by members of the public—an application is processed, notices are sent, and the Chair reads opening remarks, but everything becomes what's good for the neighborhood or City. That is something to talk more about, but he reminded Board members that if you have a tough item, almost all nonconforming lots are controversial, another option is postponement if you think there's a need for more information.

**K. Carr** said the Board has exercised that option at least twice in the past few months.

**L. Dillon** stated that another point was that charter or code has contradicting language that Councilor Rose was trying to clarify, but there was no action taken on that. In practice, beyond the language, it was mentioned that there isn't clarity in the relationship between the Council, the Planning Board, and staff. She agrees and being a new member and hearing the confusion from the public, she thinks there needs to be internal clarity and external communication. They have the platforms for this communication such as Facebook and the City website and these provide opportunities to educate and involve and require no money and very little time. One proposed actionable item regarding this was introducing more clarity in the sequence of which items are heard and by which body. She thinks clarifying that and codifying it with something such as waivers should, in certain situations, make it less necessary to go to City Council workshop first and they could waive to the Board's expertise. She also echoed that there would be value to a Board retreat and training.

**K. Carr** thought the only truly actionable item was a modification to 27-115A. He thought that other members of Council felt that they should leave the flexibility in place. He tried to stress that they try to

attempt to make the limits of their role clear in terms of legislation and policy. He wants the Board to know that there was love in the room. In the line of inquiry about a retreat and setting goals, he was honest with Councilor Morgan in stating that the Board is busy. It's not a suggestion to not pursue thinking big, but to be mindful that there are only so many hours in every other Tuesday evening. There were other things mentioned such as tools to not carry around binders. He appreciates the thought but there may be higher priorities.

**A. Dowling** read the materials for the workshop and watched it online. He thought Councilor Rose brought up good questions and astute observations about how the Board functions and how it relates to what the ordinance says. He didn't feel Councilor Rose was being critical of the Board; he felt he was trying to see if there were ways the Council could streamline things. One point was how Council appoints members to Planning Board; his point was that it is a bit like the Supreme Court with no term limits. He felt he was asking if it should change. Mayor Smith brought up the idea of iPads but he feels it could be another tablet. He has thought about that because the binders are sometimes not large enough and heavy to carry around. In the spirit of Board members having access to the agenda, he would like the Board to consider holding a workshop to discuss the idea of switching to a paperless Planning Board.

**K. Carr** thought it could be a goal setting conversation in the form of a workshop. He would be thrilled to see the City be at the point of having enough people volunteer so that being a member was more competitive. He filled out the volunteer form and felt there was an appropriate level of vetting and expectation setting; he would be willing to step aside for someone who was equally or more motivated.

Item #7. Adjournment

**9:15 pm A Dowling motioned to adjourn. K. Gatti seconded; (6-0) (L. Boudreau absent).**

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**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.