

CITY OF SOUTH PORTLAND

Name of Body: Planning Board
Minutes for Meeting of: October 11, 2016
Meeting Begins: 7:00 p.m.
Meeting Location: Council Chambers, City Hall

MINUTES

Members Present

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

Staff Present

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

Pledge of Allegiance

Chairperson William Laidley 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 27, 2016, Planning Board minutes

**A. Dowling motioned to approve the September 27, 2016, Planning Board minutes.
L. Boudreau seconded; (7-0).**

Item #2. Consent Calendar

No Items

Item #3. PUBLIC HEARING – Special Exception Accessory Dwelling Unit – Santoro-ADU – 1651 Broadway – Ms. Hannah Santoro – FINDINGS

Ms. Hannah Santoro is requesting a special exception approval to create an Accessory Dwelling Unit (ADU) in her home located at 1651 Broadway. The applicant proposes to convert the second-floor loft area above a two-car garage and a portion of a first-floor office. The applicant will add a full kitchen to the “loft” space and a ¾ bathroom and laundry room in the office area. Access to the proposed ADU will be from a doorway from the garage area. The proposed ADU will be 787 square feet in size and will be attached to a 2,260 square foot principal dwelling, making it 34.8% of the principal dwelling. All living areas will have CO detectors and hardwired smoke detectors. The applicant is planning to live in the proposed ADU. The property is further identified as Assessor’s Map 52, Lot 86, located within the Residential District A.

Public hearing notices were mailed on October 3, 2016, to the 37 property owners within 500 feet of the proposed project, the applicant, the Conservation Commission, the Planning Board, and City Council.

T. Haeuser introduced the item and showed the location on a map. He showed the principal dwelling and the floor plans. He noted that there are plenty of off-street parking spaces and reviewed the two conditions of approval.

PUBLIC HEARING OPEN

Hannah Santoro, 1651 Broadway, introduced herself.

Russ Lunt, Brigham Street, said he likes this building and thinks this is a good idea; it’s a good place and there’s plenty of room. He thinks it’s a win-win.

PUBLIC HEARING CLOSED

L. Boudreau said she couldn’t make the plans and photo of the house work together. She asked for a walk-through.

H. Santoro explained that you would walk into the door to the right of the garage. There’s a wind lock on the front that would direct you back into the garage. The door is straight ahead in the garage, on the interior side at the bottom of the stairwell. She noted she is going to wall off a part so you can’t continue through. **T. Haeuser** showed this on the plans and showed the existing conditions. **H. Santoro** noted there is a door missing on the drawings but it exists.

L. Boudreau asked what will happen with the rest of the office.

T. Haeuser said it’s for use by the principal dwelling. **H. Santoro** said it is storage.

T. Haeuser said you come into the garage and can go upstairs to the ADU or go into another part for laundry. There is not a connection from the laundry space into the storage room; it is separate

from the rest of the house. The unusual thing about this is the extra first floor area, but it still adds up to less than the limit.

L. Boudreau said she is lost when looking at the front of the building and asked if the double windows are where storage space is for the big house. **H. Santoro** said yes.

L. Boudreau confirmed that there is a narrow strip that is a hallway going up. **H. Santoro** said that is existing but she will wall off the end of it. She explained where this is on the drawing.

T. Haeuser showed where the door is from the outside. **H. Santoro** noted that you can pull into the garage as well.

T. Haeuser asked if that is how you get into the ADU. **H. Santoro** said you can go either way. **T. Haeuser** showed this on the drawings.

L. Boudreau asked if you would be going through the storage unit.

H. Santoro said there's a wind lock there; a wind lock is something so if you open the door, the wind doesn't continue. It's built in. There are three doors there now.

L. Boudreau thought it had to be self-contained. **T. Haeuser** said it's not quite as self-contained as they thought.

S. Puleo said that what Ms. Boudreau may be getting at is that there is no direct access outside of the house to the ADU space. **L. Boudreau** said she wanted an explanation; she couldn't figure it out.

S. Puleo said the only way to get into the ADU is through the garage. The intent is for Ms. Santoro is to live in the ADU and park her vehicle in the garage, accessing the ADU through the garage itself.

L. Boudreau said you drive into the garage and go up the staircase to the right-hand side. **S. Puleo** said yes.

L. Boudreau confirmed that the office area doesn't have anything to do with this other than the back laundry room. **S. Puleo** said yes.

T. Neff asked if it's difficult to get out of the driveway, being across from Broadway Gardens, and if they have to back out.

H. Santoro said there is a turnaround with room for a car to turn around if there are cars parked.

K. Phillips said in the floor plan, on the proposed first floor, it doesn't show the existing block off area that's been referred to. Would there not be a wall coming across at an angle to block it off?

H. Santoro said if the Board insists she keeps it she will, but she'd like it to go away.

K. Phillips confirmed that it would be completely open to the storage for the tenant to pass through and have access to that large space.

W. Laidley asked if it's a concern. **K. Phillips** said she wanted clarification. If it was said the tenant won't have access to the storage space, that isn't the case if it's open.

L. Boudreau said that square footage would have to be counted in with the ADU.

T. Neff said there have been other units with access through the garage. **T. Haeuser** said yes.

L. Boudreau said that's not the confusion—it is the other space. If it went through the garage and had nothing to do with the former office space, they have seen it before. The confusion is coming from the use of the other space. It's her understanding that you could go through the garage and have the laundry room and space from the back as long as it's completely separate from the remainder of the old office space.

S. Puleo asked if the concern is that Ms. Santoro is proposing to take the wind lock out and it would be a shared access between the principal dwelling and ADU. In some ADUs they've looked at, there has been a breezeway where it's a shared entrance and it's not part of the ADU structure but just access through the principal space. By keeping the air-lock configuration in, would it provide comfort relative to a "mudroom" type function?

K. Phillips said as it is now, there is a large square where if they come in one way, they have access and that could become part of the ADU in theory. She thinks it needs to have a block-off if a tenant isn't to have access to the storage space.

L. Boudreau asked if the fire department has reviewed this.

S. Puleo said yes, but their real comments take place at occupancy.

L. Boudreau would hate to have it finished and find out it won't pass, along with concerns about square footage.

T. Haeuser said there is precedent for using part of the principal dwelling if the use is limited to access. Hearing from others, without a wall how do we know it's limited?

L. Boudreau asked why they have inside the garage door going into the space for the home occupant.

S. Puleo said if you're going through the garage to that space, you wouldn't want to go outside just as well as someone leaving the ADU coming through the garage and leaving having to open up the garage door. He said they've been seen before.

T. Haeuser said it's not like living space.

S. Puleo said they can only do so much to control access. It's clear through reviews what is going to be principal and what will be ADU. They define it the best they can. They have other types of conditions to go through the other part of the house, who is to say someone isn't storing something there? If there's abuse that comes to them, Code can enforce something. They have it clearly defined. It will show these areas when they come in to obtain a permit.

I. Misiuk asked regardless of who is staying in the ADU, if the resident of the ADU stored a box or asked to do so in the first central area, wouldn't that be part of the ADU as storage?

S. Puleo said theoretically yes.

I. Misiuk said for him, they need a wall. Otherwise there's nothing stopping anyone from storing a box and getting free storage space. They need to make a determination so they don't see an influx.

S. Puleo said he understands what Mr. Misiuk is saying but he feels that these types of situations are similar in many ADUs that have gone through the Board where there is shared access to get into the structure.

I. Misiuk said a mudroom is a small area, not something the size of a bedroom.

S. Puleo said this room has a wind lock. Ms. Santoro wants to remove those doors to give it two doors. He thinks leaving the doors in place, you are essentially creating an access way—"mudroom"—a common way of getting into the garage and you're not eliminating access from the garage into the office space.

I. Misiuk said it would be if it was locked.

S. Puleo understands but if you have a common breezeway, what's to stop someone from leaving a box of shoes that the ADU resident owns in the breezeway? If one door remains locked and the two others were used as access, it would constitute an access way that they see in other ADUs. He showed this on the plans.

K. Phillips said that isn't the issue. It is the proposed first floor plan that clearly states storage areas. If it's used like the original drawing with the three doors, she doesn't have an issue.

S. Puleo agrees and said this was their understanding. If they leave it in place, they are maintaining a precedent they use now—a common access area. He thinks they should keep the wind lock in place.

I. Misiuk said he may not have been clear but that's what he was trying to get at. **K. Phillips** said it's leaving the plan as it is currently. **S. Puleo** agrees.

K. Carr said if keeping the wind lock makes them feel better, he is okay with it. He doesn't see the storage as an issue and thinks they are overthinking it. He is more concerned with making sure in the case of emergency egress, zig-zagging through is okay from the fire department.

L. Boudreau said that's where her concern was.

K. Carr said his concern is that they were all reasonably confused when they looked at the floor plan. Given that, he has less comfort that the fire department didn't include the same confusion in their notes.

The Board members looked at this portion of comments.

T. Haeuser asked if the Board wants to postpone to get more discussion from the fire department.

L. Boudreau said it could save the applicant money if it's done right the first time. She asked the applicant if that would be okay.

H. Santoro would like to move forward. She is performing the work herself and isn't worried about redoing some of it.

K. Phillips would like the air-lock to remain. **H. Santoro** said that would be okay.

L. Boudreau pointed to the plans and said if the air-lock remains, you will be able to go in and go up the stairs or come through the garage?

K. Phillips said no, that is the proposed laundry room.

The Board reviewed the plans.

H. Santoro said there is a door there now but it isn't on the drawing. The wind lock is there as well.

T. Haeuser said they could have a condition to keep the wind lock but put the wall in.

W. Laidley asked the Board if that's a possibility.

T. Neff said she's fine with that compromise. She personally wasn't confused when she reviewed the plans.

I. Misiuk said he's okay with it but said if the fire department comes back and says it doesn't work, she will have to come back to the Board again and pay more money.

H. Santoro asked what the fire department would say.

I. Misiuk said he can't speak on their behalf. They have a specific vision and he looks at the whole scheme.

A. Dowling looked at the notes from the fire department and didn't see anything mentioning CO detectors. Is there anything in building code or ordinances that requires them in this situation?

K. Phillips said yes. Anytime you add a bedroom, you have to bring it up to code. **S. Puleo** said that's correct.

T. Haeuser said if the fire department comes back and says they need an exterior stairway in the back, he is inclined to bring it back to the Board for approval. There is a house behind that would look at it.

L. Boudreau asked where the windows are. **H. Santoro** said the three windows on the front are bedroom windows. **S. Puleo** said there's one in the back hallway stairwell.

T. Haeuser showed the view behind the house.

K. Carr wants to ensure it's clear that on the whole, it's a good project. It appears that in the back at the bottom of the stairwell there is a window. Perhaps worst case, it would turn into a door. He's coming down on the side of being cautious. He isn't concerned given she is willing to take the risk.

L. Boudreau said her feeling is that they are here for concerns and cautions and they need to express them. She's comfortable with the fire department taking a look. This is different than what they've seen before. She's concerned about fire safety and access and thinks they should postpone.

L. Boudreau motioned to postpone this item to the next regularly scheduled meeting, based on the condition that they will get feedback from the fire department. **A. Dowling** seconded; (3-4) (Neff, Laidley, Misiuk, Carr).

W. Laidley asked where they should go from here. **I. Misiuk** said if she's willing to go through the burden to come back, he won't stand in her way.

T. Haeuser said the plans need to be revised so they can say, "Prior to issuance of a building permit, the plans should be revised to show keeping the wind lock."

S. Puleo said it should be "prior to issuance of a Certificate of Approval;" that would force her to produce the drawings immediately. **T. Haeuser** agreed.

I. Misiuk motioned to approve the special exception application of Ms. Hannah Santoro dated September 20, 2016, and drawings dated August 1, 2016, for an Accessory Dwelling Unit located at 1651 Broadway with the following conditions:

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

2. Prior to issuance of the Planning Board Certificate of Approval, the applicant shall provide to the Planning & Development Director revised plans showing maintenance of the first floor "Airlock" in the existing office area.

~~2.~~ 3. Prior to issuance of the certificate of occupancy, the applicant shall provide evidence to the Planning and Development Director that the Certificate of Approval for the ADU

has been recorded in the Cumberland County Registry of Deeds and the exterior stairway shall be removed. T. Neff seconded; (4-3) (Dowling, Boudreau, Phillips).

FINDINGS

L. Boudreau asked if Condition #2 is what Mr. Puleo said or if it's changing.

S. Puleo said they are adding a new Condition #2 and changing Condition #2 to #3.

L. Boudreau asked if normally they vote on the findings as it reflects the record. They are attesting these reflect the discussion that took place and not necessarily that they agree with the underlying issues.

T. Haeuser said if they vote against, they should explain why ahead of time.

K. Carr motioned to accept the findings with the addition of Condition #2 and the change of previous Condition #2 to #3. I. Misiuk seconded; (7-0).

Item #4. PUBLIC HEARING – Amended Site Plan – Troiano Waste Services, Inc. Facility Expansion – 10 Filmike Way – Filmike, LLC – FINDINGS

Filmike, LLC is requesting an amended site plan approval to make modifications to their waste hauling facility located at 10 Filmike Way. The applicant received a Planning Board approval in March of 2015 to construct an expansion to the principal building with a 6,000 SF truck maintenance addition, a Compressed Natural Gas (CNG) fueling station, and an expansion of the solid waste handling area of the facility. The applicant is proposing to amend the approval by modifying their proposal to eliminate the building addition, reduce the expansion of the solid waste area, and change the CNG to a 12,000 gallon above-ground diesel fuel tank. The applicant's proposal still includes a driveway entrance from Commercial Street. The applicant has modified their Natural Resource Protection Act (NRPA) Permit and will be filing a Solid Waste Permit Amendment with the Maine Department of Environmental Protection (MDEP). The stormwater will be captured and directed to a "Filterra" water quality treatment unit. The property is further identified as Assessor's Map 80A, Lot 1C, 1D, and 1E, located within the Conditional Non-Residential Industrial Municipal Solid Waste Transfer District (INR-MSW-1).

Public hearing notices were mailed on October 3, 2016, to the eight property owners within 500 feet of the proposed project and the applicant. Notices were sent by e-mail to the Conservation Commission, Planning Board, and City Council.

T. Haeuser introduced the item and showed the location on the map. He explained that they have seen the applicant before. He explained the waiver of Planning Board Regulation #1 to enable the hearing to occur without the Solid Waste and NRPA permits in hand.

K. Phillips motioned to approve the waiver of Planning Board Regulation #1. (d) and #2, to allow a public hearing prior to receiving all outside agency approvals and to condition the Planning Board approval to restrict all land use activities until the applicant has provided all outside agencies' approvals to the Planning Director. W. Laidley seconded.

I. Misiuk asked if there's an indication on why, other than that they don't have the permits. Is it just a longer process or were they late?

T. Haeuser thinks it's appropriate to ask the applicant.

Ellen Rathbone, Palmer Ave., Portland, and of St. Germain Collins, said that the Solid Waste and NRPA permits were going to take longer and they want to move forward as quickly as possible. The applications went in about a week after this filing and they are anticipating approval within a few weeks. There is no time limit for the Solid Waste approval and last time it took six months. They also applied for extension of time waivers to start and complete the project.

Vote (6-1) (Boudreau).

T. Haeuser said one significant change is that they are significantly reducing the wetland impact and reducing their fee. This puts them paying the City instead of DEP. They are able to rearrange upland buffers to ask for a waiver for rearranging and not having to pay a fee. They still have a sizable wetland impact fee. They are also adding more to the stormwater plan. He explained the waivers and conditions. He noted that there were different lots with easements involved in this facility and those are carrying over from the previous proposal.

PUBLIC HEARING OPEN

E. Rathbone said a number of conditions changed. It no longer made sense for their client to take a \$182,000 wetland fee. The cost of construction in a wetland is significant and was no longer appealing. The project was reconsidered and they want to do a smaller version. The benefits include a smaller impact, leaving some remaining wetland, and maximizing efficiency of the site.

Russ Lunt, Brigham St., said Troiano is a great company. He's glad they still want to do something and thinks it's wonderful.

PUBLIC HEARING CLOSED

K. Carr asked about the logistics of the tree box.

E. Rathbone said she's not a civil engineer, but it is possible to maintain them and if it doesn't function properly it can be repaired and replaced. There's an agreement with the City that it will be updated.

S. Puleo said there are a number throughout the City. This is contained in a box and they replace the media over time, as much as they can extract over a couple years. They test the media and if it looks to be saturated with bad things, they will exchange it. Through the inspection and maintenance program, the City will know about these activities. The Best Management Practices (BMPs) are used a lot with good success in cleaning up water quality. This will add water quality before it goes into the wetland.

W. Laidley said it sounds like the company's first view of the project was going to have excessive charges for wetland remediation.

E. Rathbone said it was \$182,000. This was a consideration.

W. Laidley asked for explanation of their other issues.

E. Rathbone said another piece of property became available and freed up some storage space. The area talked about is a strip of trees, shown on the map, and now just a third will be filled in instead of the entire piece. Looking at the alternatives analysis before, there wasn't enough property and a way to keep operations out of sight without more storage space. While waiting for final approvals, more space became available and some storage can take place on that site.

W. Laidley said it was cheaper to buy the other site.

E. Rathbone said yes, but the purpose of the fee is to discourage filling wetland and that is how it worked out. It's a small site that is nicely located. The objective is to maximize the use and minimize impact to wetland and costs.

L. Boudreau said they've hit on her concern. They looked at this project 18-19 months ago without permits. When things finalized, it gave a clearer picture of conditions. She has a hard time rushing this project back through and placing waivers for a two-year start of construction and a two-phased development. It seems like it failed last time and they are doing it again and saying it's a rush, but allowing for waivers. It seems inconsistent. This is why she voted against it. She thinks the Troianos have a great project but she wishes they could wait it out before giving approval.

T. Neff understands the change in the amount of storage but wants to know about the building construction and switch to a diesel tank.

TJ Troiano, Bonnybank Terrace, said the property they bought had a 6,000 SF building, which is what they were looking for—they now have another building to expand to. In regard to changing the fuel, there have been economic changes with the price of diesel compared to CNG. They have a 12,000 gallon diesel tank onsite already and are trying to relocate it for safety and traffic pattern. Hopefully natural gas drops again and Unitil gets the lines in they need for capacity so they may be back again.

L. Boudreau motioned to approve the request for a waiver of Section 27-1428 (a), Time Limitations, to allow a two-year "Start of Construction" approval period that expires on **October 11, 2018**;
to approve a request for a waiver of Section 24-26 (b), to allow for a two-phased development to be completed five years after the approval, expiring **October 11, 2021**;
to approve a request for a waiver of Section 27-1526 (F)(1), Upland Vegetated Buffer Strip Adjacent to Freshwater Wetlands, to allow for the reconfiguration for the loss of Upland Vegetated Buffer;

to approve the amend site plan application of Filmike, LLC dated September 9, 2016, through October 4, 2016, and drawings dated February 24, 2016, through October 4, 2016, for the Troiano Waste Services, Inc. Facility Expansion located at 10 Filmike Way, as follows:

- 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 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. 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.**
- 4. No changes to the grading plan, detention pond, or stormwater detention system are allowed without the prior review and approval of the Planning Board prior to implementation.**
- 5. As part of the separate conveyance of Lot 1, 2, or 3 shown on the Minor Subdivision for Filmike, LLC recorded in the Cumberland County Registry of Deeds in Plan Book 209, Page 384, Filmike, LLC shall convey all necessary drainage, stormwater management, access and utility easements to benefit the owner of said lot, with a copy of the recorded instrument contemporaneously provided to the Director of Planning and Development.**
- 6. As part of the separate conveyance of either Lot 3 shown on the Minor Subdivision for Filmike, LLC recorded in the Cumberland County Registry of Deeds in Plan Book 209, Page 384 or the lot described in a deed recorded in the Cumberland County Registry of Deeds in Book 14316, Page 47, Filmike, LLC shall convey the necessary drip edge infiltration trench easement to benefit the owner of Lot 3, with a copy of the recorded instrument contemporaneously provided to the Director of Planning and Development.**
- 7. The property is subject to a Stormwater Management System Maintenance Agreement that runs with the land and is binding upon the property owners' successors and assigns as their interests may from time to time appear. Said agreement(s) shall be amended by the owner of Lots 1 and 3 as well as the owner of Lot 2 and, contemporaneously with the recording of the mylar, said agreement(s) shall be duly recorded by the applicant at the Cumberland County Registry of Deeds, with a copy of the recorded instrument(s) contemporaneously provided to the Director of Planning and Development.**
- 8. On or by July 15th of each year, a completed and signed certification shall be provided by the applicant or condominium association to the City's Director of Water Resource Protection in a form provided by that Department, certifying that a qualified third-party inspection employed by the property owner or applicant has inspected, cleaned and maintained the stormwater management facilities, describing any deficiencies found during inspection of the stormwater management facilities and certifying that the person has repaired any deficiencies in the stormwater management facilities noted.**
- 9. The Planning Board's approval is conditional on the applicant obtaining all necessary DEP approvals, Army Corps, IF&W, and other approvals before the applicant commences any land use activity. If the DEP, Army Corps, IF&W or any other agency imposes any more stringent conditions on the applicant or if the DEP, Army Corps, or other agency's conditions of approval in any way impact the City of South Portland's substantive review**

criteria, the applicant must be required to return to the South Portland Planning Board for review and approval of an amended site plan.

K. Carr seconded; (7-0).

FINDINGS

A. Dowling motioned to accept the findings. I. Misiuk seconded; (7-0).

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

None

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

T. Haeuser said there are emails about upcoming meeting dates. Because of the nonconforming lots issue with City Council that has a backlog of applicants, it puts pressure on the schedule and he is requesting a Board meeting on November 15th. It sounds like they may be able to avoid a second November meeting. Things could change; the next City Council workshop is October 24th and he expects this item to be on that workshop. What the Board would look at would be a citywide zoning change with two alternatives that is significant enough that it would change the minimum lot sizes. They are prepared to use a mail service to send out 6000 postcards to every property owner necessary in addition to other communications. He doesn't think that will necessarily end up with a large number of people at the hearing. He's not sure how to gauge this.

The Board discussed meeting dates and decided that the meeting on November 15th is a definite.

W. Laidley said they need to sign the mylar. On his calendar, there was something about Arts & Historic Preservation to happen this month.

T. Haeuser said it was tentatively scheduled for tonight but it came off because they are switching between chairpeople. He thinks it will happen next year.

A. Dowling said there are two vacancies. **W. Laidley** asked what the meeting may be like since Mr. Dowling is on the committee.

A. Dowling said the committee is looking for direction from the Board in terms of what they expect from the committee. It is still new and they are trying to figure out what their role is and what their capabilities are.

W. Laidley spoke about the administrative burden they put on staff with follow-ups to various issues that come up. He asked if there is there a big administrative burden.

S. Puleo said over the years since they've added follow ups. It's set forth a feedback loop system that allows for constant feedback between Planning and Code divisions. There are more integrated efforts to ensure the conditions of approval are being met through the process. It works well now. They are taking on even more challenges because of their need to beef up and have a better handle on construction activities in the City, primarily through their erosion and

sedimentation control effort. They will see that coming forward for their approval; that being addressed directly within the plans they approve. This is a policy, Regulation #2. This will address some of the things they've been dealing with. They have taken on more burdens but are using staff as a feedback loop type system. They are constantly busy.

T. Haeuser said what they never see, an important function, is that they require applicants to pay for our engineer to review their things. This requires a lot of accounting. This is Mr. Puleo working with Adin Wolfgram, who is part time but goes above and beyond, keeping track of accounts and funds. As a result, they save the taxpayers a lot of money because they don't have to use their own engineering staff.

S. Puleo said to give an idea of how much money they process, it's probably about \$50,000 in separate escrow funds that they have set aside at any time.

I. Misiuk recalls that they changed the process of how to get before them and one thing was requiring permits in-hand. It seems that every meeting has a waiver of that and he's curious, what is the process of an applicant if they don't have the permits in-hand? Is there a way to better the process?

S. Puleo said they have to consider projects like 363 Maine Mall Road. They went through multiple changes and had multiple amendments to their site location permit. They have a site location permit for stormwater. When they amend it, it goes in a process and there is no time deadline to process it. In these cases, he feels confident that when the applicant goes to DEP, what they see here is what they will approve. This is a project with an existing permit. Troiano also has an existing permit—a Solid Waste industrial permit, which is a different division. They were permitted before and he doesn't feel as though their application will change, it's just a matter of getting through. There are others that haven't had a site location permit and are going through the process for the first time and ask for a waiver. This is where they say no. They have had several. If it doesn't have a permit and they need one to see the Board, he will push back.

I. Misiuk confirmed that there is a hurdle they go through before the waiver is seen. **T. Haeuser** said it's not automatic. **S. Puleo** said the ones they've seen are situations that he believes are reasonable. The reason you see any are because they have some sort of permit and it's an amendment sort of process.

Item #7. Adjournment

8:35 p.m. K. Carr motioned to adjourn. L. Boudreau seconded; (7-0).



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.