

CITY OF SOUTH PORTLAND

Name of Body:
Results for Meeting of:
Meeting Begins:
Meeting Location:

Planning Board
October 24, 2017
7:00 p.m.
Council Chambers, City Hall

RESULTS

Members Present

Adrian Dowling, Acting Chair
William Laidley
Linda Boudreau
Leslie Dillon
Katherine Gatti
Mary DeRose

Staff Present

Tex Haeuser, Planning & Develop. Director
Steve Puleo, Community Planner
Sally Daggett, Corporation Counsel

Absent

Kevin Carr, Chairperson

Pledge of Allegiance

Acting Chair Adrian Dowling 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 October 10, 2017, Planning Board minutes

L. Boudreau motioned to approve the October 10, 2017, Planning Board minutes. W. Laidley seconded; (6-0) (K. Carr absent).

Item #2A. Consent Calendar – Performance Guarantee Releases – Release of Development

Performance Guarantees – FW Webb at 150 Postal Way; Meetinghouse Lofts at 391 Pine Street; Ridgeland Gardens at 101 Ridgeland Ave

K. Gatti motioned to approve the total release of the \$66,780.00/Public Improvements, \$15,000.00/Erosion Control, and \$5,310.00/Landscaping performance guarantees for the projects listed above. W. Laidley seconded; 6-0 (K. Carr absent).

Item #3. PUBLIC HEARING – Development of a Non-Conforming Lot of Record – Single Family Home – 10 Cumberland Rd – Alexander Anastasoff – FINDINGS

Mr. Alexander Anastasoff is requesting a site plan approval to develop a non-conforming residential lot of record located at 10 Cumberland Rd. This nonconforming lot of record is known as Lot 58 of the Plan of Cumberland Manor and is 5,000 square feet in size. The applicant proposes to construct a 1,668 square foot two-story single family home with a covered front porch and an attached garage on this parcel. The

site plan provides for two off-street parking spaces; one in the garage and one on a paved driveway. Public utilities are available in the Cumberland Road ROW. The property is further identified as Assessor's Map 34, Lot 204, located within the Residential District (A) and the Standwood Park Neighborhood.

Public hearing notices were mailed on October 16, 2017, to 63 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.

L. Boudreau motioned to approve the waiver request of Section 24-38 (F)(1) Requiring underground telephone, electrical, and cable utility connections to allow for an overhead utilities connection;

motioned to approve the site plan application of Alexander Anastasoff to build a single-family home on a nonconforming lot of record located at 10 Cumberland Road dated September 12, 2017, through October 16, 2017, and drawings dated June 8, 2017, through October 17, 2017, with the following conditions of approval:

- 1. Planning Board Regulation #5, standard condition of approval, as read by the Acting 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. 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 Findings of Fact 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.**
- 4. 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.**
- 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.**
- 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.**
- 7. In accordance with Section 27-304 (f)(2), the height of the building shall not exceed 28 feet. This condition shall also be attached to the building permit.**
- 8. The area between the three street utility excavations shall be milled, so that pavement restoration is unified.**

K. Gatti seconded; 6-0 (K. Carr absent).

FINDINGS

L. Boudreau motioned to accept the findings. W. Laidley seconded; (6-0) (K. Carr absent).

Item #4. PUBLIC HEARING – Site Plan Review – 2112 Building Development – 2112 Broadway – 2112 Broadway Associates, LLC – FINDINGS

2112 Broadway Associates, LLC is requesting a site plan approval to construct a proposed 14,000 square foot multi-use building with industrial capabilities on the first floor and offices on the second floor located at 2112 Broadway. The proposed project includes the development of an energy efficient two-story building including parking and stormwater facilities next to an existing building onsite. The additional parking areas will be increased to meet the multi-tenanted uses that onsite. Landscaping plans and the stormwater management system will also be upgraded within the site to address site impacts. The property is further identified as Assessor's Map 65, Lot 16B, located within the Commercial District (C).

Public hearing notices were mailed on October 16, 2017, to the 10 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.

K. Gatti motioned to approve the waiver request of Section 27-1428 (a) Time limitation to allow for a six-month extension of the approval period, expiring October 24, 2018; motioned to approve the site plan application of 2112 Broadway Associates, LLC, dated August 29, 2017 through October 17, 2017, and drawings dated July 8, 2017, to October 17, 2017, for a 14,000 SF Multi-use Building located at 2112 Broadway as follows:

CONDITIONS

- 1. Planning Board Regulation #5, standard condition of approval, as read by the Acting 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 inspector 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, describing any noted deficiencies found during inspection**
- 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.**
- 7. Prior to the issuance of a building permit, the Fire Department will review the changes made by the applicant regarding concerns on the adequacy of access for emergency vehicles on the property. The Fire Chief shall determine that the applicant has made adequate provisions to address those concerns.**

8. Prior to the issuance of a building permit, the applicant will address Planning Board concerns regarding the propane tank and dumpsters surrounding the property and make provisions to allow safe vehicular access around those items.

W. Laidley seconded; (6-0) (K. Carr absent).

FINDINGS

W. Laidley motioned to accept the findings with changes as stated. L. Boudreau seconded.

Vote 6-0 (K. Carr absent).

Item #5. PUBLIC HEARING – Zoning Text Amendments and Zoning Map Changes – Proposed Zoning Ordinance Amendments for Retail Marijuana Establishments and Medical Marijuana Caregiver Cultivation Facilities – Citywide – City Of South Portland

The City of South Portland Council has requested Planning Board to consider proposed amendments to Chapter 27 Zoning Ordinance regarding retail marijuana establishments.

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

Legal advertisements providing notice of the October 24th Planning Board public hearing appeared in the *Portland Press Herald* on October 6, 2017 and October 12, 2017. Notice was also posted on the City’s website, at City Hall, and at the Public Libraries. In addition, notices were emailed to the Conservation Commission, Planning Board, and City Council.

K. Gatti motioned to recommend that the City Council adopt the proposed marijuana zoning amendments as contained in Ordinance #8-17/18. L. Dillon seconded; (4-2) (L. Boudreau and A. Dowling opposed, K. Carr absent).

Item #6. Public Comment on Items Not on the Agenda

Russ Lunt, Brigham St., said the projects approved are looking good. CarMax looks good. The new Dunkin Donuts on Main St. has foundation poured. The new hotel by Staples is coming to fruition. It is improving the landscape of South Portland. He told Mr. Dowling he did a good job as Acting Chair.

Item #7. Comments from the Planning Board and Director of Planning & Development

T. Haeuser reminded everyone that there is a second Cottage Road safety group tomorrow morning. Secondly, there is a scheduled Planning Board retreat on 11/28, the second meeting in November. They have the need for a meeting out of order, on 11/21, for another marijuana public hearing to add the four new zones. He asked the Board if they would like three meetings in a row or to try to have a lot of items on 11/21.

The Board discussed and decided to leave the decision up to the Planning Department.

A. Dowling mentioned that Thursday at 6 PM is a Noise Advisory meeting at the Portland Jetport.

Item #8. Adjournment

10:00 PM K. Gatti motioned to adjourn. W. Laidley seconded; (6-0) (K. Carr absent).

Respectfully submitted,
Dana Bettez
10/26/17

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.