

CITY OF SOUTH PORTLAND

Name of Body:

Results for Meeting of:

Meeting Begins:

Meeting Location:

Planning Board

November 15, 2016

7:00 p.m.

**Lecture Hall, South
Portland High School,
637 Highland Avenue**

Members Present

William Laidley, Chairperson

Linda Boudreau

Adrian Dowling

Kevin Carr

Isaac Misiuk

Taylor Neff

Kathleen Phillips

Staff Present

Tex Haeuser, Planning & Develop. Director

Steve Puleo, Community Planner

Sally Daggett, Corporation Counsel

RESULTS

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 October 11, 2016, Planning Board minutes

L. Boudreau motioned to approve the October 11, 2016, Planning Board minutes.

K. Phillips seconded; (7-0).

Item #2A. Consent Calendar – Amended Site Plan – Armory Redevelopment – 682 Broadway – South Portland Property Holdings, LLC – FINDINGS

South Portland Property Holdings, LLC is requesting an amended site plan approval for five changes to their approved project: 1) Additional roof bracing to be installed to support the parapet of the former Drill Hall; 2) The south elevation was revised to incorporate more of the existing brick façade; 3) A small hanging sign is proposed over the side entrance door on the east elevation; 4) A second monument sign is proposed to be located at the intersection of Broadway and Armory Street; 5) To correct a note on sheet C.3 stating "Existing steps and concrete plaza to remain" to allow the applicant to repair and replace the steps and plaza. The property is further identified as Assessor's Tax Map 19, Lot 158, within the Conditional Armory Zone (CAZ).

A. Dowling motioned to approve the amended site plan application of South Portland Property Holdings, LLC dated October 12, 2016, through November 8, 2016, for modification to the Armory Redevelopment project located 682 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. The approval of the amended site plan ~~time~~ shall incorporate the Findings of Fact and all conditions of approval dated November 10, 2015.**
- 3. The applicant will make the revisions articulated in Mr. Whitaker's November 6th memo.**

L. Boudreau seconded; (7-0).

FINDINGS

T. Neff motioned to accept the findings with "time" removed from Condition #2 and addition of Condition #3. L. Boudreau seconded; (7-0).

Item #3. PUBLIC HEARING – Zoning Text Amendment Request – City of South Portland

The City of South Portland is requesting a land-use decision from the Planning Board to City Council to consider proposed amendments to the Zoning Ordinance regarding nonconforming residential lots of record, space and bulk standards in the AA and A residential zoning districts, and changes to the Official Zoning Map. These changes may affect the ability to develop lots for single family homes in the AA and A residential zoning districts.

L. Boudreau motioned that the Planning Board send a recommendation for Version A of the proposed amendments. T. Neff seconded; (7-0).

Item #4. PUBLIC HEARING – Special Exception Request – Island Dog Brewing Tasting Room – 125 John Roberts Road – Mr. James Denz – FINDINGS

Mr. James Denz is requesting a special exception review to create a brewery tasting room and retail shop called Island Dog Brewing Company located at 125 John Roberts Road. The applicant is proposing to create a 4,185 SF brewery on the back side of the building in which he is proposing to dedicate approximately one-third of the space for a tasting room and retail store. A Food Establishment and Alcohol License will be obtained from the City Council to use the space as a tavern. The applicant is not intending to have a kitchen in the facility for meal

preparation. The property is further identified as Assessor's 75, Lot 11, located in the Light Industrial District (IL).

Public hearing notices were mailed on October 31, 2016 to the 15 property owners within 500 feet of the proposed project, the applicant, and via email the Conservation Commission, the Planning Board, and City Council.

A. Dowling motioned to approve the special exception application of James Denz, September 23, 2016 through November 3, 2016, for a Tasting and Retail Shop located at 125 John W. Roberts Road, 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 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 compensation and/or impact fees as determined by the Planning Board.~~

~~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.~~

K. Carr seconded; (7-0).

FINDINGS

K. Carr motioned to accept the findings. K. Phillips seconded; (7-0).

Item #5. PUBLIC HEARING – Special Exception Accessoty Dwelling Unit – Schlegel-ADU – 31 Arlington Road – Ms. Andelena Schlegel – FINDINGS

Ms. Andelena Schlegel is requesting a Special Exception approval to create an Accessory Dwelling Unit (ADU) in her home located at 31 Arlington Road. The applicant proposes to convert the second-floor addition by constructing a full kitchen in the space that exists. The ADU will be accessed from the driveway to a deck on the rear of the home. The ADU can also be accessed via a stairway from the basement to the first floor to the second floor. The proposed ADU will be attached to a 1,953 square foot principal dwelling and will be 656 square feet in size, making the ADU 33.5% of the principal dwelling. All living areas will have CO detectors and hardwired smoke detectors. The property is further identified as Assessor's Map 12A, Lot 41, in Residential District A.

Public hearing notices were mailed on October 31, 2016, to the 95 property owners within 500 feet of the proposed project, the applicant and sent via email to the Conservation Commission, Planning Board, and City Council.

L. Boudreau motioned to approve the special exception application of Ms. Andelena Schlegel dated September 7, 2016, through November 1, 2016, and drawing dated March 30, 2015, for accessory dwelling unit located at 31 Arlington Road 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 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.**
- A. Dowling seconded; (7-0).**

FINDINGS

- A. Dowling motioned to accept the findings. K. Phillips seconded; (7-0).**

Item #6. PUBLIC HEARING – Amended Subdivision Review – Second Amended Subdivision – Clark Pond Parkway – 333 Clark's Pond Parkway – FINDINGS

333 Clark's Pond, LLC is requesting an amended second subdivision to allow the purchase of a portion of remaining Lot 2 of the Clark's Pond Subdivision located at 333 Clark's Pond Parkway. The proposal is to create a third lot within the Clark's Pond Shops shopping plaza. This property is located in the Central and Regional Commercial (CCR) zoning district, allowing property lines to bisect common walls serving two or more buildings, in effect providing a zero-foot setback. The new property boundary will be the common wall with the Eastpoint Christian Church. The applicant's proposal would include the purchase of the former Marshall's retail facility and the existing shops within the westerly portion of the building. The proposal does not include any site disturbance. The property is further identified as Assessor's Map 66, Lot 12, located within the Central and Regional Commercial District (CCR).

Legal advertisements were published in the Portland Press Herald on November 8 and 14, 2016. A public hearing notice was posted at City Hall and mailed on October 31, 2016, to the 21 South Portland property owners within 500 feet of the proposed project and the applicant. The public hearing notice was sent via email to the Conservation Commission, Planning Board, and City Council.

- T. Neff motioned to approve the waiver request of Section 27-1536 (H) (2) to allow a waiver of basic stormwater management plan requirements, per Section 27-1536 (d), because the property owner is participating in the Long Creek Watershed Management General Permit Program;**
- to approve the waiver request of Section 27-1426 (I) Granite monuments to allow the use of steel rebar to identify the property boundaries;**
- to approve the minor subdivision of 333 Clark's Pond, LLC dated September 20, 2016, through November 8, 2016, and drawings dated August 19, 2016, for Lot 2: Clark's Pond Subdivision located at 333 Clark's Pond Parkway, with the following conditions:**
- 1. Prior to the release of the signed Mylar, 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.**
 - 2. Planning Board Regulation #5, standard condition of approval, as read by the Chair at the opening of the meeting.**
 - 3. The property is subject to an "Amended Reciprocal Easement and Maintenance Agreement ("Agreement") and an Amended Long Creek Watershed Participating**

Landowner Agreement (PLA). The applicant shall provide a copy of the duly executed and recorded “Agreement” at the Cumberland County Registry of Deeds and the executed PLA contemporaneously to the Planning & Development Director.

I. Misiuk seconded; (7-0).

FINDINGS

I. Misiuk motioned to accept the findings. K. Phillips seconded; (7-0).

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

None

Item #8. Comments from the Planning Board and Director of Planning & Development

T. Neff nominated Ms. Boudreau for the O’Neil Street committee. I. Misiuk seconded.

W. Laidley agreed. Meetinghouse Hill can benefit from this.

L. Boudreau is hoping for lots of input and consultants giving ideas.

S. Puleo will send her the concept plans.

Vote 7-0.

The Board discussed acreage.

I. Misiuk mentioned that the Affordable Housing Committee will go before City Council on November 28th for the second time.

Item #9. Adjournment

10:30 p.m. K. Phillips motioned to adjourn. T. Neff 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.