

CITY OF SOUTH PORTLAND

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

Planning Board
January 23, 2018
7:00 p.m.
Council Chambers, City Hall

MINUTES

Members Present

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

Staff Present

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

Absent

District 2 vacant

Pledge of Allegiance

Chairperson Carr opened the meeting at 7:00 p.m. and welcomed all in attendance. He reviewed the meeting agenda and reminded the audience and Board of policies regarding a Planning Board Meeting and Public Hearings. He read into the record Planning Board Regulation #5, standard condition of approval: This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. No project, plan or development previously approved by the Planning Board may be altered or modified without securing prior approval of the Planning Board in the form of an amended approval; provided however, that, if at any time it becomes necessary or desirable to make modifications to the project, plan or development, the Planning Director may approve modifications determined by the Planning Director to be de minimis in that they (i) do not amount to a waiver or substantial alteration of any condition or requirement set by the Planning Board; (ii) do not affect any approval standard; (iii) meet all applicable ordinances and laws; (iv) are reviewed and approved by all appropriate City staff and consultants; and (v) do not involve any changes to lot lines. De minimis changes include only the modifications listed in Section 24-27 of the Subdivision Ordinance and Section 27-140 of the Zoning Ordinance.

Item #1. Approval of the January 9, 2018, Planning Board minutes

L. Boudreau motioned to approve the January 9, 2018, Planning Board minutes. W. Laidley seconded; (6-0) (District 2 vacant).

Item #2. Consent Calendar

No items

Item #3. PUBLIC HEARING – Request to Discontinue a City Street – Discontinuance of Bowdoin Avenue between Park Avenue to Pleasant Avenue – 0 Bowdoin Avenue – One Duval Properties, Inc.

One Duval Properties, Inc. is requesting a land use recommendation from the Planning Board regarding the discontinuance of a City Street. The applicant is requesting that the City discontinue Bowdoin Avenue from Park Avenue to Pleasant Avenue. The applicant owns numerous properties in the area as well as two properties fronting the City street. Discontinuance of the street would allow the applicant to develop a larger contiguous property. Per the City land use ordinance, a recommendation will be made to City Council. The Planning Board will review and comment on the planning and land use implications of the request.

Public hearing notices were mailed on January 12, 2018, to the 68 owners of property within 500 feet of the proposed project and the applicant and were sent via email Conservation Commission, Planning Board, and City Council.

T. Haeuser introduced the item and showed the location on the map. He noted that the Ordinance in which the review procedure is governed and which questions need to be answered were outlined in the memo by Mr. Puleo. Generally, the first thing they look at is from emergency services' point of view—can vehicles get to where they need to? Also, generally speaking, how does the discontinuance affect the street system?

In this regard, there doesn't seem to be concern from the emergency service department heads and officials. However, there are notes that suggest conditions if this portion of the street is discontinued. There is a sewer line that runs down the middle of Bowdoin Avenue and Water Resource Protection needs a 30-foot wide easement centered on the pipe to ensure proper maintenance access. Additionally, there is a hydrant to relocate and a suggestion that a boundary line survey be done. There are addressing considerations and questions on naming the remnants of Bowdoin Avenue. He pointed out properties on the map that have Bowdoin Avenue addresses. If the street is discontinued, two or more property owners would need to go through the hassle of an address change.

Otherwise, there doesn't seem to be a transportation problem. If the Board wants to make a recommendation in favor of the discontinuance, they could make a recommendation in favor with consideration of staff comments instead of listing each specific comment.

Shawn Frank, Sebago Technics, introduced himself and Mark Duval of One Duval Properties. He asked Mr. Haeuser to show the aerial photo and he pointed out the properties owned by Mr. Duval. The applicant was looking at redevelopment options and sees this portion of the avenue as underutilized. He mentioned the 50 foot right-of-way and 20 foot setback associated with the Industrial zone and explained that they will need utility easements, but overall this would allow more development options. They appreciate the issues raised in the staff comments. They see this as a first step and a conversation; this is a process the City has gone through before. They understand there could be conditions but would like to explore the possibility of discontinuance and work with City staff on any details. There is no specific development plan in hand.

PUBLIC HEARING OPEN

Rudy Stratton, 2 Chambers Ave., said they are concerned as a family with the amount of congestion in this part of the neighborhood. They were concerned when the Pet Stop was put in as it's a business that creates traffic. Customers would block their driveway and no parking signs had to be put up. They have trouble getting down the street; oftentimes Park Avenue is completely blocked by trucks. This is an inlet into their neighborhood. They appreciate the value in connecting the properties but they need to consider the congestion being caused. The far end of Bowdoin Avenue has been opened up and has created a number of cars coming through at the end of the night. He believes the street is used more than people think and to close it off would bottleneck what is already happening. Additionally, in the winter it is difficult to see around snowbanks. Their family feels it is a safety concern and it does not seem practical.

Kathy Stratton, 2 Chambers Ave., believes it's a safety concern. There is a lot going on in the area and she drives slowly around the corner because she never knows what could be coming. There are many different businesses with workers coming and going at different times. She never takes Park Avenue; they tell people to use Bowdoin. Their neighbor is another business and they rent bays out, one of which is for his cleaning business with cleaning trucks. Her husband grew up in this house. They understand it's an industrial area and appreciate what industries bring to a community, but she is fearful because it's already

a challenge getting home. She added that street name and address changes are not easy; it happened to them and they still get mix-ups on important documents.

L. Boudreau asked which properties Mr. Duval owns. **S. Frank** showed these on the map. In terms of redevelopment, the last two are what brought up this discussion.

L. Boudreau said it's been a long time since she's been in this area, but it is very congested. She needs a site walk or an opportunity to go there and look around. It is a commercial area and it's being treated that way. She needs to see how the residents fit into that. She can't say she's ready to decide on a solution. She pointed at a portion of Park Avenue because it seems more sensible to discontinue, as the Stratton's mentioned it's dangerous, and asked about the City-owned properties in the area.

S. Puleo said there are two City-owned properties on the two corners of the triangle portion. These two have come to the Board before as tax acquired.

L. Boudreau thinks this needs a more comprehensive review and that a site walk would be worthwhile.

T. Haeuser asked for more detail on what the applicant is looking at for potential revitalization and why this street square footage is needed. **S. Frank** said they were thinking about commercial condominiums initially—a building with an overhead door and office space.

T. Haeuser asked if essentially, they want to take the two separated properties and join them into one so that they don't have a setback problem.

S. Frank said yes. There will be an easement associated but they can do that. They appreciate the concerns raised by neighbors. This always looked industrial to him and he saw it as heavily commercialized. As they see it from the commercial standpoint, the majority of traffic comes down Park Avenue. They see this as starting a conversation. Discontinuing the street opened up options with the right-of-way and setbacks. They don't want to make anything unsafe.

Mark Duval, One Duval Properties, explained that he proposed to put himself and someone who rents space from him across the street from where they are now. This would thin out Duval's Service. The other piece would be a large structure for either flex space or a single user. This would be small manufacturing; they had a microbrew looking at space to manufacturer only with no tasting room. These types of options are out there. He rents a lot of flex space—small, independent shops like plumbers or electricians. Overall, it could be possibly two buildings and to thin out Duval's. He noted that he has addressed concerns from neighbors in the past.

L. Dillon asked if this is all zoned industrial. **S. Puleo** said yes.

L. Dillon said she's curious if they will be looking for a zone change down the line. **M. Duval** said no, they would fit the zone.

T. Haeuser said this industrial is the Industrial I—mixed-use that allows everything. There is another industrial zone that is non-residential.

L. Dillon said the street name change seems desirable from a City services perspective but keeping in mind how complicated it is, how long it takes, and who is impacted, changing a business' street name impacts all marketing materials and could incur a significant cost. She hopes that's kept in mind.

W. Laidley agrees with Ms. Boudreau about taking a look at this on the ground. Sometimes Google Earth isn't enough. The uses are pushing residents in a direction they don't like. Picturing the situations as neighbors have presented it, he would like to see it himself.

K. Stratton said they have had issues in the past. They have been safety issues, not inconveniences. Many times she doesn't feel they've been resolved properly. She explained that they are the only green grass in the area and when the Pet Stop went in, dogs relieved themselves on her lawn. Because of this, her family incurred the cost of putting up a fence. She mentioned another piece of property that she maintains with two trees—she loves the nook and what trees do for the environment. She feels that anything that happens is always in detriment to them because they are the only residence in the area. They do not live in a pretty place but she loves their home and takes care of it. Many times she's discouraged because she cannot get to her house.

R. Stratton said there are two houses with two families now. They could be putting more businesses there and that adds more congestion. The changes don't affect the industries. They want to get this under control.

PUBLIC HEARING CLOSED

K. Carr agrees with Mr. Laidley; they've had a discussion before about the practical limitations of Google Earth. There seems to be interest in a site walk.

T. Haeuser noted that in order to capture the activity, they would want to get there during business hours—possibly 4:00 p.m.

L. Dillon said they're being asked for a recommendation to City Council and asked if City Council has the final decision or if there are more steps.

T. Haeuser said no, it just goes to City Council. **S. Puleo** said unlike a zone change or vacating a paper street, this is a one-time meeting. Per state statute, requirements are to notify abutters of the street going through the discontinuance process. Once the way is discontinued, by state statute, the abutters get 50% of the right-of-way. This isn't to say Council can't have their own change of process, but the statute process is just this Planning Board recommendation and the Council hearing.

T. Haeuser said he will do a Google Poll to figure out when members can meet.

S. Puleo explained that a Site Walk is a public meeting by the Planning Board. They go through the advertisement process. It's a formal meeting with a presentation from the applicant, questions fielded, and it goes through a formal process to take notes and get feedback. Notification is seven days in advance.

L. Boudreau asked if City Council has looked at it yet. **S. Puleo** said no.

The Board discussed language of the motion and **S. Puleo** suggested postponing to the second meeting in February.

L. Boudreau motioned to delay any decision on this property until the February 28, 2018, Planning Board meeting. **W. Laidley** seconded; (5-1) (**L. Dillon** opposed, District 2 vacant).

Item #4. PUBLIC HEARING – Recommendation for a Tax Acquired Property – Sale of a Tax Acquired Property – 150 Sawyer Street – City of South Portland

The City of South Portland is requesting a land use determination from the Planning Board on the disposition of a tax acquired property located at 150 Sawyer Street. This item was brought to a City Council Workshop on November 13, 2017. The Council has referred this item to the Planning Board, per Section 2-171 (2)(a), in which the Planning Board shall review an annual list of tax acquired properties provided by the Director of Finance and shall provide a written recommendation to the City Council indicating whether said property should be retained by the City. The property is further identified as Assessor's Map 6, Lot 139, located within the Residential G District. The Planning Board will review and comment on the planning and land use implications of the request.

Public hearing notices were mailed on January 12, 2018, to the 117 property owners within 500 feet of the subject property and 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 said they haven't had an item like this for awhile. Mr. Puleo included the City's policies relative to how they handle tax delinquent and tax acquired properties. It is clearly something that is not entered into lightly. The City makes a lot of effort to work with property owners to not get to this stage and sometimes they have to fulfill legal requirements for when taxes aren't paid on a property. They did not get many comments through staff review with a land use reason for holding onto the property. It's not adjacent to the Greenbelt so parks did not need it to expand, for example. At this point, staff cannot think of a land use planning reason for why this would need to be held by the City. Their recommendation is to allow the property to be released for public sale.

PUBLIC HEARING OPEN

Jennifer Battis, 148 Sawyer St., owns the property attached to 150 Sawyer Street. She would like it to be considered that she is attached. The property is not in great shape and she's trying to ensure her investment stays in good shape. She recognizes the legal process but she would like it to keep moving along. She has concerns about the other side; for example, they need a new roof and they have a shared wall agreement to split the cost. She doesn't want to replace just her side. She wants to acknowledge that she has a lot of investment in making sure something happens with 150.

W. Laidley said he's been inside this house and asked how old it is. **S. Puleo** said it was built in 1900.

L. Boudreau lives in the neighborhood and walks by this property. She has been in 148 and going by now, she can see the current owner of 148 is trying to make it look good. She believes it's in the best interest of the City to put it on the market. Hopefully someone will come in and renovate and improve the property. She doesn't see any other use.

PUBLIC HEARING CLOSED

K. Carr read the role of the Planning Board as narrow—retain or not retain. When he saw this property was attached, it was a no-brainer. He has sensitivity to Ms. Battis' concerns. Hopefully wheels can turn quickly. This seems straightforward to him.

K. Gatti motioned to recommend to the City Council to offer the property known as Assessor's Tax Map 6, Lot 139, located at 150 Sawyer Street, for public sale. **L. Dillon** seconded; (6-0) (District 2 vacant).

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

No comment

Item #6. Comments from the Planning Board and Planning Director

T. Hauser said they are adding another staff person with a February 2nd application deadline. He thanked Board members for their support.

W. Laidley asked if there has been further discussion about their retreat.

T. Hauser said they would like to wait for the District 2 seat to be filled, but to keep reminding him.

Item #7. Adjournment

8:00 p.m. L. Boudreau motioned to adjourn. K. Gatti seconded; (6-0) (District 2 vacant).

Respectfully submitted,
Dana Bettez 1/24/2018

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.