

**CITY OF SOUTH PORTLAND**

**Name of Body:** Planning Board  
**Results for Meeting of:** January 9, 2018  
**Meeting Begins:** 7:00 p.m.  
**Meeting Location:** Council Chambers, City Hall

**RESULTS**

**Members Present**

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

**Staff Present**

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

**Absent**

William Laidley  
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 December 19, 2017, Planning Board minutes**

**K. Gatti motioned to approve the December 19, 2017, Planning Board minutes. L. Boudreau seconded; (5-0) (W. Laidley absent, District 2 vacant).**

**Item #2A. Consent Calendar. Development Performance Guarantee Releases – Armory Redevelopment at 682 Broadway, Nonconforming Lot of Record at 2 Loveitt St., Nonconforming Lot of Record at 71 Pine St., Spring Point Restaurant at 1 Spring Point Dr.**

**L. Boudreau motioned to approve the total release of the \$78,500.00/Public Improvements and \$12,665.00 Erosion Control performance guarantees for the projects listed above. K. Gatti seconded; (5-0) (W. Laidley absent, District 2 vacant).**

**Item #3. PUBLIC HEARING – Zoning Map Change – Rezoning from PO to CS – 505 and 707 Sable Oaks Drive and Portion of 165 Running Hill Road – Ocean Properties, Developer Collaborative, and Soley Oaks, LLC**

Ocean Properties, Developers Collaborative, and Soley Oaks, LLC have requested a land use recommendation to rezone their properties from the Professional Office District (PO) to the Suburban Commercial District (CS). The properties are located at 165 Running Hill Road and 505

and 707 Sable Oaks Drive. The properties are further identified as Assessor's Map 69, Lots 9 and 10, and Assessor's Map 73, Lot 14, located within the Professional Office District (PO).

Per Ordinance Section 27-115 (g), the Planning Board shall make a recommendation to the City Council regarding this request.

Legal ads for this hearing were published in the *Portland Press Herald* on December 23<sup>rd</sup> and January 1<sup>st</sup>. Written notices were mailed on December 21<sup>st</sup> to owners of the 14 properties within 500 feet of the lots proposed for rezoning, to the applicant, and were sent via email to the Conservation Commission, Planning Board, and City Council. In addition, a public hearing notice was posted at City Hall on December 21<sup>st</sup>.

**K. Gatti motioned to send a favorable recommendation to the City Council for the proposed CS zone map amendment for the extension of the CS zone to 505 and 707 Sable Oaks Drive and to the PO zone portion of 165 Running Hill Road.**

**L. Dillon seconded; (3-2) (L. Boudreau and M. DeRose opposed, W. Laidley absent, District 2 vacant).**

Item #4. PUBLIC HEARING – Preliminary Major Subdivision Review – Big Babe's Traven – 60 Ocean Street – P&G Developers, LLC – FINDINGS

P&G Developers, LLC is requesting a preliminary major subdivision review to construct a six-unit condominium development located at 60 Ocean Street. The applicant is proposing to redevelop the site with a new mixed-use development including a restaurant on the street level and five dwelling units on the upper levels. The applicant is proposing eleven parking spaces on site, with the remaining parking for the restaurant located on various streets near the site. The redevelopment project is expected to generate 35 AM peak hour trips and 32 PM peak hour trips for traffic impacts. The proposed building is expected to be approximately 48 feet tall. The property in mention is Assessor's Map 15, Lots 102 and 103, in the Village Residential District (VR) and Village Commercial District (VC).

Public hearing notices were mailed on January 2, 2018, to the 224 property owners within 500 feet of the project and the applicant and were sent via email to the Conservation Commission, Planning Board, and City Council.

**L. Boudreau motioned to approve the preliminary major subdivision application for P&G Developers, LLC, dated November 28, 2017, through January 4, 2018, and drawings dated January 23, 2015, through November 28, 2017, for Big Babe's Tavern located at 60 Ocean Street, with the following conditions:**

**The conditions of approval will be provided for the final major subdivision and site plan for the Planning Board.**

**L. Dillon seconded.**

**Vote (4-1) (M. DeRose opposed, W. Laidley absent, District 2 vacant).**

FINDINGS

**K. Gatti motioned to accept the findings as amended. L. Boudreau seconded; (4-1) (M. DeRose opposed, W. Laidley absent, District 2 vacant).**

Item #5. PUBLIC HEARING – Zoning Map Change Request – Property Rezoning – 780 Broadway – SevenEighty Broadway, LLC and Aquarius Property Management, LLC

Seven Eighty Broadway, LLC and Aquarius Property Management, LLC are requesting a zoning map change to consider proposed amendments to the Official Zoning Map of the City of South Portland dated September 8, 2010. This map is part of Chapter 27 “Zoning” of the Code of Ordinances of the City of South Portland, Maine. The amendments are to rezone a portion of Assessor’s Tax Map 18, Lot 36, located within Residential District G, to the Limited Business District.

Per Ordinance Section 27-115 (g), the Planning Board shall make a recommendation to the City Council regarding this request.

Legal ads for this hearing were published in the *Portland Press Herald* on December 26<sup>th</sup> and January 1<sup>st</sup>. Written notices were mailed on December 21<sup>st</sup> to owners of the 69 properties within 500 feet of the lots proposed for rezoning, to the applicant, and were sent via email to the Conservation Commission, Planning Board, and City Council. In addition, a public hearing notice was posted at City Hall on December 21<sup>st</sup>.

**L. Dillon motioned to approve a favorable recommendation to the City Council in support of the proposed amendment to the Official Zoning Map of the City of South Portland to rezone a portion of Assessor’s Tax Map 18, Lot 36 [780 Broadway], located within Residential District G, to the Limited Business District LB. K. Gatti seconded; (5-0) (W. Laidley absent, District 2 vacant).**

Item #6. PUBLIC HEARING – Amended Subdivision Plan – Parcel Boundary Change between Lots 4 and 16 – 55 Foden Road – E. G. Foden Company – FINDINGS

E. G. Foden Company is requesting an amended subdivision approval to relocate the parcel boundary line of the Airport Industrial Park subdivision located at 55 Foden Road. The Airport Industrial Park was approved by the South Portland Planning Board on June 8, 1976 and recorded at the Cumberland County Registry of Deeds (CCRD) in Plan Book 113, Page 58. The existing parcel located at 55 Foden Road is comprised of Lots 4 and 16. Lot 4 fronts Darling Ave and Foden Road and Lot 16 fronts Foden Road and Western Ave. The request for the amendment consist of revising Lots 4 and 16 common boundary by convey the land easterly of a stream, to Lot 4. The request also includes a Condominium Plat for the existing located on Lot 16 to create a commercial condominium association consisting of the two owners of the existing businesses in the building. The parcel is further identified as Assessor’s Tax Map 67, Lot 6, located within the Central and Regional Commercial District (CCR).

Legal advertisements were published in the *Portland Press Herald* newspaper on January 2 and January 8, 2018. Public hearing notices were mailed on January 2, 2018, to the 17 property owners within 500 feet of the project and the applicant and were sent via email to the Conservation Commission, Planning Board, and City Council.

**K. Gatti motioned to approve the amended subdivision application of E.G. Foden Company dated November 13, 2017, through December 27, 2017, and drawings dated June 8, 1976, through November 9, 2017, for a boundary line change between Lot 16 and Lot 4 located at 55 Foden 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 release of the mylar, the applicant shall pay all outstanding review escrow account fees.**

**L. Boudreau seconded; (5-0) (W. Laidley absent, District 2 vacant).**

FINDINGS

**K. Gatti motioned to accept the findings as amended. L. Boudreau seconded; (5-0) (W. Laidley absent, District 2 vacant).**

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

**Russ Lunt, Brigham St.**, said it's good that businesses want to come here. He's all for brining businesses to South Portland.

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

**T. Haeuser** said there is a second meeting in January.

**K. Carr** reminded the Board that they will move to Wednesdays in February. However, they will meet Monday, February 12<sup>th</sup> instead of that Wednesday.

**L. Dillon** requested that staff include the motion language where possible. This is typically where her delay is. If there are other places it could show up, she appreciates that. She also asked if they enforce time limits on speaking. **K. Carr** said there have been instances. The Chair can limit to five minutes.

Item #9. Adjournment

**10:00 p.m. L. Boudreau motioned to adjourn. K. Gatti seconded; (5-0) (W. Laidley absent, District 2 vacant).**

Respectfully submitted,  
Dana Bettez 1/11/18

\*\*\*\*\*  
**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.