

CITY OF SOUTH PORTLAND

Name of Body: **Planning Board**
Results for Meeting of: **January 10, 2017**
Meeting Begins: **7:00 p.m.**
Meeting Location: **Council Chambers, City Hall**

Members Present

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

Staff Present

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

Absent

Kathleen Phillips

RESULTS

Pledge of Allegiance

Chairperson Kevin Carr began the meeting by presenting William Laidley with a token of recognition for his many years as Chair of the Planning Board.

Chairperson Carr 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 December 13, 2016, Planning Board minutes

W. Laidley motioned to approve the December 13, 2016, Planning Board minutes.

L. Boudreau seconded; (6-0) (K. Phillips absent).

Item #2A. Consent Calendar. Release of Development Performance Guarantees – Casco Bay Steel Building Expansion: 1 Wallace Road – Home Depot Culvert Replacement: 300 Clark's Pond Parkway

A. Dowling motioned to approve the total release of the \$23,000.00 Public Improvements and \$1,250.00 Erosion Control performance guarantees for the projects listed above. L. Boudreau seconded; (6-0) (K. Phillips absent).

Item #2B. Time Extension – Regal Pines – 763 Main Street – JDR Trust II – FINDINGS

L. Boudreau motioned to allow Mr. Misiuk to participate in this item on the agenda. W. Laidley seconded; (5-0) (K. Phillips absent, I. Misiuk abstained).

L. Boudreau motioned to approve a one-year time extension of the February 10, 2015, final major subdivision and site plan approval for JDR Trust II for a 40-unit residential condominium development located at 763 Main Street expiring February 10, 2018.

Conditions:

- 1. Planning Board Regulation #5, standard condition of approval, as read by the Chair at the opening of the meeting.**
- 2. The time extension approval includes the Findings of Fact and all conditions of approval dated February 10, 2015.**

A. Dowling seconded; (6-0) (K. Phillips absent).

FINDINGS

T. Neff motioned to accept the findings. L. Boudreau seconded; (6-0) (K. Phillips absent).

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

The City of South Portland is requesting a land-use decision from the Planning Board to City Council to consider revised 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.

Public hearing legal notices for the Planning Board hearing were published in the Portland Press Herald on December 27, 2016 and January 2, 2017. In addition, a public hearing notice was posted at City Hall December 27th. The public hearing notice was also sent via email to the Conservation Commission, Planning Board, and City Council. In addition, notice was posted on the Planning & Development website under hearings and as part of a subpage on Nonconforming Lots.

L. Boudreau motioned to make a positive recommendation to the City Council for adopting the Version C set of zoning text and map amendments based on its consistency with the South Portland Comprehensive Plan. I. Misiuk seconded; (6-0) (K. Phillips absent).

Item #4. PUBLIC HEARING – Special Exception Accessory Dwelling Unit Request – Veroneau-ADU – 15 Whitworth Rd – Patrick & Cynthia Veroneau – FINDINGS

Patrick and Cynthia Veroneau are requesting a Special Exception approval for a proposed Accessory Dwelling Unit (ADU) to be created in their home located at 15 Whitworth Road. The single-family home is 2,684 SF in size and the proposed ADU is 566 SF in size and will be located in their converted garage. The site can accommodate four vehicle parking spaces. The property is further identified as Assessor’s Map 23, Lot 71, located within the Residential District (AA).

Public hearing notices were mailed on December 29, 2016, to the 43 property owners within 500 feet of the proposed project and the applicant and sent via email to the Conservation Commission, Planning Board, and City Council.

T. Neff motioned to approve the special exception application of Patrick and Cynthia Veroneau dated November 4, 2016, through January 3, 2017, and drawings dated September 7, 2016, for an Accessory Dwelling Unit located at 15 Whitworth 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 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; (6-0) (K. Phillips absent).

FINDINGS

A. Dowling motioned to accept the findings. W. Laidley seconded; (6-0) (K. Phillips absent).

Item #5. PUBLIC HEARING – Zoning Text Amendment – Amending Chapter 27, Zoning Ordinance for the creation of Solar Energy Systems Ordinance – City of South Portland

The City of South Portland is requesting the Planning Board to provide to the City Council a Land Use Recommendation of proposed amendments to the Chapter 27 Zoning relating to solar energy systems. Due to the proposed landfill solar project and the trend in general toward more solar energy facilities, the City needs to update the Zoning Ordinance to indicate where various types of solar energy systems may be used.

A. Dowling motioned that the Planning Board make a recommendation to the City Council in favor of the 12-8-16 draft of the proposed Solar Ordinance based on its consistency with the City’s Comprehensive and Climate Action plans with the proposed revisions to Section 27-1806 (b) and (c) to keep the word “maintained” and to add the clause “in effect at the time of installation” at the end of each provision.

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

Item #6. PUBLIC HEARING – Amended Subdivision Review – Fourth Amendment Subdivision - Boundary Line Change – 15 & 23 Colchester Drive – Filomena R. & Micheal S. Troiano – FINDINGS

Filomena R. & Michael S. Troiano are requesting a fourth amendment to the Grandview 5 Subdivision development located at 15 & 23 Colchester Drive. The applicants are proposing to relocate the side yard property boundary line of Lots 9 and 10. The proposal will convey a triangle shaped piece of land 3,636 SF in size from Lot 9 to Lot 10. The purpose is to provide more consistent property boundaries between the two lots. The applicants received an approval on December 8, 2015, but the signed mylar was not recorded and approval lapsed. This request is the same proposal, but the applicant will need to be reheard by the Planning Board for a re-approval and to have a new mylar signed for recording purposes. The property is further identified as Assessor’s Map 57, Lots 509 and 510, located within the Residential District AA.

Public hearing legal advertisements were published in the Portland Press Herald newspaper on January 3 and 9, 2017. Public hearing notices were mailed on December 28, 2016, to the applicants and 50 South Portland property owners within 500 feet. Notices were sent via email to the Conservation Commission, Planning Board, and City Council.

L. Boudreau motioned to approve the amended subdivision application of Filomena R. & Michael S. Troiano dated November 16, 2016, through December 23, 2016, and drawings dated March 12, 2004, through August 24, 2004, through December 23, 2016, for a Fourth Amendment Subdivision Plan – Boundary Line Change located at 15 & 23 Colchester Drive, 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 Fourth Amended Subdivision Plan of Grandview V shall incorporate the Findings of Fact and all Conditions of Approval dated January 25, 2005, April 12, 2005, June 21, 2006, and September 11, 2007.**

A. Dowling seconded; (6-0) (K. Phillips absent).

FINDINGS

T. Neff motioned to accept the findings. L. Boudreau seconded; (6-0) (K. Phillips absent).

Item #7. PUBLIC HEARING – Site Plan Request – 2401 Broadway - Multi-Tenant Commerical Development – 2401 Broadway – Plummer Properties, LLC – FINDINGS

Plummer Properties, LLC is requesting a site plan review to develop a multi-tenant commercial/warehouse storage facility located at 2401 Broadway. The applicant is proposing to construct three buildings with a total of 60,000 SF in size. The applicant is proposing to construct two multi-tenant structures, 25,380 SF and 28,500 SF, for warehousing and a 6,000 SF commercial lease space. The development also will include a 6,000 SF structure for truck and construction equipment sales. The site will be serviced by 26-foot wide access drive from Broadway. The applicant is proposing to provide 113 parking spaces. The proposed traffic generation is estimated at 51 AM Peak Hour and 52 PM Peak Hour vehicle trip-ends. The property is further identified as Assessor’s Map 76, Lots 11 and 13, located within the General Commerical (CG).

Public hearing notices were mailed on December 29, 2016, to the 12 property owners within 500 feet of the proposed project, the applicant, the Conservation Commission, Planning Board, and City Council.

- A. Dowling motioned to approve the waiver request of Section 27-1536 (e)(1) for upland buffer loss;**
- to approve the waiver request of Section 24-26 (b), for a three-phased development for approved plans to develop the site with conditions deemed necessary to insure the orderly development of the plan;**
- to approve the waiver request of Section 27-1536 (H)(2), for modification of the Post-Construction Stormwater Management Plan to allow a Certificate of Occupancy for Phases I and II prior to submission of the third-party inspection report, as defined in Section 27-1536 (c)(2)(f), of the development's entire stormwater facility;**
- to approve the waiver request of Section 27-1428 (a) Time Limitations, for an 18-month extension to the Planning Board approval period expiring January 10, 2019;**
- to approve the site plan application of Plummer Properties, LLC dated September 8, 2016, through January 4, 2017, and drawings dated September 7, 2016, through January 4, 2017, for a Multi-Tenant Commerical Development located at 2401 Broadway 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 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, and pay all compensation and/or impact fees as determined by the Planning Board.**
 - 3. Prior to the scheduling of a preconstruction meeting, the applicant shall pay Wetland Compensation and Upland Buffer Compensation Fees of \$26,612.**
 - 4. 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 each completed phase, 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 third party 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 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.**

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 any sign permit, the applicant shall provide the Director of Planning and Development with details of the location, size, and materials pursuant to Section 27-1561 of the South Portland Code of Ordinances, as may be amended.

I. Misiuk seconded; (6-0) (K. Phillips absent).

FINDINGS

L. Boudreau motioned to accept the findings. I. Misiuk seconded; (6-0) (K. Phillips absent).

Item #8. Public Comment on Items Not on the Agenda

Russ Lunt, Brigham St., thanked Mr. Puleo for explaining the tracking and agreed with Mr. Laidley's comment about warehouses.

Item #9. Comments from the Planning Board and Director of Planning & Development

T. Haeuser thanked the Board for the good attendance.

T. Neff asked if there's a second meeting this month. **S. Puleo** said no, the next meeting is February 14.

I. Misiuk apologized for hammering the solar ordinance point.

L. Boudreau said her takeaway was Mr. Loring's comments on the money involved because of time spent on a particular issue. It did take a year but everyone was working and everyone had a fair chance to bring up their issues. Yes, time is money but she believes they came up with a good, solid ordinance in the end.

I. Misiuk wanted to thank Mr. Laidley for his service as Chair and congratulated Mr. Carr.

A. Dowling wanted to know about a workshop with Arts & Historic Preservation. **T. Haeuser** said there will be one, but not before the February meeting.

S. Puleo said it will be a packed meeting again in February. **L. Boudreau** said tonight's meeting had a lot of repeat business and that helped it move quickly.

T. Haeuser said they will try for a March workshop.

K. Carr mentioned the sign ordinance. **T. Haeuser** said they have additional zoning that may come forward and possibly inclusionary zoning. They will have to see what Council wants to do. **K. Carr** asked for this to be kept at the forefront.

Item #10. Adjournment

9:50 p.m. L. Boudreau motioned to adjourn. I. Misiuk seconded; (6-0) (K. Phillips absent).

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.