

CITY OF SOUTH PORTLAND

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

RESULTS

Members Present

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

Staff Present

Tex Haeuser, Planning & Develop. Director

Absent

Steve Puleo, Community Planner

Pledge of Allegiance

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 September 26, 2017, Planning Board minutes.

A. Dowling motioned to approve the September 26, 2017, Planning Board minutes with the correction as noted. K. Gatti seconded; (7-0).

Item #2A. Consent Calendar – Amended Site Plan Approval – CarMax Auto Superstore – 415 Maine Mall Road – FINDINGS

L. Boudreau motioned to approve the amended site plan application of CarMax Auto Superstore, Inc., submitted on September 19, 2017 and revised through September 28, 2017, and drawings from August 2, 2017, through September 6, 2017, to substitute an underground fuel storage tank for an above ground tank and related fuel system improvements 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. Except for the amendments approved as part of this amended site plan approval, all other elements and requirements, including conditions of approval, from the December 13, 2016 Findings of Fact remain in effect.**

A. Dowling seconded; (7-0).

FINDINGS

L. Boudreau motioned to accept the findings with the correction as noted. W. Laidley seconded; (7-0).

Item #2B. Consent Calendar – Amended Site Plan for a Home on a Nonconforming Lot of Record – Mike Mitton – 2 Loveitt Street – FINDINGS

L. Boudreau motioned to approve the amended nonconforming house lot site plan application of M.F. Mitton Construction, LLC dated September 5, 2017, for grading, window, porch, and deck modifications 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. Except for the amendments approved as part of this amended nonconforming house lot approval, all other elements and requirements, including conditions of approval, from the April 11, 2017 Findings of Fact remain in effect.**
- 3. Prior to the issuance of an Occupancy Permit, the applicant shall provide evidence to the Planning & Development Director that the Certificate of Approval and Finding of Facts for this approval of amendments has been recorded at the Cumberland County Registry of Deeds.**

W. Laidley seconded; (7-0).

FINDINGS

A. Dowling motioned to accept the findings. K. Gatti seconded.

Vote (7-0).

Item #3. PUBLIC HEARING – Site Plan — 16 Hill Street — JLJ Construction, LLC – FINDINGS

JLJ Construction is requesting site plan approval to improve a 15,682 sq. ft. lot by adding 384 sq. ft. to an existing house and constructing a 2,006 sq. ft. two-unit attached building. The parcel is further identified as Assessor’s Tax Map 25, Lot 281, located within the Residential G zoning district.

Public hearing notices were mailed on September 29, 2017, to the 62 property owners within 500 feet of the proposed project, the applicant and were sent via email to the Conservation Commission, Planning Board, and City Council.

L. Dillon motioned to approve the waiver of request of Section 27-1428 (a), Time Limitations, for the opportunity to have an 18-month extension to the approval period for the start of construction, expiring on October 10, 2019;

to approve the waiver request of Section 27-1536(d)(1)(b) to allow for the treatment of 0.5” from 90% of impervious surfaces and 0.2” from 64% of disturbed pervious surfaces;

to approve the site plan application of JLJ Construction, LLC dated August 1, 2017, through October 3, 2017, and drawings from August, 2017, through October, 2017, for the addition of a duplex to a house lot as follows:

CONDITIONS

- 1. Planning Board Regulation #5, standard condition of approval, as read by the 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 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. The area between the street utility excavations shall be milled so that pavement restoration is unified.
7. ~~The applicant shall provide the Planning & Development Director with proof of filing of the homeowners' association articles of incorporation with the Secretary of State's Office prior to the issuance of any building permits. In addition, the Corporation Counsel must review and approve the homeowners' association documentation for legal sufficiency and to ensure perpetual maintenance of stormwater management infrastructure prior to the issuance of any building permits.~~

A. Dowling seconded; (7-0).

FINDINGS

A. Dowling motioned to accept the findings with the correction of "form the proposed two-unit" to "from the proposed two-unit" in #5, the words "amended nonconforming lot" removed from #10, and removing condition #7. K. Gatti seconded; (7-0)

Item #4. Public Comment on Items Not on the Agenda

No comments

Item #5. Comments from the Planning Board and Director of Planning & Development

T. Haeuser said the first special meeting of the Bike/Ped Committee is October 11th at 7:30 a.m. in his office.

K. Carr said they are aiming for a Planning Board retreat on November 28th. Mr. Haeuser sent out a request for ideas and there have been some great ones. He hopes everyone is available that evening.

A. Dowling said there is a Focus Maine presentation on Wednesday, October 18th at 7 p.m. in the South Portland Community Center. Mike Dubyak, the Chairman of WEX and co-chair of Focus Maine, will speak about their program promoting economic development in the state.

W. Laidley said the legal program presentation was excellent. It was well attended and worth going to. In another two years they will present again.

K. Carr thanked those who attended for sharing their materials.

Item #6. Adjournment

8:00 pm L. Boudreau motioned to adjourn. K. Gatti 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.