

CITY OF SOUTH PORTLAND

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

Planning Board
February 28, 2018
7:00 p.m.
Council Chambers, City Hall

RESULTS

Members Present

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

Staff Present

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

Absent

District 2 vacant
Katherine Gatti

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 February 12, 2018, Planning Board minutes

W. Laidley motioned to approve the February 12, 2018, Planning Board minutes. L. Boudreau seconded; (5-0) (K. Gatti absent, District 2 vacant).

Item #2. Consent Calendar

No items

Item #3. PUBLIC HEARING – Modified Site Plan Review – Taytene Café – 863 Broadway – Tam Van Chu – FINDINGS

Mr. Tam Van Chu is requesting a modified site plan review to change the use of the former Frame Shop building into a take-out restaurant located at 863 Broadway. The applicant is proposing to perform interior renovations to convert the space into a restaurant. The site's parking lot is located behind the building and the applicant will perform minor site work by adding pavement to the edges. The driveway from Broadway leads to five parking spaces (three parking spaces for the a two-unit apartment, one for the restaurant employees, and one for a customer). Three people will work at the restaurant. The

restaurant hours will be from 7:30 AM to 6:00 PM Monday through Saturday and the facility will be closed on Sunday. The property is further identified as Assessor's Map 125, Lot 158, in the Limited Business District (LB) and Residential District G.

Public hearing notices were mailed on February 20, 2018, to the 126 property owners within 500 feet of the proposed project, the applicant, Conservation Commission, Planning Board, and City Council.

L. Boudreau motioned to approve the modified site plan application of Tam Van Chu dated January 2, 2018, through February 20, 2018, for Taytene Café located at 863 Broadway 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 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 pay all 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.**
- 4. Prior to issuing a certificate of occupancy permit, the applicant shall provide to the Planning and Development Director evidence that there is a grease trap service and maintenance agreement.**

M. DeRose seconded; (5-0) (K. Gatti absent, District 2 vacant).

FINDINGS

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

Item #4. PUBLIC HEARING – Site Plan Review – Bakery and Commercial Kitchen for Manufacturing – 185 Cottage Road – Rwanda Bean & White Cap Coffee / Cape Whoopies – FINDINGS

Rwanda Bean & White Cap Coffee / Cape Whoopies Bakery are requesting a site plan review to convert the former Cherished Possessions building located at 185 Cottage Road into a bakery and commercial kitchen. The applicants' proposal is a fit-up interior space to include a retail counter service for coffee and baked goods and a commercial kitchen for the preparation of baked goods. The service area will have seating capacity for 35 patrons. The hours of operation for the retail component is from 8:00 AM to 5:00 PM daily and the commercial kitchen is expected to be open daily from 6:00 AM to 9:00 PM. The applicants will have 4 to 10 employees. Access to the parking lot is located along Walnut Street and parking lot has 19 parking spaces. The property is further identified as Assessor's Map 13, Lots 173 and 174, in the Limited Business District (LB) and Residential District A.

Public hearing notices were mailed on February 20, 2018, to the 136 property owners within 500 feet of the proposed project, the applicant, Conservation Commission, Planning Board, and City Council.

L. Boudreau motioned to approve the site plan application of Rwanda Bean & White Cap Coffee / Cape Whoopies dated January 23, 2018, through February 20, 2018, for a Bakery/Restaurant and Commercial Kitchen for Manufacturing located at 185 Cottage Road 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 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 pay all compensation and/or impact fees as determined by the Planning Board.
3. 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.
4. Prior to issuing a certificate of occupancy permit, the applicant shall provide to the Planning and Development Director evidence that there is a grease trap service and maintenance agreement.

L. Dillon seconded.

Vote (4-1) (W. Laidley opposed, K. Gatti absent, District 2 vacant).

FINDINGS

L. Boudreau motioned to accept the findings. M. DeRose seconded; (5-0) (K. Gatti absent, District 2 vacant).

Item #5. PUBLIC HEARING – Special Exception and Modified Site Plan Review – RaveX Garage – 443 Western Ave. – Jetport Plaza, LLC – FINDINGS

Jetport Plaza, LLC is requesting a Special Exception and Modified Site Plan review to construct a metal building behind the existing shopping plaza building located at 443 Western Ave. The proposed metal building will be 22' x 30' or 660 SF in size on a concrete slab and will be used by an existing tenant, "RaveX." The tenant will use the building as a garage to perform light repairs on motorcycles, snowmobiles, and ATVs, per Section 27-773 (e). The location of the garage was selected to not interfere with the existing parking count. Service calls will be by appointment and customers will park in the main parking area. The garage will be located on existing paved area. The property is further identified as Tax Assessor's Map 48, Lot 2E, located in the Central and Regional Commercial District (CCR).

Public hearing notices were mailed on February 20, 2018, to the 24 property owners within 500 feet of the proposed project, the applicant, Conservation Commission, Planning Board, and City Council.

L. Boudreau motioned to approve the waiver of Section 24-38(F)(1) requiring underground utilities to permit and overhead electrical connection to the garage; to approve the special exception and modified site plan application from Jetport Plaza, LLC, dated January 19, 2018, through February 16, 2018, for a Small Equipment Service Garage for RaveX located at 443 Western Ave., 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 pay all compensation and/or impact fees as determined by the Planning Board.

W. Laidley seconded; (5-0) (K. Gatti absent, District 2 vacant).

FINDINGS

W. Laidley motioned to accept the findings. M. DeRose seconded; (5-0) (K. Gatti absent, District 2 vacant).

Item #6. Public Comment on Items Not on the Agenda

Russ Lunt, Brigham St., said that the three projects approved tonight were great. He spoke about a company that wants to have medical marijuana by the mall. He thinks these businesses will be coming and it's interesting.

Item #7. Comments from the Planning Board and Director of Planning & Development

L. Boudreau said it was interesting with comments about odors of restaurants. They're getting more into restaurants close to neighborhoods. She can appreciate that the smells are strong but it seems unfair to enact something on these businesses when they already have some, such as the barbeque business and bakeries which also give off odors. If the Council is thinking about trash hauling and doing something citywide, it seems to her that the whole odor issue needs to be addressed broadly.

K. Carr said what might be unpleasant for one might not be to another. It's hard to think of a set of criteria to be applied. **M. DeRose** agrees; she misses Ricetta's and the wood-fired pizza smell. **K. Carr** said it's an interesting observation as they get tightly packed.

T. Hauser would like to learn more about scrubbers and if they can figure out a threshold for when they should be required.

The Board discussed odors in relation to their standard. They also spoke about scrubbers in relation to grow facilities. They discussed if it's fair to put the burden on the newest applicant and the location of restaurants and neighborhoods on the east and west sides of the City.

W. Laidley went to the Council hearing last night and thought it was educational to hear Council talk about medical and commercial marijuana and possibly putting them together.

Item #8. Adjournment

9:30 PM L. Boudreau motioned to adjourn. W. Laidley seconded; (5-0) (K. Gatti absent, District 2 vacant).

**Respectfully submitted,
Dana Bettez 3/2/2018**

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.