

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

**Planning Board**  
**February 28, 2017**  
**7:00 p.m.**  
**Council Chambers, City Hall**

## RESULTS

### Members Present

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

### Staff Present

Tex Haeuser, Planning & Develop. Director  
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 February 14, 2017, Planning Board minutes

**L. Boudreau motioned to approve the February 14, 2017, Planning Board minutes.**

**W. Laidley seconded; (7-0).**

### Item #2. Consent Calendar

No items

### Item #3. PUBLIC HEARING – Special Exception Accessory Dwelling Unit Request – Lobley-ADU – 30 Hutchinson Street – Lois & Norman Lobley II – FINDINGS

Lois and Norman Lobley II are requesting a Special Exception approval for a proposed “After-the-Fact” Accessory Dwelling Unit (ADU) that was created in their home located at 30 Hutchinson Street. The single-family home is 2,216 SF in area and the one-bedroom ADU is

532 SF in area (24% of the principal dwelling). When the applicants purchased the home, it had an existing dwelling unit next to a one-car garage. The applicants show at least four vehicle parking spaces available for vehicles on-site. The property is further identified as Assessor's Map 33, Lot 78, located within the Residential District A.

Public hearing notices were mailed on February 21, 2017, to 56 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.

**L. Boudreau motioned to approve the special exception application of Lois & Norman Loblely II dated January 30, 2017, drawings dated April 27, 1993, for an Accessory Dwelling Unit located at 30 Hutchinson Street with the following conditions:**

**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; (7-0).**

**FINDINGS**

**L. Boudreau motioned to accept the findings with the “four” changed to “five” in #1 and 3. W. Laidley seconded; (7-0).**

**Item #4. PUBLIC HEARING – Zoning Map Change – Request to Rezone from Residential District A to Residential District G – Property Owners of 1337, 1343, 1351, 1350, 1354, and 1355 Broadway**

Ms. Linda Kelley and co-applicants are requesting a land use recommendation from the Planning Board for a proposed Zoning Map Change of their properties located at 1337, 1343, 1351, 1350, 1354, 1355 Broadway from Residential District A to Residential District G. Some of the applicants' properties abut the Conditional G-2 District, which is where Ridgeland Gardens and Estates are located. These facilities provide affordable multi-family housing in a campus setting. Some of the applicants have large lot areas on a public transit corridor and have expressed an interest in building multi-family developments. The applicants believe their request is consistent with the City's Comprehensive Plan, Chapter: 6 Land Use Goals and Policies; Broadway – Lincoln to Cash Corner Limited Growth area. The parcels are further identified as Assessor's Tax Map 32 Lots 168 & 169, and Tax Map 41 Lots 1, 2, 27, & 27B, located within Residential District A.

Legal advertisements regarding this request appeared in the Portland Press Herald on February 14 and 20, 2017. Public notices regarding the proposed zoning map change were mailed on February 15, 2017, to 116 property owners within 500' of the lots under consideration, and emailed to the Conservation Commission, Planning Board, and City Council.

**A. Dowling** motioned to recommend to the City Council to approve the zoning map change for Assessor's Tax Map 32 Lots 168 & 169 and Assessor's Tax Map 41 Lots 1, 2, 27, & 27B from Residential District A to Residential District G. This recommendation is based on the determination that the rezoning is pursuant to and consistent with the Comprehensive Plan. **K. Phillips** seconded; (7-0).

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

None

Item #6. Comments from the Planning Board and Director of Planning & Development

**T. Haeuser** mentioned the second meeting March will bring forward Part 1: a text and math amendment proposal for the CS zone. There are two potential apartment projects, one at the bend of Clark's Pond Parkway and the other on the Sable Oaks golf course. As Mr. Misiuk talked about, the main text amendment would be removing the density requirement. They are finding it is an unnecessary artifact and things like building coverage limitation on land, building height, and off-street parking are what matters. Part 2 will be the inclusionary zoning proposal. Because builders have had the option of paying a \$100,000 fee in lieu of providing workforce housing, there would be a housing trust fund to then be used to provide income or capital to a project to provide lower income affordable housing. He also spoke about the challenges faced with recreational marijuana. There are some unfortunate time deadlines that require local public hearings and action. They are now well into the six-month moratorium and the workshop with the City Council was postponed because of a snowstorm. It's now scheduled for March 8<sup>th</sup>. It's an interesting but challenging issue.

**W. Laidley** showed an article in the Maine Townsman that talks about those very issues in great detail. He thinks there is a real challenge in writing the rules.

**I. Misiuk** talked about the new Irving. He said it's nice and he likes it, but the intersection is a mess. **T. Haeuser** said the lane assignments are confusing. Until the striping is done when the weather improves, it will be like that. **W. Laidley** said he visited and didn't have any problems. **K. Carr** had the same experience as Mr. Laidley, but he went on a weekend morning.

**T. Haeuser** said that the Riverview Martial Arts space above is nice. **A. Dowling** agreed and mentioned that there's also a community space.

**W. Laidley** was driving on 128 in the Newton Highlands area and passed a 400,000 SF building that's a spec building. He said we have room to go before we reach that stage.

**L. Boudreau** said the congregate facility is massive. If you're on the highway, it's amazing how large it is. **A. Dowling** said it's very close to the highway. He wonders if they'll need a sound wall.

**T. Haeuser** said the last sound wall project took money for the Exit 4 project. Part of the Exit 4 project is going forward now.

**I. Misiuk** saw a newspaper with a front page story while in Los Angeles about how they are attempting to put an end to development out there. There's a proposition being voted on that will stop development and many people are for it.

**S. Puleo** said there are two meetings in March, one scheduled for April, and then it is two per month for a while.

Item #7. Adjournment

**8:15 L. Boudreau motioned to adjourn. I. Misiuk seconded; (7-0).**

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**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.