

CITY OF SOUTH PORTLAND

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

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

MINUTES

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.

T. Haeuser introduced the item and showed the location on a map, showing street view of the building and the two-unit. He explained that they aren't doing much to the outside of the building. He read from Section 27-1422 (c)(1) of the City's Code of Ordinances, explaining that the Code Enforcement officer believes that converting from a frame shop to a takeout restaurant will create an increase in traffic impacts and this is why it is before the Board tonight.

A traffic summary was conducted in January 2, 2018, and Sebago Technics, Inc., states that the proposed development will generate 80 AM and PM Peak Hour trips. The applicant states that the amount of traffic generated by the restaurant project will not have a significant impact to the road network in the area. All utilities exist to serve the proposed restaurant and commercial kitchen. The applicant has provided an Ability to Serve letter from the Director of Water Resource Protection and has approved the interior grease trap use for the commercial kitchen. There is at least one fire hydrant within 500 feet existing building within the Broadway ROW. There is not much required relative to stormwater and there is existing landscaping to the east of the proposed restaurant.

The applicant's waste associated with the take-out restaurant will be food products. The waste and recyclables will be placed into commercial totes to be picked up by private waste hauling services.

He reviewed the conditions of approval, stating that there are no waivers, and said that staff recommendation is for approval.

Shawn Frank, Sebago Technics, introduced himself and the applicants. He explained that this is a change of use and the proposal is a takeout restaurant. They believe the majority of the traffic will be like that of local businesses and will be from those who live or work in the area. Inside the building is a waiting and customer service area. They also anticipate walk-up business. He showed a presentation, explaining the orientation of the building and two-unit in the back. There will be five parking spaces for the two-unit and restaurant employees, with curbside parking associated with the restaurant. A customer will park, order their meal, pay, and take the food to go. Site work is minor and mostly related to parking in the back. Signage will be building-mounted. The interior work is taking it from retail to restaurant. They anticipate more traffic in and out for the restaurant than the former frame shop, but believe most trips will be people in the neighborhood in the first place.

PUBLIC HEARING OPEN

Robert Hannigan, 865 Broadway, owns an adjacent three-unit building. He stated that on-street parking is sufficient during certain hours of the day but 5:00 to 6:00 PM can get busy. He wants to be sure that when his three-unit comes to the Board for something commercial, he will be approved as well. There is a possibility that his tenants could end up in the same situation. He also asked about odor mitigation and if there will be any odors and if so, what kind.

Russ Lunt, Brigham St., thinks it's a wonderful reuse of the building. He doesn't think traffic will be too bad—maybe at 5:00 or 6:00 PM. With the yoga and hair salon, it can get tight.

T. Haeuser asked about Mr. Hannigan’s property location. **R. Hannigan** pointed it out on the map and stated that it is currently vacant. He wants to be sure the on-street parking situation is the same if a commercial tenant goes into this space.

S. Puleo said it’s hard to say because they can’t see the site and what kind of parking they have behind it. They will process his application fairly and give all the information they need from Code to make the proper decision to proceed. There is plenty of Code to go through. If he wants to scope it out, he can call the office and they can talk.

S. Frank said that there may be odor people can smell. There’s a vent as a requirement of a commercial kitchen. It shouldn’t be overpowering and will be during business hours. For parking, certain hours of the day it will be first come first serve but that’s the way it is now. They understand but believe there is ample parking on the street.

L. Boudreau said there was a comment about the internal grease trap and an unanswered question about maintenance as a condition of approval. **S. Puleo** said he spoke with Dave Thomes and he thought they could get into a contract and provide it to staff. Typically with food service in the City, they want a grease trap because that is a big deal in terms of the sewer system. Typically they want it outside but because of the existing facility they are comfortable with it being inside with a contract in place ensuring it gets serviced.

L. Boudreau asked if they should have the condition; she hasn’t seen one asked for before.

S. Puleo said he left it blank to let the Board make a determination. Typically grease traps are considered non-industrial waste discharge, so there is a certain amount of understanding that this property may have some non-industrial waste that may come through. They want to ensure the grease trap is being maintained on a regular basis so that there isn’t a spike coming from this property where they have to enforce it. This is similar to dealing with waste haulers. They don’t always make it a condition, but it’s up to the Board.

T. Haeuser said he thinks it’s time to go for a condition prior to occupancy that the applicant shall show evidence of maintenance of a grease trap. There have been problems with external traps that has led to difficult enforcement situations. This will be internal and nowhere near as likely to create those type of problems but it’s not a bad idea to have it as a condition.

L. Boudreau asked about the dumpster hauling—they’ve been conditioning approval on time limitations.

S. Frank said they’re talking more about dumpsters and this will be commercial totes, like those used for residences but larger. **T. Haeuser** mentioned that there is Council first reading for waste hauling hours next week.

L. Boudreau asked for more information about the totes. **S. Frank** explained that it’s like what the City has for trash and recycling but a little larger.

L. Boudreau asked if there’s parking on Elm Street. Parking on Broadway isn’t great and can be intimidating to pull off onto Broadway. Can people pull around the corner and park? **S. Puleo** said that’s not the best idea with the tractor trailers.

The Board discussed parking across Broadway on the other side of Elm Street and the issues with snowbanks and the narrowness of the street, with the possibility of no parking signage being added there. They also spoke about more parking as you get closer to the bridge.

L. Boudreau said there are commercial businesses in the area; the yoga studio and hair salon are successful. There will be survival of the fittest down there because of the limited parking. This will always be the limitation. With the oil trucks, the whole intersection is intimidating. She wishes them well and thinks it's a great business. She thinks it will be drive through traffic, not destination.

S. Frank thinks that as well. The closer you get to Elm, the tighter the parking gets. Working towards the bridge will be more parking. There is plenty of parking but it may not be right in front of the building.

PUBLIC HEARING CLOSED

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.

T. Haeuser introduced the item and showed the location on the map. He showed the parking area in the back. He stated that the traffic study was interesting—they didn't just rely on the ITE manual, or because of the combination of uses, they felt something else was needed. They looked at the Cookie Jar bakery

traffic and found that survey identified the AM peak hour at 7:45 to 8:45 AM of 57 trip ends and PM peak hour at 3:00 to 4:00 PM of 60 trip ends. The applicants' consultant believes that traffic generation is between 60 and 70 trip ends during AM or PM peak hour. The project will generate less than 100 PM peak hour trip ends does not require a MDOT Traffic Movement Permit (TMP). The applicant states that the traffic generated by the restaurant conversion and commercial kitchen will not have a significant impact to road network in the area. Access will be from Walnut Street via a two-way 28' wide driveway located along the northwest the existing building leading to the existing parking area. The applicant proposes 19 parking spaces including two handicapped spaces, exceeding the ordinance requirements of 13 parking spaces. There is a six-foot City sidewalk located along Cottage Road and Walnut Street.

All utilities exist to serve the proposed restaurant and commercial kitchen. The applicants are not proposing to change the existing utility services. The applicants have provided an Ability to Serve letter from the Director of Water Resource Protection. The site is landscaped with buffer along the residential side of the parking area along Walnut Street. The applicants are proposing to replace the existing fencing abutting the residential property next the parking area to reduce the impacts of the operation.

The applicants are proposing to hire private service trash hauling to haul a two-yard rolling container on a weekly basis. There are no potential nuisances anticipated. They've met the requirements for Legal, Technical, and Financial capacity. There are no waivers and staff recommendation is for approval. He reviewed the conditions.

Ben Graffius, 12 Clifton St., Portland, Thomas Barlow, 33 Columbus Rd., Cape Elizabeth, and Marcia Wiggins, 6 Dyer Park Rd., Cape Elizabeth, introduced themselves as the applicants.

B. Graffius explained that this project has been in the planning process internally for a couple of years. They are excited for this opportunity. Their plan is to use the space as mixed commercial and feel that the combination of Cape Whoopies and retail coffee is a good use of the space. This is a good opportunity to have the products used together to support each other, and they location is great.

PUBLIC HEARING OPEN

Russ Lunt, Brigham St., thinks this is a great use of the building. There used to be a grocery store in this location. This is a wonderful application and there's plenty of parking. He's glad to see someone use that building—he hates to see it vacant. There are so many cars that go by every day.

Michelle Patrick, 105 Walnut St., said a number of neighbors have traffic and parking concerns. She understands that there was a study done further up on Cottage where they found that there are 11,000 cars a day. She wonders what the considerations are for the intersection. It is not comparable to where the Cookie Jar is—the intersection is crazy and dangerous at peak hours and will be worse when Red's is open. It's also difficult to get onto Cottage and neighbors are concerned about a backup situation. You can't see what's coming and there's also the velocity of traffic coming down the hill. They are also concerned about the parking lot, which has 19 spots and with ten employees almost half of the spaces are taken. If this becomes a destination like Scratch, what is the plan? Because of the impending development where public works was, they expect more traffic coming through the neighborhood. Existing traffic will be merged with new residents and they wonder if this has been taken into consideration.

David Connolly, 184 Cottage Rd., lives across the street from the proposed project. He is nervous about what might be going in here and this looks like a good business. He is also concerned about parking and the number of employees versus spaces in the lot and the potential number of patrons. He doesn't think it's a good idea for people to park across the street and cross. He has seen cars come over the hill and crash into Cherished Possessions. He is also worried about the odor—commercial coffee sometimes

doesn't smell good and he would appreciate if there's a way to filter it. The Thai restaurant omits an odor. He's also concerned about noise with trucks and trash pickup. For safety reasons, he would like a way for people not to park on his side of Cottage and cross the road.

Staci Converse, 87 S. Richland St., is in full support of the use. She has very little concerns about traffic. She is excited about the development coming in and being an asset to the neighborhood.

Scott Gorneau, 97 Walnut St., abuts the parking lot and is looking forward to having neighbors. They fully support the use. The applicants have been good and willing to communicate on things like the fence. They are concerned about similar things that have been said, but also bike and pedestrian safety. There are no crosswalks in the area and there are blind corners. The sidewalk along the building on Walnut has never been plowed. School kids have to walk in the road around the snowbank. He thinks the City or someone should be responsible for plowing the sidewalk. They'd like more signage. There are no parking signs on part of Walnut that police had to enforce when Cherished Possessions had yard sales and people parked wherever. They are worried people will park on Walnut. He asked about the exhaust odor and where the exhaust will be located. It's not a big nuisance to them but he's concerned about roasting beans—a potent smell and could be a nuisance. They are in support the development.

T. Haeuser read a letter aloud from David Millard, 80 S. Richland. His property abuts the business and he is concerned about parking availability, water runoff, and a broken fence/boundary buffer. The neighborhood is surrounded by new businesses and the streets are narrow. He shares a property line with the lot and the fence between the properties has been deteriorating. They've asked the owner to fix it and nothing has been done. The mangled fence is a hazard to neighborhood kids. The major concern is meltwater runoff. Large streams of water run through their yard and adds to an existing problem. His yard and street is frequently flooded. He asked if there are plans to upgrade the water drainage system in this part of town. He suggested planting natural barriers instead of a fence.

T. Haeuser said that normally the applicant or engineer would respond to concerns raised about traffic, but their engineer is not in attendance. In the course of the discussions about O'Neil St., there was mention of observations of long queues from the Highland intersection at times of the day. In a way, it's similar to the Irving gas station—the owners knew certain times of day would be difficult to get through the queue and they accepted it. Does the queue constitute a safety hazard? Not necessarily. Does it constitute an unacceptable level of service at this intersection because you have to wait too long to get in or out? He doesn't know. He doesn't think it would take two minutes to get out here but maybe it does.

K. Carr said the traffic summary doesn't include the level of service summary for the intersections.

T. Haeuser said they tend to try to get the developer to do something if it can be done, if they're creating a decrease in level of service. This may be an issue to talk about further. In terms of parking, the first thing to point out is that they're meeting the ordinance requirements for parking. This is the standard the Planning Board has to go by. If there are existing parking problems in the area that this might exacerbate, it should be addressed by working with the City. He's uncomfortable talking about this because it's up the applicant to address.

B. Graffius said he understands concerns with the street and that it's a difficult intersection. The problem with the amount to and from Cape Elizabeth is something more than they can address other than talking with the traffic engineer. In the parking lot, it was originally designed to have 33 spaces. They eliminated the double parking as requested by the City, but that is their plan for employee parking. The double parking spaces that were eliminated were shown on the screen. Their plan is to have the 4-10 employees utilize the area not striped so the 19 spaces would be available for customers.

T. Barlow said that looking at the previous use of the property, they looked at the amount of traffic coming in, whether it was for customers coming in, deliveries in and out, and for their big sales, and the analysis didn't show a significant increase in the traffic created by their use.

T. Haeuser said there was a concern about deliveries and hours and the Board could condition this. **K. Carr** said in the memo, it says there would be one to two pickups/deliveries daily and asked where that would take place.

M. Wiggins explained that the single glass back door has been changed to a double door so that FedEx could pick up deliveries. This is accessed in the back from the parking lot. FedEx comes twice a day, once in the morning for ground pickups and once in the afternoon for express pickups and it is all done before 6:00 PM. The only other thing may be a delivery of boxes to the garage, and this would be before noon in the same general timeframe as a FedEx pickup. Nothing like Sysco would not be coming in; it would be a small panel truck to deliver things like flour and sugar. This is similar in size to a FedEx sized truck.

T. Haeuser asked about beepers for backing up. **M. Wiggins** wasn't sure. She thinks there's enough room to come in and turn around and vehicles wouldn't need to back up.

S. Puleo asked if delivery hours are during normal business hours. **M. Wiggins** said yes. She began the business and had a commercial kitchen in the basement of her home, so she is very familiar with them.

T. Haeuser is interested in the crosswalk and pedestrian safety. They encourage bike use in the street by adding bike lanes. They aren't too far from Highland, but it's not close either. He thought they could potentially ask the engineer to evaluate the appropriateness of a crosswalk at Walnut and Cottage with a pedestrian-activated warning beacon, going across Cottage. You would think this use would attract people from the neighborhood and thinks the engineer should look at it. They should hear their engineer's opinion but also ask their own engineer. Things like plowing the sidewalk is part of the public works program. The City has a lot of sidewalk and they have the manpower to plow about 1/3 of it, prioritizing school routes. They can mention it to Public Works.

Jill Gorneau, 97 Walnut St., said that the sidewalk is on Walnut but against the building. It's never been plowed in the nine years they have lived there. It's dangerous for kids; the plow pushes the snow from the street onto the sidewalk and kids have to walk in the street along the building. The City does a wonderful job plowing Cottage but it's this section along the building that doesn't get done.

T. Haeuser said they could make the applicant responsible. **L. Boudreau** asked if the sidewalk is the City's ROW.

S. Puleo said it's in the City's ROW. The building is in the LB district. The back end where the parking is in the A district. The footprint of the first parcel is the building itself and goes up to the sidewalk. He spoke about Knightville and Mill Cove Landing, where there is a zero front yard setback. They've had issues with clearing the snow close to the building with the plows. It's similar with Smaha's. Many businesses there clear it themselves. For the City to remove the snow, they have no place to put it. It's something the property owner will want to keep clear so patrons can get in.

T. Barlow said they both have young children too and asked if they can offer to clear it. It will be in their interest to clear. **B. Graffius** said that safety is a priority for them; they wouldn't want their kids walking in the street. They will do it whether it's the City's responsibility or not.

S. Puleo said over the 18-24 months he's met with the Code office on this property to find an appropriate reuse that would fit within the neighborhood and have responsible business owners that would be a

member of the neighborhood, they went through a lot of people. It's a unique site without much other than a building that was a market for years. They're hopeful from the planning/development end that this will be part of the neighborhood, want to contribute, and pick up the slack where the City can't do it for everyone. They have limited people and plows and it's a difficult place to plow.

K. Carr said the applicant is willing to take on the responsibility of clearing the snow. **S. Puleo** recommended adding a condition of approval.

T. Haeuser asked if the applicant if they know about pedestrian-activated beacons. They are around \$12,000 and are solar-powered, with one on each side. He asked if the applicant would be willing to install something like this if a crosswalk is determined to be acceptable.

B. Graffius said that would put a heavy burden on them. They are supportive of safety measures but he thinks with something like this, if it was a requirement, should be shared along with the other businesses such as Red's and the Thai restaurant. He understands the concern but doesn't believe it should fall solely on them for cost. If it was a requirement to spend \$12-15,000, they wouldn't be able to.

L. Boudreau said that walking this area, she would rather see pedestrians collect at the intersection by Red's where people expect them to cross, where there are lights, as opposed to anywhere along the hill. The activated signals are great but they don't always stop traffic. Along that stretch, traffic moves in such a way that she's not sure the signal would work. It's not her first choice to put it there.

T. Barlow suggested that having that crosswalk might incentive people to park on the other side of the street as well.

T. Haeuser showed where signal protected crossing would go. It may not make sense to have the beacon in this spot. **K. Carr** said that given what's happening at O'Neil, there may be an opportunity to leverage resources.

T. Haeuser asked the applicants to address odor from roasting.

B. Graffius said their plan for the facility does not include a coffee roaster. However, they don't want to eliminate it from a future use because it fits within their model. They are aware of other coffee roasters and the odor it omits. It could be a concern to live next to this; roasting the beans has almost a burnt smell that could be considered a nuisance for some. There is technology for a scrubbing filtration system to eliminate some odors that come out of the exhaust. They would be more than happy to review that if it was installed. They would provide that information as for what the process does and what it eliminates. The exhaust location is on the same side as the Thai restaurant and would not be much different. It's no more strong of a smell than a grease-type restaurant.

T. Haeuser said the Board could give an approval that would preclude the roaster for now and if they do roast, they can come back for an amendment providing evidence about scrubber. Or the Board could leave it up to staff for a de minimis change. Or, if the technology for scrubbers is advanced, they could approve for a roaster but with a scrubber that meets or exceeds some sort of standard.

B. Graffius said there are coffee roasters in Portland that they work with and it hasn't been a requirement on their side, even with residential abutting properties. They are aware of the concern and are willing to go out of their way to ensure it's addressed. They want to be good members of the community. He wants to express their dedication to addressing the issues as much as possible.

K. Carr wondered if water runoff is something staff can bring to the City's stormwater management people. **S. Puleo** agrees—there's probably a bigger issue. This could go back to the applicant being a reasonable neighbor doing what they can on their site to eliminate some nuisances such as repairing fences and providing buffering.

K. Carr asked the applicant about the mangled chain link fence and asked if it will be replaced.

Craig Church, 22 Jessica Lane, is the property owner. He met with Mr. Millard; this was the first time he's heard of the issue. He told him that he will remove the fence, but they need the ground to thaw first. He had talked to the previous occupant a number of times but they hadn't done anything and this was the first he had personally heard about the issue.

T. Barlow noted that they have a grease trap cleaning company on contract.

K. Carr said the community is headed down the road to having an ordinance about trash hauling in general. Hopefully that will help with beeping noises. He asked for additional questions or comments but requested them to be brief as they still haven't had a chance to hear from the Board.

D. Connolly suggested restricted parking so that people are less apt to want to park and cross the street. **S. Puleo** said the police chief deals with things like this. This Board cannot do anything relative to restricting parking. He suggested contacting the Police Chief if he has safety concerns.

Shahida Keen, 105 Walnut St., is concerned about traffic. She said they are basing some of their traffic on what happened with Cherished Possessions. It seems unlikely if Cherished Possessions had 5-10 cars an hour that a coffee shop will only have 10. She anticipates the business will be successful—what do you do when you have an already busy intersection and add potentially 30-50 more cars in an hour period?

S. Gorneau asked if there is a plowing ordinance. He spoke about stormwater going into Walnut and draining into Cottage. In fairness to the applicant, the City has a problem with ponding. The aerial view was shown on the map and he showed where puddling happens. There's a big sediment pile that happens in this area that the sweeper doesn't get.

T. Haeuser said because there's now a public works facility, the sweeper vehicles don't have to be winterized. They are out now sweeping.

K. Carr asked the applicant about the traffic study. **L. Boudreau** asked the applicant to talk about what their business does. There is no roasting and it sounds like retail is ancillary to the commercial whopie pie and coffee businesses. Is there an existing business somewhere and where will they make their money?

B. Graffius said they own Black Cat Coffee in Portland. Part of their business model is to import coffee from Rwanda and wholesale green beans to other roasters or those who are interesting in wholesaling. Part of the model is to have the beans roasted and retailing them within their own shops and other retail locations. Another part of their business is White Cap Cold Brew Coffee and they've recently come together under Rwanda Bean. Their plan to cold brew coffee on a larger volume and distribute it as well. They've done this on a smaller level in a communal kitchen and quickly outgrew capacity.

M. Wiggins said she bake, bag, fill, and tag them here, freeze them, and sell them online. They are more popular away from Maine but as a Maine product. She has shipped all over the country. She wants to have a local business and this is the perfect pairing for her. She can sell them with coffee and there is some interest in flavors made with the coffee and collaborations of that sort. She's been making money outside of Maine by shipping out.

L. Boudreau said that the primary businesses are these two commercial businesses and the retail might as well be there.

M. Wiggins said in her case, yes. **T. Barlow** said retail is important because if you take their model and made it all wholesale, given the size of the building, it wouldn't make financial sense without retail. Retail is important and helps communicate their products to the community. They have the kitchen and area to brew cold brew. Between the front of the house and kitchen there are large windows so you can see it being made. It fits together like a tasting room in a brewery.

K. Carr asked the applicant to talk about the traffic study. There is confusion because it went beyond theoretical and looked at a similar business in the area. There is question and concern looking at it through the previous use.

B. Graffius said this was new to them. They hired a traffic engineer and since the building was vacant and with the change of use, he wasn't comfortable using the previous use information. He went on his own to find another business to find a potential pattern. They provided two scenarios: what was expected at Cherished Possessions and the information for the Cookie Jar. He thinks he went to a great extent to be as accurate as possible to determine an accurate amount. He said that Cherished Possessions had delivery trucks—that will not be anything new other than it being a FedEx truck. It's a hard thing to anticipate.

T. Haeuser clarified that the study isn't based on the business Cherished Possessions did, it's based on what their business will be and he went beyond and picked a close proxy for their business. This was a good thing to do.

L. Dillon said it's apparent that the applicant has met the standards they evaluate them by. It's also apparent that they've done this thoughtfully. In terms of how the Board views the application, the applicant has had the burden of proving they can meet our standards. This isn't the first time they've heard about problems on Cottage. The burden of using the road, living off it, is not fun. There are channels that can be used outside of this Board for addressing that. They've heard these concerns and there are changes going in on Pillsbury. It's good to continue to hear this and good for the public to continue that conversation outside of this as well.

L. Boudreau thinks this was a thorough application. They exceed the standards and she's amazed that they only require 13 parking spots and this applicant has 19. In truth, she thinks this is an incredible opportunity and use of the building. It's a big building and could have an incredible negative impact without the right business in it. To find these businesses, they have found the right thing to fill a building of this size with these niche businesses coming together. Being on the O'Neil committee, this is what they envisioned. She thinks it will be a great addition to those who live on the east side of the City. She's very happy with this application and what they will do.

M. DeRose thinks they've met the standard and likes to see entrepreneurs invest time in the City. She supports this project.

W. Laidley said with all due respect to the prior statements, he thinks this is the straw that breaks the camel's back. The amount of people crossing Cottage to get to Red's in the summer is a lot. This has nothing to do with the applicants' intentions but how many cars you can fit in a space at a certain time and this tips it. He can't support this. He agrees it met all other standards. He doesn't think it's a positive addition.

S. Gorneau asked if there was a study done on Ruby Thailand. **K. Carr** said that is outside the scope of this conversation.

PUBLIC HEARING CLOSED

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.**

K. Carr and **M. DeRose** asked about the coffee roaster. **K. Carr** said that Mr. Haeuser offered that they could have as a condition that the current use does not include a roaster and would require an amended site plan or there's an argument to be made that bringing a roaster in could be a de minimis change.

L. Boudreau doesn't support a limitation. She would approve it as is.

K. Carr clarified that the motion does not include the raoster.

L. Dillon seconded.

K. Carr said that many times they've had projects within these cozy neighborhoods and change is hard in general. The projects where they feel the best about the long term future are the ones where the applicant works closely with and in partnership with the neighborhood. He thinks that was manifested tonight in removing the snow.

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.

T. Haeuser introduced the item and showed the location on the map, explaining that this is a special exception use. He stated that the applicant is only proposing to extend electrical connection from an existing light pole located near the corner of the property to the proposed garage. The applicant will be requesting a waiver of Section 24-38 (f)(1) requiring underground utility connection for an overhead electrical connection of the nearby service pole.

They meet basic stormwater standards and are not proposing new landscaping. No potential nuisances are anticipated. Legal, technical, and financial evidence is adequate. Staff recommends approval with the waiver as mentioned, the standard condition of approval, and the condition of payment of all outstanding fees.

Clark Steenstra, 15 North Street, Bath, is a property manager for Jetport Plaza. RaveX approached them asking to expand their business. They lease a retail space where they sell apparel, accessories, and parts for motorcycles, ATVs, and snowmobiles. They've asked for a space for light repairs. The location is behind the plaza where no one goes but deliveries and garbage pickup. Current customers will park in the same spot as they do now, in front of the building, and employees will bring the vehicles out back for repairs. When they are done, employees will bring them out front.

PUBLIC HEARING OPEN

Russ Lunt, Brigham St., thinks it's wonderful because it's an empty parking space. He loves seeing applicants figure out spaces like this.

M. DeRose thinks it's a great idea. She goes past this area many times per day.

L. Dillon asked if she should be concerned that there's no comment from the fire department. Is there any reason emergency vehicles would be impeded or impacted by this?

K. Carr sent a note to Mr. Haeuser and Mr. Puleo about this and asked for it to be ready for the Board. He saw the response from the applicant but didn't see fire department comments.

L. Boudreau said this is a small building. It won't have a huge impact on the lot. The usage described is small engine repair. It's a great use and matches what they do in the front.

S. Puleo apologized for omitting the statements from the Fire Chief. The statements are very benign; will be getting and looking at building plans for industrial occupancy-type standards. There are hydrants within the appropriate distance. He doesn't know the flow of private hydrant on site and they work with property owners on this. **T. Haeuser** added that they did not include concerns about maneuverability in the area.

S. Puleo asked if the applicant will bring equipment inside the garage in the evenings so that nothing is left outside the building.

C. Steenstra said yes, that is a condition as a tenant. They do not want security issues.

PUBLIC HEARING CLOSED

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

T. Haeuser asked how the plaza is doing. **C. Steemstra** said very well. They are full as of April 1st.

Ralph Gallagher, 5 Alpine Dr., Windham, said that they are a small motorsports store that opened in 2005. They opened in Gray and then moved to the Maine Mall in 2007 as a short-term lease. The move to Jetport Plaza has been good for them. They sell extras; they're not a necessity store. When the economy does better, they do better, and they've grown every year since they've been in Jetport Plaza. They sell dirt bikes, snowmobiles, ATVs, parts, accessories, and apparel.

M. DeRose asked if they rode on the new road went in near the Jetport. **R. Gallagher** said no, but they go to freestyle exhibitions as well, setting up shows and building courses.

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. Haeuser 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.