

**AGENDA ITEM #2A
Meeting of June 13, 2018**

Planning Department Memorandum to Planning Board

Subject: Amended Site Plan Request — Controlled Environmental Agriculture Facility — 25 Duck Pond Rd. — 110 Dartmouth Street, LLC

INTRODUCTION

110 Dartmouth Street, LLC is requesting an amended site plan approval to modified their approved Controlled Environmental Agriculture Facility (CEAF) located at 25 Duck Pond Road. The development project was approved at the February 12, 2018, Planning Board meeting. The proposal is to remove the job trailer and entry area and replace the area with a larger footprint for the "Cultivation Facility". As a result, the building footprint will increase from 14,800 SF to 18,000 SF with the office space will now be part of the building. The new office occupies a 3,200 SF portion of the new Facility. The applicant will be shifting the building footprint towards the Duck Pond ROW, eliminating the parking area and access drive from the front of the building. The parking area will be moved to the rear southern portion of the site, next to the 5,000 SF gravel pad for soil and vegetation storage. The 20-foot access drive will wrap around the building and will access via two 24-foot wide curb cut from Duck Pond Road. The applicant states that the planned amends will reduce the net impervious area and the stormwater treatment will remain the same as permitted by MeDEP. The property is further identified as Assessor's Map 55, Lot 8, in the Non-Residential Industrial District (INR).

This item will be heard on the Planning Board consent calendar agenda because the applicant has initiated the development by meeting Conditions of Approval #2.

This amended site plan submission will be reviewed under Chapter 27, Article XIV Site Plan Review and in compliance with Article XI Non-Residential Industrial District (INR).

SUBMISSION CHRONOLOGY

Site plan application submitted: May 16, 2017

Application complete:

PROJECT DATA

Zoning:	Non-Residential Industrial District (INR)	
Land Area:	91,033 SF (2.08 acres)	
Existing Land Use:	Gravel Pad for Trailer parking	
Proposed Land Use:	18,000 SF Controlled Environmental Agricultural facility, associated parking, driveways, and drainage facilities	
Maximum building height:	Permitted: 86'	Proposed: N/A
Parking:	Required: 6	Proposed: 8
Maximum Building Coverage:	Required: 40% of lot	Proposed: 17%
Estimated Sanitary Sewage:	400 GPD	

PERFORMANCE REVIEW

1. Zoning, Performance Standards

This submission is for a permitted use, meets the space and bulk requirements, and satisfies the performance standards for the Non-Residential Industrial District (INR).

2. Traffic, Access, and Parking

From the February 12, 2018, Planning Board Memo

Pursuant to Section 27-1426 (g), a traffic summary was conducted in December 2017 in preparation of the site plan application to the City. The proposed development will generate 10 AM

Peak Hour, 10 PM Peak Hour, and 3 Saturday Peak Hour trip-ends. The project does not require Traffic Movement Permit (TMP) from the Maine Department of Transportation (MDOT). The applicant states that the small amount of traffic generated by the office project will not have a significant impact on the road network in the area.

Amendment to February 12, 2018 Memo

The proposed access will be from Duck Pond Road will remain a two-way 30' wide gated driveway entrance. The driveway entrances are located along the southwest side of the site. The applicant's amendments are to remove the job trailer and incorporate that area into the increase building footprint. The approval portion of the access which ran in front of the building will be removed and the employee parking area will be relocated to the rear of the building next to the soil/vegetation storage area. The applicant is proposing the location of a 20' wide future access gravel drive to be built in the rear of the site (see Conditions of Approval #10). Pursuant to Section 27-1426 (l), the applicant proposes eight parking spaces, exceeding the ordinance requirements of six parking spaces (per Section 27-1556 (b) (22) 0.5 spaces per one employee).

From the February 12, 2018, Planning Board Memo

The applicant is not proposing any pedestrian access to the site, per Section 27-1426 (h).

No loading dock area is proposed, but the applicant is proposing a 5,000 SF gravel pad for a soil/vegetation storage area.

Upon issuance of occupancy permits, the fire department will designate fire lanes around the building, per Section 8.11.3.

3. Utilities

From the February 12, 2018, Planning Board Memo

A letter has been received from Portland Water District stating that capacity is available for the full build of the redevelopment project, per Section 27-1426(c).

The applicant is proposing the generation of 400 GPD of sanitary flow, which will be treated by the City's treatment plant. The applicant has provided an "Ability to Serve" letter from the Director of Water Resource Protection. Pursuant to Section 27-1426(d), the applicant will install a six-inch sanitary sewer main connecting to a sewer manhole on site that will convey the sanitary flow to a sewer manhole in Duck Pond Road.

New underground electric and telephone/CATV will tie-in to existing underground service located on site per Section 24-38(F)(1). New electrical will be underground and will be extended from the utility poles within the Duck Pond Road ROW underground to a transformer where the electrical connection will be extended to the new building.

One fire hydrant is located 400 feet west of building within the Duck Pond ROW, per Section 27-1426(h).

4. Drainage, Stormwater Management, Erosion Control
Existing Conditions

The 2.08-acre site is currently improved with a 20,400 SF gravel pad for trailer parking. The existing site's stormwater management plan was approved by MDEP in 1999 as part of a subdivision approval. The applicant states that the site has no drainage problems or concerns.

Soils found on the 2.08-acre site include Au Gres Loamy Sand and Windsor Loamy Sand.

Proposed Conditions

As stated above, the lease site has approximately 0.22 acres of impervious cover and the proposal will not change the amount impervious cover. Pursuant to Section 27-1426 (v), the applicant has provided adequate provisions for the management of the quality and quantity of all stormwater generated by the proposed construction an 18,000 SF Controlled Environmental Agricultural Facility with associated parking, landscaping and stormwater infrastructure. The applicant has proposed a stormwater management system meeting the City's Post-Construction Stormwater Management Plan standards, per Section 27-1536 (c) (1) (a). The applicant's amendment from the February 12, 2018 review will modify the building arrangements, resulting in the reduction of the overall impervious area. The applicant has slightly re-graded the site from the original proposal but maintained capacity.

From the February 12, 2018, Planning Board Memo

The stormwater management system is designed to treat the quality and quantity of stormwater runoff in accordance with Chapter 500 DEP Stormwater Management Law. The site is in an urban impaired stream watershed of Barberry Creek. The project will generate less stormwater runoff than the current discharge from the site. The site will be graded to the vegetative swales bordering the building and driveway area. The stormwater runoff will be captured by the field inlet to a storm drain pipe discharging to the Duck Pond Subdivision's treatment wetpond permitted by MeDEP Site Location Permit # L-19932-26-C-B.

Pursuant to Section 27-1426 (f), a satisfactory erosion and sedimentation control program proposal has been submitted. The applicant is proposing to retain ownership of the stormwater management facility and system and has provided an acceptable Maintenance Plan and Drainage Maintenance Agreement, per Section 27-1536 (c) (1 through 3) (See Condition #3 to verify legal sufficiency).

5. Landscaping, Lighting, Signs

From the February 12, 2018, Planning Board Memo

Pursuant to Section 27-1426 (n), the site's is in an industrial area of the City. All disturbed areas that will not be improved with gravel driveway will be regraded and seeded with grass seed. The applicant is proposing six new pole-mounted lighting fixtures along with wall pack lighting fixture entrance way building to light the facility, per Section 27-1426 (k).

All lighting fixtures are serviced by underground electrical connections or through the structure, per Section 24-38(F) (1).

No dumpsters are being proposed. The applicant has not provided sign details as required by Section 27-1561 (please see Conditions of Approval #7).

6. Potential Nuisances and Noise

No potential nuisances are anticipated. The project is not anticipated to generate noise impacts above those permitted by Chapter 30, Control of Noise from New Development.

7. Legal, Technical, and Financial Capability

From the February 12, 2018, Planning Board Memo

The applicant is 110 Dartmouth Street, LLC. The subject property is owned by 110 Dartmouth Street, LLC. The applicant has submitted a copy of its deed for the property (CCRD Book 13379, Page 212) with the application materials, per Section 27-1426 (r).

The applicant has submitted evidence from the Maine Secretary of State's Office indicating that it is a Maine limited liability company in good standing in Maine, per Section 27-1426(s).

The estimated project cost is \$500,000. The applicant has submitted a copy of a December 1, 2016, letter from Gordon Hurtubise's accountant, Judith A. Forsley, CPA, indicating that he has

access to \$2 million in funds from his accounts at RBC Wealth Management. The Planning Board should require as a condition of approval that one of the first six methods set forth in Section 3(B) of the Site Plan application be provided to the Planning Department before a building permit may be issued for the project as follows: "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," per Section 27-1426(t)

8. Miscellaneous
From the February 12, 2018, Planning Board Memo

The applicant has stated that the proposed building will be equipped with an approved sprinkler system.

The Planning Board had approved the waiver requests of Section 27-1428 (a), Time Limitations, for the opportunity to have a one-year approval granted and of Section 27-1575 (d) to accept the exterior material for the Controlled Environmental Agricultural facility consistent with a greenhouse.

RECOMMENDATION

Based on the technical review of information submitted by the applicant from May 16, 2018, though, and drawings dated December 16, 2017, through June 6, 2018; the staff recommends the following action:

WAIVERS:

No waiver requests included with this amended site plan application.

AMENDED SITE PLAN

I move to approve the amended site plan application of 110 Dartmouth Street, LLC dated May 16, 2018, though, and drawings dated December 16, 2017, through June 6, 2018, for a Controlled Environmental Agriculture Facility located at 25 Duck Pond Road as follows:

CONDITIONS

1. 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 change 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.
2. Prior to the scheduling of a pre-construction 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 compensation and/or impact fees as determined by the Planning Board.
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 pre-construction 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 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 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 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.
8. Marijuana cultivation in any form is not allowed in the facility or on the site until such time as State and South Portland permits and licenses for such cultivation have been granted. The applicant and the owner of the facility shall allow access to the site and inside the facility during normal business hours to

the South Portland Code Enforcement Officer, or his/her designee, for periodic inspections to ensure compliance with this condition.

9. Prior to being granted an occupancy permit, each tenant shall provide evidence to the Planning & Development Director of pesticide management plan review and approved by the Sustainability Director.

10. The applicant shall obtain an amended site plan approval from the Planning Board prior the future expansion of the gravel drive in the rear.



Community Planner
6/13/2018

Attachments:

1. Staff Comments
2. Applicant's response



DEPARTMENT OF
PLANNING & DEVELOPMENT

June 5, 2018

Mr. Daniel Diffin, P.E.
Sevee & Maher Engineers, Inc.
4 Blanchard Rd.
Cumberland Center, ME 04021

RE: Amended Site Plan Request – 110 Dartmouth Street, LLC – Controlled Environmental
Agriculture Facility – 25 Duck Pond Rd.

Dear Mr. Diffin:

Following are all the staff comments that have been received to date on your request for the
Amended Site Plan Request application review.

Water Resource Protection

I have no issues with the proposed change to 25 Duck Pond Rd stormwater management
plan.

Justin Gove, P.E.
Civil Engineer
Water Resource Protection

I also have no concerns with this request.

Dave Thomes
Collection Systems Division Manager
Department of Water Resource Protection

Corporation Counsel

Code Enforcement

* No comments.

Engineering Peer Review

No further comments

Mr. Diffin

Page 2

Assistant City Manager

No comments.

Fire Department

* No further comments.

Planning Director

No concerns, but probably should have a condition requiring amended site plan approval for any future expansion of the gravel drive in the rear.

Community Planner

* Please amended the deminimis change application with the first three pages of the site plan application.

* Please the following a condition of approval:

10. The applicant shall obtain an amended site plan approval from the Planning Board prior the future expansion of the gravel drive in the rear.

Director of Transportation

No comments.

Your application is scheduled for review at the **June 13, 2018**, Planning Board meeting. Please respond to the staff comments in writing and provided all requested submittals (such as revised and updated plan sets, documentation, etc.) to the planning office one week prior **6/6/2018** to your scheduled hearing. **The Planning Board requires nine (9) full-size planset and one original response letter and a copy of the supplemental documentation. If possible, please provide pdf files of the planset, response letter, and documentation.** It is your responsibility to stay in touch with the Planning and Development office during this period. Your attendance will be required; the Planning Board meeting begins at 7:00 PM in the Council Chambers of the South Portland City Hall, located at 25 Cottage Road.

Please feel free to contact me at 767-7648 with any questions or concerns.

Sincerely,



Steve Puleo
Community Planner