

CITY OF SOUTH PORTLAND

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

Planning Board
February 12, 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
Sally Daggett, Corporation Counsel

Absent

District 2 vacant
Steve Puleo, Community Planner
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 January 23, 2018, Planning Board minutes

L. Boudreau motioned to approve the January 23, 2018, Planning Board minutes. W. Laidley seconded; (5-0) (K. Gatti absent, District 2 vacant).

Item #2. Consent Calendar

No items

Item #3. PUBLIC HEARING – Non-Conforming Lot of Record – Single-Family Residence – 44 Bonnybank Terrace Loring Builders, LLC– FINDINGS

Loring Builders, LLC is requesting a site plan approval to develop a non-conforming residential lot of record. The applicant is proposing to construct a three bedroom, 1,428 SF one-story detached single-family home with an attached garage. The parcel is 6,577 SF in size with 65 feet of street frontage. Public utilities are available in the Bonnybank Terrace ROW. The applicant is proposing a 23' tall home with a small front porch. Stormwater will be directed away from the structure to vegetated drainage swales to a catch basin connected to the MS4 in Bonnybank Terrace ROW. The property is further

identified as Assessor's Map 8, Lot 23, located within the Residential A District and Stanwood Park Neighborhood.

Public hearing notices were mailed on February 2, 2018, to 110 property owners within 500 feet and the applicant and sent by email to the Conservation Commission, Planning Board, and City Council.

L. Boudreau motioned to approve the site plan application of Loring Builders, LLC to build a single-family home on a nonconforming lot of record located at 44 Bonnybank Terrace dated December 29, 2017, through February 7, 2018, and drawings dated December 29, 2017, through February 6, 2018, with the following conditions of approval:

- 1. Planning Board Regulation #5, standard condition of approval, as read by the Chair at the opening of the meeting.**
- 2. Prior to issuing building permits, the applicant shall provide evidence to the Planning and Development Director that they have recorded the Certificate of Approval and Findings of Fact for the development in the Cumberland County Registry of Deeds (CCRD) and that they have signed the Level One Contractor's Erosion and Sediment Control Certification.**
- 3. Prior to issuing the certificate of occupancy, the applicant shall complete all improvements in accordance with the approved site plan and said improvements shall have been inspected and found satisfactory by the City's Engineer or other duly designated person.**
- 4. Prior to the issuance of the certificate of occupancy, the applicant shall provide the Planning & Development Director with evidence satisfactory to the Corporation Counsel that a maintenance plan and drainage maintenance agreement has been accepted by the City of South Portland and will be executed and recorded at the Cumberland County Registry of Deeds (CCRD).**
- 5. Prior to issuing the certificate of occupancy, the applicant shall provide to the Planning and Development Director a certified "as-built" grading plan meeting the City's G.I.S. requirements; grades will not be modified without first obtaining a Planning Board approval.**
- 6. Prior to providing an occupancy permit, the applicant shall include a Stormwater Management Maintenance Plan acceptable to the Planning & Development Director that has been recorded at the Cumberland County Registry of Deeds. The owner of the property and all future owners shall be required to maintain all elements of the Drainage Plan as contained in the Stormwater Management Maintenance Plan.**
- 7. In accordance with the Section 27-304 (F)(2), the height of the building shall not to exceed 28 feet. This condition shall also be attached to the building permit.**
- 8. The area between the two street utility excavations shall be milled so the pavement restoration is unified.**

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

FINDINGS

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

Item #4. PUBLIC HEARING – Amended Site Plan Request – Controlled Environment Agricultural Facility – 25 Duck Pond Rd. – 110 Dartmouth Street, LLC – FINDINGS

110 Dartmouth Street, LLC is requesting an amended site plan approval to construct a controlled environmental agricultural facility located at 25 Duck Pond Road. The facility will include a 14,800 SF cultivation facility into four separate units. The existing site in a gravel parking area for trailer storage. The building will be constructed on a 20,400 SF gravel pad to allow a 20'-foot wide access road around the building. There will be 5,000 SF gravel pad area for soils and material storage as well a parking area for eight vehicles, several generator pads, a transformer, and job trailer. The property is further identified as Assessor's Map 55, Lot 8, located within the Non-Residential Industrial District (INR).

Public hearing notices were mailed on February 2, 2018, to the five property owners within 500 feet of the proposed project, the applicant, the Conservation Commission, Planning Board, and City Council.

L. Boudreau motioned to approve the waiver request of Section 27-1428 (a), Time Limitations, for a six month approval period extension to expire on February 12, 2019; to approve the waiver request of Section 27-155 (d), to allow the predominant exterior materials to be consistent with a greenhouse, glass and/or plastic panels with a metal frame; to approve the amended site plan application of 110 Dartmouth Street, LLC dated January 4, 2017, through February 6, 2018, and drawings dated January 2017 through January 2018 for a Controlled Environment Agriculture Facility located at 25 Duck Pond 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 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 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 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 and Development Director of a pesticide management plan reviewed and approved by the City's Sustainability Director.**

W. Laidley 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).

tem #5. PUBLIC HEARING – Zoning Text Amendments – Amendments for Use or Occupancy of Dwelling Units for Short-term Rentals – Citywide – City of South Portland

The City Council has requested a land use determination from the Planning Board to consider proposed amendments to the Zoning Ordinance regarding use or occupancy of dwellings for short-term rentals.

Per City Ordinance Section 27-115(g), the Planning Board will, after the close of the public hearing, make a recommendation to the City Council regarding the proposed amendments.

L. Boudreau motioned to allow Ms. Dillon to participate in the discussion of short term rentals and sees no conflict or bias that would alter their recommendation tonight. W. Laidley seconded; (3-1) (K. Carr opposed, L. Dillon abstained, K. Gatti absent, District 2 vacant).

L. Boudreau motioned that the Planning Board make a positive recommendation to the City Council for the amendments to Chapter 27 zoning regarding short term rentals as presented this evening. W. Laidley seconded; (5-0) (K. Gatti absent, District 2 vacant).

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

Russ Lunt, Brigham St., agrees with Ms. Boudreau that people buy these houses and it will rip the market out for people who want to come here. With the agricultural building, they will need the permits but he thinks the intent may change down the road.

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

T. Haeuser said that the next Council Workshop is on St. John’s Church and also the recommendations for Cottage Road safety improvements. He also wrote a memo with over a dozen transportation projects that are either ongoing or proposed by the many of which are PACTS grant-type projects. He stated that he appreciates the service by Board members and feels they have one of the better Boards that the City has had.

K. Carr thanked Mr. Haeuser for the comments; it is a good Board with a good cross-section of skill sets and experience.

Item #8. Adjournment

8:45pm L. Boudreau motioned to adjourn. W. Laidley seconded; (5-0) (K. Gatti absent, District 2 vacant).

Respectfully submitted,
Dana Bettez 2/13/2018

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.