

CITY OF SOUTH PORTLAND

Name of Body: Planning Board
Results for Meeting of: June 13, 2017
Meeting Begins: 7:00 p.m.
Meeting Location: Council Chambers, City Hall

RESULTS

Members Present

Kevin Carr, Chairperson
Linda Boudreau
William Laidley
Adrian Dowling
Kathleen Phillips
Leslie Dillon

Staff Present

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

Absent

At-Large vacant

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 May 23, 2017, Planning Board minutes.

L. Boudreau motioned to approve the May 23, 2017, Planning Board minutes. K. Phillips seconded; (6-0) (At-Large absent).

Item #2A. Consent Calendar – Performance Guarantee Releases – Conifer Woods, Maine State Office Building – 240 BARNSTABLE RD and 151 JETPORT BV

A. Dowling motioned to approve the total release of the \$33,000.00 Public Improvements, \$9,248.00 Erosion Control, and \$8,050.00 Landscaping performance guarantees for the projects listed above. W. Laidley seconded; (6-0) (At-Large vacant).

Item #3. PUBLIC HEARING – Zoning Text Amendment and Zoning Map Change – Rezoning from Residential District A to Conditional Residential Use G-5. – 131 Sunset Avenue – South Portland Housing Development Corporation

*** Postponed from the May 23, 2017, meeting ***

South Portland Housing Development Corporation is requesting a Zoning Text Amendment and Zoning Map change to rezone their property located at 131 Sunset Avenue from Residential District A to a Conditional Residential Use G-5. The applicant has purchased the property from a previous owner who obtained a Subdivision and Site Plan approval for a five-unit cluster development. The property was also used during the construction of Phase I of the Thornton Heights improvement project conducted by the City. The applicant's proposal is to establish a multi-family housing project. The applicant is proposing to create a 28-unit housing project in which 20% will be affordable at 80% of the Area Median Income (AMI). A proposed condition of the new zoning district will grant a "Conservation Easement Area" to the City of South Portland. The property is further identified as Assessor's Map 62, Lot 9, located within the Residential District A.

The Planning Board will make a recommendation to the City Council on the proposed zoning map change and zoning text amendment.

Legal advertisements appeared in the Portland Press Herald on May 9 and 15, 2017, and were posted in City Hall on May 9, 2017. Public hearing notices were sent on May 9, 2017 for the Public Hearing and on June 1, 2017 for the site walk, to 89 property owners within 500 feet of the proposed project and to the applicant and sent by email to the Conservation Commission, Planning Board, and City Council.

L. Boudreau motioned to postpone this item. K. Phillips seconded.

L. Boudreau withdrew her motion.

Mike Hulsey, South Portland Housing Development Corporation, said at this time, they would like to withdraw their application.

Item #4. PUBLIC HEARING – Floodplain Management Approval and Site Plan Review – Patio Addition – 271 Front Street – Centerboard Yacht Club – FINDINGS

Centerboard Yacht Club is requesting a Floodplain Management and Site Plan approval from the Planning Board to construct a patio connected to the existing yacht club building located at 271 Front Street. The proposed project includes the development of a patio along the shoreline side and the east side of the building. The proposed patio structure will be 1,218 SF in size. The location of the patio will include a portion of the existing gravel driveway, increasing the overall site's impervious conditions by 650 SF. Per Section 27-1322 C.1., a Planning Board approval is required due to the increase of the existing structure by more than 200 SF (the patio) and impervious surface of more than 500 SF. The proposed patio will include a small retaining wall to elevate the patio to the existing finished floor elevation. The proposed patio surface will consist of prefabricated wood deck panels in six or eight-foot squares. The site will be graded to keep an 18-inch reveal of the stonewall and the yacht club is proposing to landscape around the

wall at a future date. The property is further identified as Assessor's Map 8, Lot 100, located within the Shipyard District (S) and Shoreland Overlay Districts.

Public hearing notices were mailed on June 5, 2017, to the 65 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 request of Section 27-1536 (h)(1) to waive the Basic Stormwater Management requirements due to no change in the stormwater management of the site;

Floodplain Management and SITE PLAN

to approve the Floodplain Management Approval and Site Plan Review application of Centerboard Yacht Club dated May 2, 2017, through June 6, 2017, and drawings dated May 2, 2017, through June 6, 2017, for the Patio Addition located at 271 Front Street 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.**

K. Phillips seconded; (6-0) (At-Large vacant).

FINDINGS

W. Laidley motioned to accept the findings with item #6 referencing landscaping removed.

L. Boudreau seconded; (6-0) (At-Large vacant).

Item #5. PUBLIC HEARING – Modified Site Plan for a Stationary Vending Unit – Mobile Vending Unit Area – 45 Huntress Ave – Fore River Brewing Company – FINDINGS

Fore River Brewing Company is requesting a modified site plan for a stationary vending unit approval to host mobile food vendors in association with their tasting room located at 45 Huntress Avenue. The applicant is a manufacturer and distributor of beer to local markets, including South Portland. Mobile food vendors will be contracted for specific events throughout the year. The tasting room seating is located in the front of the brewing building and is sectioned off from the parking area with ropes. The mobile food vendor space will be 25' x 25' in area and northwest of the tasting room area. The food vendor will only be accessed through the roped-off section of the tasting room. The stationary vending unit approval must address the relevant site plan impacts created by hosted mobile food vendors on private property. Pursuant to Section 14-104 (d), the applicant has hosted mobile food vendors on three occasions this calendar year. The applicant states they will obtain all necessary licenses found in Chapter 14 required to host mobile vending units. The applicant's proposal addresses any anticipated impacts generated by the additional use. The property is further identified as Assessor's Map 32, Lot 143, located within the Commercial District (C).

Public hearing notices were mailed on June 5, 2017, to the 98 property owners within 500 feet of the proposed project, the applicant, and were sent by email to the Conservation Commission, Planning Board, and City Council.

L. Boudreau motioned to approve the site plan application of Fore River Brewing Company from June 2, 2017, through June 8, 2017, for a Stationary Vending Unit Mobile Vending Unit Area located at 45 Huntress Avenue as follows:

CONDITIONS

- 1. Planning Board Regulation #5, standard condition of approval, as read by the Chair at the opening of the meeting.**
- 2. Mobile vending units doing business on the applicant's property shall meet all applicable national, state, and South Portland fire prevention, safety, and food handling codes and regulations.**

K. Phillips seconded.

Vote (6-0) (At-Large vacant).

FINDINGS

W. Laidley motioned to accept the findings with the hours of operation removed and replaced with “within the hours of operation of the tasting room” in item #8. A. Dowling seconded; (6-0) (At-Large vacant).

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

Russ Lunt, Brigham St., welcomed Ms. Dillon to the Planning Board. He thinks the public was right about the parallels between Knightville and Sunset. He heard today Bon-Ton in the mall is closing; he hates to see that.

Thea Sames, 40 Everett Ave., quoted an article from the Sentry about the popularity of infill development in the City. It is happening in her neighborhood; trees have been clear cut. Her mother moved to Coolidge Ave. 10 Coolidge Ave. is a small lot loaded with trees. The developer planned to clear cut before his application was approved. She's not sure what will happen with the lot but it's triggered something in her and her sons. They care about the trees in this area. She spoke about the big picture and problems of cutting down trees. She moved here wanting to raise her children here and she taught them about the importance of trees.

Jamie Howard, 18 Coolidge Ave., lives two doors down from 10 Coolidge Ave. She's looked through the application and has found two findings that could possibly disqualify it and asked what the best way is to communicate them to the Board.

T. Haeuser told her she could write a letter that could be put into the record and provided to the Planning Board as part of their packet and/or to go to the Public Hearing for this project. Unless you brought something completely crazy about the application to their attention, he doesn't think they have the ability to preempt.

J. Howard asked what an example would be. **T. Haeuser** said he can't speculate. The applicant has a right to bring their application forward and she has a right to provide testimony. She can do it ahead of time through written testimony and/or at the hearing itself.

J. Howard said it may not be a nonconforming lot under the standards at all. She's happy to write a letter and wants to ensure it is communicated. She said she's spent a significant amount of time researching the plot.

T. Haeuser said they cannot hear anymore at this time. This is an unadvertised and outside of the Public Hearing and needs to have notice and advertising. Up to this point they've spoken about process and now it's getting into specifics and it's not appropriate for the Board to hear.

K. Carr reiterated the ways Mr. Haeuser said to communicate about this application. There's concern and passion around the application. If it makes it through the review process it will come to the Board and he hopes she will come at that time.

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

T. Haeuser said in regard to a quote in the Sentry from him, he hasn't looked closely at the Sentry and Forecaster and does not recall saying anything about 500 properties in the City. He's indicated a number of times how difficult it is just knowing the number of non-conforming lots of record out there. He's not sure where that's come from.

K. Carr said this is not a legislative body. It is sometimes difficult to understand but concerns about the impact on the community of the infill ordinance is something the Council needs to hear. He recalls Mr. Laidley has consistent comments about this.

S. Puleo said there is no second meeting this month.

T. Haeuser said the Board and public may be interested in the land use and transportation study that Portland and South Portland are doing jointly. There is a transit workshop for the study this Thursday from 3-5 p.m. in Portland's City Hall. He also spoke about the Urban Land Institute meeting he attended in Boston today, projects on the Boston waterfront, and resiliency. Another project discussed was the new GE headquarters that has a solar veil over the top of the building. They have more bike parking than car. He spoke about sea level rise and revising the flood maps as required. He also heard that the first item on the City Council's wish list is a waterfront plan that works on resiliency and uses.

W. Laidley asked where the City stands in marijuana regulations.

T. Haeuser said it's in his court to work on draft #2 of zoning and on others to get licensing going. The zones involved are what has been discussed but the Council clarified their policy to say that they don't want overly burdensome standards. They want standards no more or no less than they have for selling alcohol.

Item #8. Adjournment

10:00 p.m. L. Boudreau motioned to adjourn. W. Laidley seconded; (6-0) (At-Large vacant).

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.