

**CITY OF SOUTH PORTLAND**

**Name of Body:** Planning Board  
**Minutes for Meeting of:** December 12, 2017  
**Meeting Begins:** 7:00 p.m.  
**Meeting Location:** Council Chambers, City Hall

**MINUTES**

**Members Present**

Kevin Carr, Chairperson  
William Laidley  
Linda Boudreau  
Katherine Gatti  
Mary DeRose

**Staff Present**

Tex Haeuser, Planning & Develop. Director

**Absent**

Steve Puleo, Community Planner  
Leslie Dillon  
District 2 vacant

**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 November 21, 2017, Planning Board minutes.**

**W. Laidley motioned to approve the November 21, 2017, Planning Board minutes. K. Gatti seconded; (5-0) (L. Dillon absent, District 2 vacant).**

**Item #2A. Consent Calendar – Performance Guarantee Releases – CN Brown at 334 Cottage Rd.; Revision Energy at 929 Highland Ave.**

**T. Haeuser** introduced the item, stating that David Kasik certified that they are able to release \$34,600.00 in Public Improvements and \$21,475.00 in Erosion Control for the CN Brown Redevelopment at 334 Cottage Road and the Revision Energy/Highland Ave. Capped Solar Landfill at 929 Highland Ave.

**L. Boudreau motioned to approve the total release of \$34,600.00/Public Improvements and \$21,200.00 Erosion Control performance guarantees for CN Brown at 334 Cottage Rd. and the Highland Ave. Capped Solar Landfill at 929 Highland Ave. K. Gatti seconded; (5-0) (L. Dillon absent, District 2 vacant).**

Item #3. PUBLIC HEARING – Site Plan Reivew – Coffee Shop – 372 Cottage Road – Omi's Coffee Shop – FINDINGS

813, LLC is requesting a site plan approval to create a 16-seat coffee shop located at 372 Cottage Road. The applicant is proposing to perform interior renovations to convert the former real estate office and relocate Omi's Coffee Shop from its current Brackett Street location. The applicant is restriping the existing parking to provide five parking spaces and a bicycle rack. The applicant is expected to generate the majority of customers from the local area. The property is further identified Assessor's Map 10, Lot 209A, located within the Meetinghouse Hill Community Commerical (MHCC) District.

Public hearing notices were mailed on December 1, 2017, to the 106 property owners within 500 feet of the proposed project, the applicant, the Conservation Commission, Planning Board, and City Council.

**T. Haeuser** introduced the item and showed its location on a map. There are no site changes happening other than restriping of the driveway and buffering. This comes forward as a site plan application because staff felt there was a reasonable chance that traffic impacts could be greater than the previous office use.

He reviewed the traffic study, stating that proposed relocation would generate 20 AM and 27 PM peak hour trips. It will not be a "high throughput operation," like a Dunkin Donuts or drive-through operation. In October 2017, the engineer observed that the coffee shop's peak transaction hour was 9 AM to 10 AM at 19.13 transactions. He would like the applicant to talk about the engineer's statement that the ITE of the previous office building use was 38 AM and 18 PM Peak Hour trip-ends. He mentioned the Cottage Road Traffic and Safety project that is currently underway.

The applicant proposes six parking spaces: five off-street parking spaces including one handicapped space and one on-street space in front of the existing building. The combined six parking spaces exceeds the City's ordinance requirements of five parking spaces. The fire department has reviewed this and made modifications to the layout of the parking lot. They will confirm fire access upon issuance of the occupancy permits.

The applicant has provided capacity letters from Portland Water District and the Director of Water Resources Protection. There is one fire hydrant within 500 feet of the structure within the Cottage Road ROW.

There is no stormwater to review for this project because there's no change in impervious surface. The site is landscaped with shrubs and hedges. The applicant is not proposing any new lighting fixtures to light the site. They are proposing to have one to two toters picked up twice a week by a private waste hauler. The toters will be stored outside the rear of the building in a locked structure. No potential nuisances are anticipated.

The deed was adequate for the City attorney and they've shown evidence of good standing with the Secretary of State. They have demonstrated adequate financial capability.

He showed drawings of the driveway layout and explained the issue with having to maneuver to exit. The engineer indicated that it is possible to make the turns to get out. Staff recommendation is for approval.

**Gail Bruzgo, Omi's Coffee Shop**, stated that they have trimmed the bushes back so there is better visibility getting in and out of the driveway. She said they are a modest business and won't get near the amount of traffic that DiPietro's gets. She thinks they will be a good addition to the neighborhood without a negative impact.

PUBLIC HEARING OPEN

**Timothy Pinette, 374 Cottage Road**, lives next door to Omi's. He said that they like what they've seen happening; they've done a good job renovating and the crew is friendly. It's been a good experience and he's looking forward to it. He has been to prior Public Hearings about the zone change and has spoken, along with others, about safety concerns. From living next door and reading the traffic study, he also thinks there's a mistake in the findings regarding the ITE of the previous use. The Bike/Ped subcommittee, which he is a part of, was tasked with coming up with recommendations to improve traffic safety and that is an example that public input can work. He asked what time the trash removal would happen and what provisions will be made regarding smoking. He thinks this process has gone well and is excited for the business.

**Katie Bruzgo, 34 Carter St.**, said that they cannot fit a dumpster so they will have totes. At their current location, Troiano shows up around 10 a.m. She will make sure they come at appropriate times. She's not sure about smoking; she doesn't want employees smoking outside the building but she's not sure about the laws. If the concern is about customers, this is not something she can control and is up to City or state rules.

**T. Haeuser** showed the traffic study on screen. He proposed removing the sentence about the previous use's ITE from the findings and using the basic data about AM and PM trips.

**G. Bruzgo** said that when they speak about PM Peak Hour, they are talking about rush hour. They close at 4 p.m., so this doesn't apply to them. The second method shown was data from their existing shop and they felt that was more representative.

**L. Boudreau** asked about a handicapped entrance.

**G. Bruzgo** said they do not have a handicapped entrance. Other restaurants in the area don't either. The way it's situated so close to the sidewalk, they could not put a ramp in.

**L. Boudreau** noted that because the building does not have a handicap entrance and regard to maneuvering in the parking lot, reserving the handicapped space makes the turning point tight. Nevertheless, they have to provide it even though access to the building will be tough for anyone with limited mobility.

**K. Bruzgo** said it's unfortunate they cannot fit a ramp. The space could be helpful if someone is handicapped but can climb stairs. They will be a little closer and have the parking space.

**L. Boudreau** asked if the front is the only public entrance. **K. Bruzgo** said yes, the back is an employee entrance. Upstairs has an emergency exit with egress down the back.

**K. Gatti** asked what totes are and where they will be kept.

**K. Bruzgo** said they are like the City's trash and recycling bins. There is space near the back stairwell that can fit the totes. They will enclose it and lock them.

**K. Gatti** suggested considering putting a sign up for customers that asks them to be considerate if smoking. If it becomes an issue it sounds like there's a good relationship between the coffee shop and neighbors.

**W. Laidley** asked about feedback for the current curb bumpouts along Cottage Road.

**T. Haeuser** showed the results of a survey on the screen. This is the topic of their next subcommittee meeting. They wanted to test the concept and needed to test this type of improvement. He said he could speak more to this later.

**K. Carr** reminded the Board that they've seen conditions regarding hours of which trash removal can occur before.

PUBLIC HEARING CLOSED

**L. Boudreau** motioned to approve the site plan application of 813 LLC dated October 23, 2017, through December 1, 2017, and drawings dated November 2, 2017, through November 30, 2017, for Omi's Coffee Shop located at 372 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 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.**

**3. Hours during which trash removal is allowed is from 7 a.m. to 9 p.m.**

**W. Laidley** seconded; (5-0) (L. Dillon absent, District 2 vacant).

FINDINGS

**T. Haeuser** noted that on page 1, they will remove the last sentence of the first paragraph of #3 regarding the previous building's ITE. On page 2, they will number the first and second paragraphs as "6." and "7." Current #7 will change to #8. On page 3, they will add the third condition.

**K. Gatti** noted that on page 2, the new #7 regarding signage should say, "...but has stated that there will be a building mounted sign four SF in size." On page 3 under Decision, the words "approve Site the" should be removed.

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

Item #4. PUBLIC HEARING – Special Exception Accessory Dwelling Unit – Frazier & Farrington-ADU – 75 Ridgeland Avenue – Lynn (Farrington) Frazier and Charles Frazier – FINDINGS

Lynn (Farrington) Frazier and Charles Frazier are requesting a Special Exception approval for an Accessory Dwelling Unit (ADU) to be created in their home located at 75 Ridgeland Ave. The single family home is 2,698 SF in the area and the proposed ADU is 524 SF in area. The third floor of the home will be converted into a one bedroom ADU. There are four (4) vehicle parking spaces available on site. The property is further identified in mention is Assessor's Map 32, Lot 181, located within the Residential District A.

Public hearing notices were mailed on December 1, 2017, to the 80 property owners within 500 feet of the proposed project, the applicant, and were sent via email to the Conservation Commission, Planning Board, and City Council.

**T. Haeuser** introduced the item and showed the location on a map. He showed the street view. He noted that #7 on the memo should state "deed" and not "purchase and sale agreement." He showed the survey with the proposed ADU and explained that there will be an enclosed stairwell to the third floor. There is nothing design-wise to give away the fact that there is another unit, which is the goal for

ADUs. He noted the standard fire department comments. He showed different views of the home. Staff recommendation is for approval. He noted the corrected name and address in the findings.

**Lynn Frazier, 75 Ridgeland Ave.,** asked Mr. Haeuser to show the photo of the back of the house and explained how they will add the staircase and a dormer.

#### PUBLIC HEARING OPEN

**L. Boudreau** said this looks like a nice project. It certainly meets their standards and she likes the way it will blend. She is continually impressed with the elevations showing how the remodeled structure will look. She thinks this will be a nice looking building. They don't always get to see the finished product and she would like to see this one when it's complete.

**K. Gatti** asked who will live there.

**L. Frazier** said they aren't sure yet; potentially their parents will when they visit but at this point they don't know.

#### PUBLIC HEARING CLOSED

**L. Boudreau** motioned to approve the special exception ADU application of Lynn (Farrington) Frazier and Charles Frazier dated September 4, 2017, for an accessory dwelling unit located at 75 Ridgeland 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. **The Planning & Development Director shall provide a Certificate of Approval to the applicant. This Certificate of Approval must be recorded by the applicant in the Cumberland County Registry of Deeds. A copy of the Certificate of Approval, complete with the Registry's stamp, must be returned within ninety (90) days to the Planning & Development Director. Upon receipt of the Certificate of Approval, the Planning & Development Department shall accept applicable permits for the creation of the accessory dwelling unit.**

**W. Laidley** seconded; (5-0) (L. Dillon absent, District 2 vacant).

#### FINDINGS

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

#### Item #5. PUBLIC HEARING – Non-Conforming Lot of Record – Single-Family Residence – 205 Pine Street – Star Homes, Inc. – FINDINGS

Star Homes, Inc. is requesting a site plan approval to develop a nonconforming residential lot of record. The applicant is proposing to construct a three bedroom, two-story detached single-family home. The parcel is 5,000 SF in size with 50 feet of street frontage. Public utilities are available in the Pine Street ROW. The applicant is proposing a 26.25 foot tall home. The stormwater runoff associated with the development will be directed to vegetated drainage swale to field inlet connected to the City's Separated Stormwater System. The property is further identified in mention is Assessor's Map 9, Lot 84, located within the Residential A District and Ferry Village Neighborhood.

Public hearing notices were mailed on December 1, 2017, to 122 property owners within 500 feet and the applicant and sent by email to the Conservation Commission, Planning Board, and City Council.

**T. Haeuser** introduced the item and showed the location on a map. He explained that there was an initial design, which he showed, but staff felt that it may have trouble getting through the review process. The applicant cooperated and developed a different design, which has been used before, with more of a porch and traditional front entrance. He showed the drawings.

They are within the separated stormwater system and will connect. Their system has been carefully reviewed and approved by an engineer. They have the ability to serve a letter from Water Resource Protection and a capacity to serve letter from Portland Water District. They will have underground connections for utilities. He explained that the proposed grading contours will be constructed to provide positive drainage away from the structure and driveway to vegetated swales. The runoff will be directed to a depression in the rear of the property. The depression will have a field inlet Beehive catch basin to capture a one-inch storm event in a 24-hour period. The catch basin will convey runoff and foundation discharge to the City's separated storm drain system via an eight-inch storm drain. A satisfactory Level One Erosion and Sedimentation Control and Maintenance program has been submitted.

The future owner and applicant will develop a landscaping plan. Lighting will be through conventional lighting fixtures. No nuisances are anticipated and demonstration of adequate right, title, and interest has been submitted.

He reviewed the demonstration of Predominate Patterns of Development. He explained that the ridgeline is perpendicular, not parallel as noted. He explained that the peer review engineer had comments suggesting that a hip roof might be more appropriate. In the Board's packets, there are letters from Sebago Technics and a separate letter on from the builder in which he defends the design. The applicant did a complete redesign and would like to stick with the new design without modifications. It is up to the Board to determine; drainage and design are the two main things they look at and they have no concerns about drainage. They appreciate the redesign. Staff recommendation is for approval with conditions that he reviewed. He suggests they eliminate condition #4.

**Shawn Frank, Sebago Technics**, introduced himself and Joe Frustaci of Star Homes. He showed the site plan and explained orientation. He explained the setbacks and drainage. The natural topography is a small depression. They met with Portland Water District and originally showed underground electrical but Portland Water District would rather not have them underneath, so they are asking for a waiver for overhead electrical. He showed the photo simulation.

**Joe Frustaci, Star Homes**, had some difficulty coming up with a satisfactory design. They had a buyer and because of the changes, they have lost that buyer. He's built this type of home about 12 times in South Portland. The peer review engineer suggested a hip roof but in doing so, you can't ventilate the attic well enough to prevent mold. They've used this house in hopes it will be accepted. They think it fits with the neighborhood. This side of the street is a variety of houses; he doesn't believe there is a predominant pattern. They feel they are eliminating a major problem of mold in the attic with gable vents. They couldn't have the home parallel because of setbacks.

#### PUBLIC HEARING OPEN

**Donna Hezlep, 203 Pine St.**, said it is a beautiful picture but there are trees in the picture and the lot no longer has them. This is her first awareness of what the house looks like and the first time she's seen the driveway location. The lot has standing water for months out of the year. Her biggest concern is if they are building up to meet the height of the street—she doesn't want water coming to her property. She also

wants to know that the setback is correct and not infringing on her property line. She is concerned with drainage and the driveway so close to her property.

**S. Frank** said that she's right, there is a low spot in the back of the lot. This system provides an outfall that doesn't exist. Now, it collects, what can will percolate, and it makes its way to Pine Street. He explained the stormdrain system: a small catch basin with a Beehive grate to capture a one-inch storm event in a 24-hour period. Runoff and foundation discharge will be conveyed into the City's storm drain system. They will have six inches of water during a decent storm event before it goes into the Beehive and works its way out. The property lines are referenced on the site plan and are adequate.

**T. Haeuser** noted that the City requires 12 feet between structures. **S. Frank** said they can't push the house any further up Pine to meet setbacks on the other side.

**D. Hezlep** said there is a drop from her property into the reservoir. With no tree canopy it may evaporate quicker than it drains. She asked if the lot will be brought up.

**S. Frank** showed the grading plan. The spot grade in the middle of the building is 23.8, which is the existing grade within the house. Around the existing footprint, the grade is 24 in the back to 25 in the front. The finished grades are 25.6. They are bringing it up in the back. Where it is 24 they will have about a foot-and-a-half of fill along the back of the house. The front of the house is basically the existing grade. The intent is to pick up all the water; lift the house up and drain away from the house to the swales. The low spot is 23.5. They will take some material up to maintain the low spot. Any water she has is not impeding; they will intercept runoff and have it go into the system.

**D. Hezlep** asked if having six inches of standing water is okay.

**S. Frank** said it was wooded before. Another part is the storm drain line with stone underneath. There are other outfalls other than just the surface outfall. There is more sun hitting the yard as well. However, it will probably be moist.

**K. Carr** asked Mr. Haeuser to review the setbacks and building separation. **T. Haeuser** said the new rules require any new home to be at least 12 feet away from any structure on any abutting property. Secondly, there is a regular side yard setback of six feet.

**S. Frank** said the setback is 12.4 feet between buildings and a 7.9 feet setback from the property line.

**T. Haeuser** asked if they will get water from Pine Street in the driveway.

**S. Frank** explained that there is a catch basin across the street; Pine Street is slightly graded towards the catch basin. If there is water, the intent is to get it into the grate.

**T. Haeuser** asked if it's enough of a depression to ensure water won't slide off onto the neighbors' property. **S. Frank** said the neighbor is higher; they are the low spot.

**L. Boudreau** said she lives in the neighborhood so the property is familiar. In the neighborhood, the reaction is positive to the clearing of this lot and the one to the left. It had a considerable amount of trees but it was the kind that had a "haunted house" look to it. This lot has been completely cleared. She thinks the lot looks good. Many reactions is that the lot is bigger than they imagined—this is one of the bigger lots. It was wet and it looks like it may be an improvement. She is pleased to see the original proposal. She agrees—there is one other house that doesn't fit in the neighborhood. She's not completely convinced making the all houses look alike is the best thing. This house carries the horizontal line, the steps follow

the line, and the houses across the street carry a horizontal line. She thinks this house meets the design standard as well as anything could in this type of neighborhood, where there are houses that are completely different. She looks forward to seeing this and thinks the area will look nice. She is satisfied with this project.

**M. DeRose** is concerned with the imagery of the façade. She doesn't think it fits in going back in ten years, it will look like a modern somehow unbalanced design. She doesn't think it fits.

**W. Laidley** asked if there will be any connections underground.

**K. Carr** said the pole is across the street so it would be above ground and require a waiver.

PUBLIC HEARING CLOSED

**L. Boudreau** motioned to approve a waiver of the ordinance provision requiring utilities to be underground;

to approve the site plan application of Star Homes, Inc. to build a single-family home on a nonconforming lot of record located at 205 Pine Street, dated September 13, 2017 through December 1, 2017, and drawings dated September 12, 2017, through December 1, 2017, with the following conditions of approval:

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 issuing building permits, the applicant shall provide evidence to the Planning and Development Director that they have recorded the Certificate of Approval and Finding of Facts 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).~~
- 4.5. **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.**
- 5.6. **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.**

**6.7**-In accordance with **Section 27-304(f)(2)**, the height of the building shall not exceed 28 feet. This condition will be attached to the building permit.

**7.8**- The area between the three street utility excavations shall be milled so that pavement restoration is unified.

**W. Laidley seconded; (4-1) (M. DeRose opposed, L. Dillon absent, District 2 vacant).**

#### FINDINGS

**T. Haeuser** reviewed edits to the findings: On page 3, the third paragraph, the ridgeline is changed to perpendicular and the last sentence of the fifth paragraph was removed. On page 4, the waiver of the ordinance provision requiring underground utilities was added and condition #4 was removed and all remaining conditions were renumbered accordingly.

**K. Gatti motioned to accept the findings as amended. L. Boudreau seconded; (5-0) (L. Dillon absent, District 2 vacant).**

#### Item #6. PUBLIC HEARING – Preliminary Subdivision Approval – West End Apartments – 576 Westbrook Street – Avesta Housing – FINDINGS

Avesta Housing is requesting a Preliminary Subdivision approval to develop a five story, mixed-income, mixed-use project located at 576 Westbrook Street. The ground floor will include a 4,000 square foot retail space, a small office space for Opportunity Alliance’s “Resource Hub”, and community space for Avesta’s residents. The upper four floors will consist of a range of unit types including 22 Studios, 16 One-Beds, 16 Two-Beds, and 10 Three-Bedroom apartments for a total of 64 units. The property is further identified in mention is Assessor’s Map 50, Lot 74 and 74B, located within the West End Neighborhood Center District.

Public hearing notices were mailed on December 1, 2017, to the 19 property owners within 500 feet of the proposed project, the applicant, and were sent via email to the Conservation Commission, Planning Board, and City Council.

**T. Haeuser** introduced the item. He explained that until recently, projects such as this that might otherwise be a subdivision they were allowed to review as site plans because of state law. State law was changed and the ability for municipalities to substitute site plans for subdivisions has gone away until at least June. Tonight is the preliminary subdivision review for this item. In order to meet its critical Maine State Housing Affordable Grant funding deadlines, the second final subdivision plan meeting is next Tuesday, December 19<sup>th</sup>. The City, staff, and applicants are appreciative of the Board’s flexibility. This project is a direct outgrowth of the West End Master Planning process that they hope will be a key project towards revitalization of this area of town.

He explained that this stage of the project is meant to acquaint the Planning Board members and the public with the basic components and features and to ensure that basic City standards are being met. Application submission items that have not yet been provided either will be included in the final plan application materials or will be the subject of final plan conditions of approval.

He reviewed traffic. The traffic engineer, T.Y. Lin, stated that the proposed new building will generate an additional 38 AM Peak Hour and 56 PM Peak Hour trip-ends for the new residential units. They assume the existing traffic volumes for the Hub and Le Variety will remain the same. The applicant will provide the required Traffic Impact Fee for the Westbrook Street at Western Avenue intersection for 28 trips at \$150 per trip, for a total of \$4,200. The required number of parking spots is met with 36 for the residential units and 12 in front of the building for the Hub and Le Variety.

He explained that the City is committed to a Westbrook Street road and streetscape improvement project as part of the public improvements recommended by the West End Neighborhood Master Plan. Sebago Technics is working on the project and funds are committed by the City from CDBG and other sources. Design and construction is coordinated with the Avesta proposal. In general, all Westbrook Street improvements will be the responsibility of the City. Conversely, for some landscaping improvements that Avesta plans in front of its building that partially extend into the City's right-of-way, the City will require that Avesta indemnify the City against any mishaps associated with these improvements in the ROW.

Given the compressed review timeframe, there was a meeting of all reviewers. The fire department needed to make sure fire trucks can get to the back of the building in both directions. The applicant has redesigned to allow this and it meets the Deputy Fire Chief's concerns.

Utilities will be underground. A letter has been requested from the Portland Water District regarding the water capacity available for the development. The applicant has also requested the Director of Water Resource Protection's "Capacity to Service" letter. There is a fire hydrant on Westbrook Street, and the project is adding a fire hydrant in the rear of the building at the Fire Department's request.

The applicant will show that there is an existing storm drain line connecting into Deveraux Circle that can help move stormwater off the site and give details on the stormwater system. The existing impervious coverage is 16% while the proposed conditions will be 68%. They need a waiver for not being able to accommodate 100% stormwater. A portion of the site is designated as a meadow area and is reserved for a potential second phase building addition. A dumpster will be provided and has been relocated to afford better fire truck access.

They have provided a purchase and sale agreement. It is a complicated arrangement in terms of ownership, and Corporation Counsel is reviewing this. There will be an Affordable Housing TIF.

This is one of the first projects that needs to meet design standards for commercial and neighborhood activity centers, and they have submitted evidence in their proposal. He explained that they will not put conditions and waivers on this preliminary plan as it can complicate things.

**Tyler Norod, Avesta Housing**, will be the project manager for this building. He thanked the Board and staff. He was at the table and participated in the Master Planning process. They envision an area for people to connect; a new place for people to come together. This is a building that tries to fit that vision and is pedestrian friendly. The design has a dynamic first floor. This project will set the tone for the neighborhood.

**Jesse Thompson, Kaplan Thompson Architects**, introduced himself and said it is an honor to be the first project within the new zoning. The current lot on Westbrook Street is a long run with fast cars and not a lot of sidewalk. He showed photos of the current conditions and of the Hub, where this project will be. The parcel "in front" of this is currently private property and is expected to remain that way, although they hope it will be a park someday. Currently, Le Variety has a long curb cut. He showed the proposed look of the building and described it as a "downtown building." The base is glassy and open. He showed the overall site plan, explaining that the area to the right is landscaped while the building is on the left. He showed how the property line is bent; the building pulls further away from the sidewalk than what's been asked but it gives the ability to build "landscape pockets." He showed the fire lane and on-street parking along Westbrook. The fire department has access to all of the back. There is a front and rear entrance. There is a room for bike storage on the first floor, a laundry facility, and space for the Opportunity Alliance. There is also 4000 SF leased to Quang Nguyen for Le Variety. He showed the upper floor with a mix of sizes of apartments. Next, he showed the roof. Since solar energy could be used in the future, they took the south facing roof and made broad expanses to create a set of sloping roofs. The

sides of the building itself are heavy-duty fiber cement with wood elements. Overall, he described it as a downtown bottom with apartments above and a roofline with gentle slopes. It is low maintenance, durable, and high quality. He showed the photometric plan and explained that there will be no light intrusion onto neighbors.

**Matt Phillips, Carroll Associates**, is working with Sebago on the design of the Westbrook Street improvements. There are many elements from Knightville and Main Street to give it a neighborhood village feel. There are narrower streets, on-street parking, street tree plantings, streetlights, and ADA compliance. Within the property, the front is a variety of landscaped areas that define the space and highlight entryways. The building faces south so it has solar gain; there is an opportunity for seating and gathering areas. They tried to accommodate lively, active streets where people congregate and gather. He showed seating areas. Walking down Westbrook is an alignment of street trees. To the right is the large green area, used as construction storage during construction and returned to a meadow of native grasses and wildflowers once complete. It will be durable, low maintenance, and will help provide screening of cars. In back of the property are two large areas of buffering comprised of evergreen and deciduous and ornamental grasses to provide year-round screening. This is located in areas of existing trees they are preserving. The edges in the rear are grassed areas to allow movement of fire personnel and equipment. At the end of the parking area is a rain garden to handle stormwater. The back parking and access drive will be lit with street-type utility lights. There will be downlights on building for parking and wall-mounted lighting at the entries.

**John Mahoney, Ransom Consulting**, introduced himself. He showed that main vehicular access is off Wermuth Street so that Westbrook is freed for pedestrian activity. They are excited about the City streetscape project. There is secondary access from Westbrook for deliveries to the store and a fire line. It will be used infrequently and was widened to 16 feet as requested by the fire department. As for crosswalks, they would like to have multiple and have a similar rhythm to what's in Knightville.

They showed the stormwater plan. The site drains from Wermuth from right to left and from front to back from Westbrook. They will maintain those patterns. He explained the rain garden; water in the surface parking area is directed there. There is curb to capture 98% of the impervious area on the site and directing it here. It will be filtered and there will be some detention. It will pond and infiltrate. Because they have a densely developed site, they are using engineered filtered media called a FocalPoint system. It allows dense areas to have stormwater quality because it has high infiltration rates. This allows them to maximize housing and do right by Long Creek.

Before the runoff gets to garden, they have stone to trap sand that's used in the parking lot so it doesn't clog the garden. Currently there is a low area where they are proposing the garden and the backyards of the properties in the back drain here. There is currently a catch basin and drain. They worked with Dave Thomes in Water Resources and decided to replace the entire line and install two basins, one for the garden and another for the properties in the back. Their system is just for their area but they want to accommodate offsite runoff. The system is designed to convey a 25-year storm without ponding such that the water level ponds onto the adjacent property.

They are proposing underground power and electric utilities. They are installing an additional fire hydrant as requested and a 1000 gallon concrete external grease trap for the variety store. It is in the fire access drive and easy to access. He showed the stormwater stub for potential future development.

PUBLIC HEARING OPEN

**Holly Sousa-Berry, property manager at Redbank Village and Liberty Commons**, attended on behalf of ownership and was asked to express concern about the building and the "out of place" look. They are

very excited that it's providing additional affordable housing. She spoken previously with Mr. Norod about lights not infringing on residents who live on the border.

**Quang Nguyen, owner of Le Variety**, thanked everyone. He has received positive feedback; people have asked how long they will be closed for and when they'll come back. He thinks this is a good project for the West End.

**Adrian Dowling, Brickhill Ave.**, asked about city right of way and where Avesta wants to build. He noted that at one point there was a second building shown on the plans and asked about a possible Phase II timeline. He agrees that what he's seen is different than what's currently in the neighborhood but he doesn't find it objectionable. It's impressive and has the potential to transform the neighborhood in a positive way. It's a building he would want to live in. He is in support of it.

**T. Haeuser** said the City was interested in moving forward with the discontinuance of the portion of the road ROW that juts into the property but were informed that the release would be a minimum of four meetings and wouldn't meet the applicant's deadline. He isn't sure about a timeframe for Phase II.

**T. Norod** said they didn't want to preclude themselves from a second building. As the design evolved it showed where a second building could be. It could happen as soon as a year after this project if they get it funded, or it could take 10-15 years. There is uncertainty right now and they didn't want to get bogged down with what may or may not go there. They didn't want to preclude anything and that is why, with utilities, they show some stubbing of lines in the site plan. They are conscious that the City will make a big investment in the street and they are thinking ahead as much as they can.

**K. Carr** asked if Mr. Reny had any thoughts on the ROW.

**Joshua Reny, Assistant City Manager**, said his first concern was that it would impact the site plan where they wouldn't have enough parking. They have made it work, it will set back a little of the street but they are thinking right in how to use that space innovatively. If there is a Phase II, they may revisit the ROW at that time. The City will plow the sidewalk but they don't have interest in maintaining deeper into the property. Avesta is interested in doing that.

**W. Laidley** asked if Avesta has experience in mixed use housing.

**T. Norod** said there is one other property. The store component is new. They met with the team who worked on Joe's Smokeshop property in Portland, which was almost an identical model. They have also been working closely with Mr. Nguyen.

**L. Boudreau** noted that she spent a lot of time in this area when the Hub was first located here. She loves the potential solar capacity, not only for the solar use but for the architectural feature it adds. The West End has been neglected and it would be easy to build a shoebox. This building offers more. This Board knows she's thrilled with the mix of unit types; she has encouraged more three bedrooms in the City. She likes the mix of units and she thinks it builds a better community. In regard to southern exposure, she thinks the front apartments will be hot and asked how that will be handled.

**J. Thompson** said they are careful about the amount of heat that comes through glass. They will have operable windows. Many places offer heat pumps and they may have air conditions. They aren't sure of that yet.

**L. Boudreau** asked if the traffic, street, sidewalks, crosswalks, are part of this project. She's concerned about the speed of traffic, if it's right or wrong to put on-street parking, and being sure people can cross safely.

**J. Thompson** said they are here for the improvements on their property; the rest is funded by the City. They are parallel efforts.

**T. Norod** said it's unique because they've worked closely with the City and Sebago so that everything works together. They wanted to show everything to show how the building will work with the neighborhood. On-street parking was intentional to help calm traffic. The landscaping adds visual interest.

**L. Boudreau** asked if there is only street parking for the store.

**J. Thompson** said yes, and it's more parking than what is there now. It's safer as well. People don't have to back into the street.

**L. Boudreau** asked for clarification on the inset on the drainage map and FocalPoint. She asked where the water will be.

**J. Mahoney** showed the stormwater image on the screen. He showed the low point of the parking lot, where the water drains to. This is a catch basin grate that will filter out sticks and leaves as a pre-treatment. From there it goes into a depression area that will have rounded stone that captures sand and sediment. From there it flows into another low area that is the FocalPoint. Water will pond here up to six inches deep. During a storm up to half an inch, water will stay below the catch basin inlet. It will drain through the FocalPoint filter quickly. During a higher event, an inch or two of rain, the water level will come up and flows into the catch basin. This will be a Beehive grate. Water will flow to the left and take a turn out to Deveraux Circle. The roof water will flow into another stone area to spread the water out, slows it down, and flow into the FocalPoint area. The second catch basin is necessary to capture water from adjacent properties. They treat their water but want to accommodate the other water. There is no change to this other than fixing what isn't currently working.

**L. Boudreau** is concerned about the small number of parking spaces. She understands that not everyone has two cars. What would that do should that problem occur?

**J. Thompson** said they are meeting the zoning fully. Avesta has been doing surveys of other properties to see what they use, and they have found that they use less parking than one car per unit.

**T. Norod** said they are meeting zoning as intended. There is also access to the bus. They are trying to be mindful of the increased use of bikes with the bike room and bike parking. They are also proposing a new bus stop.

**J. Mahoney** added that more parking also has an impact on Long Creek as well. More parking could mean on-street parking is used less and there would be less traffic calming.

**T. Norod** said they own property on Brick Hill. Each building is its own entity. They have explored adding more spaces on the lower end. It is unique to own land across the street.

**K. Gatti** loves it and is in favor of it. She likes seeing more affordable housing in the City. She suggested dog waste receptacles.

**M. DeRose** loves everything about it. When the Hub first opened, people thought it was a police station. Now the Hub is an important part of the neighborhood. The variety store is also an important part of the neighborhood. She thinks it will be fantastic. She thinks that when it's done, it should be written up as a case study as a smart growth type of project. It's very organic. The way Avesta does everything is

collaborative and sensitive to input from neighborhood. Hopefully they will get the money and all will be well.

**K. Carr** is mindful of traffic on Westbrook Street. It's similar to Cottage Road and could use similar interventions. The idea of close partnership and collaboration between the City, Sebago, and the developer is very encouraging.

**M. DeRose** noted that the Board of Education needs to be involved. This will bring more kids into the neighborhood and she noted that they want their school back.

PUBLIC HEARING CLOSED

**K. Gatti** motioned to approve the preliminary major subdivision plan application of Avesta Housing dated November 29, 2017, through December 3, 2017, and drawings November 27, 2017, through November 29, 2017, for a mixed-use building at 586 Westbrook Street as follows:  
CONDITIONS

**1. Planning Board Regulation #5, standard condition of approval, as read by the Chair at the opening of the meeting.**

**L. Boudreau** seconded; (5-0) (L. Dillon absent, District 2 vacant).

FINDINGS

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

Item #7. Public Comment on Items Not on the Agenda

**Adrian Dowling** noted that he misses the Planning Board but enjoys the Council. He is appreciative of the work that the Board does.

Item #8. Comments from the Planning Board and Planning Director

**K. Carr** suggested talking about Cottage Road and the survey results at the next meeting.

Item #9. Election of the Planning Board Chair

**L. Boudreau** motioned to nominate **Mr. Carr** as Planning Board Chair. **W. Laidley** seconded.

**K. Gatti** said that **Mr. Carr** maintains order well.

**Vote 4-0.** (K. Carr abstained, L. Dillon absent, District 2 vacant).

Item #10. Adjournment

10:00 p.m. **K Gatti** motioned to adjourn. **K. Carr** seconded; (5-0) (L. Dillon absent, District 2 vacant).

Respectfully submitted,  
Dana Bettez 12/14/17

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**Please Note:** No new agenda items will be begun after 11:00 p.m. If during the course of a Planning Board meeting it becomes apparent that the Board will not reach certain agenda items, the Board may, prior to its 11:00 p.m. cut-off, offer to the proponents of such items the opportunity to have their items tabled immediately to the beginning of the next regularly scheduled meeting. Agenda items remaining after the 11:00 p.m. cut-off time will automatically be tabled to the next regularly scheduled meeting.