

Name of Body: Planning Board
Minutes for Meeting of: April 11, 2017
Meeting Begins: 7:00 p.m.
Meeting Location: Council Chambers, City Hall
Amended Agenda Issued: April 7, 2017, at 1:20 PM

MINUTES

Members Present

Kevin Carr, Chairperson
Linda Boudreau
Adrian Dowling
William Laidley

Staff Present

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

Absent

Kathleen Phillips
Isaac Misiuk
Taylor Neff

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 postponement of the April 4, 2017, Planning Board minutes to the May 9, 2017, Planning Board meeting.

L. Boudreau motioned to approve the postponement of the April 4, 2017, Planning Board minutes to the May 9, 2017, Planning Board meeting. A. Dowling seconded; (4-0) (T. Neff, I. Misiuk, K. Phillips absent).

Item #2. Consent Calendar

No Items

K. Carr announced that they will go out of order tonight and begin with Item #7.

Item #7. PUBLIC HEARING – Zoning Text Amendment – Proposed Zoning Ordinance Amendments for Retail Marijuana Establishments and Medical Marijuana Caregiver Cultivation
It is recommended that this item be postponed to the May 9th Planning Board meeting.

T. Haeuser announced that the City Council would like more of an opportunity to help shape the ordinance. Through the mayor, they have requested that the Board postpone this item.

A. Dowling motioned to postpone this item to the May 9, 2017, Planning Board meeting.
L. Boudreau seconded; (4-0) (T. Neff, I. Misiuk, K. Phillips absent).

Item #3. PUBLIC HEARING – Special Exception Request – Sports Membership Club – 312 Gannett Dr. – Crisp Classes, LLC – FINDINGS

Crisp Classes, LLC is requesting a special exception approval to operate a membership fitness club within the Windward Circle Business Park located at 312 Gannett Drive. The applicant proposes to lease a 5,300 SF office building owned by Windward Development, LLC for a class-based fitness facility where members will be offered yoga, cycling, and "boot-camp" exercise classes along with personal training, per Section 27-903 (f) and (g). The applicant employs two owners and ten staff. There will be three to four employees on shift at one time. The property is further identified as Assessor's Map 85, Lot 14, located within the Light Industrial (IL) district.

Public hearing notices were mailed on April 4, 2017, to the 16 property owners within 500 feet of the proposed project and the applicant and were sent via email to the Conservation Commission, Planning Board, and City Council.

T. Haeuser introduced the item and showed its location on the map. He explained that this is a special exception request for a use in an existing building, so there is no building construction. The Board is being asked to determine if an exercise facility of this type and size and in this location would create more than average impacts. Staff believes it will not; they will use an already approved stormwater management plan and have the correct number of parking spaces. The facility hours of operation will be 6:00 AM to 7:00 PM Monday through Friday and the facility will be open for a 7:30 AM class, and 9:00 AM class, and a possible 11:00 AM class on Saturdays and Sundays. The hours are not in the conditions, so the facility is not bound by them.

Debbie Duryee, 14 Wainwright Dr., Cape Elizabeth, introduced herself and noted that she is looking to open a class-based facility. They would be open during the hours of operation but there would be lulls, for example when there is a 12:00 PM class and not another until 5:00 PM. There would be about four employees there at one time. She introduced her business partner.

PUBLIC HEARING OPEN

L. Boudreau said she has taken classes from the applicants. She knows them well and thinks it's a perfect location. Parking is adequate and she thinks it's a great fit.

K. Carr agreed with Ms. Boudreau.

PUBLIC HEARING CLOSED

L. Boudreau motioned to approve the special exception application of Crisp Classes, LLC dated March 22, 2017, through March 31, 2017, for Sports Membership Club located at 312 Gannett Dr. 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 scheduling Certificate Occupancy inspection, 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**
- 3. Prior to the issuance of any sign permits, the applicant shall provide signage plans depicting the details of the location of size material of the proposed sign as required by Section 27-1561 of the South Portland Code of Ordinance, as amended, to the Director of Planning & Development.**

W. Laidley seconded; (4-0) (T. Neff, I. Misiuk, K. Phillips absent).

FINDINGS

A. Dowling motioned to accept the findings. **L. Boudreau** seconded.

W. Laidley said the hours aren’t supposed to be in the findings but are.

S. Puleo explained that they are not in there as a condition of approval.

L. Boudreau asked for the projected opening. **D. Duryee** said mid-August.

Vote (4-0) (T. Neff, I. Misiuk, K. Phillips absent).

W. Laidley asked if the change in schedule should be announced for those who came in late.

K. Carr will mention it between items. He announced that Item #7 has been postponed until May 9th.

Item #4. PUBLIC HEARING –Non-Conforming Lots of Record Approval – Single-Family Residence – 18 Osborne Street – 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 1,212 SF one-story detached single-family home located on the vacant portion of 20 Osborne Avenue (aka 18 Osborne Ave). The parcel is 5,929 SF in size with 50 feet of street frontage. Public utilities are available in the Osborne Avenue ROW. The applicant is proposing a 19-foot tall home with a small front porch. The property is further identified as Assessor’s Map 19, Lot 225, located within the Residential A District and the Pleasantdale Neighborhood.

Public hearing notices were mailed on April 4, 2017, to 143 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 the map. He announced that the next item will be 22 Osborne; they are very similar proposals.

The applicant is proposing a 19-foot tall home with a small front porch. The building is set back 7.8' from the front yard property line. The site plan shows parking for two vehicles along the east of the proposed residence. The total building coverage is 22.5% and the vegetated and permeable area is 72%.

Minimum lot size is 6,000 SF and this is just under that. This comes under the nonconforming lots of record portion of the zoning ordinance, particularly Ordinance Section 27-304 (d).

He noted that there are elements of regular site plan review, such as traffic. They require the same underground utilities as they would a normal site plan application. The applicant is requesting to connect the electrical, telephone, and cable connection overhead, maintaining the typical connection along the street.

They propose to meet the standards for a drainage plan. To minimize the runoff from the developed lot; a stone drip edge to intercept roof runoff where possible. The proposed grading contours will be constructed to provide positive drain way from the building driveway to the vegetated swales on both sides of the home. These vegetated swales are designed with retain first inch of runoff from the contributing areas for a 24-hour period.

He asked Shawn Frank, the engineer for the project, to review how they meet the predominant patterns of development and the other standards of nonconforming lots as well.

He showed the drawing of the lot and proposed home and a photo simulation showing what the new home would look like between the two existing houses. He noted the Board's drawing may not show the front door as shown on the sim photo; the door is intended to be on the front of the house.

There is an architectural peer review where the applicant pays for an architect hired by the City to review the home design and ensure it meets all standards. This review concluded that the building will fit with the neighborhood. He also noted comments from Fred Dillon at Water Resource Protection have been addressed, as were those from Corporation Counsel.

Staff recommendation is for approval. He reviewed the waivers and conditions.

K. Carr noted that there are five conditions and Mr. Haeuser mentioned six.

Shawn Frank, Sebago Technics, introduced himself and Mark Loring of Loring Builders. He showed the plan on the board and the orientation of the streets. He showed where the driveway for two cars would be and the location of the proposed single-family home. There is a large backyard. Drainage is a combined system and this will be a slab on grade; there is no basement associated. There is a stone drip edge and peak roof. He showed where drainage would run off and where the drip edges and vegetated areas are located. The intent of these is to collect and hold the runoff if it's a small storm or bleed it back out it in a large storm.

He reviewed the criteria and demonstration of predominate patterns of development, showing that it met everything. They believe it fits well with the neighborhood.

PUBLIC HEARING OPEN

Loretta Rogers, 11 Arbutus Ave., said they're beginning to feel crowded. There was a fence put in for 20 Osborne that is on her land. She doesn't like the fence and the survey shows they are off. She doesn't want to live with it forever and hopes there is a chance to work out a privacy fence along the properties.

K. Carr said questions and comments will be addressed once everyone has spoken.

T. Haeuser read an email from Barbara Munson at 15 Arbutus Ave. She has lived there for 39 years and requests a privacy fence be put in as she spends a lot of time in her yard.

K. Carr isn't sure the fence is something that can be solved tonight. **T. Haeuser** said he thinks Mr. Loring is willing to respond.

Mark Loring, 5 Woodmoor Rd., said the fence isn't a problem; he was going to put one in. He agrees that the survey shows the fence is on her property.

L. Boudreau said her concern is always water. With drainage swales on both sides, while an appropriate measure, over time they fill in. She sees a lot of flooding because they aren't maintained. The conditions say things have to stay as built but she thinks it's appropriate for homeowners to know they own swales and they are theirs to maintain. There is a driveway next door and if the swale gets filled in, the driveway will have water on it. She doesn't see it mentioned that the deed would say it needs to be maintained.

T. Haeuser said it could be added as a condition. **S. Puleo** said under the drainage plan requirements, which are lesser burden than a post-construction stormwater management plan as well as a basic stormwater management plan, both require a stormwater management agreement between the property owner and the City. Mr. Frank provided a plan to maintain the swales, but because it's a drainage plan requirement, they don't have their typical stormwater management agreement. A condition can be put in so that it does get recorded.

L. Boudreau feels over time it gets forgotten. She's seen cases where people fill them in because they can be a nuisance.

W. Laidley said the development will change the neighborhood. The project is consistent with the City's goal of increasing density and increasing the tax base. More density has costs the City would rather not think about. Putting a few utilities underground is a vote for long term dependability and lower maintenance costs for everyone on the street. These are just a few of the density costs not enumerated. It's not just that the City wants denser neighborhoods, everything comes with a cost. Some people in the City don't want to see that. It's whatever the costs are of packing more people into smaller spaces.

A. Dowling said he thought Ms. Boudreau’s point was a good one. He doesn’t think it hurts to write it in so it’s clear for future owners.

K. Carr is unable to reconcile the picture on the board with the sim photo. The driveways don’t match. **S. Frank** said he didn’t pick up on that but Mr. Carr is correct.

K. Carr asked where the utility pole is with the driveway. **S. Frank** said it’s next to the proposed driveway, on their side of the street. In terms of stormwater, they appreciate it. The design intent is that there will be standing water. The condition is something they’ve comfortable with.

M. Loring said when there are vegetated swales, there is a disclosure when the house is sold that they cannot be altered. That being said, he is okay with a condition.

PUBLIC HEARING CLOSED

L. Boudreau motioned to ~~approve the waiver of Section 24-38 (F)(1) requiring underground utilities;~~

to approve the site plan application of Loring Builders, LLC to build a single-family home on a nonconforming lot of record located at 18 Osborne Avenue, dated March 7, 2017, through April 4, 2017, and drawings dated March 6, 2017, through April 4, 2017, 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 the scheduling of a preconstruction meeting, the applicant shall pay all outstanding review escrow account fees, post the necessary performance guarantee(s) in such amount(s) as established by the City, post and sedimentation control inspection escrow, and pay all compensation and/or impact fees as determined by the Planning Board.**
- 3. Prior to 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.**
- 4. 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.**
- 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 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 maintenance management plan.

A. Dowling seconded.

K. Carr asked Ms. Boudreau if the condition is satisfactory. **L. Boudreau** said yes.

W. Laidley cannot go along with this because of the underground utility issue. It could be a problem because of the numbers tonight.

T. Haeuser does not believe four votes are needed for approval. There's no rule that he knows of where a project needs the majority of the full board as opposed to those present.

L. Boudreau understands Mr. Laidley's concern about the utilities. They have the regulation and it's waived; the waiver in this case makes sense because it's only the line from the pole to the house. This is one individual connection. These infill lots are meant to be affordable. The less of underground utilities and requirements, the more affordable the houses are. She understands and hates that they have the rule that applies citywide and doesn't take into consideration that in existing neighborhoods, everything is already there.

T. Haeuser said the condition is being carried over from normal site plan review. He doesn't think it's a standard in the nonconformance standards. He and Mr. Puleo will review it and call it into question.

M. Loring asked to speak because he thinks he can solve the issue. **K. Carr** allowed it.

M. Loring said he will put the utilities underground. It has a lot to do with where the poles are, but it is not a big deal here.

L. Boudreau removed the waiver from the motion. **A. Dowling** agreed.

Vote (4-0); (T. Neff, I. Misiuk, K. Phillips absent).

FINDINGS

A. Dowling motioned to accept the findings with the deletion of the underground utilities waiver as utilities will be underground, the addition of condition #6 relating to stormwater, and the offer of a fence from 18 to 22 Osborne Ave. W. Laidley seconded; (4-0) (T. Neff, I. Misiuk, K. Phillips absent).

Item #5. PUBLIC HEARING – Non-Conforming Lots of Record – Single-Family Residence – 22 Osborne Street – 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 987 SF one-story detached single-family home located at 22 Osborne Avenue. The parcel is 5,929 SF in size with 50 feet of street frontage and was previously owned by property owner's of 20 Osborne Avenue. Public utilities are available in the Osborne Avenue ROW. The applicant is proposing a 17.5-

foot tall home with a small front porch. The property is further identified as Assessor's Map 19, Lot 226B, located within the Residential A District and Pleasantdale Neighborhood.

Public hearing notices were mailed on April 4, 2017, to 143 property owners within 500 feet and the applicant and sent by email to the Conservation Commission, Planning Board, and the City Council.

T. Haeuser introduced the item and showed the location on the map. The applicant is proposing a 17.5-foot tall home with a small front porch. The building is set back 17' from the front yard property line. The site plan shows parking for two vehicles along the west of the proposed residence. The total building coverage is 16.5% and the vegetated and permeable area is 75.4%. Mr. Frank will review how this meets ordinance standards. He showed the drawing and simulation photo noting that it is set back slightly further than the neighbors, most likely to accommodate parking.

The fence will extend onto this property as well and the applicant is willing to go with underground utilities on this property as well, so the waiver is unnecessary.

Shawn Frank, Sebago Technics, reviewed the drawing on the board. The building is set back more than the other but aligns with the house on the corner. There is a good sized backyard. There is a similar stormwater management scheme; a stone drip edge and vegetated swales. He reviewed the criteria and demonstration of predominate patterns of development, showing that it met everything. Again, they believe this home fits well with the neighborhood.

PUBLIC HEARING OPEN

Demetra Pulos, 29 Osborne Ave., is concerned about drainage into the street as there is currently a crack in the street and a large puddle at her house when it rains. She also asked about a fence between the driveways.

Mark Loring, said the existing fence will be replaced or repaired.

L. Boudreau asked if the two houses will look exactly alike or not. **M. Loring** said they will be similar but have different layouts.

L. Boudreau said the photos are the same house but different colors. **S. Frank** apologized. The idea of the photo sim is to give an appreciation but there is no excuse; he didn't catch it.

M. Loring added that they had eight colors to choose on Photoshop. The green is more subtle than shown.

A. Dowling asked where the front door will be.

M. Loring said after the plans were submitted, Planning wanted a front door on the house.

A. Dowling asked if the image shown is the most up to date. **M. Loring** said yes.

T. Haeuser asked Mr. Frank to address water in the street.

S. Frank said they are dealing with a combined system and it's gutter flow down the street. With the idea of their design, water off the lot will still come off the lot, but it won't be any worse. The stone drip edge and vegetated depressions will collect the first flush of runoff. In the small event, it will intercept and hold everything. They have a 13' vegetated gap between the driveways. When it rains, it will have standing water for awhile. Between the two, the intent is to take the first small storms and hold onto them. Anything bigger than volumes those can control will have runoff in the street. The only real solution is that the City puts in a separated system.

D. Pulos asked if the City redoing the system can that be part of the plan.

T. Haeuser said they can mention the crack to public works but it won't be a condition of this project. With stormwater from a small house on a small lot, the amount of water is small.

W. Laidley said the Board is dipping its toes into the development of nonconforming lots of record. This generates a lot of discussion. The neighborhood green spaces will be disappearing and this will change the neighborhood.

PUBLIC HEARING CLOSED

A. Dowling asked if condition #6 is added and the waiver removed.

S. Puleo said yes, fencing will be added.

A. Dowling 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 22 Osborne Avenue, dated March 7, 2017, through April 4, 2017, and drawings dated March 6, 2017, through April 4 2017, 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 the scheduling of a preconstruction meeting, the applicant shall pay all outstanding review escrow account fees, post the necessary performance guarantee(s) in such amount(s) as established by the City, post and sedimentation control inspection escrow, and pay all compensation and/or impact fees as determined by the Planning Board.
3. Prior to 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.
4. 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.
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 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 maintenance management plan.

W. Laidley seconded; (4-0) (T. Neff, I. Misiuk, K. Phillips absent).

FINDINGS

A. Dowling motioned to accept the findings with the deletion of the underground utilities waiver as utilities will be underground, the addition of condition #6 relating to stormwater, and the offer of a fence from 18 to 22 Osborne Ave. L. Boudreau seconded; (4-0) (T. Neff, I. Misiuk, K. Phillips absent).

Item #6. PUBLIC HEARING – Non-Conforming Lots of Record Approval – Single-Family Residence – 2 Loveitt Street – MF Mitton Construction, LLC – FINDINGS

MF Mitton Construction, 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 1,012 SF two-story detached single-family home located at 2 Loveitt Street. The parcel is 4,082 SF in size with 50 feet of street frontage. Public utilities are available in the Loveitt Street ROW. The site plan shows parking for two vehicles along the westside of the proposed residence. The property is further identified as Assessor's Map 1, Lot 195B, located within the Residential A District and the Willard Neighborhood.

Public hearing notices were mailed on April 4, 2017, to 123 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 the map. He explained that the reason there are three of these tonight is because the City has gone through the past year updating the nonconforming lot zoning regulations. During that time, no applications could be brought forward. There has been a long period of holding off applicants and now the Council has approved the new version, so some lots are coming forward.

The drainage plan in this case again involves vegetated swales on both sides on the home, but the water will be directed to a field inlet in the year of the lot. The applicant is proposing a vegetated depression located in the rear of the lot. The field inlet catch basin will be installed in the vegetated depression. The vegetated depression will be created as a field basin. Additionally, the field basin will intercept the runoff that is currently flowing from the site onto the down gradient abutting lot. The applicant has provided an acceptance letter from the Director of Water Resource Protection to discharge into the MS4. The applicant agrees to maintain the drainage swales by providing a "record drawing" prior to scheduling a Certificate of Occupancy inspection.

The peer architect feels that the building will fit in the neighborhood. He reviewed responses from staff. Staff recommendation is for approval. There is a proposed waiver for underground utilities. He reviewed conditions of approval, stating that it would be appropriate to add Condition #6 from before.

Shawn Frank, Sebago Technics, introduced Mike Mitton of MF Mitton Construction. He showed a presentation on the board and stated that they will go underground with the utilities. This home is two stories with a deck. He showed the street orientation. He reviewed stormwater; in this case, there will be a berm so that any runoff will be intercepted. There will be a depression with a beehive grate and it will be easy to maintain. There will be standing water and after six inches it will go into the beehive and into the system. He reviewed the criteria and demonstration of predominate patterns of development, showing that it met everything. Again, they believe this home fits well with the neighborhood.

PUBLIC HEARING OPEN

Pam Peters, 28 Henry St., stated that her property abuts the backyard of this one and it sounds like the drainage will go into her backyard. There is a chain link fence that she wants to be maintained. She believes the fence is two feet into her yard. She noted that they live in an area where there is active sump pump action on a regular basis.

Bret Lebleu, 8 Loveitt St., understands they meet the regulations but he questions the architectural peer review. Looking up and down the street there are small cottages, one and a half stories. This matches the corner but he thinks that is more associated with Willard. Loveitt has smaller houses with less height. As the area slopes you notice the backs of the homes and the people on Henry will notice the height.

P. Peters agreed. Now she will have a large building in her backyard. She will not have any privacy or sunlight, as her bedroom is in the back. She agrees that the design doesn't fit in with the cottage style.

Alix Pratt, 38 Willard St., said the backyard drainage worries her along with the style of the house that doesn't seem to fit with the neighborhood.

Mike Mitton, 19 Henry St., said the architecture is based on Captain Willard's home around the corner. He understands what they're saying but there are a variety of houses in the area.

S. Frank said they will construct a berm. Runoff will go where it always was but the berm will intercept it. It will be contained on their lot and sent into the storm drain system. The abutter is correct that the fence is on her property and that will be retained. He thinks the height fits in with the immediate homes.

P. Peters asked what the distance is in the backyard.

S. Frank said it is 25 feet from the bottom stair of the deck to the property line.

L. Boudreau asked for more information on the berm. It will not be in Ms. Peters' yard.

M. Mitton said they effectively are adding a city storm drain, increasing the drain system in the area.

S. Frank said they have berm that's 18 inches high and two to three feet wide. It will intercept runoff and direct it into the catch basin. The intent of the design is to intercept all runoff so it doesn't go onto other properties.

K. Carr confirmed that there is nothing there today. **S. Frank** said that is correct. The intent is to intercept all runoff coming off the lot.

A. Dowling asked if the 1012 SF includes the garage. **M. Mitton** said that is the footprint of the house, including the garage. **A. Dowling** asked what the square footage of the home is.

The Board discussed how this is calculated. **S. Frank** said the garage is 14 by 22 feet.

A. Dowling asked if Mr. Haeuser can put the images that the Board has in Tab 2 on the screen. It shows different houses in the neighborhood.

L. Boudreau said on Loveitt St. there are four two-story homes (five if you count the corner of Willard) and three one-story homes. None of the houses look alike on this street.

A. Dowling said seeing the image, his first thought was it is attractive house. He may feel differently if he lived there. Seeing the pictures of the homes, there are a number of small single stories. One is a ranch. There are others that don't look out of character—46 Willard, 7 Loveitt, 38 Willard, 51 Willard. It's hard when you have a street with different homes. Compared to some other new construction, this doesn't stand out like others do.

T. Haeuser showed the photos.

Adam Helm, 67 Willard St., said there is a photo of Captain Willard's home. It's hard to see the similarities and he would like a contrast.

M. Mitton said they liked the roof style and that it's two stories. It is a stately sort of house, four square, and that's what they wanted. It's not identical but an inspiration.

A. Helm said he still didn't see the similarities.

W. Laidley said this will change the neighborhood. The City wants to increase density and density has its costs.

L. Boudreau asked if she's correct that 47 Willard was torn down recently. That did not come before the Board. Whatever goes in there will be a surprise.

S. Puleo said it wouldn't come before them. There are some standards relative to nonconformity of setbacks, buildings that exist on nonconforming lots, so they would have to meet that criteria. They will need to work with code enforcement. Even though it may be a nonconforming lot, as

long as they replace the building within the space and bulk of the district, and they do it in kind for the volume of the building, they won't see it. If they want to change things, they will see it.

T. Haeuser asked if Mr. Puleo is saying it's on the same footprint. **S. Puleo** said it's the same volume of the building.

L. Boudreau said that has potential to impact the neighborhood. She agrees, there are cottage style homes with porches and verandas around them built years ago. She noticed additional houses added over time and no consistency in basic style. When you get these infill lots, and when 47 is developed, you may get something different. The good thing about this is that it seems that this structure will improve water conditions in this neighborhood. Water will not go over the drain and berm to Ms. Peters' house. This new property will be beneficial for that reason. She hears them on the design but she doesn't know what else could be done. Possibly add a porch?

M. Mitton said he would love to build porches and this house deserves that, but the City Council is restricting the use of their land. If you look at the other buildings, they take up a bigger footprint. They are forced to make a smaller house and provide living spaces people want today.

P. Peters asked if they are proposing a privacy fence.

M. Mitton said no fencing is in the plan. The chain link runs up and there are various trees and bushes. He could add a fence. The other possibilities are plantings, such as six arbor vitae. A fence can make the yard seem smaller.

P. Peters and **M. Mitton** discussed fences and plantings. They leaned towards plantings.

K. Carr asked if the Board wishes to do something formal.

L. Boudreau likes hearing the collaborating and would rather not put it in the plan.

The Board discussed arbor vitae in regard to the berm and their height. They could work with the berm and they could get four or five five to six foot trees that will fill in and give density and shade. They also discussed adding in a condition for a landscaping or screening plan. If it's not added, there's no guarantee it will actually happen. If there is a condition, it could end up in a dispute. Mr. Haeuser has a high confidence that the applicant will perform as he says.

K. Carr read that "the Board's decisions must be based solely on whether or not the applicant has met his or her burden of proof and has complied with the applicable ordinance and laws." There isn't a provision for mediation or developing relationships to the extent they're talking. He echoes Mr. Haeuser's comment. He agrees that getting into establishing a condition is something they should avoid. If he didn't feel comfortable for the potential of collaboration there would be another conversation.

Noah Smith, 46 Arbutus Ave., said Mr. Mitton has been a client for well over ten years. He will probably do what he says he will do. He's also a neighbor since he lives on Henry St. With regard to the picture, the photo was taken with wide angle and the street looks bent. It's skewed

because the house looks more pulled forward and larger to scale. With regard to the inspiration, hip roof houses are common in South Portland. The roof looks like one but it is two. The garage is set back with an overhang.

PUBLIC HEARING CLOSED

L. Boudreau motioned to approve the site plan application of MF Mitton Construction, LLC to build a single-family home on a nonconforming lot of record located at 2 Loveitt Street, March 7, 2017, through April 4, 2017 and drawings dated March 6, 2017 through April 4, 2017, 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 the scheduling of a preconstruction meeting, the applicant shall pay all outstanding review escrow account fees, post the necessary performance guarantee(s) in such amount(s) as established by the City, post and sedimentation control inspection escrow, and pay all compensation and/or impact fees as determined by the Planning Board.**
- 3. Prior to 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.**
- 4. 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.**
- 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 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 maintenance management plan.**

A. Dowling seconded; (4-0) (T. Neff, I. Misiuk, K. Phillips absent).

FINDINGS

A. Dowling motioned to accept the findings with the deletion of the underground utilities waiver as utilities will be underground and the addition of condition #6 relating to stormwater. W. Laidley seconded; (4-0) (T. Neff, I. Misiuk, K. Phillips absent).

Item #8. Public Comment on Items Not on the Agenda

No comments

Item #9. Comments from the Planning Board and Director of Planning & Development

W. Laidley thinks that while the City is adding positions, Mr. Puleo needs an assistant.

T. Haeuser said the Council asked that a planning position put into the “budget parking lot” discussed in an upcoming workshop along with a number of other positions. He also announced that there is a tour of the Broadway corridor from SMCC to Bug Light tomorrow. This is part of a joint study with Portland. They meet at 5:00 PM at SMCC. Everyone is welcome.

Item #10. Adjournment

9:10 PM L. Boudreau motioned to adjourn. W. Laidley seconded; (4-0) (T. Neff, I. Misiuk, K. Phillips absent).

Please Note: No new agenda items will begin 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.