

**CITY OF SOUTH PORTLAND**

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

**Planning Board**  
**July 11, 2017**  
**7:00 p.m.**  
**Council Chambers, City Hall**

**RESULTS**

**Members Present**

Kevin Carr, Chairperson  
Linda Boudreau  
William Laidley  
Adrian Dowling  
Leslie Dillon  
Katherine Gatti  
Mary DeRose

**Staff Present**

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

**Pledge of Allegiance**

**K. Carr** announced that the last vacant position on the Board has been filled. City Clerk Emily Scully swore Mary DeRose in.

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 June 13, 2017, Planning Board minutes.**

**L. Boudreau motioned to approve the June 13, 2017, Planning Board minutes. A. Dowling seconded; (7-0).**

**Item #2. Consent Calendar**

No Items

**Item #3. PUBLIC HEARING – Nonconforming Lot of Record Review – Single-Family Residence 128 Anthoine Street – Jevgeniys Jesjunins – FINDINGS**

Jevgeniys Jesjunins is requesting a site plan approval to develop a nonconforming residential lot of record. The applicant is proposing to construct a four-bedroom 1,151 SF two-story detached single-family home located at 128 Anthoine Street. The parcel is 4,750 SF in size with 50 feet of street frontage. Public utilities are available in the Anthoine Street ROW. The site plan shows parking for three vehicles

along the southern side of the proposed residence. The property is further identified as Assessor's Map 19, Lot 192C, located within the Residential A District and the Pleasantdale Neighborhood.

Public hearing notices were mailed on June 29, 2017, to 93 property owners within 500 feet and the applicant and sent by email to the Conservation Commission, Planning Board, and the City Council.

**L. Boudreau motioned to approve the site plan application of Jevgeniys Jesjunins to build a single-family home on a nonconforming lot of record located at 128 Anthoine Street dated May 30, 2017, through July 5, 2017, and drawings dated April 27, 2017, through July 5, 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 issuing building permits, the applicant shall provide evidence to the Planning and Development Director that they have recorded the Certificate of Approval and Findings of 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).**
- 5. Prior to issuing the certificate of occupancy, the applicant shall provide to the Planning and Development Director a certified "as-built" grading plan meeting the City's G.I.S. requirements; grades will not be modified without first obtaining a Planning Board approval.**
- 6. Prior to providing an occupancy permit, the applicant shall include a Stormwater Management Maintenance Plan acceptable to the Planning & Development Director that has been recorded at the Cumberland County Registry of Deeds. The owner of the property and all future owners shall be required to maintain all elements of the Drainage Plan as contained in the Stormwater Management Maintenance Plan.**
- 7. Prior to the issuing of the building permits, the applicant shall provide to the Planning & Development Director with satisfactory evidence that one of the six methods set forth in Section #3(g)b. of the City's Nonconforming Lot of Record application form relating to applicant's financial capacity is in place.**
- 8. In accordance with Section 27-304 (f)(2), the height of the building shall not exceed 28 feet. This condition shall also be attached to the building permit.**
- 9. Condition #1 notwithstanding, the installation of shutters as shown on the plan elevation is optional. If the shutters are removed in the future, no amendment to the approval will be necessary.**
- 10. The area between the two street utility excavations should be milled so that pavement restoration is unified.**
  - A. Dowling seconded; (7-0).**

#### FINDINGS

**A. Dowling motioned to accept the findings with the addition of conditions #9 and 10. W. Laidley seconded; (7-0).**

Item #4. PUBLIC HEARING – Special Exception Accessory Dwelling Unit Review – Moretti – ADU – 22 Henry St. – Gary Moretti – FINDINGS

Mr. Gary Moretti is requesting a special exception approval to create an accessory dwelling unit within his home located at 22 Henry St. The single-family home is 2,136 SF in area and the proposed ADU is 528 SF in area. The ADU represents 25% of the principal living area. The proposed ADU location is an existing "cabin/cottage" with one bedroom, one bathroom, and single-car garage. The proposal to create the ADU is to replace the single-car garage area with a kitchenette and a living room. The applicant shows five parking spaces on the property. The property is further identified as Assessor's Map 1, Lot 204, located within the Residential District A.

Public hearing notices were mailed on June 29, 2017, to 130 property owners within 500 feet of the proposed project and the applicant and were sent via email to the Conservation Commission, Planning Board members, and City Council.

**L. Boudreau motioned to postpone this item to the next regularly scheduled meeting pending information from Corporation Counsel. L. Dillon seconded. Vote (7-0).**

Item #5. Public Comment on Items Not on the Agenda

Members of the audience asked if they will be able to speak about the previous item. **K. Carr** said there will be a Public Hearing on August 8<sup>th</sup> and that is the next opportunity for that to happen.

Item #6. Comments from the Planning Board and Director of Planning & Development

**A. Dowling** said to Mr. Moretti that he's sorry they are not able to get to where they want to be. He's sorry that he was lead to believe it would be easier. He sympathizes with his situation.

**W. Laidley** said he hopes the Board members read the discussion about the West End in the *Press Herald*. He thought it was a good article outlining the issues.

Item #7. Adjournment

**8: 40 pm L. Boudreau motioned to adjourn. W. Laidley seconded; (7-0).**

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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.