

Name of Body: Planning Board
Results 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

RESULTS

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

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.

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.

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.

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

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.

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.

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.

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.

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.