

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

**Planning Board**  
**August 8, 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

**T. Haeuser** shared that a member of the Planning Department, Troy Sollenberger, passed away suddenly this morning. It was a sad day for the department and they will miss him. There was a moment of silence.

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 July 11, 2017, Planning Board minutes and workshop minutes

**A. Dowling** motioned to accept the July 11, 2017, Planning Board minutes and workshop minutes with the corrections as stated. **L. Boudreau** seconded; (7-0).

### Item #2A. Consent Calendar. Performance Guarantee Releases – Highland Ave. Cemetery Telecommunications Tower – 881 Highland Ave.; ~~Armory Redevelopment – 682 Broadway; and, Nonconforming Lots of Record – 18 and 22 Osborne Ave.; Smith Street Duplex – 45 Smith St.~~

**W. Laidley** motioned to approve the total release of the \$5100 Erosion Control performance guarantees for the Highland Ave. Cemetery Telecommunications Tower – 881 Highland Ave.; Nonconforming Lots of Record – 18 and 22 Osborne Ave.; and Smith Street Duplex – 45 Smith St. **L. Boudreau** seconded; (7-0).

Item #3. PUBLIC HEARING – Special Exception Accessory Dwelling Unit Review – Moretti – ADU – 22 Henry Street – Gary Moretti – FINDINGS

Mr. Gary Moretti has requested a special exception approval to create an accessory dwelling unit (ADU) within his home located at 22 Henry Street. The single-family home is 2,136 SF in area and the proposed ADU is 528 SF in area, representing 25% of the principal living area. The proposed ADU location is in an existing "cabin/cottage" with one bedroom, one bathroom, a living room and kitchenette. The applicant shows four 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.

**K. Gatti motioned to approve the special exception application of Gary Moretti dated June 1, 2017, through August 3, 2017, for an Accessory Dwelling Unit located at 22 Henry Street with the following conditions:**

- 1. Planning Board Regulation #5, standard condition of approval, as read by the Chair at the opening of the meeting.**
- 2. Prior to issuance of the certificate of occupancy, the applicant shall provide evidence to the Planning and Development Director that the Certificate of Approval for the ADU has been recorded in the Cumberland County Registry of Deeds.**
- 3. Prior to the issuance of a certificate of occupancy for the ADU, the applicant shall seek and obtain necessary permits to install residential sprinklers in the ADU and shall install the same in compliance with NFPA 13 R, *Standards for Installation of Sprinklers Systems and Low – Rise Residential Occupancies (2016 ed.)*. Prior to the issuance of a certificate of occupancy for the ADU for compliance with all of the requirements set forth in the Fire Department application review comments dated August 3, 2017. Once the Fire Chief or his designee is satisfied with the results of the inspection, certificate of occupancy for the ADU shall be conditioned on the property of installing and then all the fire and life safety equipment in order for the lifetime of the ADU.**

**A. Dowling seconded.**

**Vote (7-0).**

**FINDINGS**

**A. Dowling motioned to accept the findings with the correction as stated. W. Laidley seconded; (7-0).**

Item #4. PUBLIC HEARING – Non-Conforming Lot of Record Development Request – Single-Family Residence – 291 Pine Street – Carl Eppich – FINDINGS

Carl Eppich and Emily Wright are requesting a review and approval to develop a single-family residence on a nonconforming lot of record located at 291 Pine Street. The applicants are proposing to construct a single-family residence on a 5,120 SF nonconforming lot of record located in the Meetinghouse Hill neighborhood. The Meetinghouse Hill neighborhood has a minimum lot size of 6,000 SF. A portion of Lot #4 was recorded in 1895 as part of the Plan of Mariner Estate subdivision and the deed of Lot #4 was recorded in the Cumberland County Registry of Deeds (CCRD) in 1922. The applicants are proposing to construct a 1,052 SF footprint of a single-family house with a one-car garage. The property is further identified as Assessor's Map 10, Lot 120B, located within the Residential A District and Meetinghouse Hill neighborhood.

Public hearing notices were mailed on July 18, 2017, to 135 property owners within 500 feet of the property and the applicant and sent by email to the Conservation Commission, Planning Board, and City Council.

**K. Gatti motioned to approve the site plan application of Carl Eppich and Emily Wright to build a single-family home on a nonconforming lot of record, located at 291 Pine Street, dated May 2, 2017, through July 18, 2017, and drawings dated May 2, 2017, through July 18, 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 Fact for the development in the Cumberland County Registry of Deeds (CCRD) and that they have signed the Level One Contractor’s Erosion and Sedimentation 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 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.**
- 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 Planning Board approval.**
- 6. Prior to providing an occupancy permit, the applicant shall include a Stormwater Management Maintenance Plan acceptable to the Planning and 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. 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.**
- 8. The area between the two street utility excavations shall be milled so that pavement restoration is unified.**

**L. Boudreau seconded; (7-0).**

#### FINDINGS

**A. Dowling motioned to accept the findings with the corrections as stated. L. Boudreau seconded; (7-0).**

Item #5. PUBLIC HEARING – Non-Conforming Lot of Record Request – Single-Family Residence – 10 Coolidge Avenue – Cost Mangement, Inc. – FINDINGS

**\*\*\*APPLICANT REQUESTED POSTPONEMENT\*\*\*  
TO NEXT REGULARLY SCHEDULED**

**PLANNING BOARD MEETING OF SEPTMBER 12, 2017**

Cost Management, Inc. is requesting a site plan approval to develop a nonconforming residential lot of record. The applicant is proposing to construct a three-bedroom 936 SF two-story detached single-family

home located at 10 Coolidge Avenue. The parcel is 3,770 SF in size with 41.8 feet of street frontage. Public utilities are available in the Loveitt Street ROW. The site plan shows parking for two vehicles along the northwest side of the proposed residence. The property is further identified as Assessor's Map 11, Lot 224B, located within the Residential A District and Meetinghouse Hill neighborhood.

**L. Boudreau motioned to postpone the Non-Conforming Lot of Record Request – Single-Family Residence – 10 Coolidge Avenue – Cost Mangement, Inc. to the September 12<sup>th</sup>, 2017, Planning Board meeting. W. Laidley seconded; (7-0).**

**Item #6. PUBLIC HEARING – Non-Conforming Lot of Record – Single-Family Residence – 71 Pine Street – Loring Builders, LLC – FINDINGS**

Loring Builders, LLC is requesting a site plan approval to develop a nonconforming residential lot of record. The applicant is proposing to construct a three bedroom 1,014 SF one-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 24' 6' tall home with a small front porch. The property is further identified as Assessor's Map 8, Lot 23, located within the Residential G District and Ferry Village neighborhood.

Public hearing notices were mailed on July 26, 2017, to 127 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 dated June 13, 2017, through August 1, 2017, and drawings dated June 13, 2017, through August 8, 2017, of Loring Builders, LLC to build a single- family home on a nonconforming lot of record located at 71 Pine Street, 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 Fact 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. 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.**
- 8. The area between the two street utility excavations shall be milled, so that pavement restoration is unified.**

**A. Dowling seconded; (7-0).**

**L. Boudreau motioned to amend the previous approval to include the approval of a waiver of Section 24-38 (F)(1) requiring underground utility connections for the overhead connection from a utility pole. A. Dowling seconded; (7-0).**

**FINDINGS**

**L. Boudreau motioned to accept the findings with corrections as stated and the inclusion of a waiver for utilities. A. Dowling seconded; (7-0).**

**Item #7. PUBLIC HEARING – Amended Site Plan Review Request – Restaurant and ATM Improvements – 50 Market Street – Millcreek Shopping Center Limited Partnership – FINDINGS**

Millcreek Shopping Center Limited Partnership is requesting an amended site plan approval to construct a modification to the existing ATM and restaurant drive-thru located at 50 Market Street. The proposal consists of removing the overhead ATM canopy associated with Bank of America and the reconfiguration of vehicular circulation lanes. The applicant will provide an additional 11 parking spaces, including two handicapped parking spaces. The stormwater will be affected by the reconfiguration of the travel lanes and will change the current permitted discharge amounts and rates. The property is further identified as Assessor’s Map 19, Lot 300, located within the Limited Business (LB) District.

Public hearing notices were mailed on July 26, 2017, to the 60 property owners within 500 feet of the proposed project, the applicant, Conservation Commission, Planning Board, and City Council.

**K. Gatti motioned to approve the waiver request of Section 27-1536 (H)(1) to waive the City’s Basic Stormwater Management Plan, Section 27-1536 (d), due to reduction of impervious surfaces and minimal changes to the existing stormwater system; to approve the site plan application of Millcreek Shopping Center Limited Partnership dated June 21, 2017, through August 3, 2017, and drawings dated June 20, 2017, for Restaurant and ATM Improvements located at 50 Market Street as follows:**

**CONDITIONS**

- 1. Planning Board Regulation #5, standard condition of approval, as read by the Chair at the opening of the meeting.**
- 2. Prior to the scheduling of a preconstruction meeting, the applicant shall pay all outstanding review escrow account fees, post the necessary performance guarantee(s) in such amount(s) as established by the City, pay all compensation and/or impact fees as determined by the Planning Board.**
- 3. Prior to the issuance of a building permit, 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.**
- 4. 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.**
- 5. Prior to the issuance of building permits, the applicant shall provide an approval from either the Fire Chief or the Acting Deputy Fire Chief that the site plan meets Section 27-1426 (h), that the proposed development has made adequate provisions for the construction and maintenance of convenient and safe access for fire and other emergency vehicles to all building, structures, and uses.**

**A. Dowling seconded; (7-0)**

FINDINGS

**A. Dowling motioned to accept the findings with the addition of Condition #5. L. Boudreau seconded; (7-0).**

Item #8. PUBLIC HEARING – Zoning Text Amendments – Inclusionary Zoning and a Housing Trust Fund – City of South Portland

The City of South Portland Planning Staff is requesting that the Planning Board consider proposed amendments to the Zoning Ordinance regarding text amendments for an Inclusionary Zoning ordinance and a Housing Trust Fund.

Per Ordinance Section 27-115 (g), the Planning Board will, after the close of the public hearing, make a recommendation to the City Council regarding the proposed amendments.

**L. Dillon motioned to make a positive recommendation to the City Council in regard to the proposed Inclusionary Zoning/Housing Trust Fund Ordinance based on its conformance with the Comprehensive Plan and the 2016 Affordable Housing Committee Report. K. Gatti seconded; (2-5) (Laidley, DeRose, Carr, Boudreau, Dowling opposed). Motion does not pass.**

Item #9. Public Comment on Items Not on the Agenda

**Russ Lunt, Brigham St.**, said he can see both sides to the last item. He welcomed new members to the Board. He noted the many projects approved and how everything is coming together.

Item #10. Comments from the Planning Board and Director of Planning & Development

**T. Haeuser** said on August 28<sup>th</sup>, Council will have a workshop on the FEMA Coastal Floodplain mapping updates. Airbnb was mentioned tonight and a City Councilor will try to get short term rentals on a workshop agenda. The West End Master Plan is completed and zoning is developed. The West End Master Plan, marijuana, and paper streets will be on Monday’s workshop.

**K. Gatti** thanked the City for paying for new members to go to orientation. It was helpful and informative.

**W. Laidley** noted that the new solar array is looking impressive.

**K. Carr** noted there was postponement at the last meeting because of the lack of review comments from City staff and there was another tonight. He spoke with Mr. Haeuser about working with the City Manager about getting responsive review from City staff. They cannot streamline processes if City staff is not responsive and they could use the help of the City Manager.

Item #11. Adjournment

**10:30 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.