

CITY OF SOUTH PORTLAND

Name of Body:
Minutes for Meeting of:
Meeting Begins:
Meeting Location:

Planning Board
September 12, 2017
7:00 p.m.
Council Chambers, City Hall

MINUTES

Members Present

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

Staff Present

Steve Puleo, Community Planner

Absent

Tex Haeuser, Planning & Develop. Director

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 August 22, 2017, Planning Board minutes

A. Dowling motioned to approve the August 22, 2017, Planning Board minutes. L. Boudreau seconded; (7-0).

Item #2. Consent Calendar

No items

Item #3. PUBLIC HEARING – Non-Conforming Lots of Record Request – Single-Family Residence – 10 Coolidge Avenue – Cost Mangement, Inc. – FINDINGS

Cost Management, Inc. is requesting a site plan approval to develop a non-conforming 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 Coolidge Ave. 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.

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

S. Puleo introduced the item and showed the location on a map. He explained the project history, stating that there were two postponement periods to come up with the final design and proposal to be shown tonight. In addition to incorporating design elements of the abutting homes to meet neighborhood compatibility standards, the applicant also agreed to preserve the large black locust tree located on the property. The peer review architect is now satisfied with how the home looks. He reviewed traffic, stating that they do not anticipate any adverse impacts. He reviewed stormwater and stated that the home will be built with a basement. They will have underground utility connections. Lastly, he reviewed the predominant patterns of development and conditions of approval. Staff recommendation is for approval.

PUBLIC HEARING OPEN

Shawn Frank, Sebago Technics, gave a brief presentation. He showed the drawing on the board, showing the lot and how it is oriented in the neighborhood. The design intent is to provide a roughly 900 SF home, two stories, 20 feet in width. He reviewed setbacks and stated that the front of the building aligns well with the other buildings. Utilities are available within Coolidge Ave. ROW and will be underground. He showed the tree to be retained on the corner of the property and reviewed the drainage system. The applicant will install a foundation drain to a catch basin with the beehive grate, located in the northwest area of the lot. The stormwater management system will direct the stormwater runoff to the vegetated drainage swales on either side of the home. Drainage will be directed to a field inlet, which will be connected to an existing separated stormwater drain system located in Coolidge Avenue via an eight-inch storm drainpipe. The applicant agrees to maintain the drainage swales. He showed the photo simulation, stating it should be “taken with a grain of salt” because it is a simulation; he creates it by walking down the street taking photos and overlaying them in Photoshop. He showed the abutting lots and the tree. It is a two-story home with a dormer on the front that matches some of the abutting homes. They are proposing dark gray siding with white trim.

Christopher Lynch, 25 Coolidge Ave., is adjacent to this project. He stated that the space is very tight and he’s not sure what the intentions are. It doesn’t seem like it will improve the neighborhood and he doesn’t think it looks to scale. He’s not sure if the lot or the garage to the left came first; the garage looks like it’s on the property line and he wonders who made that decision. He reiterated that he thinks it is too tight.

Thea Sames, 40 Everett Ave., said her mother lives on Coolidge Ave. She recognizes that more people want to live in the City. This is a unique wooded area in the neighborhood. She believes the revised plan adversely affects the community and should not be approved. Construction will set the tree up for failure; root systems can be damaged during construction. She explained that signs of destruction could show up in weeks or years but signs are not always visible if they happen under the soil. She explained that there should be at least 100 foot distance from construction from this particular tree. The other trees that will be removed give a support canopy that will be gone during construction; there would be over a dozen other trees removed or damaged for development. She thinks preserving a tree safe zone should be a priority; they provide shade, clean the air, and absorb excess water. Many neighbors of nonconforming lots still have standing water; she wonders why they keep taking down trees that naturally deal with this water. She said some people never bother to replant when a tree is taken down and the older the tree, the more quickly it grows. She believes this could open the door to even smaller lots being built upon. She mentioned Mr. Puleo brought up the idea of tiny homes when she first discussed the issue with him and that is a progressive idea she can agree with.

Hana Strnad, 45 Angell Ave., has lived here for 50 years. She is worried about the tree and asked if the applicant will live in the home or sell it. She wondered if the tree could be removed by another owner.

Jeff Steinbrink, 492 Cottage Rd., lives about a block away from this lot. He and the intervening neighbors speak frequently and some cannot be there tonight. He thinks if they were there, they would also want the Board to thoughtfully resist the petition for a variance. He asked if he can ask questions to Mr. Frank.

K. Carr explained that he can ask questions through the Chair and they will collect all questions and answer them together.

S. Puleo explained that Mr. Steinbrink cannot speak about a variance tonight because this is a Planning Board Approval; there will be no variances with this approval. It is a site plan approval. A variance goes through the Board of Appeals. It is a legal term and is not taking place tonight.

J. Steinbrink explained that he is trying understand the nature of this as well. He came with the idea that someone is asking for something unusual to be permitted because the lot is nonconforming, which he believes means not big enough. It seems that they're being asked, as neighbors, to agree that this is okay with them. To some of the neighbors, this doesn't seem to fit very well. He noted that when Mr. Frank showed the photo simulation, he noted it "needs to be taken with a grain of salt." He thinks that's perplexing because the intention of the graphic is to convince people that it accurately represents the relation of the proposed home to those already there. He wonders if it isn't an accurate representation. It seems that part of this is how as neighbors they will live together and he thinks the applicant should listen to what the people in the neighborhood have to say. He noted that the height limit is 28 feet and this is just shy of that; it doesn't feel neighborly to him. He would like to know how high the house to the right is; he thinks it looks 26 or 27 feet high. He thinks they have reason to be skeptical. He believes if they would counsel with the neighbors it would be possible to come up with a house that fits. He asked why the City would want to go along with representations like this with petitions like this. He gets the feeling that if people go through the appropriate hoops, there's a defacto understanding that they will go along with it. It shouldn't matter how much work someone has gone through to convince them; what matters is if they will be good neighbors, if they're telling the truth, and if it will enhance and feel at home in the neighborhood. He doesn't think those criteria have been met and he's surprised that the recommendation is for approval.

Marie Strnad, 45 Angell Ave., asked what will happen to other lots on Angell that could be split if this is allowed. She asked if small houses will start popping up everywhere; she doesn't think it would feel like a neighborhood then. This was a quiet street in 1957 and now there is a lot more traffic; more homes mean more traffic. She noted that there is no sidewalk on Coolidge and there is a lot of foot traffic. She asked where people will park if they have company or a party.

Franklin Sames, 45 Everett Ave., gave a letter to Mr. Puleo to read from Jamie Howard who was unable to attend.

S. Puleo read two letters into the record. The first was from Jamie Howard, 18 Coolidge Ave., who opposes the project. Her letter stated that the lot is known today as 10 Coolidge Ave. and was never a single conforming lot in its history, and qualifies as a nonconforming lot because it's described separately in a deed. The outcome of this hearing will set a precedence of approval for these kinds of lots and stated that this would be the smallest lot of 108 nonconforming lots that have been approved since 2006. This lot is surrounded by fences and a garage that would be put at risk for damage during construction and this could also increase noise production during construction. The proposal falls within the allowable limits but pressing the limits will create a home with a non-compatible design. Street frontage is 41.8 feet and

has always been an obstacle to building. The street consists of small one or two level houses with an average of 20 feet or greater between them; this proposal has less than 20 feet and will be 20% taller than most houses on the street. She stated that the photo simulation is inaccurate in relation to abutting properties. The presentation is minimized and the viewer cannot see the actual impact of the house; it should be deemed intentionally misleading for the applicant's benefit and the application should be disqualified. She is not opposed to all nonconforming building permits and would have been happy to work with the applicant to find a more compatible solution. Because the owner has been threatening and made no attempt to take her up on her offer, she feels she has no choice to openly oppose the plan. She noted that she appreciates the difficult job the Planning Board has.

The second letter was from Dorothy Diggs, 9 Coolidge Ave. She attended the previous meeting when it was postponed and cannot attend tonight but has concerns. She wonders about the appropriateness of placing a three-bedroom house on this lot. With little wiggle room for setbacks, she has major concerns about the driveway, which is directly across from hers. Landscaping and drainage are also concerns, along with parking on the narrow street. If it becomes a vacation rental, cars coming and going will be a challenge. She thinks this is trying to fit a home into a small infill lot and is bad policy to set.

K. Carr said they will now work their way through the questions. The first question was in reference to the tightness of the lot and if it meets the requirements of the ordinance.

S. Puleo said it meets the requirements. Nonconforming lots of record (NCLR) have been in place since 2007. The standards for the lot have not changed since then. The recent lot size reduction relates to conforming lots and in this neighborhood it's 6000 SF as a minimum lot size. Anything less than 6000 SF needs to go to the Planning Board for approval, and anything with less than 50 feet of road frontage has to come to the Board. NCLR means that the lot does not conform with the current zoning minimum space and bulk requirements—it does not mean that it's too small or inappropriate for development. These are lots that are recorded in the Cumberland County Registry of Deeds (CCRD) prior to 2007. This lot was described before then and is a standalone lot. Other cases show lots that are not split but demerged. This is in ordinance, there are no variances, and they follow strict standards on development of these lots. The lots come in variable sizes and it's up to the Board to make a determination that the applicant has met the standards.

K. Carr asked Mr. Frank to speak about preserving the tree. **S. Frank** said the initial intent was to cut the trees down on the lot. They heard from the neighborhood about the importance of this particular tree and the applicant will try to save it. It is not a guarantee but they will do their best during construction to minimize impact.

K. Carr asked if the builder will live in the house. **S. Frank** said no.

K. Carr said Mr. Puleo has covered the definition of nonconforming and what comes before the Board. He asked Mr. Frank to talk about the photo simulation.

S. Frank said they provide engineer drawings to the Board for review and approval. There is a site plan associated that shows the survey of the property and relationship of the building to the property lines and abutting buildings. Those things are clearly identified. The photo simulation is to give a feeling or understanding of how the new building looks next to the abutting buildings. He walks down the street taking photos and overlays them in Photoshop. They take the building elevation and put it the best they can to give a feeling. Everything shown is to scale. He turned the board around from the photo simulation and showed the drawing from the site plan, stating it specifically shows the relationship of the building to scale.

K. Carr asked if how high the house is to the right of the property. **S. Frank** said it is approximately 28-30 ft. It is two stories and slightly raised.

S. Puleo said the NCLR cannot exceed 28 feet, this one is 27.33 feet. To confirm the building height for a conforming lot of record, which until City Council reduced the size of minimum lots based on neighborhoods, in this neighborhood it was reduced from 12,500 SF minimum lot size to 6000 SF. That number was chosen because of a study of single family lots in this district and the median lot size was about 6,122 SF. They have many different kinds of lots developed in the City and it's primarily derived by underlying subdivisions created when the City was established. The Estates of Angell Ave. was recorded in 1918; it's an old subdivision with multiple lots everywhere. People bought multiple lots with purposes of developing sometime and that is the nonconforming aspect. In the Residential A district, the maximum building height is 35 feet and the home to the right is probably over 30 feet.

K. Gatti said according to tax assessment records, the building to the right and is a 1.5 story house.

L. Dillon said there is a useful tool on the City's website called the GIS viewer that can give you information such as this.

K. Carr asked if this is truly a lot of record.

S. Puleo said that Corporation Counsel determined this is an eligible lot by looking at the copy of the deed of the proposed development as a nonconforming residential lot of record within the meaning of Section 27-304 of the zoning ordinance. The lot is in the CCRD as a recorded deed and because of the description of the lot as being separate from 42 Angell Ave. within the deed itself, and that the deed was created in approximately 1942 and had this lot description, it's Corporation Counsel's determination that this is an eligible lot of record and a lot that was described prior to 2007. This is one of the eligibility criteria; the other is demerging and that is not the eligibility criteria here. The criteria was that the lot itself was described in the deed and described exactly as it's been surveyed and shown in the record.

K. Carr asked to be walked through the setbacks.

S. Puleo explained that under the criteria of Section 27-304, there are 12 different standards to be met. It has less than 50 feet of road frontage; that is not relevant to whether it causes it to be unbuildable. What matters is how it's described in the deed and it is described as 41.8 feet. The setbacks as required under Section 27-304 (f), section 5, states that each building must comply with side and rear yard setbacks of the district in which the lot is located. This is six feet and 20 feet in Residential A. It states except that there should be a minimum of 12 feet separation between the new building and any existing principal or accessory building. This includes the garage and the principal building at 14 Coolidge Ave. He pulled up the survey, which shows that they are making sure there's not only a six foot side yard separation from 14 Coolidge Ave. but they increased it by a foot, meaning there is roughly 14.5 feet between the two buildings. On the other end of the property is the garage, close to the property boundary, and it does not maintain the six foot setback for accessory structures. With the driveway placed as shown, the applicant brings the house 14 feet away, exceeding the minimum. 12 feet is a number the fire department is very comfortable with.

K. Carr asked what the requirement is for off-street parking in the A zone. **S. Puleo** said a single-family home in this district has to have two spaces on site. This property shows at least two parking spaces.

K. Carr reminded everyone that the Board's decision must be based solely on whether or not the applicant has met his or her burden of proof and has complied with the applicable ordinances and laws.

W. Laidley said that the many points made concerning density issues are feedback that the Council should have to hear. The density issue is something the City will have to deal with. How as neighbors they will live together—that’s a question that could be discussed for a long time. The Council should hear that at regular meetings, not just this forum. Does it meet the requirements of the City regulations? Yes, and the Board does not have the basis to reject unless there’s a hidden issue somewhere not brought to light. They do not have the power to ignore the regulations.

L. Boudreau agrees with Mr. Laidley. As a Board, this is in compliance with regulations and she doesn’t see how they can’t approve it. She sees what the neighbors are saying and it’s the concern of every neighborhood when a house is being built. Unfortunately, it was never a concern when the ordinance was proposed to City Council. She’s sympathetic to the concerns and the tree. The former owner could have cut it down if he wanted to and the applicant could have too. They have come before the Board trying to be neighborly in the fact that they have agreed to try to save it. She thinks it will be difficult to save but appreciates any effort. This has brought an issue to the forefront in their neighborhood—there are a number of vacant lots in the neighborhood. All the questions, while not answered not the way the neighbors may have wanted, were answered by Mr. Puleo and she will vote for it. They may not believe it now but it’s her experience that once houses get built, they look better than the simulations and you will come to appreciate the new neighbor. It’s not their fault that a house is being built on a buildable lot. Many families want to live in South Portland and there’s a housing shortage.

K. Gatti appreciates the concern about the trees. The way she reads the ordinance, the applicant has to state they will have a certain percentage of the lot as open or vegetated space and they meet that. City Council may want to consider language that the applicant makes an effort to preserve the existing vegetation and not remove trees. She will vote for it because it meets all the requirements. She reminded the Board that as discussed previously, in Section 27-304 (f), the ninth requirement about the driveway, she reads the language to say they cannot have a driveway and City Council should address this.

A. Dowling held up the photo simulation and said he appreciates the concerns people have looking at it and asking if it’s unrealistic. He thinks Mr. Frank was being sincere in saying they are giving the public a rough idea of what to expect. It would be difficult to get anything realistic and you won’t know exactly what it will look like until it’s built. He agrees with the other Board members so far; it’s a difficult issue that they’ve struggled with and they cannot vote against it just because they don’t like it or neighbors may not like it. If it meets laws and ordinances, they have to give it a thumbs up. He will vote for it. He hopes it will look more attractive in real life than in the simulation.

M. DeRose stated that she is voting in favor and she thinks it meets criteria.

L. Dillon asked the public to please believe they care about the City and neighborhood. Board members are not elected officials; they volunteer their time and they appreciate that people have volunteered their time to speak. She reiterated that they are bound by what has already been determined by their elected officials. She urged the public to please continue to participate and communicate with elected officials.

A. Dowling added that Condition #9 of this item came about because someone from the public made a suggestion to the Board and it is now used in all of the nonconforming lots they see.

S. Puleo said that Condition #9 should say “three” instead of “two.”

PUBLIC HEARING CLOSED

A. Dowling motioned to approve the site plan application of Cost Mangement, Inc. to build a single-family home on a nonconforming lot of record located at 10 Coolidge Avenue, dated May 30, 2017,

through August 28, 2017, and drawings dated May 30, 2017, through August 28, 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 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 issuance of building permits, the applicant shall provide to the Planning & Development Director satisfactory evidence that one of the six methods set forth in Section #2 (g)(b) of the City's Non-conforming Lots of Record application form relating to the 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 will be attached to the building permit.
9. The area between the ~~two~~ three street utility excavations shall be milled so that pavement restoration is unified.

L. Boudreau seconded.

W. Laidley noted that the Land Trust has money and it was informally suggested to them that when these lots appear for development, they should make an effort to reach out to neighbors and to consider acquiring some lots to preserve green space in a neighborhood. The Land Trust has to be selective with their money, but it's another way to deal with this kind of issue.

Vote (7-0).

FINDINGS

L. Boudreau said that on page 2, item #10, the last sentence wording should be changed since the tree is so important to everyone. Her fear is that 50 years from now someone will look for it and something could happen to it. She suggested, "Per the applicant's response regarding the black locust tree at the corner of the lot, the applicant will be working to preserve the tree during construction."

K. Gatti said under #1, first paragraph, "Loveitt St. ROW" should be changed to "Coolidge Ave. ROW."

L. Boudreau motioned to approve the findings as amended. **W. Laidley** seconded; (7-0).

Item #4. PUBLIC HEARING – Zoning Text Amendment and Map Change Request – Proposed West End Neighborhood Zoning Text and Map Amendments – City of South Portland

The City of South Portland’s Comprehensive Plan Implementation Committee is requesting a Planning Board land use recommendation of the proposed West End Neighborhood Zoning Amendments as supported by the West End Neighborhood Master Plan. The new zoning creates a unified district on both sides of Western Avenue (the WACC), a mixed-use housing concept (the WNC), and provides a more up-to-date multi-family housing zone (the WR) that replaces several of the existing districts. The IL zone is extended to pick up the PACTIV packaging facility and the old Residential Farm (RF) zone is removed from this area.

The Planning Board will make a recommendation to the City Council on the proposed zoning map change and zoning text amendment.

Legal advertisements appeared in the Portland Press Herald on August 22 and 28, 2017, and were posted in City Hall on August 22, 2017. Public hearing notices were mailed on August 22, 2017, to 83 property owners within the area to be rezoned and were sent by email to the Conservation Commission, Planning Board, and City Council.

S. Puleo gave a brief introduction of the item and showed the area on a map.

Stephanie Carver, Planning Director at Greater Portland Council of Governments (GPCOG), introduced herself and explained that the team consisted of members of GPCOG and Richardson and Associates for landscape planning. There were also many stakeholders involved, including the Opportunity Alliance and Avesta Housing, and Comprehensive Plan Implementation Committee (CPIC) meetings were at the Redbank Community Center.

She explained how GPCOG took a different approach. With so few property owners, the majority of people living in the area are renters and there is a lot of diversity. Rather than just hold a traditional public process, they combined it with going into the neighborhood and talking to people at existing gatherings. They talked one-on-one with residents to get their ideas. Overall themes included a need for a community center, the value of recreational and open space, concerns about transportation issues and access to transit, and connectivity throughout the neighborhood in addition to Portland and Westbrook.

She showed a PowerPoint presentation. The first slide showed photos at Community Connection dinners, how they walked the area trails, and had a survey. She showed the project’s focus areas: housing, land use and zoning, recreational and open space, and transportation. They were very focused on connecting the neighborhood as there is a lot of isolation in its physical location. She mentioned that affordability is an issue for housing. Objectives included neighborhood connectivity, regional access, sustainable community, recreation and open space, and neighborhood center. She explained that “neighborhood center” refers to a centralized location in the middle of the neighborhood. Actions included municipal (done by the City), partnership (done by the City and public or private entity), and development driven (done by private development/redevelopment opportunities).

Their schedule went from nine to six months because as they worked, there was a lot happening—one current property owner purchased a neighboring parcel with the idea that there could be development. Avesta was interested and from there, they created the neighborhood center.

Zoning goals include reducing the number of zoning districts in the area and modernize it, incorporating existing uses, and increasing flexibility to allow for more mixed uses. She showed the existing zoning, which she described as confusing and challenging. Instead of working with existing zoning districts, it made more sense to create customized districts for the area. She then showed proposed zoning. Key changes included streamlined zones (three are new), new mixed use commercial zones, maintaining the

G-3 zone, supporting a neighborhood core (WNC), updated multifamily zones, extending the IL zone along the adjacent airport area, incorporating the PACTIV property, removing CS and RF zones, new zones that incorporate existing uses, and that it must meet the Commercial and Neighborhood Activity Center Design Standards.

She reviewed each new zone: the Western Ave Commercial Corridor (WACC), West End Residential District (WR), and West End Neighborhood Center (WNC). These were designed based on public feedback received through this process. She then reviewed how the zoning conforms with the Comprehensive Plan, including how it creates much more of a mixed-use environment and how the area would become increasingly pedestrian-friendly. Additionally, the Comprehensive Plan states specific ideas for the Redbank/Brickhill neighborhood being a “high-density residential neighborhood with a neighborhood center. It also states that “the existing business/industrial park areas along Westbrook Street and in the Western Avenue/Jetport area should be designated as economic growth areas and reserved for office and light industrial-type uses.” The Plan states that the rest of the area should be treated as “a mixed-use district in which a wide diversity of non-residential and residential uses are allowed and which encourages an intensification of use to create more of a unified destination rather than a collection of individual developments.”

PUBLIC HEARING OPEN

Russ Lunt, Brigham St., lives in the West End of the City. He thinks this is wonderful; the area is vibrant. It is good to see this area coming up.

Craig Piper, Chair of CPIC, thanked everyone who participated. He loved the focus on the Master Plan and thinks it sets the area up for smart planning.

Tyler Norod, Avesta Housing, was an urban planner before working at Avesta. He commends City staff, GPCOG, and the residents who came out. Many people put time and effort into this. Avesta is in the neighborhood and hopes to grow with the neighborhood. He added that it was exciting to see the excitement for this; it seems that people had a shared vision. He explained how it was unique and special for Avesta to come in during the process so they could listen to residents and evolve with the neighborhood.

Quang Nguyen, owner of Le Variety, thanked the team. As a business owner of a store where many people from the area visit every day, he was able to listen to what they want. He thinks this will create a better future for the whole neighborhood.

L. Boudreau spent time in this area the last five years she was on the Council—she worked on the Hub and at Neighborhood Dinners. The issues of connectivity are incredible. She is glad Mr. Nguyen is working with Avesta. The Hub wouldn’t have been successful if it wasn’t there bridging the two neighborhoods. With the store and the Hub, it brought people together. She thinks this plan looks terrific and it was great to see the existing and new zoning visualized. It makes the neighborhood more of what is really is—it didn’t need the clutter and complications of piecemeal zoning from over the years. She’s very pleased. She asked why on page 4, under the WR zone, the maximum building height is 45 feet for residential and 60 feet for mixed use. Why not have both 60 feet? She also asked for a clarification under b) off-street parking on the same page.

S. Carver said with mixed-use, the first floor requires a higher ceiling height and that addresses some of the issue. It gives more flexibility so that there’s more height in stories. They used Avesta as a guide, which is four stories. As for parking, this was designed to encourage low impact development and to offer a bonus if it’s utilized. She thinks this may not be appropriate language—the current residential

development, on the Redbank side, is duplex homes so it doesn't make a lot of sense in that area. If a residential site plan went through, it would have more applicability.

L. Boudreau asked if it would be related to new construction and asked for an example.

S. Carver said yes. There are opportunities to treat water on site and reduce impervious, encourage more green development, and they are generally trying to encourage more of that in zoning. It's not typically always something developers take advantage of but you see it more and more.

S. Puleo said using porous pavement is expensive but a good Best Management Practice (BMP) for parking areas. If you get better stormwater management, this would encourage developers to reduce asphalt amounts. They have 5% landscaping in parking lots over 20 parking spaces, and this would take it further with more open space.

L. Boudreau said she wants low impact development but people are still not buying into reducing parking standards and spots. There are too many cars on the street; she hears concerns in every neighborhood.

A. Dowling thanked the CPIC; this was a huge team effort. He thanked those who lived in the neighborhood for participating. He asked for the slide with the existing zones and asked if PACTIV in CS or RF zone.

The Board discussed; PACTIV is currently in CS. They also discussed the small piece of IL zone is shown on the map, which may have been a store many years ago but now may be some sort of distribution center. It is smaller and may have been something converted over the years. The Board discussed that this is part of Cortland Court and the fact that the zoning is remnant and never changed; changing the zone would be increasing conformance. This is the same issue with the PACTIV property; PACTIV being in CS is currently nonconforming.

A. Dowling wondered if there's a different option for PACTIV that's short of IL. When he looks at permissible uses in IL, if he lived at Cortland Court he wouldn't want it next to him. If PACTIV left and someone built a flying school or aircraft hangar, there is a lot that could be loud and not compatible with the character of the neighborhood.

S. Puleo said that talking about commercial opens up adverse impacts. With IL there are buffering standards that might be beneficial for the residential use. Logic is reasonable for IL.

A. Dowling is concerned that there are several hundred people who live there who will be up against the extension of IL who did not get the notice because they are not property owners. He's concerned for those who live there. He asked about keeping them in CS and not increasing nonconformance.

S. Carver said another consideration was traffic—a huge issue on Westbrook St. This was a major issue of residents. One of their concerns about allowing the area to have a commercial side is that it might increase cut-through traffic that's already an issue. When they were on the ground, their interpretation of the space was that there are a lot of distinct places in the neighborhood and a lot of separation between some lots. You get a feel of the change when you begin to leave the residential zone.

A. Dowling said some is opinion and some is from neighbors, but people are willing to accept the current situation with the airport because it was there first. They are not happy with the airport expanding. If PACTIV wanted to move, he can think of a dozen commercial uses that the neighborhood would be more

welcoming of than aviation uses in the IL zone. Some IL uses could create traffic too. He feels uncomfortable about the IL change but ecstatic about everything else.

S. Puleo said that there are almost 13 performance standards under IL that require different assessments or buffering. Any kind of use going in relative to aviation has to come to the Planning Board. He thinks Ms. Carver makes a good point, there may be more of a traffic generator than an IL use.

A. Dowling said they want things in the neighborhood that make it more livable—neighborhood service-type things to benefit the people who live there and wouldn't be a huge traffic generator.

S. Carver said that was the focus when working with residents on the West End Neighborhood Center. This was not only geographically centered but also easy access on Westbrook. The timing worked out well with the business' purchase of the neighboring parcel. They felt that concentrating it into the center and allowing commercial activity in the center as a corridor, and also allowing connectivity to the Western Avenue Commercial area, would allow residents to have the ability to walk and drive or take transit to other areas that are already commercially developed.

M. DeRose said the PACTIV building is historic and wonders if it's more vulnerable to be torn down if it's in IL. She would hate to see it torn down.

A. Dowling agreed—it doesn't look or feel like an industrial building. It could be replaced with something that looks more like the Maine Aviation building. He wouldn't want to look out at that.

S. Carver said there wouldn't be any more protection in commercial under that circumstance. With a successful business, it made more sense to make it conforming.

W. Laidley said the Board had a workshop with developers concerning developments in Clark's Pond and Sable Oaks and asked if that ties into tonight.

S. Puleo said it ties in directly. The CS zone was modified to allow for those developments. It could be residential or commercial in nature; CS allows for a lot of commercial activity. It would be a stretch to think that the type of use would be directly related to airplanes on that location. It could, but most hangars are attached to the runway system of the jetport. That probably wouldn't happen or be a good spot. You can see the property is built up; to take it down and make something new would be very expensive. Someone would probably come in and use the property the same way. They wanted to protect the core they are establishing. To keep this open or make it commercial could mean retail and you could be pulling that away from the core.

L. Dillon thinks neighborhoods like East Bayside and Bayside have fought to retain IL zoning because it is the type of facility that can support local food, alcohol, and craft production. She hasn't read through the IL code but thinks that is fairly sought after. In the Comprehensive Plan conformance, under Land Use, it states that, "the existing business/industrial park areas along Westbrook Street and in the Western Avenue/Jetport area should be designated as economic growth areas and reserved for office and light industrial-type uses." In terms of maximum building height definitions, she wonders why in the WR definition it is distinguished between residential and mixed-use and in the WNC there is no distinguishing and building height is set at 70 feet.

S. Carver said in WNC, they try to encourage more density. In WR, there is the opportunity for increased density if you have some mixed-use in the development. Building height goes to 70 feet, which allows for another story. They are trying to accommodate this. The Avesta building has height and when land use

architects worked with residents, there was comfort with increased height in the center if it encouraged mixed-use development in the parcel.

L. Dillon asked about the connectivity standards and adding language about bike lanes and racks.

S. Puleo said this is discussed in the design standards for activity centers. They don't need to put it in the face of the ordinance. Relative to bike lanes, that is more along effort in Complete Streets. **S. Carver** agreed; they envisioned connecting trails, sidewalk gaps, and there's an existing trail system around Clark's Pond and they're hoping to connect trail systems.

L. Dillon asked if the minimum natural landscaped open space is 30%. **S. Carver** said yes, 30%. **K. Carr** said WR is 30% and WNC allows 15%.

L. Dillon noted that the bottom of page 4 should say, "Any use allowed in the West End Residential district..." In terms of the Planning Board view, modernized zoning that aligns with the Comprehensive Plan and neighborhood feedback is fantastic to see and something that's easy to get behind. Zoning changes that reduce patchwork zoning and the practice of it in the future is something the City Council is interested in.

K. Gatti likes the zoning.

M. DeRose was at the first meeting when it was brought to a dinner and she has followed it along. It's been a wonderful, inclusive process. It's good, but she's not sure about the IL. She said the Long Creek Cemetery is in the area and if they have some sort of historic district zoning, they may have more protection. The Air National Guard currently takes care of it. She worries about the loss of historic fabric in the City and would like to see more historic protections. She mentioned separate zoning for ancient burial sites as a possibility.

S. Puleo said they require identification of any archaeological and historical sites under site plan review, similar to the state's requirement. Under that standard, it requires the applicant to preserve any historic area. He's not sure it should be part of this, but maybe a standalone provision to be put into zone text amendments that might give historic cemeteries more recognition and protection. It would be worthwhile to talk to Mr. Haeuser.

K. Carr said looking at existing zoning, he sees a twisted quilt. Bringing some rational approach to what they have is the first brilliant thing about the plan. Second, the more he thinks about the neighborhood center, he sees the brilliance in the concept. In regard to the wedge of land occupied by PACTIV—he thanked Ms. Dillon for bringing up the Comprehensive Plan. He cannot wrap his head around what else you could do with the land, and the Comprehensive Plan guides us there. This is fantastic work; he's moved by situations with good interaction with the public. There is evidence of great collaboration here.

PUBLIC HEARING CLOSED

L. Boudreau motioned that the Planning Board recommend in favor of the proposed West End Neighborhood Zoning Text and Map amendments based on their conformance with the South Portland Comprehensive Plan and the West End Neighborhood Master Plan. **L. Dillon** seconded; (7-0).

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

Russ Lunt, Brigham St., recognized the good comments from Ms. Dillon. He spoke about cemeteries and Aviation Blvd. On the Coolidge Ave. item, he thinks the Board is right. They met the criteria, but he can also understand the neighbors.

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

S. Puleo said the next meeting is September 26th.

L. Boudreau congratulated the Chair on how well he handled the first item. It was challenging; clearly the residents were passionate. He managed the questions well and maintained control of the situation.

K. Carr thanked Ms. Boudreau and Mr. Dowling and others for educating people that the Board is regulatory, not legislative. Ms. Dillon put it concisely that they are not elected officials.

L. Dillon said, given seeing some things going on across the bridge, a continued effort on educating and ensuring the residents of South Portland know how they can participate and when it's most effective is needed and helpful.

A. Dowling reminded everyone that close to 50% of residents are renters and they don't get the Public Notice. It's unfortunate and he thinks it should change.

K. Carr said the last item was a situation where there were lots of meetings and community gatherings that would inform the community. There are other examples where that may not happen. He reminded the Board that they cannot get together with three or more members without a public notice.

Item #7. Adjournment

9:50 pm L. Boudreau motioned to adjourn. W. Laidley seconded; (7-0).

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.