

**PLANNING AND ZONING COMMISSION
MINUTES OF A REGULAR MEETING
JULY 23, 2009
PORTLAND PUBLIC LIBRARY, 20 FREESTONE AVENUE**

Members Present: Don Bascom, Chairman, Mike Woronoff, Bruce Tyler (Alternate),
Peder Samuelson (Alternate)

Members Absent: Peter Clark, Bette Jenak, Carl Fitzgibbons

1. Call Meeting to Order

Don Bascom, Chairman, called the meeting to order at 7:00 p.m.

2. Introduction of Members and Seating of Alternates

Bruce Tyler was seated for Peter Clark. Peder Samuelson was seated for Bette Jenak. Members introduced themselves.

3. Accept Agenda

MOTION by Mr. Tyler, **SECONDED** by Mr. Samuelson to accept the agenda as read.
VOTE UNANIMOUS. MOTION CARRIED.

4. Application #08-29: 198 (previously known as 200) Main Street. Site Plan Review for Off-premise Parking for 188 Main Street (Portland Restaurant). Application of Attorney Mark A. Balaban. Property of Lastrina Properties LLC. Map 19 Lot 42 Zone B3/TCVD Overlay zone.

- Attorney Mark Balaban spoke. They are applying for a joint parking permit for offsite parking for the Portland Restaurant.
- They are planning to pave or chip seal the parking lot.
- If the property were leased in the future, the Portland Restaurant would still require parking at 188 Main Street. If there is joint parking, the tenant and the Portland Restaurant can't park there at the same time.
- The current surface is partially paved and partially gravel.
- Mr. Bascom wasn't aware that the applicant was applying for joint parking.
- There is currently a permit for a cabinet shop, which will expire shortly.
- The applicant will eventually lease the building and share the parking lot with the Portland Restaurant.
- Mr. Bascom said that an updated site plan is missing. There are restrictions on joint parking. Parking for the tenant and Portland Restaurant must occur at different times. The hours for the Portland Restaurant would be during the evening. Mr. Bascom would like to see an elimination of a curve cut and have an entrance to the parking lot be from the Portland Restaurant property.

- Attorney Balaban responded to Ms. Rhodes' memo dated 7/15/09. No decision has been made regarding paving or chip sealing. The understanding is that either one is acceptable. Mr. Woronoff suggested chip sealing because they don't have a tenant at 188 Main St. and don't know what the requirements will be for the tenant.
- The waiver was discussed. Mr. Bascom has a problem with 10.5.2B11 (E & S Controls). If there's any disturbance of the ground, E & S Controls should be in place, especially with chip sealing.
- Mr. Bascom said that a site plan needs to be revised and resubmitted.
- Mr. Bascom deleted the waiver of section 10.5.2.B.11.

MOTION by Mr. Woronoff to approve request for waiver of the following ZR Sections 10.5.2.A, 10.5.2.B.3, 10.5.2.B.5, 10.5.2.B.6, 10.5.2.B.9, 10.5.2.B.13, 10.5.2.B.21, 10.5.2.B.24, 10.5.2.B.26, 10.5.2.B.27 for Application #08-29: 200 Main Street. Request of Atty. Mark A. Balaban. Property of Lastrina Properties LLC.

Reason: The information in these Sections was not necessary for review of this application.

SECONDED by Mr. Tyler. **VOTE UNANIMOUS. MOTION CARRIED.**

- After some discussion regarding joint parking and reading the conditions of approval, the applicant asked to continue the meeting on 8/20/09. They would like to discuss this with the Town Planner before proceeding.

MOTION by Mr. Tyler, SECONDED by Mr. Samuelson to continue the meeting to 8/20/09. **VOTE UNANIMOUS. MOTION CARRIED.**

5. Application #08-34: Main Street/Route 17A. Request for Site Plan Modification to #7 & #8 Conditions of Approval of PZC Application #08-26 for Pavilion and Outdoor Recreational Use. Application of Attorney Vincent T. McManus Jr. Property of Terry Groeper, Keith Bazinett and Sandra Bazinett. Map 75 Lot 8 Zone FP.
 - Terry Groeper, the applicant, spoke. He informed the Commission that the pavilion is down.
 - He is now applying for a waiver for the fence and the paved parking lot (Items #7 and #8). Mr. Bascom said that the Commission has no leeway with the fence. We cannot give a waiver for a regulation. Mr. Groeper would have to go to the ZBA for a variance. The fence can be taken down or the position would need to be adjusted in order not to stop the flow of floodwaters. Mr. Groeper said that the fence stops all the debris from coming onto his property.
 - The Commission said that they could waive condition #8 (requirement to pave the driveway and parking area).

MOTION by Mr. Tyler to approve application #08-34: Main Street/Rt. 17A. Site Plan Modification to conditions of approval of PZC Application #08-26 for pavilion and outdoor recreation. Application of Attorney Vincent T. McManus Jr. Property of Terry Groeper, Keith Bazinett and Sandra Bazinett. Map 27 Lot 8 zone FP, based on testimony and subject to the following instructions:

1. That this approval will expire 5 years from 4/2/09, which is the original approval date for Application #08-26.
2. That the Certified Letter of Approval for the modification be placed on the final plans.
3. That the applicant submit 2 paper copies of the final plan. This is to occur prior to issuance of a Zoning Permit.
4. That all conditions of approval for PZC Application #08-26 are still required and in effect except for Condition #8.

Reasons: The modification to Condition #8 is allowed by Section 10.5.2.E of the Zoning Regulations.

SECONDED by Mr. Samuelson. **TWO VOTE IN FAVOR. ONE ABSTENTION. MOTION CARRIED.**

6. Application #08-33: 51 Freestone Avenue. Request for Site Plan modification for Proposed Parking Improvements. Application and property of Saint Mary's Church Corporation. Map 28 Lots 33, 54, 55, Zone R10, B2.
 - Frank Magnotta, PE, spoke for the applicant. They are requesting additional parking due to the elimination of street parking and the change/scheduling of the masses.
 - The original site plan was for 120 spaces but only 118 striped.
 - Mr. Magnotta discovered a few areas, through a combination of restriping or adjusting/eliminating a small island, where he gained some parking spaces. There are also 13 more proposed spaces at the entrance/exit onto Marlborough Street. There was much discussion on the design of the new parking spaces. Angled parking was discussed, but they would not gain additional spaces.
 - The handicap spaces do meet current code.
 - Two trees need to be removed. There is no place to relocate them.
 - Mr. Magnotta discussed that this property has 3 parcels. Ms. Rhodes wanted to see the 3 parcels re-deeded in to 1. Mr. Magnotta stated that once combined these parcels could not be resubdivided in case this property is sold in the future. So, he has asked that this not be done.

MOTION by Mr. Tyler to approve application #08-33: 51 Freestone Avenue. Site Plan Modification for proposed parking improvements. Application and property of St. Mary's Church Corporation. Map 28 Lots 33, 54, 55. Zone R10, B2, as shown on plans entitled Site Plan for Parking Area Improvements, dated June 2009, revised to 7/15/09, sheets 1 thru 3, prepared by Frank Magnotta, P.E., based on testimony and subject to the following instructions:

1. That this approval will expire in 5 years.
2. That the Certified Letter of Approval be placed on the final plans.
3. That the applicant submit 2 paper copies of the final plan prior to issuance of a zoning permit.
4. That E&S controls be installed by the applicant and inspected by the Town Staff prior to any land disturbance activities.
5. That an E&S bond in an amount to be determined by the Town Engineer be submitted prior to construction as per ZR section 11.2.1.
6. That all site improvements be completed according to the approved plan prior to the issuance of the Certificate of Zoning Compliance for use of the new parking areas, or a performance bond will be required in accordance with ZR Section 11.2.2.
7. That a zoning Permit be issued for this use.
8. That the plan be revised to satisfy comments from Town Engineer's memo dated 7/13/09.
9. That the applicant address Items 1A and 3 of the Planning Administrator's memo dated 7/15/09.

Reasons: The proposal conforms to Section 5.1, 6.1, 8 and Section 10.5 of the Zoning Regulations.

SECONDED by Mr. Woronoff. **VOTE UNANIMOUS. MOTION CARRIED.**

7. Staff Report: None
8. Extension Request: CIL, 332 Main Street, PZC Application #08-10.

MOTION by Mr. Woronoff to approve request for 90-day extension to file required documents and mylars for Application #08-10: 332 Main Street, Health Care Institution, CIL Realty Inc. Map 29 Lot 8 Zone R10.

SECONDED by Mr. Tyler. **VOTE UNANIMOUS. MOTION CARRIED.**

Mr. Magnotta said that the variance request for the buffer on Application #08-33 was approved by the ZBA.

9. Approval of Minutes – July 9, 2009

Page 77, change Members Absent: Don Bascom, Chairman.

MOTION by Mr. Tyler, **SECONDED** by Mr. Woronoff to approve the minutes as amended. **VOTE UNANIMOUS. MOTION CARRIED.**

10. Adjourn

MOTION by Mr. Woronoff, **SECONDED** by Mr. Tyler to adjourn the meeting at 8:00 p.m. **VOTE UNANIMOUS. MOTION CARRIED.**

Respectfully Submitted,

Debra D. Pozzetti, Board Clerk

TC, FS, BOS, PZC, Clerk, Planning, ZEO, Book, Library, CC Chair