

**PLANNING AND ZONING COMMISSION
MINUTES OF A PUBLIC HEARING & REGULAR MEETING
JUNE 3, 2010
PORTLAND PUBLIC LIBRARY
20 FREESTONE AVENUE**

Members Present: Bette Jenak, Carl Fitzgibbons, Bruce Tyler, Mike Woronoff, Alan Kenney

Members Absent: Peder Samuelson (Alternate)

1. Call Meeting to Order

Bette Jenak, Chairman, called the meeting to order at 7:00 p.m.

2. Introduction of Members and Seating of Alternates

Members introduced themselves.

3. Accept Agenda

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

PUBLIC HEARING AND POTENTIAL ACTION

4. Application #09-27: 60 Cornwall Street. Request for Special Permit to create an interior lot. Application and property of the The Regional Group LLC. Assessor's Map 76, Lot 6. Zone R25. (Postponed Opening PH on 5/20/10 at the applicant's request)

MOTION by Mr. Tyler, **SECONDED** by Mr. Woronoff to open the public hearing for application #09-27. **VOTE UNANIMOUS. MOTION CARRIED.**

- Alan Bongiovanni, licensed land surveyor, spoke. He is representing The Regional Group LLC.
- This is an application to create an interior lot at 60 Cornwall Street.
- The property is 5 ½ acres. It's an original parcel and can be divided as a first cut situation.
- The interior lot they are proposing is 3.4 acres. It meets and/or exceeds all the Town's dimension/bulk requirements. The plan detail that they have adequate driveway slope in excess of 25%. There are no wetlands on the property. The property will be served by city water and an on-site septic system, which was approved by Chatham Health District.
- They have addressed most of the Town Staff comments and Geoff Jacobson's comments.

- Staff is requesting, and regulations require, that rear lots have a 25-foot vegetative buffer. In the revision of the plans, they have located all trees 6" and more. This is a fairly mature forest of deciduous trees. There is an existing evergreen buffer as part of the gravel operation a few years back. There is good, dense canopy of hardwoods on the site, and for the applicant to plant the evergreen buffer, he has to cut down native forest. Mr. Bongiovanni doesn't think that's the most prudent thing to do. There are opportunities to waive this requirement. The plans are color coded with the various types and sizes of trees. They will need to cut down trees that are 60 feet high in order to plant more trees. The applicant is not opposed where it makes sense to infill. He's not sure that a new tree will survive with the existing dense canopy. He asks that the existing canopy remain and that they will plant new trees where necessary to infill.
- The will try to save as many existing trees when constructing the driveway.
- Mr. Fitzgibbons asked about where the material is from on the corner of Cornwall Street. The Town has been dumping material there. Mr. Bongiovanni believes the material is stuff cleaned out of catch basins and cleaned from road sweeping. It's nothing of quality. They dumped it there without permission. Mr. Fitzgibbons is concerned about the impact that the water from the site will have. Mr. Bongiovanni said that there are well-drained soils in this area. The worst perk rate in this area is 3.75 minutes per inch. Any water in this area does not take long before it's absorbed into the ground. Mr. Fitzgibbons asked if there would be any opportunity for the soccer club property to be affected by runoff. Mr. Bongiovanni doesn't believe the soccer club will be affected.
- There are two proposed houses on the plans. Mr. Bongiovanni addressed the Commissions concerns about water infiltration. He agrees with all the comments from the Town and Geoff Jacobson.
- Mr. Tyler asked Mr. Bongionvanni about the locations of the plantings. He said that he would fill in where the Town asks.
- Ms. Jenak asked if the June 1 memo was addressed. Mr. Bongiovanni doesn't agree with the guardrail. He feels it looks too commercial. He suggested boulders instead.
- Ms. Jenak read the following into the record:
 - Geoff Jacobson's memo dated 6/1/10.
 - Chatham Health District's memo dated 5/28/10.
 - Deanna Rhodes memo dated 5/27/10.
 - Alan Bongiovanni memo dated 5/25/10.
 - Affidavit regarding the Public Hearing Sign dated 5/5/10.
 - Deanna Rhodes email dated 5/20/10.
 - Nick Bellatoni's memo dated 5/17/10.
 - Geoff Jacobson's memo dated 5/17/10.
 - Deanna Rhodes' memo dated 5/13/10.
 - Chatham Health District's memo dated 5/13/10.

MOTION by Mr. Fitzgibbons, **SECONDED** by Mr. Tyler to close the public hearing.
VOTE UNANIMOUS. MOTION CARRIED.

MOTION by Mr. Tyler to Application # 09-27: 60 Cornwall Street. Request for Special Permit to create an interior lot. Application and property of The Regional Group LLC. Assessor's Map 76, Lot 6. Zone R25, as shown on Sheets 1 & 2 of plans entitled "Site plan Prepared for The Regional Group, LLC, prepared by The Bongiovanni Group, Inc. dated 04/19/10 and revised to 05/17/10", and based on testimony and subject to the following conditions:

1. That this Special Permit approval will expire in 5 years;
2. That the Certified Letter of Approval be placed on the final revised plans;
3. That the mylar(s) be filed on the Land Records within 180 days, as per ZR Section 10.5.2.F.2.a., and that 3 paper copies of the complete set of plans be submitted;
4. That E&S controls be installed by the applicant and inspected by the Town Engineer prior to the start of any site development activities;
5. That an E&S bond in the form of cash or check be submitted in an amount to be determined by the Town Engineer prior to activity.
6. That a landscape maintenance bond be posted prior to issuance of a Certificate of Occupancy, as per ZR Section 11.2.4.
7. That all site improvements be completed according to the approved plan prior to the issuance of a Certificate of Zoning Compliance and Certificate of Occupancy, or a performance bond will be required in accordance with ZR Section 11.1.3.
8. That the restrictive covenant for the buffer area be reviewed and approved by the Town Attorney and filed on the land records prior to the filing of the mylars.
9. That the driveway and utility easement documents be submitted to the Town for review and approval by the Town Attorney for filing on the land records prior to the filing of the mylars.
10. That all property pins are installed and that certification of such by a surveyor be submitted prior to issuance of a zoning permit.
11. That the plans be revised to address the Town Engineer's comments from his memo dated 06/01/10.
12. That the plan be revised to address Items 1, 3 & 4 of the Planning Department memorandum dated 05/27/10.

Reasons: That this proposal satisfies Sections 3.10, 10.4, 10.5 of the Zoning Regulations.

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

REGULAR MEETING

5. Staff Report: None.

- The Commission discussed canceling the 7/1/10 meeting. Ms. Jenak will check with Ms. Rhodes regarding any potential applications and will let the Commission know if this meeting can be cancelled.

6. Approval of Minutes – 5/20/10

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

7. Adjourn

MOTION by Mr. Fitzgibbons, **SECONDED** by Mr. Tyler to adjourn the meeting at 7:28 p.m. **VOTE UNANIMOUS. MOTION CARRIED.**

Respectfully Submitted,

Debra D. Pozzetti, Board Clerk

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