



## MINUTES

### COMMUNITY DEVELOPMENT COMMITTEE

MARCH 11, 2009

A meeting of the Portland City Council's Community Development Committee (CDC) was held on Wednesday, March 11, 2009, at 5:00 p.m. in Room 209 on the second floor of Portland City Hall. Present from the Committee were its Chair Councilor Cheryl Leeman and member Councilor Nicholas Mavodones; member Councilor Daniel Skolnik arrived shortly after the meeting started as noted in these Minutes. Various members from the City Council also arrived after the meeting started as noted in these Minutes, namely Councilors Kevin Donoghue, David Marshall, and Dory Waxman. Present from the City staff were Development Review Manager Barbara Barhydt, Assistant City Manager Pat Finnigan, City Manager Joe Gray (for the executive session portion of the meeting), Planning Division Director Alex Jaegerman, Planning and Urban Development Director Penny St. Louis Littell, Economic Development Director Greg Mitchell, Senior Executive Assistant Lori Paulette, and Corporation Counsel Gary Wood.

Chair Leeman opened the meeting noting that the meeting would be audio/video taped.

**Item #1: Minutes - Review and accept Minutes of previous meetings held on February 11, 2009, and February 25, 2009.**

Chair Leeman noted that this item would be taken up later when Councilor Skolnik was present since he had an amendment.

**Item #2: City Development Review Process (30 minutes)**

- **Action requested: Staff presentation and discussion.**

Ms. Littell addressed the Committee saying that the Planning Division has been working on revised standards of operation with a five-point plan including development review software; review process and procedures; site plan standards; technical manual; and design manual. The technical and design manuals are being updated and will be available on the website when done.

Ms. Littell said that the City purchased new software that will better track and facilitate development. It will assist in reviewing the intake and review process of applications. The entire processes are being comprehensively looked at and are evolving as we speak. The purpose today is to update you on this.

(Councilor Skolnik joined the meeting.)

Ms. Littell said that Planning has met with the Chamber on five different occasions to consider their issues with Planning's. There is some common ground, and the parties also agree to disagree.

In reviewing projects that go to the Planning Board and those that stay at the staff level, the analysis proved that a majority stay with staff for review. Staff is not recommending any changes in the thresholds for projects requiring Planning Board (PB) review. An updated review process, however, is being recommended.

Ms. Littell said that changes include a preliminary process for major site plan applications where the applicant submits a plan, not formally stamped and final and can request a Planning Board Workshop (PBW), hold a neighborhood meeting at this stage (this now happens between the PBW and the PB public hearing), and sets a 21-day

turnaround time for staff to provide comments. When final plans are submitted and determined to be complete, staff comments would be provided to the applicant within 21 days. The applicant would then have one opportunity to revise plans based on staff comments and then staff will make a recommendation to the Planning Board. An applicant will not be able to make rolling submissions (i.e., continuous additions/amendments), but after the final submission and receipt of staff's comments, the application would have one more opportunity to revise plans based on staff comments.

(Councilor Waxman joined the meeting at this time.)

Ms. Littell said that the Planning Division has received criticism in the past that some projects have too many PBWs. With this revised process, it is up to the developer to request a PBW or go straight to PB public hearing and vote, with staff providing a recommendation to the PB.

Councilor Skolnik referred to the chart and asked the difference between a dotted line versus a solid line.

Ms. Littell said that the dotted lines are optional courses of action. Regarding the 21-day turnaround times, she indicated that staff does meet that turnaround time now.

The new software system will allow the developer to go online and see where the process is; same with the minor site plan applications.

Councilor Mavodones asked about times when staff would not be able to meet the 21-day turnaround time.

Ms. Littell said that vacancies in positions could affect that response time. For instance, the Traffic Engineer position is vacant now which may cause a delay, but it

would still be unusual. It is a 21-day – business day – turnaround time, so essentially four weeks.

Chair Leeman cautioned about staff comments during the 21-days, noting that it would not be good to keep changing/adding comments.

Councilor Skolnik asked where the link would be for applicants to see where the project is in the review process, and would an applicant need to have any special software to access.

Ms. Littell said that there would be a link on the City’s website. Planning will be working with SunGuardHTE on this link and, at this point, she was not sure about whether an applicant would need special software. The process is continuing to evolve and move forward and she would know more as it does go forward.

Councilor Skolnik asked about differences between the Planning Division and the Chamber.

Ms. Littell noted that the Chamber proposed that the staff review and make decisions on plans, with the Planning Board being the appellate body, as well as the policy maker for comprehensive planning.

Chris O’Neil, representing the Chamber, agreed. Its first choice was for the PB to be more of an appellate body. The development community does not necessarily think it is the PB’s role to “roll up its sleeves” when reviewing a site plan applications, conditional uses, etc.; that should be up to the staff. He noted that the Planning Division staff is accommodating to developers and applicants, and the process being outlined today is a vast improvement.

(DPC Board President Robert Witkowski joined the meeting at this time.)

Councilor Donoghue said that outreach in projects is a good thing; neighborhood meetings are not always needed. Regarding the website and applicants being able to track their applications, Councilor Donoghue asked if public comments would also be available, as well as notes from neighborhood meetings in PB packets.

Ms. Littell indicated in the affirmative.

Chair Leeman said that she would open the meeting for public comment, but also noted that the Committee would not be making any decisions today. This was merely an update report, and this will come back to this Committee in the future with recommendations. This process was initiated by the CDC and not by the Chamber. The Chamber has brought forth recommendations as part of the process. Planning is making progress and she would also like to have a review of Inspections and its permitting process move forward and improved as well. She would hold off on her comments until recommendations are brought to the CDC.

Deb Keenan said that she sent most Councilors an email earlier this afternoon and indicated to them to feel free to forward it onto the Chamber. The Planning Board serves the Portland community; economic development is one part of the nine part of the Comprehensive Plan. Economic Development finds the development that fits the plan that serves the community. The Chamber wants development but also wants to amend the Planning Board role to appeals and advisory only; this is not the way to go for Portland.

The PBW session is not only good for the developer but also gives the community and neighborhood a heads-up that something is going on. The community fought hard for this process, and Ms. Keenan urged the Committee to have it remain.

In the new review process, Ms. Keenan wanted to be sure that the public has its opportunity to speak on any project, oral or written and so noted/reported.

Ms. Keenan said that she is opposed to the PB becoming like the DEP as an appeals body with no public process, noting that the PB's duties are part of the State law.

Chair Leeman said that this Committee is driving the process, not the Chamber, and thanked Ms. Keenan for her comments.

(Councilor Marshall joined the meeting at this time.)

Greg Shinberg, project manager and development consultant in Portland for the past eight years, addressed the Committee saying that he has worked with City staff for these past eight years. The idea of a developer having access online to the status of his/her project is a great component to the revisions taking place, as well as preliminary submission for projects. The process, however, could slow with two, 21-day turnaround times for the preliminary comment time and the final submission comment time; he would suggest a shorter turnaround time.

Mr. Shinberg then mentioned that Portsmouth, NH has a process wherein there are regularly scheduled weekly meetings with many departments and a development project(s), and representatives can come in talk with the various City departments at one time. It works well and should be something for Portland to consider. It is called a Technical Advisory Committee. Because of this, Portsmouth's Planning Board does not take on the technical issues of storm drains, engineering, etc.

Mr. Shinberg continued saying that the neighborhood meetings are very valuable. He suggested that it would be helpful to have a sample of how the process works today for a 50,000 sq. ft. building, and then how it would work with the 21-day turnaround

times. This comparison may show that the proposed new process will, in fact, take longer. He also asked if the proposed new process was reviewed by just Chamber or by developers and others.

Chair Leeman said that the CDC will ask for communications to developers and neighborhood groups.

Mr. Shinberg asked if this process would apply to the Historic Preservation Committee and the Zoning Board of Appeals or just to the Planning Board. It is important that all timeframes and processes work together. Staff recommendations are a good component, as well for the HPC and ZBA. As far as PBWs are concerned, he never goes forward without one.

Ms. Littell said that she would be happy to meet with Ms. Keenan and Mr. Shinberg to go over their concerns. This draft was brought to the CDC today first and now will go to the Planning Board for a workshop, which does open it up to the public. It is a large project, and today is more of an update.

Councilor Donoghue clarified his thoughts on neighborhood meetings, saying that they are what the developer makes of them. Regarding PBWs, he agreed that they were very important.

Chair Leeman asked if there were any additional public comments, and there were none. She reiterated that this was just an update for the Committee and it will come back at a future meeting with recommendations.

**Item #1: Minutes - Review and accept Minutes of previous meetings held on February 11, 2009, and February 25, 2009.**

Regarding the February 25 Minutes, Councilor Skolnik referred to p. 9 wherein it reads that “Mr. Cianchette . . . starting with the bulkhead next Winter”. He asked about “next Winter”, and Ms. Paulette said that she listened to the recording and Mr. Cianchette did say “next Winter”, which would be the Winter of 2009/2010.

Councilor Skolnik then referred to p. 11 where it notes that he asked Mr. Cianchette about “. . . any changes in the state of Maine Wharf, any deterioration.” He would ask that Ms. Paulette check the recording because he meant to ask about the deterioration “since Mr. Cianchette bought the wharf.” Ms. Paulette said she would check.

On motion made and seconded, the Committee voted unanimously to accept the Minutes as presented, with Ms. Paulette getting back to the Committee regarding Councilor Skolnik’s question about deterioration of Maine Wharf “since Mr. Cianchette bought the wharf.”

(NOTE: Following the meeting, Ms. Paulette checked the audio recording, and Councilor Skolnik did say “since he bought the wharf”. The Minutes have now been amended to reflect that amendment.)

**Item #3: Executive Session (30 minutes)**

- **Action requested: Pursuant 1 M.R.S.A. 405(6)(C), the Committee will be going into executive session to discuss and give guidance to City staff regarding the purchase and sale of City-owned property.**

On motion made and seconded, the Committee voted unanimously at approximately 5:55 p.m. to go into executive session pursuant to 1 M.R.S.A. 405(6)(C) to

discuss the item as described immediately above. At approximately 6:45 p.m., the Committee came out of executive session and the meeting was then adjourned.

Respectfully submitted,

Lori J. Paulette