

**WESTBROOK PLANNING BOARD
TUESDAY, FEBRUARY 5, 2019
MINUTES**

Present: Ed Reidman, (Chair) (Ward 5), Rene Daniel (Vice-Chair) (At Large), Rebecca Dillon (Ward 1), Dennis Isherwood (Ward 2), Robyn Tannenbaum (Ward 4), John Turcotte (At Large), Kim Fickett (Alternate), Nancy Litrocapes (Alternate)

Absent: Joseph Marden (Ward 3)

Staff: Jennie Franceschi, Rebecca Spitella

MINUTES MAY NOT BE TRANSCRIBED VERBATIM. SECTIONS MAY BE PARAPHRASED FOR CLARITY. A COMPLETE RECORDING MAY BE OBTAINED BY CONTACTING PLANNING AND CODE ENFORCEMENT at 207-854-0638 ext. 1220 and lgain@westbrook.me.us.

Ed Reidman explained the procedure for a Public Hearing.

PUBLIC HEARING

1. **2018.58 – Site Plan – 594 County Road - Pine Tree Waste, Inc.: The applicant is proposing a 3,000-sf construction and demolition debris transfer pad within the Casella Environmental Park. Tax Map: 002 Lot: 024D Zone: Industrial Park District**

Project Description:

The applicant is proposing a 3,000-sf construction and demolition debris transfer pad within the Casella Environmental Park.

Project History:

December 19, 2019 – Neighborhood Meeting
January 15, 2019 - Planning Board Workshop
February 5, 2019 – Public Hearing

Staff Comments:

1. All final application and abutter noticing fees are due - \$201.85
2. Provide contact person with Pine Tree Waste, Inc. who will be responsible for compliance with litter removal plan along County Road
3. Identify all ancillary sheets as a plan note on Overall Site Plan (C-100)
4. Include erosion and sediment control measures on sheet C103-A
5. DWG files on Maine State Plane Coordinates required.
6. Final edited plans with conditions stated on the signature sheet provided to the planning office in both paper and mylar form by Tuesday February 5, Noon. (One set of paper, one set of mylars)

Patrick Coughlin St Germain Collins presented aspects of the proposed project located at 594 County Road that was constructed in 2012. The Site Plan shows three (3) phases, the 1st phase being the entrance, the 2nd phase transfer station and the 3rd phase was graded but the building was not constructed and the permissions for that has lapsed.

The facility takes in rash and municipal solid waste, typically by private haulers or trash trucks that off load the material onto the tipping floor inside the transfer station. The primary purpose is to consolidate trash from smaller trucks into larger trucks and then that waste is sent to other waste facilities like an energy conversion facility or a land fill. It also accepts construction and demolition debris and recyclables.

- Showed example of concrete construction and transfer pad
- Showed overall Site Plan and location of the addition of the outdoor pad.

Most facilities do transfers outside, in large part due to the bulky material and is safer in an outdoor setting that does not have the smells of trash so it can be done outside and not cause odors for the neighbors.

They did construct a pad and would like to get the construction material transfers out of the building to the pad location outside for more efficient and safer operations.

We came to the Planning Staff in 2014, a 3,000 square foot pad and at the time Staff said that was within Staff discretion to approve but it was not constructed. Casella did not have the focus or funds to place the pad at that point, so the permission lapsed.

We are taking the same plan and Staff is saying if the overall amount of disturbance is more than 3,000 square feet then it must go before the Planning Board for approvals.

As we are looking at the same trucks that are already coming to the facility, we are not looking at an increase of traffic volume to the site.

We are constructing this mostly on existing impervious area so there is a small piece of the pad that will jut out that is not impervious that is about 1500 square feet. Adding that does not change the stormwater system for the site.

- Showed the concrete pad location on site
- Explained the construction material transfer process
- Showed cross section of concrete pad – reinforced with steel
- Added erosion control to take care of sediment control.

We had a Public Neighborhood Meeting and folks from Smiling Hill Farm attended and a Neighbor (that did not make the meeting) called the next day.

There were a few concerns that folks had:

- Why outside vs, inside. Has been explained to the Board and shared the information to the attendees.
- Overall concern of the increase of vermin in the area. The facility has a control plan for that and is monitored closely by Maine DEP. The neighbors are so far away from that area, there should be no relationship with that.
- Concern of storm water; but as mentioned, we have a tiny increase and most of the stormwater infrastructure is already in place.
- Litter along County Road
 - The facility works very closely with people that come in. They make sure that loads are secured, that they are not losing trash down the road. If found to be repeat violators of not acting appropriately they will be shut off from using the facility.

That being said, the traffic along County Road could be going to Eco Maine, going to the Casella, Pine Tree facility or just traveling by that contributes to the litter problem. We spoke to the staff that run the facility and are willing to start doing litter pickup along County Road, approximately a half mile section. Roughly from Karen Drive to Larson's auto. Pine Tree will send workers out every other week to pick up trash. We are concerned for the safety of the employees due to traffic and anyone that do roadside work know of the dangers of walking along side of the road. We are looking at that carefully and depending on the level of trash, we may like to revisit that and may increase or decrease the level of pick-up. We certainly are willing to be part of the solution. Also, will be amending the Operations Manual with the Maine DEP.

Waiting for approvals from the Maine DEP.

Questions?

Ed Reidman Staff comments?

Jennie Franceschi the applicant has addressed the comments except for the name of the contractor and will hold the building permit until that can be provided. Other than that, we have a proposed motion in your memo.

Warren Knight 781 County Road and operate Smiling Hill Road and Hillside Lumber. Good evening. Chairman Reidman and members of the Westbrook Planning Board, thank you for the opportunity to address you tonight.

My name is Warren Knight of 781 County Road where my family both resides at and operates the businesses of Smiling Hill Farm and Hillside Lumber. We are across the street from the Casella/Pine Tree Waste facility.

On Wednesday, December 19, 2018 we attended the neighborhood meet-ing held at St. Germain Collins office in Westbrook.

We were shown a Power-Point on the expansion plans to construct a concrete pad to sort waste. We were told that currently all waste is being sorted inside an existing 90 x 135-foot building. We were told that Pine Tree Waste no longer has sufficient room inside the building to accommodate an increase in business. Therefore, Pine Tree Waste would like to pour a concrete pad at an exterior location to sort the Construction and Demolition waste outside.

I am here this evening to speak in opposition of allowing Casella/ Pine Tree Waste to operate a waste sorting facility beyond the confines of an enclosed building.

First some history.

When this project was first proposed in 2000, we were skeptical. Let's face it. Waste facilities are not coveted businesses by municipalities or neigh-borhoods. Although they are a necessary and required businesses for modern life, they are not the type of business that you task your economic development director with finding and attracting to your city. They are difficult to place.

But in 2000, Pine Tree Waste secured an option on a green-field site located in Westbrook. This is the location of the former Chapman Farm. In order to gain political & neighborhood support and approval for the waste facility, Casella submitted a plan that addressed our neighborhood concerns. A copy of the plan has been provided to you. Please note the highlighted details. Please excuse the quality. Linda dug it from the archives. (You are not paying that woman enough.)

The original plan included a two-story Corporate Office building at the front of the property. This building provides us some comfort. We were assured that Pine Tree Waste principals and executives would actually be onsite. No absentee landlord. The corporate officers would experience the same views, odors and impact as the rest of the neighborhood. If there were any issues, the owners would be in-the-store, so to speak, and accessible.

The original plan included the the Hauling Division Office. This meant that the trucks with the associated excise taxes would be parked and registered in the City of Westbrook. Revenue from those taxes would help maintain the roads that the future increase in heavy vehicle traffic would impact. This also meant local jobs. The drivers would clock in and out at this location. Good for Westbrook, good for local businesses.

The original plan included the Maintenance Facility for the fleet trucks and equipment. This would have brought additional employment opportunities as well as investment in building and facilities that would have meant additional tax revenue and jobs for the City of Westbrook.

The original plan included a Transfer facility where waste would be tipped into a covered building for sorting and reloading.

The original plan also included a Residential Drop Off area.

This is the plan that the neighborhood supported. This was the plan that was approved. This is NOT the plan that was ultimately constructed.

After many years of delay and changes the plan that was constructed included only the Transfer Facility and the Residential Drop Off area.

The Corporate Office was placed in Scarborough.

The Hauling Division Office was placed in Scarborough. The Maintenance Facility was placed in Scarborough.

The Town of Scarborough benefitted from the most desirable aspects of the original plan and Westbrook, well Westbrook was left holding the bag, or rather holding the trash bag. Someone less charitable than myself might describe this scenario.

But in 2000, Pine Tree Waste secured an option on a green-field site located in Westbrook. This is the location of the former Chapman Farm. In order as a bait-and-switch. But I will give Pine Tree Waste the benefit of the doubt and simply assume that the economic conditions changed and opportunities in Scarborough proved better for their business bottom line.

But here we are today. Having out grown their current transfer building, Pine Tree Waste is proposing to move the dumping, sorting and reloading of construction & demolition waste outside to a concrete pad. This was not the original plan or design and not what was presented to the neighborhood in 2000.

I would like to say that we are glad that Casella is growing, we should congratulate them on their success. We should applaud and support their continued growth. BUT we should not abandon our standards to accommodate that growth.

Casella will also show that this concrete pad is ONLY 3,000 square feet.

The size is irrelevant. Once the City grants permission for even 10 square feet, the precedent will be set. The concrete pad WILL grow. Casella is not done growing. We can anticipate further expansion of outside waste sorting in the future.

Casella will show in their plans that they are ONLY going to dump, sort and reload C&D (Construction and Demolition) waste.

But C&D does contain organic waste. Having close ties to the construction trades, I have seen first hand what is dumped into the bins that are placed on construction sites.

This C&D is not just bricks, lumber and drywall. What goes into these bins includes the lunches of all the contractors, the waste from facilities that are being remodeled. Waste from opportunists that see an open bin at a construction site as an opportunity to dispose of all manner of unwanted substances. In sort, the same stuff that is contained in all municipal solid waste, except in different proportions. As such, the waste will attract the same vermin, birds, wildlife and insects as all waste. Dumping and sorting this waste outside exposes the waste to the vagaries of nature.

The outside sorting of waste should not be allowed for a number of reasons. But the poster child for not allowing this is Planet Recycling. Have we already forgotten that mess? It has been less than 10 years; this former waste sorting facility was located on Route 25 (our Main Street) on the Gorham-Westbrook line. The unsightliness, the wind-blown debris, the ultimate abandonment of the facility by the bankrupt owners who left the Gorham town fathers with having to re-open a landfill to dispose of the remaining waste? Did Westbrook not learn anything from watching what happened at that outside waste sorting facility?

Westbrook deserves better. Our neighborhood deserves better. Pine Tree Waste will probably chaff at the comparison to Planet Recycling. Pine Tree Waste as a wholly owned subsidiary of Casella Waste will claim that they have better management and better access to financial resources that would prevent the Planet Recycling debacle from happening to them. This may be true. But I would ask that Pine Tree Waste dedicate their resources to making an investment in our City. An investment that would expand their current transfer building to accommodate the growth of their business and continue to sort waste inside, under cover.

Thank you again for the opportunity to address you this evening. I welcome any questions you may have concerning my remarks.

Ed Reidman Thank you, anyone else

Dave Fenderson 605 County Road, my concern is the landscaping of our building. This project will bring waste onto our property. Who will clean it up? What about the storm water that will come onto our property? Will the waste water be contained and who will make sure there is no contamination?

Ed Reidman anyone else?

Public Hearing closed

Ed Reidman picking up on their property

Patrick Coughlin St Germain Collins Staff can pick up debris along the road but will not go on private property but will be at the discretion of the people picking up the trash. If it is an ongoing issue that appears to be coming from vehicles that are visiting Casella / Pine Tree facility, we would certainly want to know about it. The facility manager's contact information can be provided.

We will work with neighbor should debris become but our intent was not to go onto people's property, it would be within the road right of way.

The Storm Water Management for the site is already designed to deal with the quantity and the quality of any storm water on the site. The area of the construction debris will be accommodated by that. There are no improvements that need to happen. We are responsible to make sure the Storm Water is managed on the site. Cleanly and with appropriate volume that is heavily regulated by Maine DEP that will be looking at those provisions on our application as well.

Ed Reidman the Board will have a chance to discuss this item when we get to the regular Agenda.

REGULAR MEETING

1. **Call to Order.**

2. **Approval of Minutes. 09/04/18**

Rene Daniel move to approve the September 4, 2018 minutes as presented

2nd by **Dennis Isherwood**

The vote is unanimous in favor 7-0

3. **2018 Chairman's Report**

Ed Reidman read the Chairman's Report into the record by summary only.

Rene Daniel I Move to send the Chairman's Report to the City Council.

2nd by **Kim Fickett**

The vote is unanimous in favor 7-0.

2018 Chairman's Report is on file at the Planning Department.

4. **Planning Board Election of Officers – Chairman and Vice-Chairman**

Opened Nominations for Chair

Rene Daniel, I nominate **Ed Reidman** for **Chair of the Planning Board**

2nd by **Dennis Isherwood**

The vote is 6-1 in favor (Chairman Reidman abstaining)

Opened Nomination for Vice-Chair

Dennis Isherwood, I nominate Rene Daniel for Vice-Chair of the Planning Board

2nd by Kim Fickett

The vote is 6-1 in favor (Rene Daniel abstaining)

NEW BUSINESS

- 5. 2018.58 – Site Plan – 594 County Road - Pine Tree Waste, Inc.: The applicant is proposing a 3,000-sf construction and demolition debris transfer pad within the Casella Environmental Park. Tax Map: 002 Lot: 024D Zone: Industrial Park District**

Ed Reidman are there any questions or comments from the Board?

Rene Daniel Mr. Knight, thank you for bringing forward this information to the Board. I know what you are asking but let me make an editorial comment. I am basically a purist and I take someone's word. When someone agrees to do something, I get frustrated when something else happens at a much later date. I do think Casella is an asset to Westbrook. I am pleased that the business provides awesome service to the community. However, I would have felt a lot better (not in detail) why certain things happened. I know it is not part of this proposal, but it is just perplexing to see a revised plan and there is no information about why it was not done originally. Financial concern in businesses is truly important.

I remember the recycling on Prince Street and seeing waste flying through the area on windy days and ending up of others property. I am worried. I would like you to address the concern of the gentleman that spoke about the waste that may approach his property. I know it is not on the street side, I understand that, and you do not have the control of the wind, however I cannot see his property and his finances have to support your property.

I would like you to address that situation.

Number 2, I agree with Mr. Knight, you are going to grow, and waste is here and will not get less. Those are my comments and are basically an editorial, but could you address the comments as neighbors are to be respected.

Patrick Coughlin St Germain Collins on the trash pickup issue, it was certainly a concern that was raised to us by City Staff. Casella came to us to provide this plan and we look forward to work with Staff to address the problem as it evolves. We are proposing an every other week trash pick-up as part of the neighborhoods are that may be part of an issue. To the extent that needs to be revisited we look forward to working with City Staff because we cannot instruct employees to go on other people's property without the City's involvement. We want to be a good neighbor and wish to talk further on this.

When I started with St Germain Collins I started with this project and many projects of this size goes through many evolutions, many designs. What gets proposed and what gets built has many factors having to do partly with market forces, partly with the resources of the company and how the economy is doing. So, the facility that we work on frequently have an initial plan and then needs to be changed, that is why we are here for an amendment to the site plan. We will be back again in the future date when the needs for the facility and the company change. We hope we will present

the case and try to put the historical context into the application when possible dealing with the standards for the City and State as best we can.

Dennis Isherwood I am going to echo the concern of the roadside trash. I want Dave Fenderson to leave here with a phone number to call when his place is all trashed. I want him to have that available, so he knows who to call.

Going back to what Mr. Knight said. I think Casella and Pine Tree are doing great work. I think the concerns raised are legitimate. There is a lot of trash in roll-offs. How do you better control that so we do not have a rat problem, a run-off problem or the trash blowing around? The trash area is wide open. I understand the fence part but how do you stop the trash in the open thing? You saw the need to close in the household trash that keeps the smell and all that in and also keeps the vermin out. So how are you going to address the trash besides the steel, the concrete, the asphalt and then you have the regular trash thrown in.

Patrick Coughlin St Germain Collins first it is a question of volume. The traditional trash pick-up is 100% trash a lot of food debris and other stuff thrown in there. When we are dealing with roll-off containers, yes, it is the occasional lunch thing, odd things get thrown in but the majority of it by volume is construction demolition debris materials. There are a couple of things that Casella / Pine Tree can do if a contractor brings in a roll-off that is full of stuff that is not construction debris they can reject that load. They can direct them to drop that in the municipal transfer area if it is predominately trash. If they do a number of things that are not allowed by their DEP License, then the facility staff are trained to look out and identify those items and prevent them from coming in. They can work on the contract side and identifies someone who tries to bring in materials that are not acceptable they will talk to them and not allow them to come to this facility. Those are administrative controls.

Dennis Isherwood thank you

Robin Tannenbaum one question I have is why this is located where it is on the site as opposed to say a continuation of the building, so it is not a mass location. If it were to become a problem, it could be by covering the building in some way. Why start something separate that is more visible from the road and the screening you offer (if I am understanding you) is on the left-hand side of where your curser is.

Patrick Coughlin St Germain Collins, I do not believe that it is visible from the road that far down. There are several factors we look at when we are laying them out. The biggest one is the turning radius of the trucks. You are talking about a long wheel base roll-off container trucks that need enough turning radius to come on to the site, turn around, back up, off load the material onto the pad and then drive off. Then you have a hundred-yard trailer that has to pull onto the area on the other side of the excavator, where the excavator can load the debris from the pad into the trailer. That trailer needs sufficient turning radius get onto the site back into the spot and pull off again without causing a hazard to workers or the vehicles. We also have to take into consideration the height differential of from the excavator loading onto a lower level. It is on a little hill on the site. Extending that would interfere with the drive aisle going in and out of the area. You could not have that operation close to the trash operation primarily from a traffic driving standpoint.

Ed Reidman any other questions or comments?

No Comments

Ed Reidman there is a motion in the memo on Page 1

Kim Fickett I move the Site Plan application for Pine Tree Waste, Inc for a 3,000 sf construction and demolition debris transfer pad associated with Casella Environmental Park located at 594 County Road, Tax Map: 002 Lot: 024D Zone: Industrial Park Zone is **approved with conditions** and the following findings of fact, conclusions and conditions as stated on pages **2 through 5** of this Staff Memo dated ~~January 11, 2019~~, February 1, 2019, are adopted in support of that approval.

Site Plan – Finding of Fact:

Utilization of the Site – *Adequate.*

Adequacy of Road System - *Adequate.*

Access to the Site – *Adequate.*

Internal Vehicular Circulation - *Adequate.*

Pedestrian and Other Modes of Transportation - *Adequate.*

Stormwater Management – *Adequate.*

Erosion Control - *Adequate.*

Utilities – *Adequate.*

Hazardous, Special and Radioactive Materials – *N/A*

Financial and Technical Capacity – *Adequate. The applicant has provided a letter of financial capacity from **Bank of America, Merrill Lynch dated January 23, 2019**. Applicant has retained the services of St. Germain Collins which demonstrates technical capacity.*

Solid Waste – *Adequate.*

Historic, Archaeological and Botanical Resources – *Adequate*

Landscape Plan – *Adequate.*

Conclusions:

1. The proposed site plan **will not** result in undue water or air pollution.
2. The proposed site plan **has** sufficient water available for the reasonably foreseeable needs of the site plan.
3. The proposed site plan **will not** cause an unreasonable burden on an existing water supply.
4. The proposed site plan **will not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
5. The proposed site plan **will not** cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed site plan **will** provide for adequate sewage waste disposal.
7. The proposed site plan **will not** cause an unreasonable burden on the municipality's ability to dispose of solid waste.

8. The proposed site plan **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed site plan **conforms** to the duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
10. The developer **has** adequate financial and technical capacity to meet the standards of this section.
11. The proposed site plan **is not** situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.
12. The proposed site plan **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The proposed site **is not** situated entirely or partially within a floodplain.
14. All freshwater wetlands **have** been shown on the site plan.
15. Any river, stream, or brook within or abutting the site plan **has** been identified on any maps submitted as part of the application.
16. The proposed site plan **will** provide for adequate storm water management.
17. The proposed plan **will not** negatively impact the ability of the City to provide public safety services.

Conditions:

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated January 10, 2019 and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the City Planner or the Planning Board.
2. Consistent with Section 504.3, the Code Enforcement Officer shall not issue any permits until a site plan has been approved by the Planning Board and a Mylar signed by the Planning Board. *Mylars must be submitted to the City within 90 days of Planning Board approval or the approval shall be null and void.*
3. Prior to any site disturbance or building permits being issued for the project:
 - a. All Staff comments must be addressed.
 - b. A pre-construction meeting must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate.
 - c. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – Verification with GIS coordinator.
 - d. An inspection fee shall be made payable to the City of Westbrook for inspection of site improvements made by the Code Enforcement Officer and/or other appropriate City staff. This fee is required per Section 500.8 of the Land Use Ordinances in order to cover the costs of inspection of site improvements - \$5,217
 - e. The applicant shall file a performance guarantee with the City of Westbrook. The amount of the guarantee shall be agreed upon in advance with the City of Westbrook and shall be of an amount to ensure completion of all on- and off-site improvements necessary to support the proposed project. A performance guarantee in the amount of \$260,873 is required.
 - f. Best management practices shall be adhered to during all ground disturbance operations.
4. Prior to the first Occupancy Permit issuance:

- a. A site inspection for the required improvements by the City to ensure public health & safety is addressed and compliance with the approval.
 - b. All site improvements must be installed, unless a performance guarantee amount is held in the amount of the remaining improvements.
5. Prior to release of the performance guarantee:
- a. The site will be in compliance with the approved plan and as-built plan provided in City approved format for the GIS system
- The applicant shall comply with the requirements of local and state authorities for life and safety requirements.

2nd by Robin Dillon

6. **Ed Reidman** explained the reason for reading only one condition: ... *any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the City Planner or the Planning Board.*

Some changes can be mad at the Staff level one covers all discussions are part of the record.

Jennie Franceschi point clarification, the State Memo stated within the motion, it should have read February 1 (02/01) verses of **January 11 (01/11)** a typo.

Ed Reidman let the record show that.

You are you aware of the dollar figures within the conditions?

Patrick Coughlin St Germain Collins we are aware of it.

Ed Reidman anymore questions or comments from the Board?

No comments

The Vote is 6-1 in favor (Robin Tannenbaum opposed)

Adjourn