

**WESTBROOK PLANNING BOARD
TUESDAY, JULY 3, 2018,
MINUTES**

Present: Ed Reidman, (Chair) (Ward 5), Rene Daniel (Vice-Chair) (At Large), Rebecca Dillon (Ward 1), Dennis Isherwood (Ward 2), Joseph Marden (Ward 3), Robyn Tannenbaum (Ward 4)

Absent: John Turcotte (At Large)

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 public hearing process.

PUBLIC HEARING

1. **2017.57 – Site Plan Amendment – 7 Hardy Road – Nelson Properties:** The applicant is proposing to expand their garage for storage, relocate an onsite material storage bin, and create new parking areas for their property service company. Tax Map: 023 Lot: 008E Zone: Highway Services District

Tax Map 023 Lot 008E
Zone: Highway Services District

Project Description:

The applicant is proposing to expand the garage, relocate an onsite material storage bin, and create new parking areas for their property service company.

Project History:

October 13, 2017 – Neighborhood Meeting
November 21, 2017 – Planning Board Workshop
December 9, 2017 – Site Walk
June 5, 2018 – Public Hearing
July 3, 2018 – Public Hearing (continued)

Staff Comments:

1. Total fees due - \$207.25
2. Grading plan – a) elevations on the spillway are stated at 120.5 – should be 220.5. b) “Silt” fence leader over the grange hall misspelled.
3. DWG files for GIS
4. Final edited plans with conditions stated on the signature sheet provided to the planning office in both paper and mylar form by Tuesday July 3, Noon. (One full set of paper, one full set of mylars.)

Andy Morrill BH2M described the revisions that have been made to the plan since the previous meeting with the Planning Board.

Joe Nelson Nelson Properties, stated the intention of the project is to clean up the existing site and move items currently stored outside to an indoor location. Mr. Nelson stated there is not a formal easement to the snowmobile club however they have no issue for the snowmobile club to pass their property as long as they are respectful to property owners and neighbors.

Ryann Roukey - 9 Rose wood Drive asked for clarification on the business hours. Ms. Roukey stated she can hear operations occurring at 5:00 am. Ms. Roukey feels this is unacceptable.

Public Hearing closed

Andy Morrill stated the business hours will be Monday - Friday 7:00 am to 7:00 pm, Saturday – Sunday 7:00am – 5:00 pm. These are included as condition of approval #3.

Ed Reidman asked if the snowmobile trail is a formal trail.

Andy Morrill stated there are no legal easements, but the property owners are open to allow access informally.

Ed Reidman asked where the informal trail is located

Andy Morrill clarified they are on the 7 Hardy Road side of the fence.

Dennis Isherwood verified the hours of operation and stated the bucket loader will not be operational until 7:00 am

Joe Nelson confirmed

Jennie Franceschi stated all outstanding items have been provided to staff.

2. **2018.17 – Site / Subdivision Plan / Conditional Use – 48 Seavey St – Seavey & Associates, LLC – The applicant is proposing to construct 8 new dwelling units (Condos) in two 4-unit buildings, associated parking area and accessory storage units on an existing vacant lot. Tax Map: 040 Lot: 129 Zone: Residential Growth Area 1**

Project Description:

The applicant is proposing to construct 8 new dwelling units (Condos) in two 4-unit buildings, associated parking area and accessory storage units on an existing vacant lot.

Project History:

- April 19, 2018 – Neighborhood Meeting
- May 1, 2018 – Planning Board Workshop
- June 21, 2018 – Recreation and Conservation
- July 3, 2018 – Public Hearing

Staff Comments:

1. All fees (abutter and newspaper):
 - a. Final application fee: \$1,300.00
 - b. Newspaper noticing: \$160.00
 - c. Abutter noticing: \$303.75
2. Open Space Summary:
 - a. The plan includes 2,200 square feet of area to be utilized as a community garden, with one garden bed dedicated to each unit. Also provided in this area is a small shed for communal gardening supplies. In addition, the applicant is proposing 1,200 square feet of open lawn area between the two 4-unit buildings. The intent of this design is to create a pocket neighborhood, where all units front a common area to encourage recreational interactions among neighbors.
 - b. On June 21, 2018 the applicant presented to the Recreation and Conservation Commission and received unanimous support in favor of the open space plan as depicted on the site plan.
3. Signage needs to be shown on the plan

- a. Striping and signage at the RR crossing
- b. Condo / addressing signage
4. Fire turn around must be striped designated as a No Parking/Tow away Zone
5. Each building requires a knox box at a location to be determined by the Fire Department
6. Provide path to FDC connections on each building and locations for knox boxes on each building.
7. Sign Turnaround area as No Parking Tow Away Zone
8. Each building must have their own sprinkler connection located on the side of the building facing the parking area.
9. Update Building 1 for mechanical room
10. Revise plans to more clearly indicate the location of proposed lighting - Lighting levels at Seavey Street?
11. Landscaping removed that would block Fire Lane access in front of buildings – Curbing needs to be cape cod to be mountable
12. Staff will verify with City Engineer that 20' driveway width is acceptable for two-way traffic
13. Plan title should be revised to indicate Final rather than Preliminary
14. Revise plan to remove 30-foot “rear setback”.
15. Edit L1.0 – Zoning is RGA1 not RG1
16. Revised elevations with materials and colors are required
17. Stormwater plans must be stamped by a Professional Engineer.
18. Stormwater plans don't show the location/pattern of under drain piping or clean outs
19. Revise Forebay to use a concrete pad rather than rocks
20. Stormwater calculations showing pre/post construction conditions are required
21. Draft Condo Association Documents to be provided – Include responsibility of maintenance and specifically maintenance of Stormwater features.
22. Final plan set must include a signature block on the cover sheet as well as conditions of approval.
23. addresses are subject to the approval of the City's E-911 address coordinator
24. Final edited plans with conditions stated on the signature sheet provided to the planning office in both paper and mylar form by Tuesday June 5 Noon. (One full set of paper, one full set of mylars **and** one additional paper and mylar of the signature sheet for recording.)

Ed Reidman asked Staff if there are any outstanding items.

Jennie Franceschi stated the stormwater report provided is not complete and recommended the Planning Board continue the public hearing to the August 7th meeting.

Pat Carroll Carroll Associates explained the project and existing conditions of the site. A 20-foot access driveway is located as far from the railroad tracks as feasible. The project proposes 2-parking spaces per unit which exceeds the Ordinance requirements. The project is designed as a pocket neighborhood with several amenities to promote community interaction such as a communal green space and community garden bed. Three large pine trees and a large maple tree exist on site that will be preserved as part of the landscaping plan. Additionally a buffer of existing and supplemental vegetation is proposed per the abutter's requests. Fruit bearing trees are proposed alongside the community garden beds.

John Mahoney described the utility plan and stormwater design to the Board. The existing condition of the stormwater runoff flows to a catch basin on Oak Street which is not in good shape. The post development conditions will reduce the flow to the catch basin on Oak Street by 7%. The design includes three rain gardens. Rain gardens are designed to store 1” of water from the contributing impervious area. The stormwater report was calculated assuming the rain gardens were at capacity and could not store 1” of water, and assuming all runoff was collected by the largest garden on site. The stormwater analysis then modeled a 25-year event based on these assumptions rather than multiple events of varying intensity with the assumption that runoff would flow as designed.

Kevin Moquin architect – stated the building were designed to simulate the New England style. Some variations were provided so each unit has a unique façade. The building design is similar to previous reviews

by the Planning Board however a mechanical space with a sprinkler connection has been added per reviews by the Fire Department. The proposed units are 2-bedrooms.

Ed Reidman asked if there were comments from Staff

Rebecca Spitella stated the applicant met with the Recreation and Conservation Commission on June 21st who voted unanimously in favor of recommending the Open Space plan to the Planning board

Ed Reidman opened the Public Hearing to the public. Seeing no comments the public hearing was closed.

Rene Daniel made a motion to continue the Public Hearing to August 7th.

2nd Dennis Isherwood

Joe Marden asked if the 25-year analysis that was run exceeded the emergency spillway.

John Mahoney affirmed that it did not and explained the design of the emergency spillway.

Robin Tannenbaum stated she is in support of the project and would like to see more of the Pocket Neighborhood concept in Westbrook.

Ed Reidman reviewed the motion on the floor to continue the Public Hearing

The motion passed 5-0

REGULAR MEETING

3. Call to Order.

4. Approval of May 1, 2018 Minutes.

Rene Daniel moved to approve the minutes as presented

2nd by Dennis Isherwood

The motion passed 5-0

UNFINISHED BUSINESS

REMOVE ITEM FROM THE TABLE

5. 2018.18 – Site / Subdivision Plan– 270 Spring Street – DM Roma: The applicant is proposing a new duplex, paved driveway and parking area on a newly created lot, which requires subdivision review. Tax Map 026 Lot 035 Zone: Residential Growth Area 1

Project Description: subdivision

The applicant is proposing a new duplex, paved driveway and parking area on a newly created lot, which requires subdivision review.

Project History:

April 25, 2018 – Neighborhood meeting

May 1, 2018 – Planning Board Workshop

Staff Comments:

1. Abutter noticing fees due: \$71.55

2. The applicant met with the abutter to address the concerns raised during the June 5th public hearing. The results of the meeting are the following revisions to the plan:
 - a. A white vinyl stockade fence has been added along a portion of the southerly property line.
 - b. Additional landscaping has been provided along Spring Street and the previously proposed plantings along the entry way to the duplex have been replaced with ornamental grasses.
 - c. Shutters have been added to the side of the duplex to soften the side of the building front Spring Street
 - d. Railings have been added to the decks for both units.

The revisions to the plan provide buffering to the southerly abutter from vehicles entering the site; a sustainable landscaping plan; and a more accentuated street-facing façade. Staff feels these revisions address the concerns brought forth during the public hearing meeting of June 5th.

3. Provide color elevations to the Planning Board prior to approval.
4. Open Space – Per the Ordinance, 600 sf of open space or an in lieu of fee of \$1,006 is required. The applicant has requested to provide the in lieu of fee and the Recreation and Conservation Commission voted in favor of this request during their May 17th meeting. The applicant must submit this fee to the Planning Office prior to the issuance of any building permits.
5. The applicant will need to coordinate with CMP regarding the location of the new utility pole and the length of the overhead powerline crossing Spring Street. The applicant must provide documentation from CMP verifying all utilities as proposed are acceptable.
6. Clarity is needed regarding the size of the existing sewer line in Spring Street. The applicant should verify and revise the plan, if necessary.
7. Police will be required for any work within Spring street that will require closures are lane alternating. Night work will likely be required due to the amount of traffic flow during the day.
8. Final edited plans with conditions stated on the signature sheet provided to the planning office in both paper and mylar form by Tuesday July 3, Noon. (One set of paper, one set of mylars)

Dustin Roma described revision to the project that were made due to the previous public hearing. The applicant is proposing a 32-foot long vinyl stockade fence with landscaping close to Spring Street. The fence does not extend the entire length of the property line to protect site lines and offer a pleasing aesthetics. The landscaping has been enhanced along Spring Street with a mounded berm and along the perimeter of the building. The rhododendrons bushes previously discussed are no longer proposed. The applicant was able to meet on site with the abutting neighbor to review the revised plans and the abutter provided documentation of support to the Planning Office.

Joe Marden made a motion to remove the item from the table

2nd by Rene Daniel

The vote is 5-0 in favor

Ed Reidman reviewed the e-mail given to the Board members by Staff.

Jennie Franceschi stated Staff had received an email in support of the project from the abutter who spoke during the Public Hearing.

Robin Tannenbaum asked for clarification on the addressing of the new units.

Dustin Roma stated the new units are abutting 270 Spring Street, formal addressing will be assigned post approval.

Rene Daniel stated he prefers natural buffering rather than fences, however he is in support of this design and particularly the raised berm along Spring Street. Mr. Daniel stated his previous concerns have been addressed and is in support of the project.

Motion:

Rene Daniel move The Site Plan/Subdivision Plan application for G. Company, LLC associated with a lot split and construction of a new duplex located at 270 Spring Street, Tax Map: 26 Lot: 35 Zone: Residential Growth Area 1. is **approved with conditions** and the following finding of fact, conclusions and amended conditions as stated on pages 2 through 4 of this Staff Memo dated June 29, 2018 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 **Sanford Institution for Savings dated April 2, 2018.** Applicant has retained the services of DM Roma which demonstrates technical capacity.*

Solid Waste – *Adequate.*

Historic, Archaeological and Botanical Resources – *Adequate*

Landscape Plan – *Adequate.*

Subdivision – Finding of Fact:

Pollution and Sewer Disposal – *Adequate. Disposal of the Sewage from the project will be via the City Public Sewer system, and therefore will not cause a pollution issue.*

Water - *Adequate.*

Soil Erosion - *Adequate.*

Traffic – *Adequate.*

Sewage - *Adequate. The applicant has received an ability to serve from the Westbrook Sewer Department.*

Solid Waste – *Adequate.*

Aesthetics

1. *Project to Site – Adequate.*
2. *Project to Surrounding Property – Adequate.*
3. *Landscape Design – Adequate.*
4. *Lighting – Adequate.*
5. *Signs – Adequate.*

Conformity with Local Plans and Ordinances – *Adequate.*

1. *The proposal is in conformance with the Comprehensive Plan.*
2. *Subdivision Plan meets requirements of the Land Use Ordinance*

Financial and Technical Capacity – *Adequate. The applicant has provided a letter of financial capacity from **Sanford Institution for Savings dated April 2, 2018.** Applicant has retained the services of DM Roma which demonstrates technical capacity.*

River, Stream or Brook Impacts – *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 May 10, 2018 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 permits being issued for the project:
 - a. All Staff comments must be addressed.
 - b. Review of building elevations to be consistent with submitted documentation or testimony.
 - c. Provide documentation from CMP verifying the length of the overhead power line crossing Spring Street is acceptable.
 - d. Open Space – in lieu of fee of \$1,006 is required to be paid to the City.
 - e. A pre-construction meeting must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate.
 - f. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.
 - g. 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.
 - h. 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.
 - i. Best management practices shall be adhered to during all ground disturbance operations. All Street Catch basins in the vicinity of earthwork operations shall have silt sacks installed & maintained for the duration of the work.
4. Prior to commencing any work in the City Right-of-Way, the applicant must obtain a road-opening permit from the Public Works Department.
5. Prior to the first Occupancy Permit issuance:
 - a. A site inspection of the 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.
6. Prior to release of the performance guarantee, the site will be in compliance with the approved plan and as-built plan provided in City approved format for the GIS system.
7. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.

2nd by Joe Marden

The vote is 4-1 (Robin Tannenbaum abstained)

NEW BUSINESS

6. 2017.57 – Site Plan Amendment – 7 Hardy Road – Nelson Properties: The applicant is proposing to expand their garage for storage, relocate an onsite material storage bin, and create new parking areas for their property service company. Tax Map: 023 Lot: 008E Zone: Highway Services District

Project Description:

The applicant is proposing to expand the garage, relocate an onsite material storage bin, and create new parking areas for their property service company.

Project History:

October 13, 2017 – Neighborhood Meeting

November 21, 2017 – Planning Board Workshop

December 9, 2017 – Site Walk

June 5, 2018 – Public Hearing

July 3, 2018 – Public Hearing (continued)

Staff Comments:

5. Total fees due – \$207.25
6. Grading plan – a) elevations on the spillway are stated at 120.5 – should be 220.5. b) “Silt” fence leader over the grange hall misspelled.
7. DWG files for GIS
8. Final edited plans with conditions stated on the signature sheet provided to the planning office in both paper and mylar form by Tuesday July 3, Noon. (One full set of paper, one full set of mylars.)

Dennis Isherwood noted the difficult location and obstacles of the site including the close proximity to neighbors. Mr. Isherwood encouraged the application to keep up the effort to work with the neighbors. Mr. Isherwood stated the limited hours of operation and comments made about the snowmobile trails during the public hearing addresses his concerns.

Motion:

Dennis Isherwood The amended Site Plan application for Nelson Property Services to expand the garage, relocate an onsite material storage bin, and create new parking areas for their property service company at 7 Hardy Road, Tax Map: 23 Lot: 8E Zone: Highway Services. is **approved with conditions** and the following finding of fact, conclusions and amended conditions as stated on pages 5 through 7 of this Staff Memo dated June 29, 2018 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 – *With State permits - Adequate*

Technical and Financial Capacity - *Adequate.*

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 April 5, 2018 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. The hours of operation are limited to 7am – 7pm Monday – Friday, 7am – 5pm Saturday and Sunday.
4. Prior to any permits being issued for the project:
 - a. All Staff comments must be addressed.
 - b. Applicant must provide documentation of the gutter system design
 - c. A pre-construction meeting must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate.
 - 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. 2% of site improvement costs.
 - 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.
 - f. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.
 - g. Best management practices shall be adhered to during all ground disturbance operations. All Street Catch basins in the vicinity of earthwork operations shall have silt sacks installed & maintained for the duration of the work.
5. Prior to commencing any work in the City Right-of-Way, the applicant must obtain a road-opening permit from the Public Works Department.
6. Prior to the Occupancy Permit issuance:
 - a. A site inspection of the 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.
7. Prior to release of the performance guarantee, the site will be in compliance with the approved plan and as-built plan provided in City approved format for the GIS system.
8. The applicant shall comply with Chapter 37, the local Post Construction Stormwater Management Ordinance. On January 15th every year, a copy of the maintenance log for the previous year for the stormwater treatment features associated with this project needs to be provided to the Planning Office.
9. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.

2nd by Rene Daniel

The vote is 4-1 (Robin Tannenbaum abstained)

7. ~~2018.17 – Site / Subdivision Plan / Conditional Use – 48 Seavey St – Seavey & Associates, LLC – The applicant is proposing to construct 8 new dwelling units (Condos) in two 4 unit buildings, associated parking area and accessory storage units on an existing vacant lot. Tax Map: 040 Lot: 129 Zone: Residential Growth Area 1~~

WORKSHOP

8. 2017.56 – Subdivision/Site Plan Review – 500 Spring Street – Twin Falls – Westbrook Housing Group, LLC: The applicant is proposing to develop 36 single-family residential house lots and four commercial lots along Spring Street. Tax Map: 008 Lot:008 Zone: Residential Growth Area 1

Project Description:

The applicant is proposing to subdivide 36 single-family residential house lots and four commercial lots along Spring Street along with providing significant open space acreage being transferred to the Presumpscot Regional Land Trust along the Stroudwater River for trails to be incorporated into the Portland Trails system as well as off street parking access to a trail head.

Project History:

October 12, 2017 – Neighborhood Meeting

November 21, 2017 – Planning Board Workshop

December 9, 2017 – Site Walk

June 21, 2018 – Recreation and Conservation (*See attached summary provided to the R/C Commission – vote was unanimous in favor of the Open Space Plan proposed by the applicant*)

July 3, 2018 – Planning Board Workshop

Staff Comments:

The applicant has requested a thorough review of their plans in advance of a final application submission. Following is a complete list of Staff comments that were provided to the applicant. The applicant is requesting a workshop to seek any additional comments from the Public and Planning Board to address prior to a final public hearing.

- 1) Performance Guarantee Estimate needs to be provided.
- 2) 2 Street trees per lot are required.
- 3) DWG file for the subdivision plan.
- 4) The lots numbers need to be 1-40. Each lot has its own number. You can still state residential or commercial on the plan but the lots need to be designated with a unique number.
- 5) The original parcel for the house lot and clubhouse is a lot in this subdivision and needs a number on the plan.
- 6) The land to be deeded to the Land Trust on the south side of the Stroudwater needs to be included in the subdivision plan and designated as an open space lot.
- 7) Signature block on the cover sheet. (Condition of approval to be placed on Subdivision plan)
- 8) Street lighting
 - a. No power shown to light at corner of “Fairway”
 - b. Shift SE light on Twin Falls towards the pump station.
 - c. Coordinate with Public Services Dept for light fixtures/poles
 - d. There will be 6 new lights & 1 existing cobra head for the project.

- 9) Hydrants to be added between 13/14 & 18/19
- 10) Drainage:
 - a. Drainage easements should be provided to upstream property owners over downstream properties (Lots 22 into 23/36) (Lot 23 into 24)
 - b. Drainage easement over lots 28/29 is not wide enough to cover the piping into the central stormwater pond area. Please address.
 - c. FFE for lots at internal corners of project – please review number stated and grading.
 - d. Edit plans at the catch basins to show last section of pipe at inlet to CBs to be underdrain pipe.
- 11) Power
 - a. CMP easement to blanket site for purposes of power/transformers.
 - b. Provide 3 phase power to pump station – Edit detail sheet to state 220V.
 - c. Underground power shown too close to CB3
 - d. Fairway Drive is not an acceptable name. Provide 3 additional names for review by E911.
 - e. Between lots 8-12 the private power feeds should be run so that Primary power runs in front of these lots with their feed lines off of the primary.
- 12) Provide an enlarged traffic improvements plan for along Spring street.
 - a. Crosswalks across both Twin Falls Drives
 - b. Crosswalk across Spring Street to tie into the Sidewalk system.
 - c. Stop bars on Twin Falls
 - d. Street signs and stop signs at all intersections.
 - e. Update Sidewalk location and Striping layout on Spring St. based upon Blue Spruce installed improvements in Spring Street. Layout sidewalk for a future left turn lane onto the North entrance to Twin Falls Way which may be required with the commercial traffic generations in the future.
 - f. Please also include detail on the drainage structures to be added in Spring St.
 - g. “Turning Traffic ahead” sign in advance of Southern Twin Falls Access
 - h. Condition of approval – no driveways off of Spring St to Commercial lots
- 13) Stormwater Comments:
 - a. Catch basin analysis for street basins not provided – analysis was not detailed enough to be able to review.
 - b. Sediment Forebay – replace riprap with a concrete base to afford ease of maintenance in the future.
 - c. SD-32 – invert/outlet elevations?
 - d. For 20P –
 - i. Provide Beehive Grate Flow Cut sheet
 - ii. The 18” pipe modeled is stated in the analysis at elevation 32.84, but the plans show 32.4. If the model number is what it should be, the gravel bench will not drain as the outlet for the underdrain is at 32.5.
 - iii. The surface area stated in the model states 64,899 sf but the surface area table at the elevation stated for approximately 41.3 does not appear to be in line with this number.
 - iv. Just to verify – the base storage of the pond doesn’t include the water held below the line of the gravel underdrain.
 - e. SD-20 – The stormwater model does not show what is going on at the inlet. Height of water at the 100 year, what area is flooded because of this? Would require building

setbacks for lots affected (Lots 31 & 32) to have their building window pulled out of the flooding area.

- i. Invert/Outlet elevations? State on plans.
 - ii. Concern about erosion at ends of pipe. Riprap both ends and side slopes.
 - iii. Channel bank width current? Will the 48" match the current swale width?
 - iv. Can check dams be constructed in swales?
 - v. Due to flow rate coming out of the pond, a LLS should be installed at the base of the overflow to reduce energy.
 - f. 40R – What happens at Spring St at the 100-year storm? The pipe is 2/3 full at the 25 year? What will the ponding situation be in the future commercial lot? Currently there is sufficient topography to handle the flow.
 - g. Maintenance of the stormwater features
 - i. How does the HOA maintain the Forebay?
 - ii. How does the HOA maintain the Outlet control structure?
 - iii. Does an access road need to be designed into the side of the pond to allow for a piece of equipment to access the site? Where does equipment access from?
 - h. Temporary sediment ponds during construction?
 - i. Setting of the CB rims to base pavement elevations to allow the first season to drain.
 - j. Wet pond sheet
 - i. Topo lines elevations missing
 - ii. Leaders are not pointing to correct elevations or locations
 - iii. Temporary dewatering detail states as silt sack and it should be a "dirt bag".
 - iv. Elevation of the OCS 18" outlet pipe is stated at 32.4 – analysis states 32.84. Issue with ability for the gravel layer to drain if 32.84 is the elevation the design was looking to hit.
 - v. Emergency Spill way detail – Spreadsheet – Pond Forebay – elevation stated is 32' but on the plan is 35'.
 - vi. Call out the gravel underdrained bench section.
 - vii. Clean outs need to be provided for the underdrains.
- 14) Erosion and sediment control plan lacks detail – leaders not located correctly.
 - a. Protection of Spring Street Cross culvert needed
 - b. Silt sacks in Twin Falls/secondary road during construction – may be necessary.
- 15) Open Space
 - a. Easement areas to be metes & bounds in final submission
 - b. Areas of easement to be amended to address trail construction
 - c. Provide draft deed language on land to be handed over to PRLT.
 - d. Provide draft easement language for Trail easements (use and construction).
 - e. Grade a sidewalk access from Pump Station parking spaces to bridge
 - f. Show proposed trails on both sides of the Stroudwater.
 - g. Trail heads (signs) to be at both access points (state a trail head to be located on plan)
- 16) Plowing & Trash pickup will be the responsibility of the Owner or a HOA until the streets are accepted city streets.
- 17) DEP permit
- 18) Covenants deed restrictions, Homeowner association agreement, easements or right of way existing or planned
- 19) Fees for project will be assessed (Including abutters fees)
- 20) Portland Water district comments.

21) Sewer Dept comments.

- a. Wet well will be altered- notes associated with this alteration
- b. Demolition of existing pump station building.
- c. Provide pump calculations to review reducers shown in design.
- d. Sheet 21 – edit in table voltage to 220V
- e. Show guardrail along steep slopes around new pump station.
- f. Proximity of Water & sewer is too close in some locations.
- g. Remove cupola from Pump station.

22) Final Pavement placement – conditions of approval on activities post pavement or number of lots to be built prior to acceptance. (Fixed driveways, sidewalk and curbing installed)

Shawn Frank Sebago Technics stated although the application is not ready for final approval, the applicant is interested in presenting to the Planning Board to garner final feedback prior to a public hearing. Mr. Frank described the project and the details of the open space plan that was presented to the Recreation and Conservation Commission. Since the time of submission work has been completed on Spring Street. Mr. Frank stated updated plans will be provided to the Planning Board with their final submission to include the Spring Street work.

Ed Reidman reviewed the Planning Board has held a site walk and will hold a public hearing when the applicant is ready. Mr. Reidman opened the floor to comments from the Board.

Dennis Isherwood expressed support of the project but stated he has heard concern from the community due to the current state of the land.

Shawn Frank stated the potential density of the lot is much higher than what is proposed. The intent of the development is to create a pleasant space, however it is in a pre-constructive state, which can be seen as unattractive. However, the existing topography will lend itself to a visually interesting development.

Joe Marden noted a 250' shoreland setback on the southerly side of the project. The plans show another line cutting through Lot 19 that Mr. Marden would like clarification on.

Shawn Frank stated he believes this to be an error in printing and will be revised prior to the next submission.

Joe Marden asked for more information on how the applicant plans access to the wet pond for maintenance and repairs.

Shawn Frank explained the access to the wet pond and noted the pond will be the responsibility of the association and not of the City.

Rene Daniel asked whether commercial lot 1 is intended for commercial or residential use.

Shawn Frank confirmed commercial; possibly a small dentist or realty office.

Rene Daniel asked how many parking spaces will be provided for the trail system.

Shawn Frank responded there will be three designated spaces. The land where the parking area is proposed will be transferred to the City for future ownership and maintenance.

Rene Daniel asked which entity is proposed to receive the land associated with the trail system.

Shawn Frank stated the Presumpscot Regional Land Trust will own the land and a partnership between PRLT and Portland trails will construct the trail system.

Rene Daniel asked if the existing hill on commercial lot 4 will require regrading.

Shawn Frank confirmed.

Rene Daniel confirmed Commercial Lots 1, 2,3 and 4 will require further site plan review by the Planning Board.

Jennie Franceschi confirmed.

Rene Daniel asked if there is a possibility of the commercial lots merging

Jennie Franceschi stated that would be considered an amendment to the subdivision plan if a developer chose to do that. At this time four separate lots are proposed.

Robin Tannenbaum asked if any of the parking for the commercial lots will be along Spring Street or Eagle Drive.

Shawn Frank stated this is currently being discussed and will likely be determined during future site plan reviews with the Planning Board.

Robin Tannenbaum asked if there were any subdivision wide amenities proposed, such as shared open space areas.

Shawn Frank stated there is not.

Robin Tannenbaum asked if the subdivision will provided the required two street trees per lot.

Shawn Frank stated this is included as a plan note on the plan.

Robin Tannenbaum asked if the association will have higher standards.

Shawn Frank stated none will be required, however these will be custom homes and owners can increase landscaping on their lots as they choose.

Robin Tannenbaum verified that no more than 2 street trees will be required.

Shawn Frank confirmed.

Robin Tannenbaum asked if there will be a designated school bus stop on site.

Shawn Frank stated this was not discussed.

Robin Tannenbaum encouraged the applicant to take this into consideration prior to the final plan submission.

Joe Marden asked about access to the commercial lots.

Shawn Frank stated it is included as a condition of approval that no access will be permitted from Spring Street. All access points will be from Eagle Drive.

Ed Reidman opened the floor to questions or comments from the public.

Rebecca Boulton 525 Spring Street expressed concerns with the increase traffic that the project will caused. Ms. Boulton stated she has an off-hour work schedule and it is difficult to get in and out of her driveway even during non-peak traffic times. Ms. Boulton would like to see a turn lane or other mitigation measures be included with the project. Ms. Boulton is supportive of the trail system included with the project. Ms. Boulton does not support access to the commercial lots from Spring Street and would like to see a designated bus stop within the development. Ms. Boulton would like more information on construction times as she has been disturbed by the tree clearing that has occurred on site.

Ed Reidman clarified that the applicant will have to return to the Planning Board for any future site plans of the commercial lots.

Shawn Frank thanked the Board for their time before the holiday

Potential Board Actions for discussion:

Public Hearing date will be set once a complete submission has been received.

9. 2018.27 – Site Plan - 36 Patrick Drive – Bethel Christian Center – The applicant is proposing a 3,136 sf expansion to an existing building. Tax Map 042B Lot: 004D Zone: Gateway Commercial

Project Description:

The applicant is proposing a 3,136 sf expansion to an existing building which houses their church assembly space and their afterschool program classrooms.

Project History:

- June 22, 2018 – Neighborhood meeting
- July 3, 2018 – Planning Board Workshop

Staff Comments:

1. Final application should include elevations of the expansion
2. Final grading on plan needs to show where water will be directed. (In meeting, improvements to swale were mentioned.) Provide stormwater design and Erosion/Sediment Control plan.
3. Provide a final count on children, & volunteers/teachers for the daycare.
4. A landscaping plan is required with the final application.
5. All dumpsters must be screened.
6. The building is classified as a mixed-use, with the church and the day care operating separately. Therefore, there needs to be a fire wall separating the chapel and the daycare area. Occupancy allowances must operate independently from one another
7. All doors within the facility require fire hardware
8. All unpermitted work within the front lobby must be returned to previous condition.
9. The fire alarm system is outdated and requires updating. A voice evacuation system is required.
10. Would prefer each new classroom to have an egress door, similar to what currently exists
11. All hall ways must be smoke rated; fire rated is not required due to the installation of a sprinkler system
12. Kitchen facilities will require review by Fire Department and Code Enforcement to ensure compliance with life safety
13. All hallways must be cleared of obstructions to maintain a 36" passage way
14. Remove items from walls that are not fire retardant

15. Construction staging plan will be important for safety of children and occupants during construction.
16. Electrical – MC wiring is required. All romex wiring must be capped and boxed.
17. Fire access and egress must be clearly depicted on the final plan
18. Provide documentation of a neighborhood meeting to Planning Department

Potential Board Actions for discussion:

1. Site Walk
2. Public Hearing

Kale Bourassa described of the project. The project is a 28' x 112' building addition to accommodate an expansion of 6 classrooms, 2 bathrooms and a closet to be utilized by the existing daycare center. The expansion will not create a need for any additional parking outside of the existing 49-space parking lot. The additional will be sprinkled. There are six condensers to the rear of the existing building that will be relocated and two additional condensers will be added. Trash removal is private with dumpsters on site. The applicant is willing to screen the dumpsters as part of the approval. The applicant does not anticipate the development will impact the existing lighting on site. The location of part of the proposed addition is in the existing play area for the children so some coordination will have to be in place so the construction does not impact the play schedule. The applicant plans to utilize a temporary fence so the children continue to have access to the play area. The existing stormwater infrastructure is sufficient to support the proposed development. The existing conditions of the site does not offer much opportunity for additional landscaping. There are small shrubs in the parking area and a few small trees on site.

Reverend Mutima Peter spoke on behalf of the project and thanked the Planning Board for their time. Rev. Peter stated the expansion is located behind the building which will provide more opportunity to the children while not unduly impacting the City. Currently the program works with 40-50 children on a daily basis, which can exceed 100 children in the summer months. This is the reasoning for the expansion.

Ed Reidman opened the floor to questions from the Board.

Robin Tannenbaum stated she is having trouble understanding the orientation of the plan because what what provided in packets differs from what is presented.

Kaleb Bourassa reviewed the site and the location of the proposed development.

Rene Daniel is not satisfied with the landscaping on the site. Mr. Daniel stated he is aware the restrictions of the site but would like to see a landscape proposal to help define the limits to the property and provide shade for the children playing outside. Mr. Daniel asked for clarification on the uses within the building.

Kaleb Bourassa stated the building is a mixed use building with the religious and educational spaces.

Rene Daniel asked how aggressive the applicant intends to be in the application process.

Kaleb Bourassa stated the applicant would like to proceed quickly to increase capacity as quickly as possible. The applicant is attempting to submit a final site plan for the August meeting.

Rene Daniel stated he would like to see clearer plans with the final application.

Ed Reidman scheduled a site walk was scheduled for July 21st at 9:00 am. A public hearing will follow when the applicant submits a final application.

10. 2018.28 – Zoning Amendment – 35 Cumberland Street – James Stone – The applicant is requesting a change zoning district to the City Center District for their parcel located at 35 Cumberland Street. Tax Map: 040 Lot: 003 Zone: Industrial Park District

Ordinance Description:

The applicant is requesting a change zoning district to the City Center District for their parcel located at 35 Cumberland Street which would pull the CCD zoning line across Cumberland St to cover their parcel.

Ordinance History:

July 3, 2018 – Planning Board Workshop

Staff Comments:

Attached to the applicant's letter and application, are two maps of the subject area. The first map shows the area of Warren/Cumberland Triangle with the current zoning showing the limits of the Industrial Park District (gray) and the City Center District (pink).

The second map shows the proposed change in zoning districts lines as requested by the applicant to adjust the current CCD zoning line to include the subject parcel at 35 Cumberland St.

The applicant's request for this amendment would allow the property additional uses which would make the property more marketable, such a live/work opportunity. The location of the parcel, although a highly visible location, has its limitation due to the traffic volumes in the areas. Where the previous use of the parcel was a bank with a drive thru, it is fairly probable that any of the potential use in the CCD that would be feasible in this location such as an office, or retail, would generate less traffic trips than the previous use of the drive thru bank, when it was in operation.

Included in your packets is an email from SAPPI (Barry Stemm), which states SAPPI's opposition to the proposed change. The applicant had previously attempted to reach out to SAPPI to see if they would be interested in purchasing the property as they are the direct abutter, but no response to their request was provided to the applicant, therefore where SAPPI hadn't responded to their request for purchase of the land, and the inability to market the property under the uses allowable in the current district, the applicant saw no other choice but to pursue some level of rezoning to allow the property to be reutilized. It was felt to be more appropriate to alter the zoning lines where the two district lines are across the street from each other vs requesting a contract zone to achieve the result of allowing additional uses.

John Stone explained the flexibility of the uses within the City Center District are more compatible with the existing property and building than the Industrial Park District. The City Center District is directly across the street from the property. The exiting use is a Credit Union which the applicant has chosen to sell due to challenges accessing the site. The applicant would like to remain in Westbrook but would like to sell this building. The applicant is struggling to sell the property due to the restrictions of the IPD. Several buyers have expressed interest but were unable to purchase due to the uses not permitted within the IPD. These buyers would be permitted uses in CCD. Mr. Stone noted even a credit union, the current use, would not be permitted within the Industrial Park District. Aesthetically the building fits better with the abutters within the CCD than the IPD abutters. Mr. Stone addressed a letter that was provided to the Planning Board from Barry Stemm opposing the project.

Ed Reidman asked if the applicant understands the process and explained the Planning Board will hold a Public Hearing and make a recommendation to City Council, however City Council must approve any changes to the Zoning Map.

John Stone confirmed he understood.

Ed Reidman stated a public hearing will be scheduled when appropriate.

Adjourn

THANK YOU, respectfully submitted by Rebecca Spitella rspitella@westbrook.me.us