



City of Westbrook

DEPARTMENT OF PLANNING, ENGINEERING AND
CODE ENFORCEMENT

2 York Street Westbrook, Maine 04092 (207) 854-0638 Fax: (207) 854-0635

WESTBROOK PLANNING BOARD MINUTES TUESDAY, AUGUST 1ST, 2006, 7:00 P.M.

Present: Ed Reidman, (Chair), Rene Daniel (Vice-Chair), Greg Blake, Dennis Isherwood, Anna Wrobel, Luc Bergeron (At-Large)

Absent: Paul Niehoff (Alternate), Brian Beatti, Corey Fleming

Staff: Rick Gouzie, Brooks More

Chairman Reidman called the Westbrook Planning Board meeting to order at 7:00 p.m. in Room 114 of the Westbrook High School. Mr. Reidman informed the audience of the purpose for the public hearing, and asked everyone who would speak to do so at the podium, being certain to speak clearly and provide the Board with their name and address. Mr. Reidman stated that the Board would hear a presentation accept any additional Staff comments, and then receive questions and commentary from the public. Mr. Reidman noted that any questions received by the Board would be answered at the end of the public presentation. Mr. Reidman explained that any action taken at this meeting would be dependant upon time constraints.

1. Call to Order

2. Approval of Minutes: June 6, 2006; June 20, 2006.

Luc Bergeron moved to accept the minutes as written.

2nd by Rene Daniel

The vote was unanimous in favor 5-0

Continuing Business

3. Final Subdivision Plan and Final Site Plan - Riverfront Lofts - Archetype, on behalf of Blue Star Corporation, for the conversion of the existing commercial/industrial buildings located at 30 Lincoln Street to 44 dwelling units. Tax Map: 32, Lot: 127, Zone: City Center, Shoreland Zone: General Development.

Rene Daniel moved to remove this item from the Table

2nd by Anna Wrobel

The vote was unanimous in favor 5-0

Luc Bergeron moved the Subdivision application for Riverfront Lofts on Tax Map: 32, Lot: 127 is to be approved with conditions with the following findings of fact and conclusions.

POLLUTION AND SEWERAGE DISPOSAL

- The project will be connected to the public sewer system. Thus, it will not have an adverse impact on subsurface water quality.

B. WATER

- The Portland Water District has confirmed its ability to serve the project in a letter dated May 10, 2006.

C. SOIL EROSION

- The City Engineer has approved the grading and utility plan.

D. TRAFFIC

- Adequate sight distance exists at the entrance to the property.
- The project is replacing the long curb cut on Lincoln Street with defined curb cuts.
- This is an existing building and parking lot. The parking lot is occupied during the daytime hours with local business employees. As there is no traffic problem at the current time, Staff does not recommend that a traffic study be conducted for this project.
- The project will provide a limited number of "shared" parking spaces between the residential units in the building and the business employees in the Dana Warp Mill.

E. SEWERAGE

- The City Engineer has confirmed the City's ability to provide sewer service to the project.

F. SOLID WASTE

- Solid waste will be collected by the property owner.
- A dumpster enclosure has been placed on the site.

G. AESTHETICS

- The site is currently covered by impervious surfaces. Therefore, a statement from the Maine Department of Conservation has not been required.
- The site is currently covered by impervious surfaces. Therefore, a statement from the Maine IF&W has not been required.
- Appearance Assessment:
 - (1) Project to Site - The plan improves the conditions on the site through the creation of landscaped areas along Lincoln Street. The dumpster has been relocated so as to not detract from the appearance of the site.
 - (2) Project to Surrounding Property - The project will provide greater compatibility to neighboring properties through the addition of landscaping on what is currently a site covered by pavement.
 - (3) Landscape Design - A landscape plan has been designed. The plan has been revised based on comments by the Planning Board.
 - (4) Lighting - Interior parking lot lights have been proposed. The lights are of a cut-off variety.
 - (5) Signs - A project sign has not been proposed. It should be noted that the sign standards in the Land Use Ordinances limit the size of subdivision advertisement signs.

H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- Comprehensive Plan:
 - The project meets the goals of the Comprehensive Plan in the following areas. On page 8-13 the plan puts forth the goal of encouraging revitalization along the Presumpscot River. On page 12-7 the plan proposes to allow multi-family dwellings except on sidewalk level. As we have discussed with past projects, the recommendation that multi-family dwelling units not be allowed on the sidewalk level was not incorporated into the zoning ordinance. Furthermore, the location of this building behind the Dana Warp Mill would not make it attractive to many types of retail tenants on the first floor.
- Land Use Ordinances - The plan meets the setback and net residential density standards of the zoning ordinance.
- Recreation & Open Space - The Recreation & Conservation Commission will review the project at its July 17th meeting.
- Community facilities impact analysis - An analysis may be requested by the Board.

- **Fire Code**
 - The Fire Inspector's review is attached in the memo dated March 17, 2006.
- **Others**
 - None.

I. FINANCIAL AND TECHNICAL CAPACITY

- The applicant has submitted documents of financial capacity.

J. RIVER, STREAM OR BROOK IMPACTS

- None identified.

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 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 with a 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 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 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. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, or great pond as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1.
 18. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
 19. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.
 20. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14.
 21. The proposed subdivision will not negatively impact the ability of the City to provide public safety services.

CONDITIONS

1. **Approval is dependant upon, and limited to, the proposals and plans contained in the application dated May 15, 2006, as amended July 21, 2006, 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 Planning Board.**

2nd by Rene Daniel

The vote was 5-1 in favor (Anna Wrobel opposed)

SITE PLAN REVIEW

Staff Comments

1. Complete Application: The application was found to be complete on June 6th, 2006.

Luc Bergeron moved the Site Plan application for Riverfront Lofts on Tax Map 32, Lot 127, is to be approved with conditions with the following findings of fact and conclusions.

FINDINGS OF FACT

Utilization of the Site

- The site is currently eighty percent (80%) covered by impervious surfaces. The front of the site is a very long curb cut of continuous pavement between Lincoln Street and the parking area. The proposed site plan will improve conditions on the site by reducing the amount of impervious surfaces, shrinking the curb cut on Lincoln Street into three (3) defined entrances, and installing landscaping that will improve aesthetics.

Adequacy of Road System

- A traffic study has not been requested as the site is currently used by business employees in the Dana Warp Mill. At present, the street system is able to accommodate the traffic using the parking area.
- Parking: The owner of the Dana Warp Mill and the Applicant are working out a shared parking agreement that will allow a number of the spaces to be used by area business employees during work hours. This type of "shared" parking has been identified by the Downtown Parking Committee consultants as one of several strategies for the efficient use of parking resources in Downtown Westbrook.

Access to the Site

- The project proposes to define the entrances to the site. This will improve conditions on Lincoln Street.

Internal Vehicular Circulation

- The parking lot has been designed to allow proper circulation.

Pedestrian and Other Modes of Transportation

- Internal walkways have been provided.
- Handicapped parking spaces have been identified.

Storm water Management

- The City Engineer has approved the storm water management plan.

Erosion Control

- The City Engineer has approved the grading and utility plan.

Utilities

- The Portland Water District confirmed its ability to serve the project in a letter dated May 10, 2006.

Hazardous, Special and Radioactive Materials

- None have been identified in the application.

Technical and Financial Capacity

- A letter of financial capacity was submitted by Kim Davis of Ocean National Bank in Portsmouth, NH.

Solid Waste

- Solid waste will be the responsibility of the property owner.

Historic, Archaeological and Botanical Resources

- None.

Landscape Plan

- A landscape plan has been provided. The proposed plan proposes to increase the amount of landscaping on the site.

Others

- Parking: The proposed amount of parking spaces meets the requirements of the Westbrook Land Use Ordinance.

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 with a 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 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 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 dependant upon, and limited to, the proposals and plans contained in the application dated May 15, 2006, as amended June 29, 2006, 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 Planning Board.

2nd by Rene Daniel

The vote was 5-1 in favor (Anna Wrobel opposed)

4. Special Exception - T & M Development, LLC, Extractive Industry, Methodist Road - Sebago Technics, on behalf of T&M Enterprises, LLC for the creation of an extractive industry (A.K.A. Quarry) project on a combined 96 acre parcel located at 409 Small Hardy Road. Tax Map: 20, Lot: 10 and Tax Map: 17, Lots: 12 & 13, Zone: Rural.

New back-up alarms that can only be heard on-site are now available.

No 3rd party noise analysis is required by the Board.

Item placed on table until September 5th

New Business

5. Site Plan Approval Extension - Jefferson Court Condominiums - Archie Giobbi for a one year extension to the approval granted on June 21, 2005 for the construction of five (5) dwelling units on a 0.58 parcel located at 37 Jefferson Street. Tax Map: 27, Lot: 94, Zone: RGA1.

Luc Bergeron moved the Site Plan application for Jefferson Court Condominium on Tax Map 27, Lot 94, is to be approved with conditions with the following findings of fact and conclusions.

FINDINGS OF FACT

Utilization of the Site

- A single-family residence currently occupies the site.
- The development plan properly takes into account the movement of drainage off-site in its grading and utility plan.

Adequacy of Road System

- The road system is adequate to handle the proposed development.

Access to the Site

- The proposed driveway has adequate sight distance.

Internal Vehicular Circulation

- The plan provides adequate space for internal passenger and emergency vehicle circulation and access.

Pedestrian and Other Modes of Transportation

- Internal walkways have been provided between the parking areas and dwellings.

Storm water Management

- The City Engineer has approved the storm water management plans.

Erosion Control

- The City Engineer has approved the erosion control plans.

Utilities

- All utilities are underground.
- The Portland Water District confirmed its ability to serve the project in a letter from Jim Pandiscio dated March 29th, 2005.

Hazardous, Special and Radioactive Materials

- Not applicable.

Technical and Financial Capacity

- A letter from Patricia Hannigan of Bath Savings Institution dated March 7th, 2005 demonstrates that a construction loan has been secured for the project.

Solid Waste

- Solid Waste will be the responsibility of the property owner.
- An enclosed dumpster pad has been provided on the plans.

Historic, Archaeological and Botanical Resources

- The site is currently occupied by a single-family residence. Thus no resources have been identified.

Landscape Plan

- The landscape plan provides for the retention of the three (3) Ash trees and the planting of common junipers and rhododendrons around the building foundations.

Others

- Parking: 11 parking spaces have been provided. This surpasses the Site Plan requirement for 10 parking spaces needed to serve the proposed residential uses.
- Parking: The “no parking” area that is demarcated by striping on the plan must be amended. The no parking area must be raised, covered in the same material as the walkways and curbed to prevent cars from parking in this area. The front curbing should be tipped-down to provide handicapped access to the sidewalk. The purpose of the no parking area is to break-up the row of parked cars.
- Appearance Assessment: See subdivision review for this project.

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 with a 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 dependant upon, and limited to, the proposals and plans contained in the application dated March 2, 2005, as amended NA, 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 Planning Board.

2. The "no parking" area identified on the plans must be raised, covered in the same material as the sidewalks, and curbed. The front curb shall be tipped down to provide handicapped access to/from the sidewalk.

2nd by Greg Blake

The vote was unanimous in Favor 6-0

6. Site Plan and Special Exception - Butera Home Day Care - Magnifique Butera for the placement of a Home Day Care on the property located at 1 Rosewood Drive. Tax Map 23, Lot 223, Zone RGA3.

STAFF COMMENTS

- Complete Application: Staff recommends that the application be found complete.

Anna Wrobel moved to fine the application complete

2nd by Luc Bergeron

The vote was unanimous in favor 6-0

- Waiver: The applicant is requesting a waiver of the \$750 site plan application fee.

Anna Wrobel moved to waive the \$750.00 site plan application fee

2nd by Luc Bergeron

The vote was 4-2 in favor (Dennis Isherwood and Rene Daniel opposed)

Luc Bergeron moved the Site Plan application for the Butera Home Daycare on Tax Map 23, Lot 223, is to be approved with conditions with the following findings of fact and conclusions.

FINDINGS OF FACT

Utilization of the Site

- The property is occupied by a residential home.

Adequacy of Road System

- The site entrance is located on Rosewood Drive. The road system can handle the trips generated by this project.

Access to the Site

- The project will use the existing curb cut on Rosewood Drive.

Internal Vehicular Circulation

- The plan demonstrates that the proposed use meets the three parking spaces required of a home daycare with twelve (12) children. According to the plan, this leaves four additional parking spaces for employees.

Pedestrian and Other Modes of Transportation

- Pedestrian safety will not be an issue due to the low-intensity of use if only 12 children are being dropped off and picked up each morning.

Storm water Management

- No new impervious surfaces have been proposed.

Erosion Control

- Creation of the play area will not create significant amounts of soil erosion.

Utilities

- No new services have been proposed.

Hazardous, Special and Radioactive Materials

- No hazardous materials have been proposed.

Technical and Financial Capacity

- This use will occupy an existing structure. Proof of financing should not be an issue for the construction of the play area.

Solid Waste

- No Issues.

Historic, Archaeological and Botanical Resources

- No resources have been identified.

Landscape Plan

- The applicant is required to screen the play area with plantings or fencing. The applicant has stated their willingness to plant screening around the play area. As this is not shown on the plan, it will be made a condition of approval.

Others

- None

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 with a 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 dependant upon, and limited to, the proposals and plans contained in the application dated June 15, 2006, 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 Planning Board.

2nd by Anna Wrobel

The vote was unanimous in favor 6-0

Special Exception Application

Luc Bergeron moved the Special Exception application for the Butera Home Daycare on Tax Map 23, Lot 223, is to be approved with conditions with the following findings of fact and conclusions.

A. Certain Requirements Met. That the use requested meets the dimension, parking, loading, and sign requirements of this Ordinance. Otherwise, the applicant must also request an appropriate variance.

- The proposed use has provided an adequate number of parking spaces. The proposed use has provided an adequate fenced playground.

B. Value. That the use requested will not significantly devalue abutting property or property across public or private way. In making its determination, the Board shall take into consideration the type of structure proposed, the topography of the area, the market value of the surrounding real estate, the availability of utilities, traffic conditions, and other relevant factors.

- Neighboring uses are predominately single-family residential. The proposed use will increase traffic during the morning and evening hours as children are picked-up and dropped-off.

C. Effects of Land Use. That the use granted will:

(1) Maintain safe and healthful conditions,

- The playground has been fenced.

(2) Not cause water pollution, erosion, or sedimentation

- No Issues.

(3) Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat,

- No Issues.

(4) Conserve shared tree cover and visual, as well as actual, access to water bodies,

- No Issues.

(5) Not burden on-site septic or off-site waste disposal,

- No Issues.

(6) Not burden existing public ways.

- The road will be able to accommodate the number of morning and evening trips generated by this project.

D. Performance Standards. That the use granted is compatible with adjacent land uses and that it meets the following performance standards:

- (1) **Landscape Environment and Enhancement.** The landscape must be preserved in its natural state insofar as practicable. It must be designed so as to stabilize the slopes and buffer the site, where necessary,
 - No Issues.
- (2) **Surface Water Drainage.** Surface water drainage must not have an adverse effect on surrounding properties, downstream water quality, soil stability, or the storm drainage system,
 - The area in the rear of this property has been known to be wet. The City of Westbrook has worked to improve drainage in this area. As such, any filling requested by the applicant will be closely reviewed by Staff.
- (3) **Water, Air, Soil Pollution.** The development will not cause unreasonable water, air, or soil pollution,
 - No Issues.
- (4) **Soil Integrity.** The development will not cause unreasonable soil erosion or reduction in the capacity of the soil to hold water,
 - No Issues.
- (5) **Natural Environment.** The development must not have an unreasonably adverse effect on a historic site or irreplaceable natural areas,
 - No Issues.
- (6) **Nuisance Factor.** The development must not cause unreasonable noise, odors, dust, gas, fumes, smoke, light or other annoying or dangerous emissions,
 - The children playing outdoors will create noise in the neighborhood. The playground has been placed in the rear of the building, which will provide some buffering from the houses on the opposite side of the street. In addition, the house is located at the edge of the neighborhood.
- (7) **Special Features.** Exposed storage areas, machinery installation, service and loading areas, and similar facilities must be set back, screened, or buffered so as to minimize any possible adverse effect on the surrounding uses,
 - The playground must be screened from abutters.

- (8) **Vehicular Access. The site layout must provide for safe vehicular access and egress, including that for emergency vehicles,**
 - Rosewood is a residential street with little traffic. Vehicular access to the site will not be an issue.

- (9) **Parking and Circulation. The layout of vehicular and pedestrian traffic patterns must provide for safe interior circulation, separation of pedestrian and vehicular traffic, and storage of plowed snow,**
 - The greatest potential for an impact on the neighborhood is the parking of cars on the street. The parking lot is not that well designed for the ingress and egress of multiple cars. Most likely, the parents dropping off their children will park on the street for short periods. The question is how many staff will be present. If more than one or two staff are on duty, it is likely that cars will begin to park on the street. An alternative would be to widen the driveway to allow better circulation.

- (10) **Public Services. The development must not impose an unreasonable burden on the water supply and sewage disposal systems, fire or police services, public ways, schools, recreational facilities, and other public services or facilities.**
 - No Issues.

Conditions

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated June 15, 2006, 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 Planning Board.

2nd by Greg Blake

The vote was unanimous in favor 6-0

7. Village Review - 609 Main Street - Corey Electric, Inc., for the rehabilitation of the building located at the corner of Stevens Ave. and Main Street. Tax Map: 33, Lot: 206, Zone: City Center, Overlay Zone: Village Review.

Steve Corey presented all aspects of the Village Review - 609 Main Street - Corey Electric, Inc., for the rehabilitation of the building located at the corner of Stevens Ave. and Main Street. Tax Map: 33, Lot: 206, Zone: City Center, Overlay Zone: Village Review.

Erik Carson explained the review process for the re-development of 609 Main Street; Tax Map 33, Lot: 206, Zone: City Center, Overlay Zone: Village Review.

Staff Review - City Planner Brooks More, DECD Dir. Erik Carson, and two Westbrook residents who are licensed architects (Margaret Innes and Robin Tannenbaum) reviewed the proposed changes with the Applicant. Ms. Innes and Ms. Tannenbaum, in their professional capacity, have volunteered to assist staff in the reviews required under this district's standards. The comments of these reviewers will be termed "staff" for the sake of brevity.

The project consists of restoring the windows, ornamental concrete block, and re-creating window and door openings long since enclosed. The building is a pediment commercial block, constructed c. 1930, consisting of a 1.5 story block, with a rear ell constructed apparently at the same time, and then a cinderblock rear addition constructed c. 1965. This presumption is based on the replacement storefront sash that is of a similar period. The pediment consists of a rectangular center, with squared corner posts. The original portion of the building is constructed of painted ornamental concrete block, with several areas where the facing has spalled off due to water damage, or freeze-thaw cycling. The sills on several of the windows appear to have had similar damage. The front façade contains four bays, with an off center entrance. The building was the original home of Rowe Ford, and the left front window was originally a showroom. On the side ell to the east are two other openings that have been bricked in with concrete block. One is of similar size to the existing historic windows on the rear ell, and the other opening appears to have been a larger showroom window.

There are a number of double hung, 6/6 sash throughout the building, with many of them altered to accept either top or bottom mounted air conditioning units, or were blocked in with plywood to establish smaller openings. These are particularly visible on the west façade that abuts the commercial establishment on the west side, and on the east side in a number of locations. The rough openings all appear to have been left in their original dimensions. On the east façade of the main block, there are 12 light fixed sashes, and on the rear ell there are two large 24 light fixed sashes, both with a six light center awning sash for ventilation.

On the rear façade are two large windows, which will be blocked in for security reasons. There are two original overhead doors, one on the north (river) façade of the main block, and one on the east side of the same block, both consisting of a frame and panel units, with a row of fixed lights. A man-door is planned for the east façade, in the rear block. This is where Corey Electric will have their offices and equipment storage.

Luc Bergeron moved to approve the Village Review application for **609-611 Main St.** on Tax Map: 33, Lots: 206 is to be **approved with conditions.**

(1) Scale of the Building. The scale of the building depends on its overall size, it's mass in relationship to the open space around it, and the size of its doors, windows, porches and balconies. The scale of a building must be compatible with its site and neighborhood.

- There will be no change to the scale of the building envelope. After consultation with Staff, the Applicant proposes to make the following changes:

Building Exterior -

- The Applicant intends to repair the spalled and broken sections of the building's ornamental concrete block exterior, and then paint it with a "Navajo White" pigmented exterior paint. Staff concurs with that work, and suggests that the gentlest means of cleaning the exterior be used to avoid damaging the block or its protective glazing.
- The Applicant will retain the small decorative roof brackets along the east and west facades. These are elements that, while questionable in their architectural value, have become established elements on the building, and thus should remain.
- The Applicant proposes that those portions of the building consisting of modern concrete block will initially be painted, with additional stucco or use of ornamental block to match the front portion of the building to possibly be added at a later point in time.

Windows - Staff recognizes that one of the most difficult aspects of renovating commercial buildings is often their lack of energy efficiency, and here the single pane glazing is probably one of the chief culprits. There are several options, either replacing the individual glazing with double pane lights, or replacing the

entire window with newly fabricated metal clad unit, in the same style and using the same rough opening as the original. The U.S. Secretary of the Interior's Standards recommend that whenever possible to refurbish existing sash instead of replacing them. Staff generally agrees, but given the technological advancements in glazing and replacement sash, there are products that bear a suitable similarity to the original, while providing significantly higher energy efficiency. Staff believes a balance can be struck such that replacement sash will be suitable.

- Staff initially discussed the restoring the two large sashes on the east façade, but in retrospect realize that the double pane lights would be too thick to be effectively glazed back into the original sash. Therefore, Staff concurs with the Applicant's wish to replace these two windows in their entirety with green metal clad sash of the same style. However, the Applicant proposes to replace these four light wide sashes with three light wide sashes, keeping the overall height, but reducing the overall width. Staff recommends that if this is done, then brick should be used and set in the same manner as on the door openings.
- The Applicant will be replacing the double hung window opening on the east, west, and north facades, maintaining their original sizes, as necessary. All replacement windows shall be matched as to type, number of lights, and style.

(2) **Height.** Change in the building height can have a negative impact on how a street appears. While maintaining a particular height is not required, changes in height must be visually compatible with the streetscape and the neighborhood.

- The Applicant does not propose any changes to the height of the building.

(3) **Rhythm of Front Facades.** In reviewing any facade, the pattern of doors, windows and wall surface, their height and width, should be visually compatible with the neighboring structures.

- In the case of the two opening on the south (Main St.) façade, we recommend that when these window openings are reestablished, that the sash be modeled to match the replacement sash for uniformity and consistency of design.
- We recognize that the main storefront sashes are replacement, c. 1965. The color and style of the metal frames, and the overall sizing do not match any

other location on the building. However, I have found evidence of similar and thus not inappropriate examples of the same style on similarly aged commercial buildings. Our recommendation is that if the sashes are to be replaced, that they be constructed to match the original proportions, again metal clad with a green color.

- The Applicant proposes to place a green awning across the front façade. A final design shall be reviewed by Staff.
- (4) **Relationship of Facade Shapes and Materials.** The relationship of facade shapes and materials should be considered in relation to the surrounding neighborhood. In particular, the rhythm of shapes, pitch, and orientation to the street on which the structure fronts should be maintained.
- The Applicant proposes to restore the ornamental concrete block, and paint it. No other changes are proposed.
 - The Applicant is in the process of leasing the building to a number of prospective tenants, so final interior layout has not been determined. Thus, there are two blocked up windows on the front façade, and two on the east façade. In addition, the existing large overhead doors may be converted to windows or entries, depending on the tenant's needs. Staff suggests that the Applicant submit elevations to Staff for review prior to the start of work.
 - The Applicant proposes to use Versalux wall mounted exterior lighting, using metal halide lamps for energy efficiency. No direct lighting shall spill beyond the property lines. The Applicant will also provide a stub for a future pole light at the street line on the east façade, if necessary. Both types shall consist of the luminaries' cut-off type.
 - The Applicant proposes to create a 4 - 5 foot wide landscape buffer between the sidewalk and the front façade, and on the east façade between the building and the parking lot.

CONDITIONS

Approval is dependant upon, and limited to, the proposals and plans contained in the application dated July 14, 2006 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 Planning Board. Specifically, Staff recommends the following conditions of approval:

1. Prior to issuance of a building permit, the Applicant must submit a cut sheet showing the unit details for all windows to be replaced. The style and number of lights should match the original sash, where ever possible. If Staff and the Applicant cannot agree on the final design, then the matter will be brought back to the Planning Board for their review and approval.
2. For any substantive changes to the existing garage doors, the Applicant must submit to Staff for their review an elevation or elevations to show the altered opening. If Staff and the Applicant cannot agree on the final design, then the matter will be brought back to the Planning Board for their review and approval.

2nd by Anna Wrobel

The vote was unanimous in favor 6-0

8. Final Site Plan - One Post Office Square - Pinkham & Greer on behalf of the Universal Group for improvements to 17 Westbrook Commons and surrounding property owned by the City of Westbrook. Tax Map: 28, Lot 17, Zone: CC, Overlay Zone: Village Review.

Vaughn Gushee requested an extension of the approved Final Site Plan - One Post Office Square - Pinkham & Greer on behalf of the Universal Group for improvements to 17 Westbrook Commons and surrounding property owned by the City of Westbrook. Tax Map: 28, Lot 17, Zone: CC, Overlay Zone: Village Review.

Mr. Gushee reviewed all aspects of the construction of the Final Site Plan - One Post Office Square - Pinkham & Greer on behalf of the Universal Group for improvements to 17 Westbrook Commons and surrounding property owned by the City of Westbrook. Tax Map: 28, Lot 17, Zone: CC, Overlay Zone: Village Review.

Overview - Project involves the rehabilitation of the Old Post Office Building located on the Westbrook Commons. In addition, the project will result in both on-site and off-site improvements that will significantly improve the traffic flow in this area of Downtown.

This project was originally approved by the Planning Board on January 4, 2005. Since the approval for the site plan application expired, the applicant is seeking re-approval for the project. The project also received Special Exception approval

for the inclusion of a drive-through bank operation. The approval has not expired on the Special Exception.

Staff Comments

- Complete Application: The application should be found complete.

Anna Wrobel moved to find the application complete.

2nd by Luc Bergeron

The vote was 6-0 in favor

- Waivers: The applicant has requested a waiver of the \$750 fee as this the second time the project has been reviewed in a short period of time.

Greg Blake moved to deny the waiver of the \$750.00 fee

2nd by Luc Bergeron

The vote was unanimous in favor 6-0

- Village Review: As has been stated in the past, the drive-through canopy will require a village review application when the final tenant moves forward with this portion of the project.

Anna Wrobel moved the Site Plan application for One Post Office Square on Tax Map 28, Lot 217, is to be approved with conditions with the following findings of fact and conclusions.

FINDINGS OF FACT

Utilization of the Site

- The side is occupied by an existing building, adjacent paved parking area and landscaped areas.

Adequacy of Road System

- Do to the design for the internal vehicular circulation; the project should improve the adequacy of the public road system.
- The fire department has requested that the curb extension at the head of the access lane (across from CVS Pharmacy) be reduced to enable the passage of a ladder truck.

Access to the Site

- The site will be accessed from the existing curb cut to the municipal parking lot behind the building.
- A bituminous island will be installed to make the exit from the municipal lot available for right turns only.
- The improvements to the entry will remove existing traffic movement conflicts at the site.

Internal Vehicular Circulation

- The plan is a great improvement over existing conditions at the site.
- The relocation of the entrances to the site and the municipal lot will reduce conflicts at the driveway entrance.
- The improvements will increase the amount of space for vehicles waiting in line for the drive-thru teller.
- The new circulation system will direct traffic to exit from the bank via the municipal parking lot on Church Street. Thus, exiting cars will leave via an existing public street.

Pedestrian and Other Modes of Transportation

- Pedestrian safety will be improved through the construction of sidewalks and crosswalks.

Storm water Management

- The City Engineer has approved the plans.

Erosion Control

- The City Engineer has approved the plans.

Utilities

- The project will use existing utility services.

Hazardous, Special and Radioactive Materials

- None.

Technical and Financial Capacity

- The applicant has the technical and financial capacity to complete the project.

Solid Waste

- Solid Waste will be the responsibility of the property owner.
- If a dumpster is to be placed on site, it must have a screened enclosure.

Historic, Archaeological and Botanical Resources

- A Village Review will be required for the drive-thru canopy.

Landscape Plan

- The landscape plan calls for the use of a privet hedge to screen headlight glare onto William Clarke Drive.
- Landscaping will be placed around the building and project sign. It should be noted that the sign will have to meet the requirements of the sign ordinance.

Others

- A joint development agreement and maintenance agreement is being drafted between the property owner and the City of Westbrook for improvements on City property and the location of an easement for public travel over the drive-thru bypass lane.
- The project will require a special exception for the Bank Class 1 use.

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** 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** with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
10. The developer **has/does not have** 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/will not** provide for adequate storm water management.
17. The proposed plan **will** negatively impact the ability of the City to provide public safety services.

CONDITIONS

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated July 13, 2006 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 Planning Board.

2nd by Greg Blake

The vote was unanimous in favor 5-1 (Rene Daniel opposed)

9. Site Plan Approval Extension - Olympia Sports Warehouse Expansion - Project Resources, Inc., on behalf of Olympia Sports, for a second one (1) year extension of the site plan approval granted by the Planning Board on August 3rd, 2004 for the warehouse expansion located at 5 Bradley Drive. Tax Map: 5B, Lot: 34, Zone: IP.

Dale Akeley requested a second extension for Olympia Sports Warehouse Expansion - Project Resources, Inc., on behalf of Olympia Sports, for a second one (1) year extension of the site plan approval granted by the Planning Board on August 3rd, 2004 for the warehouse expansion located at 5 Bradley Drive. Tax Map: 5B, Lot: 34, Zone: IP.

Greg Blake moved the Site Plan application for Olympia Sports in the Five Star Industrial Park on Tax Map 5B, Lot 34 is to be **approved** with the following findings of fact and conclusions.

FINDINGS OF FACT

Utilization of the Site

- The site of the proposed development is a level grass covered field.
- A portion of the property is located in the Resource Protection and Stream Protection districts of the Shoreland Overlay Zone. No building activity is proposed within these districts.

Adequacy of Road System

- No traffic study has been conducted as part of this application.
- Staff believes that the proposed warehouse and the level of traffic on Bradley Drive will not significantly impact the existing road system.

Access to the Site

- The project utilizes the existing single curb cuts on Bradley Drive.

Internal Vehicular Circulation

- The Fire and Police Departments have requested that a 20' wide Fire/Emergency vehicle lane be added. The lane is depicted on the plans.

Pedestrian and Other Modes of Transportation

- Pedestrian access will be via the existing building.

Storm water Management

- The storm water management plan uses existing park infrastructure.

Erosion Control

- The erosion control plan has been set in Exhibit 9 of the submission packet. The plan will give the City Engineer the information he needs to ensure proper erosion control measures are being taken.
- The applicant proposes to fully design and draw the erosion control plan following a pre-construction meeting with the City Engineer and the District Engineer.

Utilities

- All utilities will be connected from the existing building.
- No water or sewer utilities are proposed in the new addition.

Hazardous, Special and Radioactive Materials

- No hazardous materials have been proposed.

Technical and Financial Capacity

- A letter of financial capacity has not been provided.
- A construction schedule has been provided. The project is proposed to begin in September 2004 and end in March of 2005.

Solid Waste

- No additional dumpsters have been proposed.

Historic, Archaeological and Botanical Resources

- No resources have been identified.

Landscape Plan

- No additional landscaping has been proposed.

Others

- The applicant has submitted elevations for the Board review.
- The project meets the space and bulk standards of the zoning ordinance.

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** with a 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** 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.

CONDITION

2. **Approval is dependant upon, and limited to, the proposals and plans contained in the application dated August 3rd, 2004 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 Planning Board.**

2nd by Luc Bergeron

The vote was 5-1 in favor (Rene Daniel opposed)

Rene Daniel moved to adjourn to Workshop

2nd by Dennis Isherwood

The vote was unanimous in favor 6-0

10. Adjourn to Workshop

11. Land Use Ordinance Amendments - Downtown Housing Overlay District - Proposal to allow greater residential density in the area generally defined by Spring Street, William Clarke Drive, Presumpscot River and Saco Street.

The proposed standards would allow for a density of approximately 87 units per acre of property.

Brooks More presented to the Planning Board the Land Use Ordinance Amendments - Downtown Housing Overlay District - Proposal to allow greater residential density in the area generally defined by Spring Street, William Clarke Drive, Presumpscot River and Saco Street. The proposed standards would allow for a density of approximately 87 units per acre of property.

Several residential projects have been proposed in the downtown. This includes projects by Westbrook Housing, Peter Profenno and the proposal for Saccarrappa Park. These projects have demonstrated that the residential density in the downtown should be increased.

As you may be aware, there is continued debate over the future of Saccarrappa Park. The standards proposed in this overlay district would allow the proposed project to move forward. This being said, this overlay district should be looked at as applying to the entire district, not just in response to the development proposal on Saccarrappa Park. In other words, these standards can be implemented, and the community can still decide independently on the future of Saccarrappa Park.

The proposed standards have not been presented to the City Council for referral. Rather, we wanted to have a chance to hold a workshop with the Planning Board prior to presenting the standards to the City Council.

Erik Carson explained that if the Saccarrappa Terrace were to be developed while they would be able to provide their own parking via the underground facility, the number of units would not be allowed in the current Land Use Ordinance. This would provide for Retail, Commercial and Upper scale Residential vitality in the Down Town area.

Ed Reidman explained the density portion of this amendment would allow the City of Westbrook to move forward with many proposed development in the down town area.

Mr. Reidman then asked when the Parking Study would be complete.

Brooks More said that the Parking Study is about ninety (90) per cent complete.

Anna Wrobel recognized that some residents may have concerns about the density, but it would be useful for the City to have a Main Street that is vibrant.

Erik Carson explained that the development could provide for the residents who don't need automobile access Retail or Commercial Facilities.

Rene Daniel spoke in favor of these proposed amendments.

Luc Bergeron spoke in favor of these proposed amendments.

Rene Daniel moved to adjourn to Regular Session

2nd by Greg Blake

The vote was unanimous in favor 6-0

12. Adjourn to Regular Session

13. Adjourn

Respectfully submitted by Linda Gain PECE Secretary

MINUTES MAY NOT BE TRANSCRIBED VERBATIM. SECTIONS MAY BE PARAPHRASED FOR CLARITY. A COMPLETE RECORDING MAY BE OBTAINED BY CONTACTING THE ENGINEERING, PLANNING AND CODE ENFORCEMENT DEPARTMENT. THANK YOU