



City of Westbrook

DEPARTMENT OF PLANNING, ENGINEERING AND
CODE ENFORCEMENT

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WESTBROOK PLANNING BOARD MINUTES TUESDAY, SEPTEMBER 5TH, 2006, 7:00 P.M. WESTBROOK HIGH SCHOOL, ROOM 114

Present: Ed Reidman, (Chair), Rene Daniel (Vice-Chair), Greg Blake (Arrived after items #1 & #2), Dennis Isherwood, Anna Wrobel, Corey Fleming

Absent:

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.

1. Call to Order

2. Approval of Minutes: July 18th, 2006; August 1st, 2006.

Rene Daniel moved to accept the minutes as written.

2nd by Dennis Isherwood

The vote was 5-0 in favor

Continuing Business

3. 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.

Mike White informed the Planning Board that he has hired Pat Amidon from Amidon Consulting and would have the report completed for the meeting of the 19th.

Has found 2 studies of similar scope

Item remains on the table

New Business

4. Village Review – 23 Foster Street - MAD Property Services for the construction of a 1,120 S.F. duplex in back of the existing house located at 23 Foster Street. Tax Map: 33, Lot: 206, Zone: City Center, Overlay Zone:

VILLAGE REVIEW

Michael Dukette from MAD Properties presented to the Planning Board all aspects of the construction of a 1,120 S.F. duplex in back of the existing house located at 23 Foster Street. Tax Map: 33, Lot: 206, Zone: City Center, Overlay Zone:

Staff Comments:

Staff has met with the Applicant to review the proposed building design. The property owner has been very willing to cooperate on modifications to the original design. Staff's only comment at this time is to recommend that the roof pitch be returned to that originally proposed. The current design was modified in an attempt to match the porch roof pitch to the roof pitch.

Note: As with all Village Review applications, the Board is reviewing the design of the building, rather than whether or not the project meets the standards of the zoning district.

Anna Wrobel moved to schedule a Public Hearing for September 19th, 2006 at 7:00 PM.

2nd by Rene Daniel

The vote was unanimous in favor 6-0

5. Site Plan and Special Exception – Ladybug Lane Home Daycare – Suzanne Bearer for the placement of a Home Day Care on the property located at 134 Park Road. Tax Map 44, Lot 91, Zone RGA2.

STAFF COMMENTS

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

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

Suzanne Bearor presented to the Planning Board all aspects of the placement of a Home Day Care on the property located at 134 Park Road. Tax Map 44, Lot 91, Zone RGA2.

Anna Wrobel moved to find this application complete.

2nd by Corey Fleming

The vote was unanimous in favor 6-0

Greg Blake moved to waive the \$750.00 dollar Site Plan application fee.

2nd by Anna Wrobel

Vote: 3 in favor, 3 opposed (Greg Blake, Anna Wrobel and Corey Fleming in favor) & (Ed Reidman, Rene Daniel and Dennis Isherwood opposed) (Motion fails)

Greg Blake moved the Site Plan application for the Ladybug Lane Home Daycare on Tax Map 44, Lot 91, 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 Park Road. The road system can handle the trips generated by this project.

Access to the Site

- The project will use the existing curb cut on Park Road.

Internal Vehicular Circulation

- The Applicant has stated her willingness to widen the driveway on her property to accommodate four cars. This would provide two spaces for the cars in the household and two for parent's delivering and picking up their children. The applicant will present a plan of the new parking spaces to the Board at the meeting.

Pedestrian and Other Modes of Transportation

- A sidewalk exists on Park Road for any parents that have to park on Hammond Street.

Storm water Management

- No issues.

Erosion Control

- No issues.

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

- None.

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 August 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 Rene Daniel

The vote was unanimous in favor 6-0

Special Exception Application

Greg Blake moved the Special Exception application for the Ladybug Lane Home Daycare on Tax Map 44, Lot 91, 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 to meet the ordinance. However, due to the circulation in the driveway and property location on a busy road, additional parking spaces must be created. 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 will be 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,
 - No issues.
- (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. 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,
- Park Road is a heavily traveled street. Access to the site during drop-off and pick-up periods will be an issue unless the applicant can develop more parking spaces. The Applicant has agreed to widen the driveway to accommodate four (4) cars. This number of spaces should be able to accommodate a home day care of 6 children. The other option would be to post no-parking on Park Road and make all parents park on Hammond Road. If approved, Staff will request that the City Council post the street in front of the house for no parking.
- (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 site does not currently have enough parking in relation to its location on Park Road. The largest concern is that parents will park on Park Road while dropping off and picking up their children. This will create an unsafe condition for both motorists and the families dropping off at the site. The creation of a four (4) car driveway should provide adequate parking and circulation for the six child day care.
- (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 August 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.

2. The applicant shall widen the driveway to a minimum of 18 feet in width, in order to provide adequate space for at least four (4) cars.

2nd by Corey Fleming

The vote was unanimous in favor 6-0

6. Adjourn to Workshop – Public Comment Will be Accepted as Part of the Workshop

Rene Daniel moved to adjourn to workshop session

2nd by Anna Wrobel

The vote was unanimous in favor 6-0

Chairman Reidman explained the reasoning to hear projects in work shop session. When an item is on the formal Agenda, the Planning Board does not hear Public Comment. As in Workshop we do hear Public input.

7. Sketch Subdivision Plan – George Kirck Property – George Kirck for the creation of a four (4) lot cluster subdivision on a 12.03 acre parcel located at 360 Duck Pond Road. Tax Map: 21, Lot: 36, Zone: RGA3.

No representation in attendance, the Planning Board moved to the next item on the Agenda.

8. Sketch Subdivision Plan – Gracie Estates – Mountain View, LLC for the creation of a thirteen (13) lot subdivision on a 3.78 acre parcel located at 133 Longfellow Street. Tax Map: 27, Lot: 119, Zone: RGA1.

Isaiah Plante with Blackstone Consultants, representing Mountain View, LLC presented to the Planning Board aspects of the creation of a thirteen (13) lot subdivision on a 3.78 acre parcel located at 133 Longfellow Street. Tax Map: 27, Lot: 119, Zone: RGA1.

Rene Daniel asked if Jensen Lane was an approved street.

Isaiah Plante said that it was not an approved street.

Evan Carroll asked how the density matches the area.

Isaiah Plante said the density matches the City of Westbrook Ordinance.

Corey Fleming asked of the legal status of Jensen Lane in the near future.

Rene Daniel is interested in a sidewalk on Longfellow Street.

Staff needs to check with Tom Eldridge Public Services Director for his recommendation.

Anna Wrobel asked about the topography and would like trees along boundaries.

Ed Reidman asked if there were any other comments. No further comments
Chairman Reidman asked for a motion to return to regular session.

Rene Daniel moved to leave workshop session and return to regular session.

Brooks More informed the Planning Board that Mr. Kirk had arrived and asked if the Board could take item #7 out of order.

7. Sketch Subdivision Plan – George Kirck Property – George Kirck for the creation of a four (4) lot cluster subdivision on a 12.03 acre parcel located at 360 Duck Pond Road. Tax Map: 21, Lot: 36, Zone: RGA3.

The Planning Board reviewed this item out of sequence.

Ed Reidman explained that a conflict with staff would be reviewed.

George Kirck presented to the Planning Board aspects of the Sketch Subdivision for the creation of a four (4) lot cluster subdivision on a 12.03 acre parcel located at 360 Duck Pond Road. Tax Map: 21, Lot: 36, Zone: RGA3.

Ed Reidman explained that the Board is in workshop session and can not take an official vote on any waiver requests especially that our staff is divided on the waiver request.

Anna Wrobel requested the reason for the waiver and the current definition in the Code of Ordinances.

Brooks More said that the applicant was applying for a dead end road off another dead end road that is currently not allowed.

Paul McCarthy from 35 Stonewall Way requested an adequate buffer be maintained between his property and the new proposed Subdivision. Mr. McCarthy also requested a sidewalk, or a widened shoulder. He also suggested an Impact Fee for sidewalks or widened shoulders for all further development in the area.

Ralph Hat from 12 Willow Drive asked the Planning Board not to overlook technical aspects of a sub-division. Do not approve sub-division due to hardships of the Land Owner.

Sandra Bonney from 74 Old Farm Road had tried to purchase the land or asked if the land was for sale. Mr. Kirk said the land was not for sale. This is the reason that she had moved her family there. Ms. Bonney feels miss-lead.

George Kirk explained that the land was not for sale at the time Ms. Bonney asked.

Rene Daniel moved to adjourn to Regular Session

2nd by Corey Fleming

The Vote was unanimous in favor 6-0

9. Adjourn to Regular Session

10. Land Use Ordinances Amendment – Referral from the City Council to remove private ways from the Land Use Ordinances.

Several meetings ago the Board voted to recommend that Private Ways be removed from the Land Use Ordinances. Staff has had additional conversations with our legal counsel, and would like to make some additional recommendations on this proposal. The changes will ensure that a property owner on an existing private way will be allowed to construct additional lots on the private way. The proposal continues to recommend that the construction of new Private Ways be removed as an option for subdivision development. A new public hearing will need to be scheduled as a result of these proposed amendments. Staff recommends that the hearing be set for the October 3rd, 2006 meeting.

Rene Daniel moved to schedule a Public Hearing for October 3rd, 2006.

2nd by Anna Wrobel

The vote was unanimous in favor 6-0

11. 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*

