



City of Westbrook

DEPARTMENT OF PLANNING, ENGINEERING AND
CODE ENFORCEMENT

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WESTBROOK PLANNING BOARD TUESDAY, MARCH 6, 2007, 7:00 P.M. MINUTES

Present: Ed Reidman, (Chair), Rene Daniel (Vice-Chair), Greg Blake, Anna Wrobel, Dennis Isherwood, Evan Carroll (Ward 3)

Absent: Michael Taylor (Alternate), Cory 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 that only four members of the Board can vote on the Clearwater Bend development. 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 – February 6, 2007.

Rene Daniel moved to approve the minutes as written

2nd by Greg Blake

The vote was unanimous in favor 6-0

Continuing Business

3. Adjourn to Executive Session

Rene Daniel moved to adjourn to executive session under the provisions of 1 M.R.S.A. § 405(6)(E) in order to consult with its attorney concerning the Board's legal rights and duties concerning the action on the remand by the Superior Court of the Clearwater Bend development application by Reed Street Neighborhood Housing, LP.

2nd by Greg Blake

The vote was unanimous in favor 6-0

Executive Session – The Board will consider a motion to go into Executive Session under the provisions of 1 M.R.S.A. § 405(6)(E) in order to consult with its attorney concerning the Board’s legal rights and duties concerning the action on the remand by the Superior Court of the Clearwater Bend development application by Reed Street Neighborhood Housing, LP.

Rene Daniel moved to come out of Executive session and return to regular session

2nd by Anna Wrobel

The vote was unanimous in favor 6-0

4. Return to regular session

Natalie Burns explained the legal rights and duties concerning the action on the remand by the Superior Court of the Clearwater Bend development application by Reed Street Neighborhood Housing, LP.

5. Final Subdivision Plan, Final Site Plan, & Special Exception – Clearwater Bend – Mitchell & Assoc., on behalf of Reed Street Neighborhood Housing LP, for the creation of 23 dwelling units and community building on a 7.07 acre site located at 27 Reed Street. Tax Map: 56, Lot: 42, Zone: RGA2.

Greg Blake moved the Subdivision application for Clearwater Bend on Tax Map 56, Lot(s) 42 is to be **approved with conditions** with the following findings of fact and conclusions.

A. POLLUTION AND SEWERAGE DISPOSAL

- The project will be connected to the municipal sewer system. Therefore, it should not produce undue amounts of groundwater pollution.

B. WATER

- The Portland Water District confirmed its ability to serve the project in a letter from Jim Pandiscio dated December 28th, 2005.

B. SOIL EROSION

- The City Engineer has approved the erosion control plans.
- Due to the proximity of the project to the ravine, Staff requests that a third party inspector be hired by the applicant to inspect erosion control devices during the construction process. Staff recommends that the Cumberland County Soil and Water Conservation District be retained.

C. TRAFFIC

- The project's driveway will be located on Reed Street.
- The applicant will reclaim and repave Reed Street from Route 302 to the project's entrance.
- Gorrill-Palmer Consulting Engineers conducted a traffic assessment. They concluded that, "Based on the findings of this study, it is the opinion of Gorrill-Palmer Consulting Engineers, Inc. that the existing traffic network can accommodate the additional traffic generated by the proposed residential subdivision."

D. SEWERAGE

- The project will connect to the municipal sewer system via a gravity line system.
- The applicant will replace approximately 60 feet of the existing clay pipe in Reed Street with PVC pipe to accommodate the increase in sewage from the site.

E. SOLID WASTE

- Solid waste will be the responsibility of property owner.

F. AESTHETICS

- Brian Lewis, Fishery Specialist, of the Maine Department of Inland Fisheries and Wildlife (IF&W) communicated in a letter dated March 18, 2005 that, "there are no know fisheries resources within the proposed project area."
- Toni Bingel Pied, GIS Specialist/Assistant Ecologist, of the Maine Department of Conservation, communicated in a letter dated March 28, 2005 that, "According to the information currently in our Biological and Conservation Data System files, there are no rare botanical features documented specifically within the project area."
- Scott Lindsay, Asst. Regional Wildlife Biologist, of the Maine Department of IF&W communicated in a letter dated April 8, 2005 that, "Based upon a review of our most current wildlife habitat data, the 7.07 acres you have identified as this potential development site, does not occur within or adjacent to a known essential or significant wildlife habitat, nor any

documented occurrences of rare, threatened or endangered wildlife species.”

- Earle G. Shettleworth, Jr. of the Maine Historic Preservation Commission, in a letter dated February 15, 2005, stated that the project will have no effect upon site or structure of historic architectural or archaeological significance as defined by the National Historic Preservation Act of 1966.
- Appearance Assessment:
 - (1) Project to Site – The landscaping provides for a smooth transition through plantings along the driveway. This being said, an abutter to the project has communicated dislike of the proposed plantings along the entrance drive.
 - (2) Project to Surrounding Property – Plantings have been placed to provide screening for abutting properties on Reed Street. A fence buffer has been proposed for the rear property line of the lots fronting on route 302.
 - (3) Landscape Design – The design has been prepared by a registered Landscape Architect.
 - (4) Lighting – Lighting cut-sheets have been provided.
 - (5) Signs – A project sign has been proposed on Reed Street. This sign must conform to the standards for signs in residential districts.

G. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- Comprehensive Plan:
 - The project appears to meet following goals of the comprehensive plan:
 - “Reduce strip residential development along roads in favor of interior lot development patterns using clustering and open space preservation techniques (p. 8-20).
 - The space and bulk and performance standards as they were finalized in the Residential Growth Area 2 zoning district (p. 12-3 through 12-4).
 - The project does not appear to meet the “higher end” part of the following goal:
 - Balance lot size and density bonuses with the need to provide a transition to higher end housing development (p. 8-20).
- Land Use Ordinances – The plan meets the setback and net residential density standards of the zoning ordinance.
- Recreation & Open Space – The Recreation & Conservation Commission reviewed the plans at its February 17, 2005 meeting. Their recommendation is to accept the open space as depicted on the plans.
- Community facilities impact analysis – The applicant has submitted a detailed community facilities impact analysis that concludes that the project will not burden the municipal infrastructure and services.

- Fire Code
- No written comments.

H. FINANCIAL AND TECHNICAL CAPACITY

- Two letters demonstrating financial capacity have been supplied by Camden National Bank, dated October 4th, 2004, and Maine State Housing Authority, dated February 3rd, 2005.
- Community Housing of Maine has completed a similar project in Rockland, Maine.

I. RIVER, STREAM OR BROOK IMPACTS

- The project will be built next to a wetland/stream channel that feeds Mill Brook. For this reason, and based on similar projects, Staff recommends that a third party erosion control inspector be hired 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 **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** 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 March 1, 2005, as amended April 6th, 2005, 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. Prior to the commencement of any site work, the applicant will sign a contract with a third party soil and erosion control inspector that is approved by City Staff.
3. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated March 1, 2005, as amended April 6th, 2005, 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 4-0 (Ed Reidman, Greg Blake, Anna Wrobel and Rene Daniel voting)

SITE PLAN REVIEW

Overview – Site Plan Review is required because the project is proposing the construction of multi-family units. In some instances, the review will overlap with the requirements of the subdivision review.

Staff Comments

- Complete Application – The Planning Board found the application to be complete on March 1st, 2005.

Ed Reidman explained that the Planning Board will be adding the pedestrian crossway as a condition of approval.

Peter Hedrick with Gorrill Palmer on behalf of the applicant said that the condition for a pedestrian actuary flasher installation is agreeable.

Greg Blake moved the Site Plan application for Clearwater Bend on Tax Map 56, Lot 42, 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.
- The development does not attempt to fill or cross the ravine that runs through the site.

Adequacy of Road System

- Gorrill-Palmer Consulting Engineers, Inc. found that the road system can accommodate the number of trips generated by this project.
- The applicant will reclaim and repave Reed Street from Route 302 to the project's driveway.

Access to the Site

- The project proposes to use one driveway.

- The proposed driveway has adequate sight distance.

Internal Vehicular Circulation

- The plan provides adequate space for internal passenger and emergency vehicle circulation and access.
- A turnaround has been provided at the end of the driveway.

Pedestrian and Other Modes of Transportation

- The applicant will construct an internal sidewalk.
- The applicant will construct a sidewalk along the North side of Reed Street from the site's entrance to Route 302.
- *Staff communicated that improvements must be made to the crosswalk on Route 302. Staff requested a pedestrian activated warning system, such as an overhead or roadside flashing lights.*

Stormwater Management

- The City Engineer has approved the stormwater management plans.

Erosion Control

- The City Engineer has approved the erosion control plans.
- Due to the proximity of the project to the ravine, Staff requests that a third party inspector be hired by the applicant to inspect erosion control devices during the construction process. Staff recommends that the Cumberland County Soil and Water Conservation District be retained.

Utilities

- All utilities are underground.
- The Portland Water District confirmed their ability to serve the project in a letter from Jim Pandiscio dated December 28th, 2005.

Hazardous, Special and Radioactive Materials

- Not applicable.

Technical and Financial Capacity

- Two letters demonstrating financial capacity have been supplied by Camden National Bank, dated October 4th, 2004, and Maine State Housing Authority, dated February 3rd, 2005.

- Community Housing of Maine has completed a similar project in Rockland, Maine.

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

- Brian Lewis, Fishery Specialist, of the Maine Department of Inland Fisheries and Wildlife (IF&W) communicated in a letter dated March 18, 2005 that, "there are no know fisheries resources within the proposed project area."
- Toni Bingel Pied, GIS Specialist/Assistant Ecologist, of the Maine Department of Conservation, communicated in a letter dated March 28, 2005 that, "According to the information currently in our Biological and Conservation Data System files, there are no rare botanical features documented specifically within the project area."
- Scott Lindsay, Asst. Regional Wildlife Biologist, of the Maine Department of IF&W communicated in a letter dated April 8, 2005 that, "Based upon a review of our most current wildlife habitat data, the 7.07 acres you have identified as this potential development site, does not occur within or adjacent to a known essential or significant wildlife habitat, nor any documented occurrences of rare, threatened or endangered wildlife species."
- Earle G. Shettleworth, Jr. of the Maine Historic Preservation Commission, in a letter dated February 15, 2005, stated that the project will have no effect upon site or structure of historic architectural or archaeological significance as defined by the National Historic Preservation Act of 1966.

Landscape Plan

- The landscape plan has been prepared by a registered landscape architect.
- The plan focuses on plantings along the site's driveway entrance and providing buffer to the properties with frontage on Reed Street.

Others

- Parking: 45 parking spaces have been provided. This surpasses the Site Plan requirement for 39 parking spaces needed to serve the proposed residential uses.
- 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** 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 1, 2005, as amended April 6th, 2005,

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. A performance guarantee must be established for all work within the public right-of-way, including improvements to the crosswalk at the intersection of Reed Street and Route 302.
3. A pedestrian actuary flasher will be installed at the intersection of Reed Street and Route 302.

2nd by Rene Daniel

The vote was unanimous in favor 4-0 (Ed Reidman, Rene Daniel, Anna Wrobel and Greg Blake voting)

New Business

6. Final Site Plan – Terradyn Consultants, on behalf of Burns’ Fencing, for the construction of an 1,800 S.F. one story office building and related site improvements on the property located at 14 Rochester Street. Tax Map: 40, Lot: 208A, Zone: CC.

Jon Witten with Terradyn Consultants, on behalf of Burns’ Fencing, presented to the Planning Board aspects for the construction of a 1,800 S.F. one story office building and related site improvements on the property located at 14 Rochester Street. Tax Map: 40, Lot: 208A, Zone: CC. ____

Rene Daniel asked about the gates around the property and requested additional landscaping on this lot.

Dennis Isherwood commented on the sliding gate.

Anna Wrobel moved to find this application complete

2nd by Rene Daniel

The vote was unanimous in favor

STAFF COMMENTS

1. Waivers:

- The applicant is requesting a waiver of the underground utility requirement.

Greg Blake moved to approve the waiver for the underground utilities

2nd by Evan Carroll

The vote was 4-2 in favor (Rene Daniel, Ed Reidman opposed)

Greg Blake moved the Site Plan application for Burns Fencing on Tax Map: 40, Lot: 208A 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 covered with compacted gravel. The proposed plan will reduce the amount of impervious surface through the installation of landscaping.

Adequacy of Road System

- The proposed project will not significantly impact the existing road system.

Access to the Site

- No new curb cuts are being proposed.

Internal Vehicular Circulation

- Ample internal vehicular circulation will exist on the site.

Pedestrian and Other Modes of Transportation

- The scope of the project will not effect pedestrian movement within the site.

Stormwater Management

- The stormwater management report finds that the project will not increase runoff from the site.
- The City Engineer approves of the stormwater management report.

Erosion Control

- The City Engineer has approved the erosion control plan.

Utilities

- The applicant is requesting a waiver of the underground utility requirement for overhead electric and telephone.
- All other utilities will be underground.

Hazardous, Special and Radioactive Materials

- Not applicable.

Technical and Financial Capacity

- The applicant has submitted a letter of financial capacity.
- The applicant has hired a contractor with the technical capacity to complete the project.

Solid Waste

- Solid waste will be the responsibility of the property owner.
- A dumpster has not been identified on the plan.

Historic, Archaeological and Botanical Resources

- Not applicable.

Landscape Plan

- The project proposes to increase the amount of landscaping on the site.

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 February 7, 2007, 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

7. Final Subdivision, Site Plan, and Special Exception - 63 E. Bridge Street - DeBill, LLC for the creation of two additional dwelling units in the existing duplex structure located at 63 East Bridge Street. Tax Map: 48, Lot: 71B, Zone: RGA2.

Deb Fritzen a member of DeBill, LLC presented to the Planning Board all aspects for the creation of two additional dwelling units in the existing duplex structure located at 63 East Bridge Street. Tax Map: 48, Lot: 71B, Zone: RGA2.

Ms. Fritzen spoke in detail on the updated landscaping plan for the property.

1. Waivers: The following is a list of waivers that we need to be requested. Following this is a list of additional information that the applicant should submit as part of the Final Plan application.
 - A. 502.4B(11) Drainage and Storm water Management Plan. *Note:* The City Engineer approves of this waiver.
 - B. 502.4B(14) Sewer Plan. *Note:* The City Engineer approves of this waiver.
 - C. 502.4B(21) Grading and Erosion Control Plan. *Note:* The City Engineer approves of this waiver.
 - D. 502.4B(24) GIS Data. For a project that does not involve the subdivision of many parcels, nor the construction of a new building, Staff supports this waiver.
 - E. 502.4C(6) Storm water Management Plan. *Note:* The City Engineer approves of this waiver.

Anna Wrobel moved to approve all waivers

2nd by Rene Daniel

The vote was unanimous in favor 6-0

Rene Daniel moved that the application be found complete.

2nd by Dennis Isherwood

The vote was unanimous 6-0

Anna Wrobel moved the Subdivision application for 63 East Bridge Street on Tax Map: 48, Lot: 71B is to be **approved with conditions** with the following findings of fact and conclusions.

Findings of Fact and Conclusions

POLLUTION AND SEWERAGE DISPOSAL

- The proposed development will not result in undue pollution.

WATER

- The subdivision will be served by the public water system.
- The Portland Water District confirmed its ability to serve the project.

SOIL EROSION

- The City Engineer will monitor erosion control on the site.

TRAFFIC

- The proposed subdivision will utilize an existing curb cut on East Bridge Street. The addition of two additional units will not affect the traffic on East Bridge Street.

SEWERAGE

- Sewerage will be removed via the municipal sewer system.

SOLID WASTE

- Solid waste will continue to be removed by the City of Westbrook.

AESTHETICS

- Appearance Assessment:
 - (1) Project to Site – The landscaping augments the many trees that exist on the site.
 - (2) Project to Surrounding Property – Plantings have been placed to provide screening for abutting properties. The applicant has moved the parking further to the rear of the property to improve the view from E. Bridge Street.
 - (3) Landscape Design – The landscaping will improve upon the large amount of vegetation that exists on the site.
 - (4) Lighting – Not applicable.
 - (5) Signs – A project sign has been proposed.

CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- This project conforms to the Comprehensive Plan and Land Use Ordinance.
- The Recreation and Conservation Commission found that the project meets the requirement for open space.

FINANCIAL AND TECHNICAL CAPACITY

- A letter of financial capacity has been provided.

RIVER, STREAM OR BROOK IMPACTS

- No direct impacts are found.

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 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. 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 February 13, 2007, 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 Evan Carroll

The vote was unanimous in favor 6-0

Anna Wrobel moved the Site Plan application for 63 East Bridge Street on Tax Map: 48, Lot: 71B is to be **approved with conditions** with the following findings of fact and conclusions.

FINDINGS OF FACT

Utilization of the Site

- The project proposes to increase the size of the parking area and install additional landscaping.

Adequacy of Road System

- The project will not negatively impact the road system.

Access to the Site

- The project will use the existing curb cut.

Internal Vehicular Circulation

- Adequate internal vehicular circulation has been provided.

Pedestrian and Other Modes of Transportation

- Not applicable.

Stormwater Management

- The City Engineer finds that the project will not negatively affect abutting properties.

Erosion Control

- The City Engineer will monitor the erosion control on the site.

Utilities

- All utilities are proposed to run underground.

Hazardous, Special and Radioactive Materials

- None have been identified in the application.

Technical and Financial Capacity

- The applicant has submitted a letter of financial capacity.

Solid Waste

- Solid waste will be removed by the City of Westbrook.

Historic, Archaeological and Botanical Resources

- Not applicable.

Landscape Plan

- See subdivision review.

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 February 13, 2007 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 Evan Carroll

The vote was unanimous in favor 6-0

Anna Wrobel moved the Special Exception application for 63 East Bridge Street on Tax Map: 48, Lot: 71B is to be **approved with conditions**:

- 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 multi-family units meet the parking requirements of Section 505.1A of the Site Plan Ordinance.
 - The project meets the dimension and net residential density requirements.
- 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.
 - The difference from existing conditions will be an increase in the number of parking spaces and cars on the site. To mitigate this change, the applicant has proposed to increase the amount of vegetative screening. If well managed, the project should not significantly devalue abutting properties.
- C. Effects of Land Use. That the use granted will:
 - (1) Maintain safe and healthful conditions,
 - The project will be connected to the public water and sewer systems.
 - (2) Not cause water pollution, erosion, or sedimentation
 - The City Engineer has approved the erosion control plans.
 - (3) Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat,
 - No impacts.

- (4) Conserve shared tree cover and visual, as well as actual, access to water bodies,
 - Will not affect tree cover shared by existing residential properties. Will not affect shared physical or visual access to water bodies.
- (5) Not burden on-site septic or off-site waste disposal,
 - The City wastewater system has capacity to accommodate the project.
- (6) Not burden existing public ways.
 - The small increase in vehicular trips will not burden existing public ways.

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,
 - The project will have minimal effect on the natural landscape. The stand of trees in the ravine will remain and be augmented by the proposed plantings.
- (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 City Engineer has approved the stormwater management plan.
- (3) Water, Air, Soil Pollution. The development will not cause unreasonable water, air, or soil pollution,
 - The project will not cause unreasonable water, air or soil pollution as municipal sewer service will be connected to the site.
- (4) Soil Integrity. The development will not cause unreasonable soil erosion or reduction in the capacity of the soil to hold water,
 - The City Engineer has approved the erosion control and stormwater management plans.
- (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 development will produce unreasonable nuisance.

- (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,
- No issues.
- (8) Vehicular Access. The site layout must provide for safe vehicular access and egress, including that for emergency vehicles,
- Safe sight distance exists at the driveway entrance on E. Bridge Street.
- (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,
- Adequate parking has been provided.
 - Adequate driveway width and a vehicle turnaround have been provided.
- (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 February 13, 2007 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 Dennis Isherwood

The vote was unanimous in favor 6-0

Workshop – Note: Public comment will be accepted during the workshop.

Rene Daniel moved to adjourn to workshop

2nd by Dennis Isherwood

The vote was unanimous in favor 6-0

8. Adjourn to Workshop

9. Sketch Site Plan – Deluca-Hoffman Associates, on behalf of IDEXX Laboratories, for the demolition of the western third of the existing building. In its place, the applicant proposes to construct an approximately 129,000 S.F. building. Tax Map: 5B, Lot: 5, Zone: IP.

Chris Osterrieder with Deluca-Hoffman Associates, on behalf of IDEXX Laboratories, presented to the Planning Board aspects for the demolition of the western third of the existing building. In its place, the applicant proposes to construct an approximately 129,000 S.F. building. Tax Map: 5B, Lot: 5, Zone: IP.

Traffic – Will this require a MDOT Permit?

Rene Daniel mentioned the landscaping throughout the site and suggested to have a safe well lit parking lot, but do not install too many.

Rene Daniel moved to adjourn to regular session

2nd by Anna Wrobel

The vote was unanimous in favor 6-0

10. Adjourn to Regular Session

Greg Blake recused himself

New Business (Continued)

11. Special Exception – 344 Main Street – Blake Hurley McCallum & Conley LLC for the conversion of a single-family home located at 344 Main Street to an accounting office per the Residential Growth Area 1 Business Office Overlay Standards. Tax Map: 40, Lot: 61, Zone: RGA1, Overlay Zone: RGA1 Business Office Overlay.

Tammy Blake with Blake Hurley McCallum & Conley LLC presented to the Planning Board aspects of the conversion of a single-family home located at 344 Main Street to an accounting office per the Residential Growth Area 1 Business Office Overlay Standards. Tax Map: 40, Lot: 61, Zone: RGA1, Overlay Zone: RGA1 Business Office Overlay.

Dennis Isherwood mentioned that the concerned citizens that he had heard from about the parking in the Business Office Overlay Standards were residents in the Stroudwater Street area. Mr. Isherwood requested that the applicant be considerate of parking areas for the neighbors.

Rene Daniel asked which side of the property the sign would be displayed.

Tammy Blake said the sign would be on the Mason Street side.

Anna Wrobel expressed the her approval of the presentation

Special Exception Application – The application is for the Business Office 2 use in the RGA1 Business Office Overlay Zone. Planning Board members may recall that this is a newly enacted overlay zone along portions of Main Street and Stroudwater Street.

Evan Carroll moved the Special Exception application for 344 Main Street on Tax Map: 40, Lot: 61 is to be **approved with conditions**:

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 project meets the parking requirements of the overlay zone.
- The proposed sign appears to meet the requirements of the ordinance. The sign will be reviewed and approved by the Code Enforcement Officers.

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.

- The project will comply with the RGA1 Business Overlay Standards. These standards were specifically drafted to protect abutting property owners. As a result, the project will not significantly devalue abutting properties.

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

(1) Maintain safe and healthful conditions,

- The project will be connected to the public water and sewer systems.

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

- The City Engineer has reviewed and approved the plan.

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

- Not applicable.

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

- The applicant is proposing to screen the additional parking spaces and provide planting on the South property line to increase vegetative screening. The one bush close to the building that is slated to be removed will be off-set by the proposed landscape plan.
- (5) Not burden on-site septic or off-site waste disposal,
- The municipal sewer system has capacity to accommodate this project.
- (6) Not burden existing public ways.
- The project has provided enough parking spaces to meet the Land Use Ordinance Standards. As a result, the project should not result in an undue number of cars parked on the public street. Due to the size of the accounting firm, the project will not produce large traffic volumes.
- E. 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,
- The applicant has proposed a landscape plan to buffer the parking area and driveway from Main Street and abutting properties.
- (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 City Engineer has approved the storm water management plan.
- (3) Water, Air, Soil Pollution. The development will not cause unreasonable water, air, or soil pollution,
- The project will not cause unreasonable pollution.
- (4) Soil Integrity. The development will not cause unreasonable soil erosion or reduction in the capacity of the soil to hold water,
- The City Engineer has approved the project.
- (5) Natural Environment. The development must not have an unreasonably adverse effect on a historic site or irreplaceable natural areas,
- The building will not be altered under the current application. Any alterations to the building will have to meet the RGA1 Business Overlay standards and the Village Review Standards.
- (6) Nuisance Factor. The development must not cause unreasonable noise, odors, dust, gas, fumes, smoke, light or other annoying or dangerous emissions,
- The project will not cause unreasonable nuisance.

- (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,
- A dumpster is not being proposed.
- (8) Vehicular Access. The site layout must provide for safe vehicular access and egress, including that for emergency vehicles,
- The project will use the existing access on Mason Street.
 - Safe sight distance exists at the driveway entrance on Mason Street.
- (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,
- Adequate parking has been provided.
 - Adequate driveway width and a vehicle turnaround have been provided.
- (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.
- The project will not cause unreasonable burden on public services.

CONDITIONS

- 1 Approval is dependant upon, and limited to, the proposals and plans contained in the application dated February 12, 2007 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 5-0 (Greg Blake recused)

12. 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