



City of Westbrook

DEPARTMENT OF PLANNING, ENGINEERING AND
CODE ENFORCEMENT

2 York Street Westbrook, Maine 04092

(207) 854-0638

Fax: (866) 559-0642

WESTBROOK PLANNING BOARD TUESDAY, APRIL 24th, 2007, 6:15 P.M. MINUTES

Present: Ed Reidman, (Chair) (Ward 5), Rene Daniel (Vice-Chair) (Ward 1), Dennis Isherwood (Ward 2), Evan Carroll (Ward 3), Anna Wrobel (Ward 4), Greg Blake (At Large), Cory Fleming (At Large), Michael Taylor (Alternate), Scott Herrick (Alternate)

Absent:

Staff: Rick Gouzie, Brooks More, Eric Dudley

Vice-Chairman Daniel called the Westbrook Planning Board meeting to order at 6:15 p.m. in Room 114 of the Westbrook High School. Mr. Daniel informed the audience of the purpose for the work shop, 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.

Workshop – 6:15 p.m., Westbrook High School, Room 114 **Public Comment will be allowed during the workshop**

Land Use Ordinances - Farm Animals in Residential Growth Areas – Referral from the City Council seeking recommendations on land use policy for the keeping of non-domesticated animals within residential zoning districts.

Brook Moore requested the Planning Board to review a draft proposal for the keeping of farm animals on properties in the City of Westbrook. The first part of the proposal is to add additional definitions and standards in the Land Use Ordinances. The second part is to create new standards for the keeping of bees, poultry and fowl in Westbrook's general code of ordinances.

The Land Use Ordinances section of the proposal is to create new definitions for Farm Animals and Hobby Farms. The Hobby Farm use will be allowed, on a case-by-case basis, in the zoning districts as a special exception. In addition to the special exception standards in section 204, there are additional limitations that have been placed in the zoning districts.

The general code of ordinances section identifies specific standards for the keeping of bees, poultry and fowl. In order for the Planning Board to approve a special exception, the applicant must demonstrate how these specific standards will be met. Of note, the standards provide specific limitations on the numbers of bees, poultry and fowl that can be kept based on the size of the lot.

Chairman Ed Reidman and Greg Blake arrived at 7:05

Anna Wrobel asked if all Hobby Farms must come before the Planning Board.

Brooks More said yes

Anna Wrobel asked what "time frame" the Animal Control Officer would use in the Notice of Violation as discussed in the proposed Farm Animal Ordinance.

Richard Gouzie said normally it would be ten (10) days, but could be judged on a case by case item.

Anna Wrobel asked how the number of chickens per lot was decided on.

Brook More said that the figure is for purposes of discussion.

Cory Fleming suggested that the Special Exception say poultry and bees.

Evan Carroll asked by saying Farm Animals does that define the difference between ordinary pets.

Rene Daniel asked what the difference between a Hobby Farm and a Gentlemen's Farm.

Brooks More said a Gentlemen's Farm and a Hobby Farm fall under the same definition; a non-commercial keeping of farm animals.

Rene Daniel asked what determined the size of the lots for the number of chickens.

Brooks More said it was a suggestion from the Planning Board at a prior meeting.

The Planning Board discussed the set backs for a chicken coop and a bee hive.

Evan Carroll mentioned the necessity for a fence if the Bee Hive is closer than twenty-five feet from property lines.

Scott Herrick asked about the definition of Hobby Farm that is not involved in the sale of Commercial products. In my opinion if the Hobby Chicken Farmer sells a dozen eggs to his neighbor for two dollars that should be an exception to this proposed Zone Amendment, or maybe a gift clause could be added to the ordinance

Brooks More said he would add a statement as to a limited sale of by-products.

Chairman Reidman asked Brooks More to schedule a Public Hearing at the earliest Meeting available.

Rene Daniel moved to adjourn to Regular Session

2nd by Cory Fleming

The vote was unanimous in favor 7-0

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.

Public Hearing - Final Subdivision, Final Site Plan and Special Exception – Stroudwater Landing – Land Use Consultants, on behalf of Stroudwater Landing, LLC, for the creation of a 103 unit condominium project on a 65.3 acre parcel located on 449 Stroudwater Street and on a vacant parcel of land between 300 and 328 Spring Street. Tax Map: 9, Lot: 20 and Tax Map: 8, Lot: 3A, Zone: Residential Growth Area 1.

Daniel Maguire with Sandy River Health System presented to the Planning Board an overview of the age restrictive Subdivision located on 449 Stroudwater Street and on a vacant parcel of land between 300 and 328 Spring Street. Tax Map: 9, Lot: 20 and Tax Map: 8, Lot: 3A, Zone: Residential Growth Area 1. Mr. Maguire said Phase One, to include sixteen (16) homes will be started early fall completed by early 2008, Phase two (2) 2009, Phase Three (3) 2010 and the road will be completed when the 51st building unit is applied for, Phase Four (4) 2011 & 2012.

Brooks More explained that the entire review staff saw the opportunity for a through street, Landing Road, a connector road between Spring Street and Stroudwater Street, while the Emergency Services will have better access for response.

Overview – The plan has been revised to the now proposed 103 unit condominium development on two parcels of land located between Spring Street and Stroudwater Street. The applicant received a zone change from the City Council for a large portion of the property currently owned by the Animal Refuge League at 449 Stroudwater Street. The extent of the zone change from Rural to Residential Growth Area 1 covers the area between the remaining Oxford-Cumberland Canal on the East and the property boundaries to the North, South and West. The area that was rezoned is identified on the zoning map. In sum, the applicant received the zone change from Rural to RGA1 to increase the allowable density for this project.

Staff was supportive of the requested zone change for the following reasons:

1. Age-restricted properties are net tax gains for their host communities. This is due to the fact that full taxes are assessed, but residents are not requesting public school education.
2. Street Connectivity – Staff has predicated its support on the construction of a through road connecting Spring Street and Stroudwater Street. This is not a design feature that the applicant desired. Staff of Planning, Engineering, Police, Fire and Public Services strongly believe that this is an important opportunity for the City to increase the connections in its street network without the need to take private property, expend public funds for construction (though maintenance will be the City’s responsibility), or go through the extremely lengthy and uncertain federal funding process. Furthermore, a subdivision of this size must have two access points for safety purposes. A more detailed discussion on the street connectivity issue is attached in a memo that was originally provided to the City Council as part of the rezoning process.
3. The project is a master planned community rather than an incremental subdivision of land. Master planned communities typically result in projects that provide a better product. For instance, this project accomplishes the following:
 - a. Takes into consideration the topography of the site,
 - b. Provides a street connection between Spring and Stroudwater,
 - c. Utilizes “Low Impact Development” (LID) techniques being advocated by the Department of Environmental Protection,
 - d. Creates well designed neighborhoods that branch off from the public street.

Update as of 3-29-07: Both the Planning Board and City Council brought up issues relating to the phasing of Landing Road and whether the project will be age-restricted. Upon direction from both the Board and Council, Staff worked with the applicant to develop a formal proposal on these issues.

- Age-Restricted v. Age-Targeted: In the March 20th, 2007 submittal, the applicant has agreed to make the project “age-restricted.” In light of the importance of this issue, it is Staff’s recommendation that a final draft of the homeowner’s association documents be submitted prior to a final vote by the Planning Board.
- Phasing of Roadway: In regards to the phasing of the roadway, the Applicant and Staff agreed that the roadway will be base-paved from Spring Street to the pump

station. From there Landing Road will be constructed of gravel and gated/blocked. During Phase III, the remainder of Landing Road will be base-paved. It has been agreed that the City will not issue a Certificate of Occupancy for the 50th unit until the entire length of Landing Road has been base-paved and the gate/blockage removed. A note must be added to the phasing plan that the Certificate of Occupancy for the 50th unit will not be issued prior to installation of base-pavement on the entire length of Landing Road and the removal of any gate or blockage.

Guy Cote 19 Laffin Drive spoke in favor of the Retirement Village but expressed concerns about Landing Road's connection to Stroudwater Street due to the open space for wild life habitat.

Traffic Study numbers on Stroudwater Street not accurate. Traffic count does not take into account of the proposed Junior High School. Mr. Cote also mentioned Police regularly stop cars at the Cemetery for speeding.

Drew Gattine 529 Stroudwater Street agreed with all the points that Guy Cote expressed. Mr. Gattine is concerned about a cut through from one major arterial to another arterial. Stroudwater Landing and the Junior High School projects should work together.

Diane Wescott 18 Laffin Drive agrees with prior speakers and asks that the two projects take each other into consideration for traffic concerns.

Public Hearing Closed

Anna Wrobel asked what the Public Safety Officials had to say about the through street.

Brooks More said that Public Safety always look for two (2) entrances and or exits.

Anna Wrobel expressed opinion on traffic calming with this project

Diane Morabito with Maine Traffic Resources said the project would generate seventy-seven (77) or seventy-eight (78) through road volume trips during peak travel times.

Public Hearing - Review of Paper Street Development - Mitchell Farm – Pinkham and Greer Consulting Engineers, on behalf of Mitchell Farm Developers, LLC, for a waiver of the requirement to install granite curbing and sidewalk along the newly construction portion of Kennard Street and the proposed section of Osaka Street. Tax Map: 38, Zone: RGA1.

Mark Bergeron with Pinkham and Greer Consulting Engineering on behalf of Mitchell Farm Developers, LLC, presented to the Planning Board the reasoning

for a waiver of the requirement to install granite curbing and sidewalk along the newly construction portion of Kennard Street and the proposed section of Osaka Street. Tax Map: 38, Zone: RGA1

Brooks More explained that the developer met with the neighbors and City Staff and made concessions on this development and for this reason the staff supports the waiver request.

This is a waiver request for the requirement to install granite curbing and sidewalks along newly constructed public streets.

As you may be aware, the two streets in question are being constructed in accordance with "Section 406 Review of Paper Street Development" and the Mitchell Farms Master Development Agreement. In accordance with the ordinance, the applicant has the ability to request a waiver by the Planning Board. The Planning Board is not reviewing the entire paper street development, but rather, only the waiver request. In other applications, abutters may request that a paper street development be reviewed by the Planning Board.

Background

The construction of existing lots on pre-platted subdivisions was introduced into the Land Use Ordinances as a means to achieve the Smart Growth goal of infill housing. Infill housing is seen as a means to allow growth in traditional urban centers. This helps to support urban centers, and increase the efficiency of existing utility infrastructure. At the same time, this new housing contributes to the stock of housing that is located in neighborhoods within walking and bicycling distance of services.

To improve the process of allowing infill housing, the City formed a Committee to review the practice. The Committee worked for five months and created a set of policy recommendations. These recommendations were translated into ordinance language. At the same time, the City of Westbrook Administration worked with the developer of Mitchell Farms to create a master plan that would provide infill housing that is sensitive to the surrounding neighborhoods. The result is a master development plan that includes both homes and preserved open space.

To achieve this balanced master plan, the developer agreed to forgo the development of lots that could have otherwise been used for profitable homes (the applicant will present the master plan at the meeting). As a result of this mutual agreement between the City, Developer and neighborhood residents, City Staff supports this waiver request.

Ed Reidman read two (2) letters of opposition of the waiver request into the record from Cathy Poirier 53 Pierce Street and Mr. & Mrs. Kenneth L. Knight 41 Mitchell Street.

Jaime Goddard 65 Lincoln Street spoke against the waiver request, especially the sidewalk due to children walking to the bus stop.

Lawrence Tedford 49 Chestnut Street spoke against the waiver request especially the sidewalks.

Robert Foley 44 Mitchell Street spoke in favor of the waivers. Mr. Foley said that it would blend in with the existing neighborhood. The agreements were made and agreed upon between the neighbors and the City of Westbrook.

Public Hearing Closed

Public Hearing - Land Use Ordinances Amendment – Private Way Amendments - Referral from the City Council to allow the use of private ways for between one to three lots.

This item has been sent back to the Planning Board by the City Council. Based on public comment, Staff is working to make Private Ways available for minor subdivisions of between 1 to 3 lots. This will eliminate the potential for large subdivisions being developed on private ways. At the same time, we are seeking to grandfather those that have already put the expense into a private way with the understanding that they could build as many lots as frontage will allow on these ways.

Jeff Mitchell 46 Brook Street said that the fifty (50) foot width requirement for a right of way is too great.

Public Hearing Closed

1. Call to Order

2. Approval of Minutes – April 3rd, 2007

April 3rd, 2007 minutes will be moved to the next regularly scheduled agenda.

Continuing Business

3. Final Subdivision, Final Site Plan and Special Exception – Stroudwater Landing – Land Use Consultants, on behalf of Stroudwater Landing, LLC, for the creation of a 103 unit condominium project on a 65.3 acre parcel located on 449 Stroudwater Street and on a vacant parcel of land between 300 and 328 Spring Street. Tax Map: 9, Lot: 20 and Tax Map: 8, Lot: 3A, Zone: Residential Growth Area 1.

SUBDIVISION REVIEW

Staff Comments: Due to the scope of this project, additional or revised comments may be presented based upon further review and/or the submission of additional information by the Applicant.

1. Waivers:
 - a) The Planning Board granted a waiver of Section 502.5F (1) (a)-(b) on 01-02-07. This is a waiver request of the peak discharge reduction requirement.
 - b) The Planning Board denied a waiver of Section 502.5C (1) (f) on 01-02-07. This is a waiver request of the granite curbing requirement for the proposed public street.
2. Complete Application: The application was found complete on February 6, 2007.
3. Public Hearing: Staff recommends that a public hearing be scheduled for April 17th, 2007.
4. Site Walk: A site walk was held on March 10, 2007.

Anna Wrobel moved the Subdivision application for Stroudwater Landing on Tax Map: 9, Lot: 20 and Tax Map: 8, Lot: 3A is to be **approved with conditions** with the following findings of fact and conclusions.

A. POLLUTION AND SEWERAGE DISPOSAL

- The municipal wastewater system will be utilized. This includes the construction of a pump station and associated force main lines.
- A full set of drawings for the pump station must be reviewed and approved by the City Engineer prior to the commencement of construction.

B. WATER

- The Portland Water District will require system improvements to serve this project. In the letter dated October 3, 2006, David Coffin, PLS has identified two alternative design options for the system. The first option is to upgrade the main in Spring Street. The second is to run an 8" line along the length of Landing Road.

C. SOIL EROSION

- Staff requested a peer review of the erosion control plans by the Cumberland County Soil and Water Conservation District. The review will

be completed by April 6th, 2007. This will enable Staff to present the review to the Planning Board prior to the public hearing.

- The DEP is requiring this project to use its new LID storm water regulations. The DEP is conducting an in-depth review of the storm water management system.
- In light of the LID approach to this project, the Planning Board granted a waiver of the peak discharge rate requirements of the subdivision ordinance.
- Catch basins have been shown on the plans and approved by the City Engineer.
- Under drain has been added beneath Landing Road due to soil conditions on the site. The City Engineer has approved these plans.
- The design of the Filterra Systems must be modified for Northern New England conditions as discussed in a meeting between the manufacturer and Staff. The construction details of the Filterra System do not currently meet City specifications. The applicant must discuss this issue with the City Engineer.

D. TRAFFIC

- A traffic study has been submitted by the Applicant.
- Based on the recommendations of the traffic study, the egress of Landing Road onto Spring Street must show left and right turn lanes.
- The location of any proposed traffic calming measures must be shown on the plans.
- Landing Road is proposed to be completed in phases. The Applicant and Staff agreed that the roadway will be base-paved from Spring Street to the pump station. From there Landing Road will be constructed of gravel and gated/blocked. During Phase III, the remainder of Landing Road will be base-paved. It has been agreed that the City will not issue a Certificate of Occupancy for the 50th unit until the entire length of Landing Road has been base-paved and the gate/blockage removed. A note must be added to the phasing plan that the C of O for the 50th unit will not be issued prior to installation of base-pavement on the entire length of Landing Road and the removal of any gate or blockage. This agreement is being presented for Planning Board approval.
- Sight distance figures have been determined for each internal drive's connection to Landing Road. This information has been reviewed and approved by the City Engineer.

E. SEWERAGE

- Sewerage will be via the municipal wastewater system.

- The plans have been revised so that each dwelling unit has its own direct connection to the sewer main.
- The sewer slopes have been added to the street and internal drive profiles. A finding on the revised plan is that the sewer manhole at station 120+83 needs a drop manhole detail. Public works requires that manhole drops be placed inside of the manhole.
- On sheet 8, units 34 to 38 and the community center should gravity feed to a shared private pump station. The risk with the proposal as designed is that the failure of a “back-flow preventer” will result in a basement flooded with sewage from the force main.
- Cleanouts of the sanitary sewer service are required every 100 ft. and at all bends in service by City Ordinance. This should be added as construction note 18 on sheets 8, 9 and 10.
- Unit 77 needs to have its sewer service re-routed. The applicant should contact the City Engineer.
- The plan match lines must be fixed for units 47-58 to avoid utility installation errors during construction.

F. SOLID WASTE

- Solid waste will be the responsibility of property owners. This information must be included in the condominium association documents. Staff is requesting that the final draft of the documents be submitted prior to the Planning Board’s final vote.

G. AESTHETICS

- A statement from the Maine Department of Conservation has confirmed that no rare botanical features have been documented on the project site.
- A statement that no significant wildlife habitat exists has been obtained from the Maine IF&W.
- Appearance Assessment:
 - (1) Project to Site – The plan appropriately takes into account the shape and topography of the parcel.
 - (2) Project to Surrounding Property – Overall, the plan provides considerable buffer to abutting properties. A vegetative buffer has been provided on sheet 20. This provides a buffer to the residents on Laffin Drive.
 - (3) Landscape Design – Root control barriers must be revised to 18 feet in horizontal length.
 - (4) Lighting – Under review.
 - (5) Signs – A project sign has been proposed. The sign in the construction details does not seem befitting of a project of this scale.

H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- Comprehensive Plan:
 - The project meets the use requirements of the RGA1 district.
- 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 project at its March 15th meeting. The Commission made a motion to recommend approval of the project. A formal motion will be presented to the Planning Board either at the April 3rd meeting, or prior to the public hearing.
- Granite Curbing: Notes should be placed on sheets 11 or 12 to identify granite curbing on Landing Road. The identification of bituminous curbing should be removed from the construction details and replaced by the type of granite curbing that will be installed.
- Community facilities impact analysis – While there are minor points that could be interpreted differently, Staff agrees with the overall findings of the impact analysis if the project is age-restricted to 55+. The finding of this study is in accordance with the experience of other dedicated senior housing projects. Namely, that these projects produce a net increase in tax revenue for their host community.
- Fire Code
 - The plan should identify the location of internal directional signage.
- Others:

I. FINANCIAL AND TECHNICAL CAPACITY

- The applicant has submitted documents of financial and technical capacity.

J. RIVER, STREAM OR BROOK IMPACTS

- The impacts to Beaver Brook are being reviewed by the Department of Environmental Protection.

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 December 12, 2006, as amended March 20, 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.
2. A full set of drawings for the pump station must be reviewed and approved by the City Engineer prior to the commencement of construction.
3. A final draft of the Homeowners Association Documents must be presented to the Planning Board prior to the signing of the Mylar.
4. The applicant shall revise the plans prior to the signing the Mylar to include the six (6) soil erosion items listed by the Cumberland County Soil and Water Conservation Districts' letter, dated April 9th, 2007.

2nd by Cory Fleming

The vote was unanimous in favor 7-0

SITE PLAN REVIEW

STAFF COMMENTS

1. Waivers:
 - a) The Planning Board granted a waiver of Section 504.5 B on 01-02-07. Waiver of the maximum sheet size of 30"x40".
 - b) The Planning Board denied a waiver of Section 504.5B (4) on 01-02-07. Waiver of the map requirement to display all trees greater than 10" in diameter. *Note:* In response to this submission requirement, the applicant has provided an additional plan set depicting the limit of clearing in relation to the existing tree cover on the site. Staff worked with the applicant to develop this means to define the limit of tree clearing.
2. Complete Application: The application was found complete on February 6, 2007.

The Planning Board and the Developer discussed the phasing of the project.

SPECIAL EXCEPTION REVIEW

Staff Comments:

1. The special exception review is triggered by the proposed multi-family units within the project. As we have learned from past experience, the Board should vote on the Special Exception standards as they also vote on the subdivision and site plan review standards in cases where the standards cover the same issues.

Anna Wrobel moved the Special Exception application for Stroudwater Landing on Tax Map: 9, Lot: 20 and Tax Map: 8, Lot: 3A is to be **approved with conditions** based upon the following 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 use meets the dimension, parking, loading and sign requirements of this Ordinance.

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 construction of dwelling units and a private community facility will not significantly devalue abutting properties.

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

(1) Maintain safe and healthful conditions,

- The project has been engineered to address the safety and health issues identified in the subdivision and site plan review ordinance.

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

- The peer review by Cumberland County SWCD is complete.
- The DEP is conducting an in-depth Site Location of Development review of this project.

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

- See Subdivision Review.
- (4) Conserve shared tree cover and visual, as well as actual, access to water bodies,
- See Subdivision Review.
- (5) Not burden on-site septic or off-site waste disposal,
- See Subdivision Review.
- (6) Not burden existing public ways.
- See Subdivision Review and enclosed traffic analysis.
- 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 applicant has developed a design that keeps development on the site's high-ground. Steep slopes have been avoided, except where needed for the path of Landing Road.
- (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 MDEP will review the surface water drainage system.
- (3) Water, Air, Soil Pollution. The development will not cause unreasonable water, air, or soil pollution,
- The project will be connected to the municipal sewer system.
 - The project will not produce unreasonable air or soil pollution.
- (4) Soil Integrity. The development will not cause unreasonable soil erosion or reduction in the capacity of the soil to hold water,
- The MDEP will review the erosion control and storm water management plans.
 - Staff has requested a peer review by the Cumberland County Soil and Water Conservation District. The review will be completed prior to the public hearing.
- (5) Natural Environment. The development must not have an unreasonably adverse effect on a historic site or irreplaceable natural areas,
- See Subdivision Review.

- (6) Nuisance Factor. The development must not cause unreasonable noise, odors, dust, gas, fumes, smoke, light or other annoying or dangerous emissions,
- No Issues.
- (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,
- See Subdivision Review.
- (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,
- See Subdivision Review.
- (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.
- See Subdivision Review.

CONDITIONS

- 1 Approval is dependant upon, and limited to, the proposals and plans contained in the application dated December 12, 2006, as amended March 20, 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 7-0

Rene Daniel moved to table the Site Plan application for Stroudwater Landing.

2nd by Evan Carroll

The vote was unanimous in favor 7-0

4. Review of Paper Street Development - Mitchell Farm – Pinkham and Greer Consulting Engineers, on behalf of Mitchell Farm Developers, LLC, for a waiver of the requirement to install granite curbing and sidewalk along the newly construction portion of Kennard Street and the proposed section of Osaka Street. Tax Map: 38, Zone: RGA1.

Ed Reidman asked if granite curbing has been budgeted in the current budget.

Eric Dudley said that we do not typically budget to do sidewalk budgets. When infrastructure is done, we bid this out to alternate to granite curbing for installation and a decision is made at that time.

Ed Reidman said that the current City Ordinance requires sidewalks and granite curbing.

Anna Wrobel moved to deny the request for a waiver of Sidewalks

2nd by Rene Daniel

The vote was unanimous in favor 7-0

Evan Carroll moved to deny the waiver request for all new curbing to be installed in Mitchell Farms (Kennard Street is existing)

2nd by Dennis Isherwood

Denis Isherwood with-drew the second to the motion due to misunderstanding of motion

The motion failed for lack of second

Granite curbing waiver motion:

Dennis Isherwood moved to deny the waiver request of granite curbing for the Mitchell Farm project.

2nd by Rene Daniel

The vote was 5-2 in favor (Ed Reidman and Greg Blake opposed)

5. Land Use Ordinances Amendment – Private Way Amendments - Referral from the City Council to allow the use of private ways for between one to three lots.

Rene Daniel moved to recommend to the City Council to accept the staff's the proposed modifications.

2nd by Cory Fleming

The vote was unanimous in favor 7-0

6. 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