



City of Westbrook

DEPARTMENT OF PLANNING, ENGINEERING AND
CODE ENFORCEMENT

2 York Street Westbrook, Maine 04092

(207) 854-9105

Fax: (866) 559-0642

WESTBROOK PLANNING BOARD TUESDAY, JUNE 5, 2007, 7:00 P.M. WESTBROOK HIGH SCHOOL, ROOM 114 MINUTES

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

Absent: Cory Fleming (At Large)

Staff: Rick Gouzie, Eric Dudley, Erik Carson

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 - Land Use Ordinance – Village Review Overlay Zone Amendments – Amendments to enable the review of village review applications by a newly established Village Review Overlay District Commission.

Erik Carson presented the Village Review Overlay District Commission

No Public Comment

Public Hearing Closed

Public Hearing – Final Subdivision, Site Plan and Village Review – Profenno’s Apartment Building – Terradyn Consultants L.L.C., on behalf of Peter P. Profenno, Jr., for the construction of a 3,240 S.F. building that includes six dwelling units and a street level commercial/retail space on the property located at 918 Main Street. Tax Map: 32, Lot: 42, Zone: CC, Overlay Zones: Village Review, Downtown Housing.

Jon Whitten Terradyn Consultants L.L.C., on behalf of Peter P. Profenno, Jr., presented aspects of the construction of a 3,240 S.F. building that includes six dwelling units and a street level commercial/retail space on the property located at 918 Main Street. Tax Map: 32, Lot: 42, Zone: CC, Overlay Zones: Village Review, Downtown Housing.

No Public Comment

Public Hearing Closed

Public Hearing - Final Site Plan and Special Exception – Seacoast Law Office – Terradyn Consultants, L.L.C., on behalf of Mary-Anne Martell, for the location of a professional office and related parking spaces at 240 Main Street. Tax Map: 35, Lots: 99 and 99B, Zone: RGA1, Overlay Zone: RGA1 Business Office.

Jon Whitten Terradyn Consultants, L.L.C., on behalf of Mary-Anne Martell, presented to the Planning Board aspects of the location of a professional office and related parking spaces at 240 Main Street. Tax Map: 35, Lots: 99 and 99B, Zone: RGA1, Overlay Zone: RGA1 Business Office.

Eric Dudley commented on the Staff's recommendation for the access off Colonial Road.

Geanerean Pecoraro 11 Colonial Road spoke in favor of the project, but expressed safety concerns for the parking area as not consistent with the residential neighborhood. Mr. Pecoraro asked the following:

- Why not use the existing driveway on Main Street.
- How does this affect property Values
- Where does the Commercial Section Start
- What about the house across from Colonial Road, can that be a commercial use?
- Due to the existing traffic, have you considered safety issues?

Mr. Pecoraro read a letter signed by the neighbors expressing concerns of the parking lot in a residential neighborhood. Signed by:

Geanerean and Angela Pecoraro – 11 Colonial Road
Bryan Coward and Julie Morgan – 15 Colonial Road
Antonia B. Verrill – 27 Colonial Road
Michael and Megan Dougherty – 28 Colonial Road
Barbara L. Drouin – 34 Colonial Road
Susan and John Kennie – 70 Colonial Road

Public Hearing Closed

Richard Gouzie said that the actual zone RGA1 Business Office starts at 240 Main Street and runs to the corner of Oak Street (on that side of Main Street) with two (2) properties on the opposite side of the road, between Newcomb Place and Mason and Forest Street. There are minimal lot sizes of ten thousand (10,000) square feet for the Commercial Properties.

Ed Reidman said that with his experience he has never heard of anyone giving an opinion of how a new project will affect the value of the abutting properties, unless the project is totally disastrous.

Chairman Reidman clarified that the RGA1 Business Office Zone includes the entire lot perimeters of 240 Main Street, Tax Map: 35, Lots: 99 and 99B.

Public Hearing – Final Site Plan, Idexx Laboratories, Inc., - DeLuca-Hoffman Associates, on behalf of Idexx Laboratories, Inc., for the construction of a 129,000 S.F. building and adjoining new parking areas on a 56 acre parcel located at 82 Eisenhower Drive. Tax Map: 5B, Lot: 5, Zone: Industrial Park.

Chris Osterrieder DeLuca-Hoffman Associates, on behalf of Idexx Laboratories, Inc., presented to the Planning Board aspects of the construction of a 129,000 S.F. building and adjoining new parking areas on a 56 acre parcel located at 82 Eisenhower Drive. Tax Map: 5B, Lot: 5, Zone: Industrial Park.

No Public Comment

Public Hearing Closed

1. Call to Order

2. Approval of Minutes – May 15th, 2007

Rene Daniel moved to approve the minutes as written.

2nd by **Michael Taylor**

The vote was unanimous in favor 7-0

Continuing Business

3. Land Use Ordinance – Village Review Overlay Zone Amendments – Amendments to enable the review of village review applications by a newly established Village Review Overlay District Commission.

Rene Daniel moved to recommend the Village Review Overlay Zone Amendments to the Westbrook City Council, to establish the Village Review Commission.

2nd by Michael Taylor

The vote was unanimous in favor 7-0

4. Final Subdivision, Site Plan and Village Review – Profenno’s Apartment Building – Terradyn Consultants L.L.C., on behalf of Peter P. Profenno, Jr., for the construction of a 3,240 S.F. building that includes six dwelling units and a street level commercial/retail space on the property located at 918 Main Street. Tax Map: 32, Lot: 42, Zone: CC, Overlay Zones: Village Review, Downtown Housing.

Ed Reidman asked about the status of the building elevations.

Eric Dudley said that we received the plans this evening. This would not be an order for approvals this evening.

Anna Wrobel asked if the entire first floor is Commercial and how the property will be set up.

Steve Noyes with Hi-Tech Builders said that there is a central hallway.

Rene Daniel requested more information about the six (6) apartments.

Jon Whitten Terradyn Consultants L.L.C., on behalf of Peter P. Profenno explained that there are three (3) apartments on each side of the building with one (1) bedroom, kitchen / living room, one (1) bath in each.

Rene Daniel asked if the apartments would be handicapped accessible.

Jon Whitten Terradyn Consultants L.L.C., on behalf of Peter P. Profenno, said that the apartments would not be handicapped assessable.

Ed Reidman asked if the Recreation and Conservation Committee had reviewed the plan.

Mr. Tuttle from the Recreation and Conservation Committee said the plan had not been reviewed.

Rene Daniel moved to table this item until the next scheduled meeting.

2nd by Anna Wrobel

The vote was unanimous in favor 7-0

5. Final Site Plan and Special Exception – Seacoast Law Office – Terradyn Consultants, L.L.C., on behalf of Mary-Anne Martell, for the location of a professional office and related parking spaces at 240 Main Street. Tax Map: 35, Lots: 99 and 99B, Zone: RGA1, Overlay Zone: RGA1 Business Office.

Rene Daniel asked about the cut trees on the lot.

Mary-Anne Martell 240 Main Street reminded the Planning Board that she had applied for a variance on the width of the driveway due to the trees, and then explained that the trees were removed due to poor health of the trees. One (1) additional tree is scheduled to be removed. Then the City of Westbrook will be trimming the some of the remaining trees.

Anna Wrobel commented on the continuing residential appearance of the property.

Greg Blake echoed what Anna Wrobel had mentioned about maintaining the residential appearance of the neighborhood.

Rene Daniel mentioned that 240 Main Street enhances Main Street and maintains a residential façade to the local area. Mr. Daniel commended the Planning Department to be proactive on deleting the egress on Main Street.

Anna Wrobel moved The Site Plan application for Seacoast Law Office on Tax Map: 35, Lots: 99 and 99B is to be **approved with conditions** with the following findings of fact and conclusions.

FINDINGS OF FACT

Utilization of the Site

- The site is an existing single family home.
- The proposal is to locate a business office in the house and construct the necessary parking area.
- The storm water system is designed to prevent the flow of water from the site onto the neighbors' property (which is downhill). The system utilizes a "rain garden." These are being promoted by the Maine DEP as a means to allow

the infiltration of storm water into the ground, as opposed to the municipal storm water system.

Adequacy of Road System

- The existing road system can accommodate the proposed project.

Access to the Site

- Staff has requested that the entrance to the site be from Colonial Road. This reduces the number of curb-cuts on Main Street.

Internal Vehicular Circulation

- The project will have adequate circulation with the 20' aisle as there is parking on only one side of the aisle.

Pedestrian and Other Modes of Transportation

- No Issues.

Storm water Management

- The City Engineer approves of the storm water management system.

Erosion Control

- The City Engineer approves of the erosion control system.

Utilities

- The applicant's cover letter states that all utilities will be placed underground. This must also be shown on the site plan.

Hazardous, Special and Radioactive Materials

- No issues.

Technical and Financial Capacity

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

Solid Waste

- Solid waste shall be the responsibility of the homeowner.

Historic, Archaeological and Botanical Resources

- No issues.

Landscape Plan

- A revised and much improved landscape plan was included in the plans dated 5-3-07.

Others

- Fire Department: Any signage should include the building number and street name.

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 April 20, 2007, as amended May 3, 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. All utility connections must be shown on the plans prior to the Planning Board signing the Mylar.

2ND by Michael Taylor

The vote was unanimous in favor 7-0

Anna Wrobel moved The Special Exception application for Seacoast Law Office on Tax Map: 35, Lot: 99 and 99B 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.
 - The applicant has requested a waiver of the 26' parking lot aisle width requirement. At the Board's last meeting, the waiver was granted to reduce the aisle width to 20'.
- 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.

- Based on the rehabilitation of the home, and the quality of the proposed landscape plan, 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 reduce a curb-cut on Main Street.
 - The project utilizes a Rain Garden to implement the storm water management system.
- (2) Not cause water pollution, erosion, or sedimentation
 - The project will connect to the municipal sewer system.
 - The project utilizes silt fencing as part of its erosion control plan. 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,
 - The project will not have an impact.
- (4) Conserve shared tree cover and visual, as well as actual, access to water bodies,
 - The granting of a waiver for the driveway aisle width may preserve the large tree next to Colonial Road.
- (5) Not burden on-site septic or off-site waste disposal,
 - The project will not burden the municipal sanitary sewer system.
- (6) Not burden existing public ways.
 - The project 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 has incorporated a landscaped buffer to the adjoining property.

- The use of the 20' driveway aisle may preserve the large tree adjacent to Colonial 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 surface water drainage system has been designed to direct storm water runoff to the Rain Garden. Once there the runoff will infiltrate into the ground. Overflow from larger storms will be directed to the public right-of-way.
- (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 project will not cause unreasonable soil erosion.
- (5) Natural Environment. The development must not have an unreasonably adverse effect on a historic site or irreplaceable natural areas,
- The project will not have an unreasonable adverse impact.
- (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,
- No external storage areas have been proposed.
- (8) Vehicular Access. The site layout must provide for safe vehicular access and egress, including that for emergency vehicles,
- The site layout provides for safe vehicular access and egress through the use of the existing entrance on Colonial Road. At the same time, the project will remove a curb cut on Main 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,
- The project provides safe interior circulation with both the 20' and 26' aisle width proposals. Due to the limited amount of traffic this project will

generate, and consideration of adjoining residential properties, Staff recommends approval of the 20' aisle width design.

- (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 impose unreasonable burden on the provision of public services.

CONDITIONS

- 1 Approval is dependant upon, and limited to, the proposals and plans contained in the application dated April 20, 2007, as amended May 3, and June 5, 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

6. **Final Site Plan - Idexx Laboratories, Inc., - DeLuca-Hoffman Associates, on behalf of Idexx Laboratories, Inc., for the construction of a 129,000 S.F. building and adjoining new parking areas on a 56 acre parcel located at 82 Eisenhower Drive. Tax Map: 5B, Lot: 5, Zone: Industrial Park.**

Greg Blake asked what the status of the traffic movement permits are.

Chris Osterrieder DeLuca-Hoffman Associates, on behalf of Idexx Laboratories, Inc. said the traffic movement permits will be in place prior to actual construction.

Ed Reidman explained that the Traffic Permit is separate from the City of Westbrook process. The building permits ort site permit will not be issued until the traffic permit has been received.

Michael Taylor moved the Site Plan application for IDEXX Laboratories, Inc. on Tax Map 5B, Lot 5, is to be **approved with conditions** with the following findings of fact and conclusions.

FINDINGS OF FACT

Utilization of the Site

- The majority of the proposed work is being done within existing developed areas. The project creates increased efficiency in the movement of delivery trucks.
- The project proposes to provide additional landscaping and buffer.

Adequacy of Road System

- The project requires a traffic movement permit from the MDOT.
- Guardrail must be installed along the front property line where the embankment is being steepened. The City Engineer will accept either a timber treatment or standard galvanized steel. The guardrail can be installed in the ROW for the City to maintain long term or on the Idexx property from them to maintain.

Access to the Site

- The project will utilize the existing number of curb cuts.
- The curb cut on the west side (closest to Saco Street) will be moved to the west to provide better delivery vehicle access.

Internal Vehicular Circulation

- The project has been designed to direct delivery vehicles to the rear of the site via a straight access road. This road has been adequately separated from the automobile parking areas on the West side of the building.
- The new parking areas have been designed to provide adequate circulation, including the required 26' aisles.

Pedestrian and Other Modes of Transportation

- The project has been designed to provide increased sidewalks and pathways on the property. A crosswalk has been provided on the west side of the building.

Storm water Management

- The project will require an amendment to the DEP's site location of development permit.

Erosion Control

- Silt fence must be installed in front of the front parking lot at the toe of the slope to reduce the sediment loading to the silt sacks in the new lot during construction.

Utilities

- All utilities are located underground.
- The Portland Water District has confirmed its ability to serve the project.
- The City Engineer has confirmed the ability of the sanitary sewer system to accommodate this project.

Hazardous, Special and Radioactive Materials

- No issues.

Technical and Financial Capacity

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

Solid Waste

- No issues.

Historic, Archaeological and Botanical Resources

- No issues.

Landscape Plan

- The landscape plan calls for a vast improvement to the site. A significant amount of landscaping will adorn the street side of the site.

Others

- Parking: The plan significantly increases the amount of parking on the site. As such, the parking continues to meet the requirements of the ordinance.
- Fire:
 - Any new signage should include the building number and street name.
 - All exterior doors except overhead doors and doors to the "bio court" shall be marked on both sides; marking system shall be approved by the Fire

Inspector. Numbering shall start at the “new main lobby” and continue in a clock-wise manner.

- The Fire Department connection to the main sprinkler loop shall be relocated, location to be determined by the Fire Inspector.

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 April 10, 2007, as amended N/A, 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. Guardrail must be installed along the front property line where the embankment is being steepened. The City Engineer will accept either a timber treatment or standard galvanized steel. The guardrail can be installed in the ROW for the City to maintain long term or on the Idexx property from them to maintain. This revision, and corresponding construction details, must be added to the plans prior to the Planning Board's signing the Mylar.
3. Silt fence must be installed in front of the front parking lot at the toe of the slope to reduce the sediment loading to the silt sacks in the new lot during construction. This revision, must be added to the plans prior to the Planning Board's signing the Mylar.
4. Any new signage should include the building number and street name.
5. All exterior doors except overhead doors and doors to the "bio court" shall be marked on both sides; marking system shall be approved by the Fire Inspector. Numbering shall start at the "new main lobby" and continue in a clock-wise manner.
6. The Fire Department connection to the main sprinkler loop shall be relocated, location to be determined by the Fire Inspector.

2nd by Rene Daniel

The vote was unanimous in favor 7-0

New Business

7. Special Exception – Michele Peters, for the review of a Daycare located at 4 Jemada Way. Tax Map: 055, Lot 5B, Zone: RGA 2.

Michele Peters presented to the Planning Board aspects of a Daycare located at 4 Jemada Way. Tax Map: 055, Lot 5B, Zone: RGA 2. Ms. Peters said she would have six (6) or less children at her Daycare.

Ed Reidman confirmed that the play area needed buffering and fencing.

Anna Wrobel moved The Special Exception application for Michelle Peters on Tax Map: 055, Lot 5B 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 proposed use has provided an adequate number of parking spaces to meet the ordinance. The proposed must provide 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.
- The project consists of a daycare in an existing single family home. The home is on the end of a private way that services 2 homes. A fenced play area will be added to the property for up to 6 children. No other modifications to the exterior of the property will be needed.
 - 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.

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,
 - 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 should be placed to minimize this impact on the neighbors. The house is located at the edge of the neighborhood with open space on 3 sides of the property. This open space is in the planning stages for a condominium development. The area immediately adjacent to 4 Jemada was is planned to be left as open space due to environmental concerns.
- (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,
 - Jemada Way is a private street built to current City Standards. A hammerhead turnaround at the end of the street provides for proper turning for public safety equipment to get into and out of the site. Parents dropping children off can also utilize this turnaround so that no backing onto Austin Street will be required.
- (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,
 - No issues.
- (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 May 4, 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. The applicant shall install a fenced-in playground area on the property that is buffered from the neighborhood to the maximum extent practicable.

2nd by Michael Taylor

The vote was unanimous in favor 7-0

8. Special Exception – Regina Lemire, for the review of a Daycare located at 241 Park Road. Tax Map: 048, Lot: 082, Zone: RGA 2.

Regina Lemire presented to the Planning Board the Special Exception of a Daycare with no more then six (6) children, located at 241 Park Road. Tax Map: 048, Lot: 082, Zone: RGA 2.

Ed Reidman confirmed the play area will be fenced in completely.

Greg Blake moved the Special Exception application for Regina Lemire on Tax Map: 048 Lot: 082, Zone RGA 2, 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 applicant must provide 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:
- (7) Maintain safe and healthful conditions,
 - The playground will be fenced.
 - (8) Not cause water pollution, erosion, or sedimentation
 - No Issues.
 - (9) Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat,
 - No Issues.
 - (10) Conserve shared tree cover and visual, as well as actual, access to water bodies,
 - No Issues.
 - (11) Not burden on-site septic or off-site waste disposal,
 - No Issues.
 - (12) Not burden existing public ways.
 - The road will be able to accommodate the number of morning and evening trips generated by this project.
- F. Performance Standards. That the use granted is compatible with adjacent land uses and that it meets the following performance standards:
- (11) 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.
- (12) 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.
- (13) Water, Air, Soil Pollution. The development will not cause unreasonable water, air, or soil pollution,
- No Issues.
- (14) Soil Integrity. The development will not cause unreasonable soil erosion or reduction in the capacity of the soil to hold water,
- No Issues.
- (15) Natural Environment. The development must not have an unreasonably adverse effect on a historic site or irreplaceable natural areas,
- No Issues.
- (16) 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 shall be placed in the rear of the building.
- (17) 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.
- (18) Vehicular Access. The site layout must provide for safe vehicular access and egress, including that for emergency vehicles,
- No Issues
- (19) 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,
- No Issues
- (20) 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 May 11, 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. The applicant shall provide a fenced-in playground area for the children.

2nd by Michael Taylor

The vote was unanimous in favor 7-0

9. Amended Subdivision – Lot 33 – City of Westbrook, to split Lot 1 into two (2) halves, one half to be sold to the property owner of Lot 2 and the remainder to become contiguous with the High-School property. Additionally, the amendment will formalize a thirty (30') foot easement for the public sewer in the rear of the lots. This amendment will decrease the number of dwelling units by one. Tax Map: 30, Lots: 33, 201, 202, 203, 204, 205, 206, 207, 208, and 209. Zone: Residential Growth Area 1.

Ed Reidman explained that at the time of the original subdivision, the sewer easement was not included on the subdivision plan.

Eric Dudley explained the sewer easement along the back of the sub division and also the lot split on Lot one (1).

Anna Wrobel moved to find the plan complete.

2nd by Michael Taylor

The vote was unanimous in favor 7-0

Greg Blake asked if the drainage easement will assist with the installation of the sidewalks.

Eric Dudley explained that the sidewalk / drainage plan was turned in to the City of Westbrook today and the plan shows that sidewalk installation will be able to go forward.

Michael Taylor moved the Amended Subdivision application for Lot 33 on Tax Map: 30, Lots: 33, 201, 202, 203, 204, 205, 206, 207, 208, and 209 is to be **approved with conditions** with the following findings of fact and conclusions.

A. POLLUTION AND SEWERAGE DISPOSAL

- This amendment reduces the demand on sewerage disposal and will reduce the potential of pollution.

B. WATER

- The amendment reduces the demand on the public water system.

C. SOIL EROSION

- There will be no impact on soil erosion from this proposal.

D. TRAFFIC

- The proposal reduces the impact on traffic.

E. SEWERAGE

- No impact.

F. SOLID WASTE

- Solid waste disposal demands will be reduced as a result of this proposal.

G. AESTHETICS

- A statement from the Maine Department of Conservation regarding rare botanical features is not needed for this proposal.
- A statement that no significant wildlife habitat exists is not necessary for this proposal.
- Appearance Assessment:
 - (1) Project to Site – No Applicable
 - (2) Project to Surrounding Property – Not Applicable
 - (3) Landscape Design – Not Applicable
 - (4) Lighting – None Proposed

(5) Signs – None Proposed

H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- Comprehensive Plan:
 - The project has met the goal of relatively dense development in the Residential Growth Area 1.
- Land Use Ordinances – The project meets the performance standards of the Residential Growth Area 1 District.
- Recreation & Open Space – The Commission will review the application at its June meeting.
- Community facilities impact analysis – Not applicable
- Fire Code
 - Not applicable
- Others:

I. FINANCIAL AND TECHNICAL CAPACITY

- Not applicable for this amendment.

J. RIVER, STREAM OR BROOK IMPACTS

- 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 **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 May 30, 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 7-0

10. Adjourn