



City of Westbrook

DEPARTMENT OF PLANNING

2 York St. Westbrook, Maine 04092 (207) 854-9105 Fax: (866) 559-0642

**WESTBROOK PLANNING BOARD
TUESDAY, AUGUST 5, 2008, 7:00 P.M.
WESTBROOK HIGH SCHOOL, ROOM 114
MINUTES**

Present: Ed Reidman, (Chair) (Ward 5), Rene Daniel (Vice-Chair) (Ward 1), Paul Emery (Ward 3), Cory Fleming (At Large), Scott Herrick (Alternate), Dennis Isherwood (Ward 2)

Absent: Michael Taylor (Alternate), Greg Blake (At Large), Anna Wrobel (Ward 4)

Staff: Molly Just, Richard Gouzie, Diana Brown

Chairman Reidman called the Westbrook Planning Board meeting to order at 7:00 p.m. in Room 114 of the Westbrook High School.

1. Call to Order
2. Approval of Minutes

Rene Daniel moved to approve the minutes of July 22, 2008 as presented

2nd by Coty Fleming

The vote was unanimous in favor 6-0

Continuing Business – None

New Business

3. Land Use Ordinance – Sections 201, 302, 303 and 317 – Modular Homes as a Special Exception Use – This is a request to amend the Ordinance to allow Modular Homes as a matter of right consistent with State requirements

Staff Summary. This is a request to amend Sections 201, 302, 303 and 317 of the Ordinance to allow Modular Homes as a matter of right consistent with State requirements. The proposed language is inserted below for ease of reference.

Section 201 Definitions

201.30 Dwelling, Single Family. A detached structure ~~other than manufactured housing,~~ consisting of one (1) unit.

Section 302 Residential Growth Area 1

302.2 Special Exception. The following uses are permitted in the Residential Growth Area 1 as a special exception under Section 204:

~~Dwelling, Manufactured Housing (modular only)~~

Section 303 Residential Growth Area 2

303.2 Special Exception. The following uses are permitted in the Residential Growth Area 2 as a special exception under Section 204.

~~Dwelling, Manufactured Housing (modular only)~~

Section 317 Contract Zone 7 – Stroudwater Street Growth Area Contract Zone

317.3 Special Exception. The following uses are permitted in the Stroudwater Street Growth Area Contract Zone as a special exception under Section 204:

~~Dwelling, Manufactured Housing (modular only)~~

Ed Reidman this will allow us to be compliant with the State regulations. Does anyone have any questions with regard to this?

Rene Daniel am I correct that this language will mirror the State?

Molly Just effectively yes

Ed Reidman seeing no further questions may I have a motion?

Paul Emery moved the Land Use Ordinance – Sections 201, 302, 303 and 317 – Modular Homes as a Special Exception Use –requesting to amend the Ordinance to allow Modular Homes as a matter of right consistent with State requirements; the Public Hearing will be scheduled for September 2, 2008 at 7:00 PM.

2nd by Cory Fleming

The vote was unanimous 6-0

4. Land Use Ordinance – Sections 203 and 302 – Amendments to Design Standards for Substandard Lots in the RGA-1 Zoning District – This is a referral from the City Council Committee of the Whole to review and make recommendations on amendments to the design standards for substandard lots of record to address bulk, height and setbacks for homes on such lots.

Staff Summary. This is a referral from the City Council Committee of the Whole to review and make recommendations on amendments to the design standards for substandard lots of record to address bulk, height and setbacks requirements for homes on such lots. The amendments would apply to Sections 203 (Residential Growth Area 1) and 302 (Nonconforming Use Provisions). The Planning Board should be advised that the City Council is currently considering eliminating the ability to develop on substandard lots or those lots not meeting the current requirements for size. The City Council has proposed that the proposed provisions eliminating development on such lots be retroactive to February 4, 2008. The City Council is seeking Planning Board recommendations on changes to the design standards that apply to development of such lots before they make their final decision on this matter. The language drafted for Planning Board review is attached.

Ed Reidman this is another item that if we are satisfied with the proposed language we will go to a Public Hearing. The piece we have been presented as a separate one, you will find that one section was deleted and two sections were added, the remaining language already exists in the Ordinance.

Cory Fleming just a clarification, are we doing this to be in compliance with State requirements or is this separate.

Ed Reidman this is separate.

Molly Just you may recall that the City Council had heard some concerns about development on lots of record, the 5,000 square foot lots of record, particularly in the RGA 1 Zone. They put effectively a moratorium on those lots that said effective back to February 12th they may not allow development on those lots. What they have done is referred to the Planning Board, a directive to take a look at the design standards for development of non-conforming lots and if the Planning Board can address the issues of height, set backs, basically general bulk on the site then the City Council will consider those and make a decision not to allow further development on those lots that would be retroactive back to February 12th of this year.

Cory Fleming so then lots that have already been developed would just be a nonconforming use.

Molly Just yes

Ed Reidman basically what it did is on the first page under section 302 the first paragraph that takes the Code Enforcement Officer out of the judgment range on the setbacks. The second change is if you notice on the second page under Section A is just a reading of what was crossed out on Section B, so it was moved for whatever reason was necessary. On the following page they added a proposal to add in a section on height and those are the items. It also defines how you count the houses to determine height on. It includes the houses on the side of the street plus the opposite side of street.

Are there any other questions?

Scott Herrick I was wondering if we know if any houses were constructed since February that meets the current Ordinance but would not meet a revised Ordinance.

Molly Just yes there have been.

Scott Herrick do we have the ability to recommend that the changes not be retroactive?

Molly Just yes you can certainly recommend that. Just to make everyone aware for the public record, when someone come in for a building permit they do have to sign a disclaimer saying that they have been notified about this and that it would be retroactive.

Scott Herrick I understand but there are practical realities, someone may need to cut off five feet of their house...

Rene Daniel under B1 that is 50 foot existing, which is the lot width that would be those that are grandfathered and are already registered as buildable lots but anything new would be 65 feet.

Molly Just that is correct.

Rene Daniel maximum height on B3 would be 40 feet. Is that taking into consideration the pitch we are asking for on the roof? So can that be a two story or a two and a half story?

Molly Just technically it can be either combined with the regulations for the maximum height.

Rick Gouzie 40 feet would come in to play then you would have to look at the next page that discusses a measurement on the immediate neighborhood also; so you would not get what happened on your street.

Rene Daniel on next page at the very end of B it says "6 houses to the right 6 houses to the left" are we correct in thinking what the Chair just finished saying, it is also across the street too?

Rick Gouzie that is correct

Rene Daniel my next question has to do with "C" which is the height, can you give me an idea Rick, just a ballpark how many grandfathered lots that are buildable that are not in RGA1.

Rick Gouzie we have some lots of record that are in the RGA2 Zone, not that many maybe three or four.

Rene Daniel how will that financially affect those individuals if we in a positive manner except this and send it forward to the Public Hearing and send it forward to City Council

and they are all positive as we might be; how will that financially affect individuals who have already built homes that are no longer in compliance.

Molly Just it wouldn't.

Rene Daniel if I built a home since last February that is not in compliance with the new rule.

Molly Just when you are talking about it being retroactive to last February is technically would be a policy issue for the Council, if there were no retroactivity that would be grandfathered.

Rene Daniel on landscaping it says; at least one tree will be placed in front of each residential structure, I do not know if it is policy but we try to ask for two trees.

Molly Just your words and your efforts have not fallen on deaf ears. I had two trees, but with staff review and thinking of the practicality of developing these fifty foot lots once you have the driveway and one tree assuming it grows to maturity you may not have enough width in the non-paved area to have two mature trees. If we get to talking about tree types that does not get to a large canopy that may be one thing but on a fifty foot lot with a 16 foot driveway your space is rapidly eaten up. I completely agree with you that we should be as aggressive as practical.

Rene Daniel I see what you are saying and it makes sense, however on Knight Street, Chris Wilson created a home there and as a thinker out of the box, he put two weeping cherry trees which look wonderful there.

Molly Just if you really read the language here as opposed to the language that we typically place on subdivision plans we typically talk about on the street frontage but here all it says is in front of each structure, so even though there may be only fifteen feet you do have a little bit of play in terms of being able to fit two trees as opposed to side by side along the sidewalk. Please explore that option.

Diana Brown that particular Knight Street property is on a corner lot. There is only one house with no other house on the other side of it.

Rene Daniel it is a parking lot.

Molly Just on corner lots it looks like there should be two trees anyway.

Rene Daniel I have read this over because I am gravely concerned for this whole process for exactly what Rick mentioned.

Who was the team leader that led this charge, you Molly?

Molly Just I crafted the language but the three of us sat down with Natalie Burns, it really is a team effort.

Rene Daniel kudos to you and your team I wish that this may have been in effect a number of years ago. I think the areas that they built the homes would have been much more improved. I enjoy the tree lined streets in Westbrook.

Ed Reidman Mr. Emery you have a comment or a question?

Paul Emery as I understand it, if the lot is a lot of record it can be as small as five thousand square feet and if you have a parcel of land that has a side lot and is not split off, the smallest that can be split off is seventy-five hundred square feet. So those people who have purchased a parcel of land that is already subdivided, they are fine, but if they purchase a lot of land they can only get sixty-two feet you are out of luck.

Rick Gouzie correct

Molly Just in sharing this language around City Hall, Jerre Bryant had a very good question. If you are an existing lot of record and are proposed for development but around you houses are ten feet from street and this says you will be fifteen from the street does that make your house stick out? A lot of the concern to this point has been these houses stick out for one reason or another, so I wonder if you have a concern about that. Dennis I know you live in a neighborhood where there is a lot of this type of development. I do not know if you have any thoughts on that. I think that is something to consider.

Ed Reidman to the Code Officer, does the Board of Appeals have the right to modify the setbacks?

Rick Gouzie not on a new structure

Ed Reidman Rick, on a corner lot, you have two front yard setbacks and are the others side setbacks or rear setbacks?

Rick Gouzie one would be a side setback and one would be a rear setback. You have two fronts, one side and one rear.

Ed Reidman are there any other questions or comments?

Dennis Isherwood living on a street that does have a lot of new development one issue I see come up a lot is parking. It should not be an issue. If you buy a house that has no parking space, that maybe you could park on your lawn. There is nothing that says you need a parking space, is there?

Molly Just we do have parking requirements on single family homes.

Dennis Isherwood that is one thing I never understood. When they built some of these homes, they share driveways. I can not understand how two neighbors can share driveways. I have a hard time sharing one with my wife. They do share and I guess it works, but you would think that each place would have its own driveway, or at least a two car. That is another thing on Anderson Avenue that has a lot of vehicles on the road, because they have no place to park.

Ed Reidman is there any more questions or comments. Seeing none are we comfortable going to Public Hearing?

Molly Just if I could offer a potential suggestion for the fifteen foot front yard setback, I do not know if you see this as a potential problem... No ok

Ed Reidman it still has the potential and you have the ability to use the rest of the space for your driveway and parking and can choose not to build a garage on it.

Rene Daniel I move to schedule September 2, 2008 immediately following the first Public hearing in regards to Land Use Ordinance – Sections 203 and 302.

2nd by Dennis Isherwood

The vote was 5-1 (Emery opposed)

5. Site Plan Amendment – Saco and Biddeford Savings Institution – TFH Architects, on behalf of Saco and Biddeford Savings Institution, for the construction of an additional freestanding sign in the Hannaford Brothers Contract Zone located at 2 Hannaford Drive. Tax Map: 33, Lot: 57, Zone: Hannaford Brothers Contract Zone 3.

Staff Comments. While the Planning Department acknowledges that the freestanding sign is consistent with the existing Zoning of the property it continues to not support construction of an additional freestanding sign on this property for the following reasons:

1. During the initial Contract Zone approval process there was significant community and staff opposition to more than one freestanding sign along this area of William Clarke Drive which is a more natural setting than other areas of William Clarke Drive.
2. There is more than adequate room for an additional sign on the existing freestanding sign in the Hannaford Contract Zone.
3. Approval of the proposed amendment would set the tone for signage along William Clarke Drive as its commercial portions redevelop. City staff is currently in the process of amending the City's sign regulations in the City Center District in an effort to reduce the proliferation of signs in the downtown area. The subject property abuts the City Center District. Electronic message boards and plastic materials, other than individual letters, would not be allowed under the current draft language. Plastic is not allowed in the existing signage provisions for the City Center District.

Ed Reidman on February 5 2008 meeting the Planning Board approved a Site Plan for construction of a bank, consistent with the Hannaford Brothers Contract Zone. The applicant subsequently filed for approval of a Contract Zone Amendment in order to construct an additional freestanding sign in the Contract Zone. The Planning Board recommended that the City Council not approve the requested amendment. The Contract Zone Amendment was approved by the City Council at their June 2, 2008 meeting. For this reason the proposed Site Plan Amendment is consistent with the existing Zoning of the property.

Dave Merrill THF Architects on behalf of Saco Biddeford and Savings presented aspects of a free standing sign along William Clarke Drive for the future Saco Biddeford Savings Institution. The sign will be six feet high, with the sign area being about 32 square feet and would be ground mounted with a brick and ground face block base, a green aluminum sign with a twelve inch reader board and below a twelve inch white internally lit analog clock.

We came to the Planning Board in April and May and did not receive a favorable recommendation. Due to the importance of this for the bank, we did pursue the request with City Council. They had seen merit for having the sign and voted to amend the Contract Zone. We are back before you this evening for any comments or questions.

Ed Reidman any questions or comments

Paul Emery said no problem with sign there but my concern is the point of distraction approaching an intersection that has enough problems now. The sign will be picked up by your peripheral vision at a time when you need all of your vision focused ahead. I have no problem with the sign; I only have concerns with the message part of the sign.

Ed Reidman is there other questions or comments?

Rene Daniel asked what is different with today's presentation as to what was presented the last time you came before the Planning Board.

Dave Merrill nothing

Rene Daniel I voted no against it last time, and was clear on my reasoning. I still believe that particular stretch of road in this City does not have my vision of signs with message boards on it. I know the City Council has their opinion which may be different than my opinion. I do not feel that by me voting no on this type of sign makes the City of Westbrook anti-business. I am pleased that this particular bank is coming to Westbrook but I will still vote against it because I do not believe that this vote is making me anti-business.

Dave Merrill I would like to address some of the comments. Physically the sign design has not been changed. It was requested by the City Council to address the hours of operation if the sign. There are also restrictions on reader board for the infrequency as when the messages are changed, which is infrequent. It is two or three times a day, maybe. It is not a flashing sign; it is not a rotating sign. It will show the temperature and a short message. Also related to that are future improvements to William Clark Drive. The sign will be placed thirty feet from the curb which is a good distance from the traffic as it is going by. It is the D.O.T.'s responsibility to control the traffic through there. I understand your point, but reader boards next to heavily traveled thoroughfares are out there in the world. They are very important marketing tools for the banks these days.

Scott Herrick I understand your comments but coming in to this you had some indication I am sure of the staff comments if the initial view was not a positive in and in fact the Contract Zone did not allow the addition of a sign.

I was not part of the Planning Board at the time, but my understanding of the pylon sign was to put in place and to allow additional occupants of the parcel proper signage. I understand from your prior comments that the Bank did not think that this was adequate. I do have to agree with my colleague that I do not think that is appropriate as it is thirty feet away from the curb and is close to the sign on the building. I do not see how this can make a huge difference in your marketing.

I think everyone is pleased to have another community bank in the City of Westbrook

Dennis Isherwood I was not on the Planning Board, but I paid close attention when Hannaford decided to move from there original location to the old Weyerhaeuser location.

Everyone was happy to have Hannaford at that location but citizens were very vocal and expressed concerns about the entrance, exit and traffic. The residents of Hawkes Street were extremely vocal and expressed many concerns on the light. The City dead-ended Hawkes Street and the residents really expressed concerns about the light, traffic and only one sign. That was a big point of the Contract Zone was only allowing the one sign and Hannaford agreed to the one sign only, large enough to share with other businesses on the site.

It is a heavily traveled area and I understand you needing a sign, I just think that in that area a reader board sign is not a good idea. I am going to stick with my opinion I had last time and vote no.

I am sure it will be a beautiful, well designed sign but it is just not the right place for it.

Ed Reidman we have a proposed motion, that gives one option if is to approve and that will move the project forward, or the other option is to deny, I will accept the motion and place that motion on the table, as we do not have City Counsel here this evening, I would be uncomfortable on a denial to move forward without privilege of Counsel.

Dave Merrill is it possible to get clarification on language for the motions?

Ed Reidman read the proposed motion into the record:

“The Site Plan application for Saco & Biddeford Savings Institution on Tax Map: 33, Lot: 57, is to be (approved with conditions/denied) with the following findings of fact and conclusions”

The findings of fact and conclusions are the standard facts both ways. The standard condition is as if positive motion is given. If it is a negative motion, there has to be work on the findings of facts and conclusions.

Dave Merrill thank you

Ed Reidman is there any Board Member willing to give a motion? Does anyone want to schedule a public hearing or a site walk? Seeing none, is there anyone who will make a motion?

Scott Herrick moved the Site Plan application for Saco & Biddeford Savings Institution on Tax Map: 33, Lot: 57, is to be **denied** and I assume that is for the application in front of us, for the sign.

2nd Paul Emery

Ed Reidman may I have a motion to table?

Rene Daniel moved to table this item

2nd by Cory Fleming

Ed Reidman there is no debate on a tabling motion, all those in favor to table this item?

The vote was unanimous in favor 6-0

Ed Reidman you will be on the agenda for the next meeting. Counsel will be in attendance and we go into executive session for further discussion.

6. **Land Use Ordinances – Section 401 – Shoreland Zoning - To reduce the lot size and frontage requirements for development in the General Development Shoreland Zone which includes land on the north side of Main Street downtown.**

Ed Reidman this item will need another Public Hearing on our next scheduled Planning Board meeting.

Molly Just we have found ourselves needing to challenge sites that need re-development in our downtown. There will need to be a re-write of our Landuse Ordinance that took place in 2004. With that massive effort we basically copied and paste the State's minimum requirements for development within the Shoreland Zone and there are several levels of Shoreland Zoning. The level we are talking about here is the General Development Shoreland Zone, which is really your business areas that are more built up.

The existing regulations for development in a general development Shoreland Zone require a minimum of a 60,000 square foot lot, before you can do anything. It requires 300 feet of frontage. That is very few sites in our downtown. What we need to do is work with DEP to put together some requirements that would allow responsible and appropriate development in the General Development Shoreland Zone.

As a way to kick off this effort, we have gone to the Shoreland Protection Zone and space and bulk regulations and we have proposed to eliminate the frontage regulations of 300 feet as well as the lot size requirements. There are single family homes in the General Development Shoreland Zone on both sides of the Presumpscot River. They could not rebuild under the current conditions. If Westbrook Housing wished to build a nice facility

there, currently it is not allowed. I know in one case they could not do it, not to the lot size requirement, it was due to the frontage requirements.

We do not propose to eliminate or minimize the setback requirement that is a very rational requirement that you have a substantial setback from the river. It is to eliminate the frontage requirement and minimize the lot size requirement.

We also do not propose to eliminate or reduce the coverage maximum requirement. Now you can develop with impervious surface 70% of the site in the General Development Shoreland Zone.

We need your feedback and want to share this with the DEP so we may move forward.

Summary. Staff proposes to amend the General Development Shoreland Zoning standards of the Shoreland Zoning Overlay (Section 401). This is intended to be an initial discussion of the proposal and to identify issues to be discussed further with the Department of Environmental Protection (DEP) before further discussion and recommendation to the City Council for ultimate approval. The draft proposed language is included below for ease of reference.

Background. With the 2004 update of the Land Use Ordinance the standard Shoreland Zoning language adopted by the State was incorporated into the Ordinance for Westbrook. The State language was not necessarily designed to address an existing urban condition such as our downtown with access to water and sewer. The intent with this amendment is to allow responsible redevelopment within the General Development Shoreland Zone downtown, which covers both sides of the Presumpscot River. Other urban areas have successfully adopted language more suitable to their condition.

The proposed amendment removes the shoreland frontage requirement of 300 feet and removes the lot size requirement of 60,000 square feet, each of which are hard to find in our downtown. The proposed amendments would maintain the 25 foot setback requirement and the 70% lot coverage maximum. This should meet the intent of minimizing impervious surface and providing buffer from the waterway. Staff will continue to work with the DEP Shoreland Zoning staff on the proposed language.

Scott Herrick I have one question, when you said the sites could not be re-built, do you mean it could not be re-built on the same foot print of existing buildings, or you can not build on a larger site?

Molly Just we do have some strict rebuild allowances. With some amount of time goes by that ability goes by as well.

Scott Herrick you are saying that if something gets torn down and they do not re-build within a certain time frame, then they can not re-build.

Molly Just that is correct.

Scott Herrick if the house burns down they could re-build.

Molly Just that is correct

Rick Gouzie they have one year to re-build.

Ed Reidman there is other provisions that would require flood proofing, in another part of the Ordinance.

Paul Emery I recall in 1998 attending a meeting that was discussing river front development that encompassed both sides of the Presumpscot, from the Saccarappa Falls all the way down to the bridge on Cumberland Street in front of the Mill, then all the way back to the other shore.

What possible effect would this have on a waterfront development? Are the two going to clash?

Molly Just right now many sites could not do new development. What we are proposing is to take that limitation off or take it away. There will always be a requirement for buffering along the river that protects all of us. That would put limits on the location of the buildings within there lot. This would more enable development contemplated during that meeting.

Paul Emery I remember a small store hanging on the bank of the river that was removed, which I think is fortunate, but anyway we still have things that could be done. One of the things that were proposed was a development opposite of the Mill up by the Power Substation flume near the falls. What would be the effect on that? They were considering developing that pool for testing kayaks that was to bring in further development possibly on the opposite side of the bank that is now the condominiums.

Molly Just DEP does have specific provisions for water activities, having a building within 25 feet of the water that could not happen. You could have a dock or a temporary apparatus that you could store kayaks and such, they definitely try and promote active use of the water for recreation and sports activities. All those uses could be accommodated; it is where you put the actual buildings.

Paul Emery by the bridge on Bridge Street, there was constructed a walk and at the same time they made provisions for electrical vaults which are underneath pavement that runs past or in back of Fajita Grill. There was some discussion of development there, what would be the effect of this on that development.

Molly Just honestly I would have to see on a plan what you are discussing and where it is in relation to the River.

Paul Emery they were contemplating a bridge to go across the river by the Park and on the Brown Street side of the River a possible construction of a board walk on the other side, so as to complete the pedestrian loop similar to the 3 ½ mile loop in back bay in South Portland. Under this would the board walk be allowed to be built on the Brown Street side of the river?

Molly Just what we are proposing has nothing to do with that. It would not eliminate the ability to build that. We would just need to conform to other DEP requirements.

This just talks about frontage and lot sizes for new buildings, this does not discuss walkways. This is trying to enable good development as currently we could not consider that.

Ed Reidman any other questions or comments?

Rene Daniel do you feel comfortable enough for us to move forward or would t=you rather have more time to work on this.

Molly Just I would recommend that you not scheduled Public Hearing right now. I need to share this with the DEP.

Rene Daniel so would you want this tabled?

Ed Reidman we do not need to table this item, we can schedule this item when appropriate for another meeting after you have dealt with DEP.

Molly Just I needed the Board's feedback at this point.

Ed Reidman I think the feedback has been positive and the Board understands what can not happen today.

Rene Daniel moved to recess to workshop to discuss the Sketch Plan – Clarke Farm Village – St. Germain and Associates, Inc, on behalf of Clarke Farm Village LLC, for construction of 140 dwelling units consisting of 48 condominium units in 8 buildings with the rest a mix of duplex and single-family age-restricted condominiums on property located at 295 Spring Street. Tax Map: 8, Lots: 9A (part), 10 and 10A. Zone: RGA-1 and Resource Protection Overlay Zone.

2nd by Dennis Isherwood

The vote was 6-0 in favor

Workshop:

Ed Reidman explained that Public comment will be accepted during workshop.

7. **Sketch Plan – Clarke Farm Village – St. Germain and Associates, Inc, on behalf of Clarke Farm Village LLC, for construction of 140 dwelling units consisting of 48 condominium units in 8 buildings with the rest a mix of duplex and single-family age-restricted condominiums on property located at 295 Spring Street. Tax Map: 8, Lots: 9A (part), 10 and 10A. Zone: RGA-1 and Resource Protection Overlay Zone.**

Michael Cooper I am the sole member of Clark Farm LLC presented aspects of the construction of 140 dwelling units consisting of 48 condominium units in 8 buildings with the rest a mix of duplex and single-family age-restricted condominiums on property located at 295 Spring Street. Tax Map: 8, Lots: 9A (part), 10 and 10A. Zone: RGA-1 and Resource Protection Overlay Zone.

The sketch plan works on the site taking into consideration of the topography, road elevations, and road curves to make sure that the Fire Department can get their equipment around the site. We have limited as much as possible any dead end streets.

I would like to give you a little history about my involvement with this site. As many of you know I have been involved for about 35 years with land use regulations, planning and I represented the City for decades. I have represented developers and groups opposed to development which gave me the knowledge as to how I should be developing property.

I think in the past couple of years the concept of concentrating your residential development in areas that all ready have infrastructure, already have the services and providing customer base for your community in those downtown areas. It is the only way to go, and if you look at the cost of energy I think this is clearly the wave of the future. I also think there has been a loss of our neighborhoods, our sense of neighborhoods and sense of community. This project gives me the opportunity to try to create a real community. Westbrook is the place to do that as Westbrook has that sense of community. This particular site has some real advantages. It is only three miles to the Maine Mall and is within walking distance to down town.

The site is large enough to have a maxed, diverse population and a mixed age restrictive development. This concept of a mixed development makes more sense. As stated in the sketch plan we are looking at 140 total units. This is a big development and the units break out to about 2/3'rds of the units will be age restrictive 55 and older.

Studies have been done to where the housing market will be done in Maine over the next ten years and it is overwhelming going to be for the 55 plus age group that wants to downsize to a more manageable property. They can not afford to maintain or heat big old houses any longer. They do not want to commute long distances to get anywhere.

This project incorporates a number of techniques to try and get people involved in the community, a theme to maintain the farm atmosphere.

At least 2500 feet of a three rail white horse fence is proposed to be installed as part of the landscaping and part of the look of this project all along Spring Street, all around the primary first loop, around Tom Clarke's property, to the south and elsewhere around the project appropriate and necessary.

There is 1/2 or 3/4 of a mile of walking trails on this project. It sits directly across from the golf course. Within this property will be 3 maybe 4 putting greens that have the potential to get people out of their homes, get them outside for recreation.

Gardens can be set up as individual or community gardens. This site sits in an open field. Part of the attraction of this site is that it is ideally suited for solar power, south facing topography. With the price of energy these days we need to take some of the technologies and apply them to a site like this, geo thermal home heating is a viable option here. There is enough land so the heat exchange units can work for most if not all of the heating requirements for these homes. There is natural gas on the street for back-up which is the cheapest, cleanest fuel to date and you combine that with the solar for domestic hot water as a supplement to the GEO thermal, I think people will be able to relatively heat these manufactured homes for about 20% what the cost is in the home they are currently living in. All of the previous mentioned things are doable on this site.

I was approached by Tom Clarke and the Clarke heirs trying to decide how to divide this property. The property had not been farmed for quite awhile. As the heirs have

been working on how to divide the property the cost of the value has increased three times. Finally the heirs decided that they could not resolve this and everyone received notice that the parcel would be put on the market for sale. I purchased the parcel and Tom is retaining three acres to be added to his lot.

We have worked for the past six or seven months on this project and is indeed a Sketch Plan that may be subject to change. I did meet with about 20 of the neighbors; I wanted them to see what was going to be proposed. There are some issues that folks have, for the most part the issues dealt with traffic on Spring Street. We also know that the Wiggly property is relatively close and will need additional buffering and the best way to protect the Wiggly residence. Other than that, Tom Clarke's residence is the closest which is about 300 feet from the line and closer to 400 feet from any house on this project.

Again, I have tried to maintain the farm theme on the project. From the existing barn southerly towards the river you will notice along the street I have left that open. The closest house in that area is about 220 feet to the street.

I started to talk about the need for landscaping in this open field. I also mentioned the possibility of solar heater with roof top collectors, you would not be able to plant trees that would grow to fifty feet because then you loose your solar, particularly if we are talking about single level homes. With the need for the landscaping it occurred to me the best thing that could happen here is for us to plant 300 to 400 fruit bearing trees, the standard stock tree that grows anywhere to about 18 to 20 feet. They will provide reasonable screening and softening from Spring Street for those homes and at the same time will provide a crop every year. This project has a lot of green space as maintained lawn or field areas. There is going to be a crew here most of the time to maintain that for the association and they will be in a position to maintain the fruit trees so they can bear edible fruit.

That is the concept and I would like some feedback and input from the Board.

Ed Reidman maybe for the Board and the Public you could define the multi family, duplex and single family, are they color coded on your map?

Mike Cooper said color coding shows the three maybe four phasing of construction. The multi family units are located in the front. The existing barn is proposed to be taken down and a multi unit to the same scale will be built in its place. We are closing off both entrances near the farm house.

The other units there is an additional two six unit building located northerly of the farm house with a couple of garages. In the northeasterly corner where the Ludlow house is now, that is proposed to be taken down and a six unit building to replace it. Behind the units that are along Spring Street, there is another row of six unit buildings. There are three of them that are in the Spring Street side of the loop road and another one that is behind where the little blue house is now and that is a four unit building that gets to the total of 48 units in a two story town house unit buildings. The reason that those are proposed in that way is to provide separation and scale to single family units in the back. Each one of those will be built to scale and to look like a farm building.

In looking at the location along Spring Street with staff a strong suggestion was to place the buildings on the Spring Street side with the parking behind them, to shield the parking for the street. There are two sides to that issue. One is that there is a Portland

Water Easement back about two hundred feet from Spring Street and that is where the proposed garden plots and play grounds will be placed. If those building were pushed up against that right of way line and the parking was on the Spring Street side that parking could be screened with heavy plantings. The buildings are going to be difficult to provided screening to from where they are. The parking lot is doable and screening between the parking lots and the road such that the façade of those buildings also softened is doable. I understand the concept as to getting the parking out of site. I need input from the Board and Staff as to the best way to go on the parking issue. I think I can do a better job with screening with the buildings in the back, but I think it is a question for the Board and the staff.

The colors that the chairman asked about on the phasing are the darker color is phase one, the medium color is phase two and the lighter color is phase three in the back of the site.

Ed Reidman is phase three basically your single family units?

Michael Cooper the singles are spread amongst the entire unit phasing.

Ed Reidman you have seen the comments that the staff has submitted to us; which are as follows:

- *Spring Street Frontage.*
 - *Staff recommends pushing the units back from Spring Street to maintain the open feel, if not the open farmland, along Spring Street.*
 - *Provide a sidewalk along the Spring Street frontage.*
- *Community Connection.* *The draft plan for Recreation, Parks & Open Space calls for a crossing of the Stroudwater River for trail purposes. Redevelopment of this property, which straddles the river, provides a unique opportunity to provide an off road crossing of the river for the trail depicted on the Plan. The Planning Department requests that a river crossing be provided with this project to serve the general public and the new community proposed for the subject property.*
- *Community Amenities.* *The Planning Department considers the community gardens to be a very positive aspect of the plan and recommends consolidating the proposed putting greens and placing them in a location farther from the internal roadway. The Planning Department recommends adding more play space in separate locations on the property.*
- *Internal pedestrian circulation.* *The Planning Department recommends providing pedestrian for units 1-20, units 31-51, units 70-76 and units 97-106.*

Michael Cooper the medium dark gray lines along the street shows where the sidewalks are and in addition to that the walk trails that circle the site. The sidewalk along Spring Street is not unreasonable even though that area drops off fairly rapidly that will just require some fill and will not be impossible to construct.

Ed Reidman are there any questions or comments from the Board?

Cory Fleming since this is a workshop; I am simply going to throw out some ideas. There are a lot of things that I like about this concept especially the active living piece. Along these ideas, I would like to see some neighborhood serving retail, especially in this area and the group you will be marketing to, I think there might be potential for restaurants, possibly mom and pop sandwich shops that type of thing. I like the walking trails and would like to see how they could be connected to the walking trail that is being proposed in the City currently. I like the Public spaces you are proposing and I also would like to suggest you add a dog park. I see the parking areas and I would like to see bike racks and plans for that. I like the landscaping and would like to see also low impact native plants added to your landscape plan as you go forward.

Ed Reidman I was looking at the Zoning Ordinance, a restaurant is not allowed, but it does allow for a neighborhood grocer.

Paul Emery I am impressed by this plan but I do have a few questions that concern me. One of the problems with GEO Thermal heating is the possible contamination of ground water. Basically it is a giant heat pump and you are in many cases using fluids in there that are naturally poisonous.

Mike Cooper as I understand it the system does require antifreeze.

Paul Emery antifreeze and people do not mix that is one of my concerns. The second thing, looking at the entrances along Spring Street and I am wondering about signaling. What would be the stack space between the two entrances, particularly in peak morning hours, now you are going to add about one hundred and fifty extra cars. Your traffic study will come up with that.

Mike Cooper my traffic study will be started this week. We have some initial impact and comments from the traffic engineer. The initial comment was given the mix of units and the plus fifty-five element they did see a problem in terms of volume. Volume was not the issue for most of the neighbors; it was how to control the speed. I am going to ask my firm to look at volume, but also ask for a proposal for limiting the speed in the area.

Paul Emery it was attempted with speed bumps that had been placed on Spring Street then subsequently taken out. Speed bumps might help. Site lines need to be considered, keep the foliage down low at the entrances.

The third question I have is as you have about twenty-five units, have you considered the effect of a five hundred year storm for flooding? The bridge did not fair well in the 1998 storm.

Cory added some great ideas and I would add a bus shelter there.

Rene Daniel I definitely want to echo some of the comments from my co-Board members. Since this is going to have forty-eight units, do you have any idea about how many bedrooms?

Michal Cooper they are going to be about 1200 square feet, so they will have the capacity for three bedrooms. I do have to do an impact study and what the likelihood that the mix will be for the impact on the school. The comments from some people are that it will be unlikely that in that particular type of development will have impacts to the schools.

The costs will range from 180,000 to 200,000 and maybe used for a starter home, but later will be sold so they can have a yard for their children. Without a study I can not say definitely what the impact could be.

Rene Daniel I would feel much comfortable with a school impact and a traffic impact study will be done. I was not as concerned with the Sandy River project across the street. Now that you are bringing another one hundred and forty plus units I am concerned about traffic and the need for impact studies.

I did like the comment about the trail system and I do hope you contact the people that are leading the push for trail systems in Westbrook and trying to link them to the lake to the sea would be wonderful.

Michael Cooper they is a three and a half acre parcel that is on the southerly side of the river that adjoins a parcel that the City already owns, where the pump station is. It is my hope that I can entice people in the City to take an interest in that parcel as the anchor to develop a trail system on that side of the river. You would actually not know that there is an industrial park behind the project. Acquiring easements should be rather easy and if I can entice some interest it would be a potential for a superb trail.

Rene Daniel you also mentioned about LEEDS and GEO Thermal heating. Are you going to tend to get them as close as possible to a certification?

Michael Cooper that is the game plan at this point, obviously people are going to need to afford these units and it needs to make economic sense. The LEED certification is less expensive as they were two or three years ago, with the increased energy costs and the use of those systems will increase again and it will be the normal building specs, instead of the dream spec. I think that all of the economics are going in the right direction in order to be able to that.

Rene Daniel with your foresight, thinking the way you are, we could be the first City in the area to have the first green as possible village. That would be an asset to the City.

Michael Cooper it would be great for the City and on a selfish basis it would be a great marketing tool. It would put us on the map and hopefully become a model project.

Rene Daniel I would also be interested in the sidewalks in the project and adjacent to the complete frontage of the project, to allow passive exercise on the sidewalks.

There will be about seven to eight streets, lanes or roadways within the project?

Michal Cooper it depends on how you would classify them. We have the main loop road, with the two entrances onto Spring Street and the second loop with a third street in the

back of the property and in the middle would have another street. I see one servicing the multi units in the front that I see as a driveway. We maybe have about five streets.

Rene Daniel landscaping will be very important to me when you come back. I understand the need for the sun for the solar panels but adding the fruit trees will accent the concept of a farm project and will add the finishing touch

Michael Cooper the standard apple, plum and pear do get to the height of 18 to 20 feet. Most of what we buy now is dwarf sized trees which you see in most people's yards.

Dennis Isherwood I have been looking at this parcel for a long time and the project looks good, I wish we could see more single and duplexes on the front of the parcel instead of the back.

Michael Cooper the first phase will have both types will be built. It will take a couple of years more likely to get those built and sold.

Dennis Isherwood I agree with Rene about the sidewalks. One question on the association rules for maintenance of the exterior of the buildings. Would that be something to make sure that they are all alike?

Michael Cooper they will not be all alike, I do not think you want that. There are about eight different traditional farm colors, barn red, dark green, medium beige with any other combination of two colors mentioned. The goal is to have part of the house, maybe the gable end one traditional color on the bottom half, maybe brick a part of the façade. There will be multitude of farm color variations. It would be boring if all the units were the same color.

Dennis Isherwood I have recently seen mining towns in Pennsylvania that has a lot of duplexes that one half looks fantastic and the other half is a shambled mess.

Michael Cooper the exterior is done by Association it is not up to the individual. I have to work on the Association rules, regulations and corporate documents to establish the regulations that will be submitted to you. There will be some strict rules to protect the homeowners and the exteriors will definitely be maintained by the association.

Dennis Isherwood looking at the variety of these coal mining areas was interesting, but the maintenance on different duplexes...

Michael Cooper if you want to get a sense of this project, there is a project in Gorham called Park South has similar sized units, similar sized density and that will give you some sense of the project. This will show you the distinct neighborhood style and not just a track development.

There probably will be fifteen to twenty different designs that people can choose. They will be some variety in the project.

Paul Emery what about the fact that people will be looking at the back end of each others buildings. Are there going to be decks, amenities, screenings or walls?

Mike Cooper part of this project is to get people in their back yards. Each unit will allow people to decide the amenities they want. For the extent that there is a conflict between the back of two different units, there will be fencing between backyards as necessary.

Paul Emery I am looking at units 62 & 92, then 63 & 91 and rough scaling it appears that the distance is 15 feet. That is a very close neighbor. We will not allow that kind of closeness that we do not allow in any other zone in the City. .

Mike Cooper if the measurements are accurate, that would be to close and we will have to change the plan to a minimum of thirty feet.

Paul Emery is there going to be enough room to park visitors cars?

Mike Cooper we need to look at what is the impact of parking six cars on the side of the street. I think that these are set up to be comparable to most residential streets. If they need to be a little wider after the analysis, we will have to make them a little wider.

Paul Emery I will be interested to see what the Police and Fire will say about the top left of your development. I am wondering how the Fire Department can get in with many cars parked along this street. That is a concern also.

Mike Cooper I will be meeting with the Fire Chief and is that is an issue we will widen the road.

Ed Reidman is there any other questions or comments from the Board? Any from the Public?

Gail Clark I have a question for Mr. Cooper. You mentioned the existing barn structure and that would be replaced and that would be necessary. I was curious from a historical point of view how the Clarke homestead the home itself fits into the development.

Mike Cooper the home itself in my opinion is a historical structure and needs to be preserved, with no change as far as I am concerned including color on that section. It may become a two unit, with a unit up and a unit down, but the outside should stay exactly the same as it is now. The replacement structure for the barn, on the front face of it will look exactly what is there now and should be about the same scale. There is no way that the farm house will change.

Ed Reidman the City's sanitary sewer runs along the Stroudwater from Saco Street across the River down to the pump station, as I am sure you know. There is already an encumbrance on the land there. As I recall there was a piece of land in that general area that someone gave to the City of Westbrook. That parcel should make getting a trail to the river easier.

Is there anything else? Seeing none, can I have a motion to return to regular session?

Rene Daniel moved to return to regular session.

2nd Dennis Isherwood

The vote was unanimous in favor 6-0

8. Resume Regular Session

9. Adjourn

Respectfully submitted by Linda Gain PECE Secretary

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