



City of Westbrook

DEPARTMENT OF PLANNING

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

WESTBROOK PLANNING BOARD TUESDAY, DECEMBER 2, 2008, 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), Paul Emery (Ward 3), Scott Herrick (Alternate), Anna Wrobel (Ward 4)

Absent: Greg Blake (At Large), Michael Taylor (Alternate), Cory Fleming (At Large)

Staff: Molly Just, Diana Brown, Eric Dudley

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**

Continuing Business - None

New Business

2. **Final Site Plan, Final Subdivision and Special Exception – Terradyn Consultants LLC, on behalf of William Martin for construction of a triplex condominium building on an approximately 0.69-acre parcel with an existing duplex (to remain) located at 152 Central Street. Tax Map: 28, Lot: 302, Zone: RGA-1.**

Jon Whitten Terradyn Consultants LLC, on behalf of William Martin presented aspects for the construction of a tri-plex condominium building on an approximately 0.69-acre parcel with an existing duplex (to remain) located at 152 Central Street. Tax Map: 28, Lot: 302, Zone: RGA-1.

There is an existing driveway that runs into the property to an existing two unit building. There are some mature trees around the border of the property and some lawn area.

The proposal is to put a new three unit building that will be sixty feet wide and twenty-nine feet deep and twenty-five feet tall that will be a two story building and each unit will have two bedrooms on the second story.

We are proposing to have public water and sewer to the building as well as a sprinkler system that will all be underground. We also propose to install underground power to the new building. We are requesting a waiver tonight for the Ordinance request requirement for having all utilities be underground. This is due to the fact that a utility pole on the property with overhead power that runs on to the property a couple hundred feet to an existing pole which feeds the existing building. The applicant would not like to change that arrangement and offers no changes to the existing building and would like to run from the existing pole within the property to the new building.

The new building will have a rain garden proposed on the back side which will collect the run off from the roof area and from the immediate parking area around it that will detain water the first inch of run off and slowly percolate through a landscaped area and treat the water that way.

We do have two spaces per unit plus a couple of visitor parking spaces. We have an enclosed dumpster on site for trash collection for the units. We are proposing landscaping in the rain garden area and also along the front of the building itself. We have left a five foot area between the access way and the building that will be landscaped for each unit. We have proposed a fence along eastern side of property that will be a four foot stockade fence. That will cut the headlights to the neighboring properties as people pull into the property as they park, keeping the light on the property.

The applicant does propose to clear a few trees on the property to put the building in itself. He has cleared some brushy trees in the back yard. The mature trees along the boundary edges will stay. There is one tree at the entrance that is quite large that given the width of the pavement with the parking that will have to come down.

The building will be silver, gray colored vinyl siding, CertainTeed brand. The top gable end in the center along with the portico entrances will be a red colored cedar shakes and the trim work will be white. There will be some small decks on the back for the occupants and they will have a full basement with bulk head entrances at the rear.

Ed Reidman is the project application complete?

Molly Just the application is complete.

Ed Reidman may I have a motion to declare the application complete?

Scott Herrick moved to find the application complete

2nd by Dennis Isherwood

The vote was unanimous in favor 6-0

Ed Reidman is there any questions from the Board?

No Questions

Ed Reidman at the rear of the property, you have showed that you are encroached to what used to be a Paper Street.

Jon Whitten only with lawn area, the rain garden is outside of the Paper Street area.

Ed Reidman has the property owner be declaring that as part of their property and adding it to the deed in the Registry of Deeds?

Jon Whitten the indication is no.

Ed Reidman what right do you have to be on that property?

Richard Eaton Land Surveyor, there is a 40' wide unaccepted road behind the project. In the late 1800's, early 1900's the road was proposed and nothing was ever built on it. It basically runs from Pennell St all the way to Westbrook Gardens. It was never accepted and was always an abandoned paper street.

There was a Statute that was passed about ten or twelve years ago that the ownership goes to the middle of the street from the abutters. In that case the ownership would go an additional twenty feet to William Martin and that is by statute but it does have other issues and one is title issues. As a surveyor, I always recommend the abutters to take ownership of the property, accept it as their own with a caveat that you do not have a clear title to that property, in other words do not build structures on it, do not put anything on it that you will regret on it, but you can accept it as your own as no one else has any interest in that half of the street, likewise the abutters on other side of the street. Take ownership of the half of the street about twenty feet.

I write up a deed restriction that includes that area also with a quit claim owning all interest in that half of the street. Over years it will ripen into a title. That is the situation that we have here this evening. As William is my client, that is what I will recommend for him to do. Again, do not build anything and with the ordinance for the City of Westbrook we keep in mind that you can not use any of that area as part of the development, no improvements as required for this project following the Ordinance.

That is my professional recommendation to my clients that abuts a discontinued street.

Scott Herrick I have a follow-up question. I think the statute says unless the town does not reserve the right to later accept or reject that Paper Street and I think that we would have to know whether the City has met that standard. My concern is without the addition of the paper street the project does not meet the square footage requirements.

Ed Reidman the indication from the Assistant Code Officer is no.

Molly Just it is my understanding we will be using just the site area for this project to gain the number of units and it is 5,000 square feet per unit, the 6,500 square feet gets more at the lot size. They are not counting on any land area from the paper street to meet there minimum square footage requirements. This is not a traditional subdivision...

Scott Herrick my question is what are the square footage requirements per unit then?

Molly Just they meet that on the lot, not the paper street.

Scott Herrick it is 5,000 square feet per unit, so this would be 25,000 square feet, correct?

Molly Just and they have .69 acres.

Scott Herrick if you look on the 4th page of the submission it says .58 acres which is 25665 but that is the acreage not including the paper street, it is .58 not including the paper street. If 25,000 is the minimum, they still meet it so that satisfies my question.

Molly Just I think the applicant will need to speak to that. I am under the impression that the site itself is .69 acres.

Richard Eaton I am not sure, I remember going over the square footage at the time.

Scott Herrick I think the application says on page 4, total area not including ½ of the Hollis Road 25,655 square feet or .58 areas, so again that meets the 5,000 per unit. My concern was if it were 6,500 for new it would not have met requirements.

Ed Reidman I think we have resolved the issue. You heard Mr. Whitten asking for a waiver on underground power. Would anyone care to make a motion to allow the waiver as shown on the plans? My assumption would be that they would still be bringing the power in to the existing pole and all the rest of the utilities on the existing pole and the existing two units on the property would still be served by the pole and the proposed three units would go underground at that point.

Jon Whitten that is correct

Ed Reidman that is what has been proposed and that is what the waiver asked for to waive the underground requirements within those limits. If you remember when we had a request to waive underground power across from the River Bank Park, on the side street we said it had to go underground from the street line. It is up to the Board and in the past the Board has determined on a case by case basis.

Anna Wrobel I need clarification, Mr. Whitten can you show me where that pole is to serve the existing building? That goes over the driveway into the existing building; whereas it would go from that pole underground to the new buildings.

Jon Whitten correct, it would be just a straight line underground to the new buildings.

Dennis Isherwood if the Board does not approve this would you be bringing power underground to both units?

Jon Whitten yes that is my understanding that the entire subdivision would have to go underground, so we would have to put in a new pole on this side of Central Street and go underneath, basically that is what we would have to do.

Anna Wrobel have you projected the cost differential and how that would affect this project if we refuse this waiver as City Staff recommends? I just want to make that clear that I am leaning towards the recommendation of City Staff. But I would like to know what that means to you financially.

Jon Whitten the applicant got a rough estimate of five to six thousand dollars to put the project completely underground of additional costs.

Paul Emery is there any other underground services in that neighborhood or will this be the only one?

Jon Whitten I am not exactly sure, but just driving through the neighborhood it seems that there were utility poles along Central Street and from my recollection it seemed that the houses were being served from those poles. I have not gone to CMP for there records.

Paul Emery but by driving through the neighborhood basically you are seeing utility poles and connections in the air.

Jon Whitten from my relocation, yes.

Paul Emery what is gained by putting our finger down on one particular person saying because this is new, you are going to have to do it differently then the rest of the neighborhood. I personally do not think we will gain anything. Is this visible from any main street?

Jon Whitten the new building will be visible up from Central Street. The existing building is behind shed and some trees, so it is not a direct line to Central Street.

Ed Reidman Mr. Emery, would you care to make a motion?

Paul Emery moved to grant the request for the waiver, Section 502.5 Subsection G Utilities easements which states all utilities shall be underground.

No second – motion fails

Anna Wrobel moved to deny the waiver.

2nd by Dennis Isherwood

The vote was 5-1 in favor (Paul Emery opposed)

Ed Reidman site walk? Seeing none...

Scott Herrick I just had one more question for a Staff clarification the setbacks I assume the new buildings ten feet or fifteen feet?

Molly Just this is an existing lot.

Scott Herrick so the requirements are lot specific not building...

Molly Just when you get to set backs, yes they are lot specific and this is an existing lot, not a new lot.

Jon Whitten and for clarification our template setbacks are based off the paper street, not... the setbacks are totally within our site minus the paper street.

Ed Reidman I think I am of the opinion where we are expanding an existing use within an existing neighborhood and we probably ought to have a Public Hearing. May I have a motion to that effect?

Rene Daniel moved to schedule a Public Hearing on January 6th, 2009.

2nd **Dennis Isherwood**

The vote was unanimous in favor 6-0

Rene Daniel moved to recess to workshop session

2nd by **Anna Wrobel**

The vote was 6-0 in favor

Workshop: Note – Public comment will be accepted during workshop

3. **Recess to Workshop**

4. **Sketch Plan – Tehilla Tabernacle Ministries – Jeff LeBlanc Designs, on behalf of Tehilla Tabernacle Ministries, for construction of a 200-seat church and associated parking on an approximately 5.41-acre parcel generally located at 480 Methodist Road. Tax Map: 14, Lot: 6-J, Zone: Rural.**

Project Description – The project would include a 7,500 square foot, 200 seat church for the Tehilla Tabernacle Ministries, an existing congregation. The building would be located close to, but not along, Methodist Road. A drop-off area would be located on the Methodist Road side of the building and the majority of parking would be located behind the church, further into the site. The church would have Friday evening and Sunday services, weekly study groups, family and individual counseling and youth activities. A

library is also proposed as part of the same building and would provide accessory retail sales from approximately 9:00 am to 5:00 pm.

Staff Comments:

- *Environmental. The majority of the site is part of a large wetland. A portion of the building would be located in the wetland and the majority of the parking lot would be located in the wetland. The DEP will review this impact as well as make recommendations on the proposed impact as part of final plan review.*

Ed Reidman one of the purposes of the Sketch Plan is to allow the proponents of the development is to receive comments from the Planning Board in regard of the project and it also allows us to receive some comments from the Public.

Jeff LeBlanc with Jeff LeBlanc Designs, on behalf of Tehilla Tabernacle Ministries, Adam Alexander Pastor, presented aspects of all for construction of a 200-seat church and associated parking on an approximately 5.41-acre parcel generally located at 480 Methodist Road. Tax Map: 14, Lot: 6-J, Zone: Rural.

Right now what we are looking at doing is building a single story structure with a partial walk out basement at the rear of the church. The fellowship area is approximately 136 feet long and 70 feet wide at the sanctuary area and we are proposing partial parking with the drop off at the front, coming around to the drop off area to the rear with the substantial part of the parking to the rear of the structure.

Our Land Consultants is John Toothacre with Toothacre Associates and our Chief Engineer is Peter Delfonso of Delfonso Engineering, who will be handling all storm water issues we may have.

Ed Reidman can you elaborate on the building construction?

Jeff LeBlanc this is our side elevations, we are doing a stucco finish on the lower area with natural wood on the upper areas. We have a walk out basement, fellowship area to a deck that will also be a drive- through portico for a drop off in inclement weather. Front and rear elevations which we are trying to minimize the impact of the structure from the street keeping it down as a one story that comes back as the grade that drops off going into a two story with a walk out basement.

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

Rene Daniel just for clarity can you give me an idea on or about where 480 Methodist Road is?

Jeff LeBlanc it is about half way down Methodist Road, near the Brown Studios Photography.

Rene Daniel are you on the same side of the street as Brown Studios?

Jeff LeBlanc yes

Rene Daniel I am sure that you are aware that end of Methodist really has not been upgraded. Personally I have some concerns of the amount of traffic that is on there now. If this is going to be an active church with a large following it is going to bring into a roadway that is not the best roadway, it is not sloped right, and it is dangerous in the winter and in the summer. I would have some concerns about that and would like more information regarding the entrances and the impact of the traffic on that roadway, especially in the fall and winter as there is a lot of ground water going over the road.

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

Kimberly Lynes 482 Methodist Road, I would be right next door. My concern is there are a lot of wetlands back there. My concern is I thought we could not build back there because of the wet lands. I do not know the specifics, but I thought we could not fill, that it was not allowed and now this is being proposed.

I also have the privilege to live across the street from the new development across the street which has increased traffic tremendously. I am also concerned about the traffic that is a dangerous corner with additional traffic coming in and out. I do have concern about that also.

Ed Reidman wetlands are allowed to be filled but they require permission from the State of Maine and the Federal Government, correct?

Eric Dudley that is correct.

Ed Reidman can you outline the guidelines?

Eric Dudley if you look at the plans, it is pretty simple on this one, there is a large amount of wet lands that need to be filled on this in order for this project to be developed about a 1/3 to 1/2 of the building and the entire rear parking lot would all be entirely within that large wetland out back. It is a substantial amount of permitting required for that. I do not know the exact square footage, but it is one of the largest wetland fills I have seen in Westbrook. The other thing to consider is the Church is a Special Exception and one of the requirements of the Special Exception is that no unreasonable environmental impacts occur due to the development of the project. The Board will have to determine what is an unreasonable environmental impact, especially when it comes to these wetlands being altered.

Ed Reidman I guess the answer to your question is that if project moves forward, your question will be answered and it will have to go through the right regulatory authorities. That means they will have to deal with the Federal and State Government in order to do that. They will have to have the Army Corp of Engineers permitting along with it.

Anna Wrobel Eric you mentioned in addition to the DEP review, which has not been done and in speaking that this will require a special exception that we have determined the reasonability of the environmental damage. In relation to a special exception, who makes that decision the State, the Feds or us?

Eric Dudley unreasonable environmental impact whether it is or is not is determined by the Planning Board.

Ed Reidman any other question or comments?

Dennis Isherwood my concern would be the wetlands. I have to wonder as we just tore a church down in Westbrook, in a desirable on Main Street, then we want to build one in an undesirable location. It just seems that we are putting something out of place, where it does not belong. I had listened to this Planning Board before I became a member, it was pointed out that if we put houses where churches were supposed to be and churches where houses were supposed to be then we kind of mess up what we are supposed to be doing here as a Planning Board. If we put a gas station next to the church, I am sure the church would have some issues with it. I would prefer not to see a church on Methodist Road, especially in a wetland.

Ed Reidman other questions or comments

Rene Daniel Eric, can you go back and guide me so I can make sure that I understand what you said. If you had to take the project and put it on a scale from 1 to 10 and what you know of the project, would it be closer to 1 as an impact, or closer to 5, or 7. How much of an impact would this project have in the amount of filling it would take to make the parking lot right and proper and to build the church properly?

Eric Dudley the plan as proposed in the majority of the developed area on site is in current wet lands. More of the site is in wet lands. This is a significant impact compared to the overall development. It can not be compared to other projects, because they are so different.

Rene Daniel I would rather side to caution. I would think that would be an impact. I have some grave concerns too, especially when filling in wet lands when we have nervousness when someone is going to fill in 25 x 15 feet of wet lands and we go in a state of panic when we hear that a large portion of the site will have to be filled in order for the project to be constructed.

Ed Reidman any other questions or comments from the Board?

Anna Wrobel before I lived in my house there was a small wet land behind several houses and a neighbor filled in part of that and as the neighborhood lore has it, that prior to that land being filled in no one had a wet basement. In the years there after, everyone has wet basements. That was not very much land that was filled in then but what I would like to

know is generally speaking what are the effects in terms of water and drainage on the neighboring abutting properties, when this amount of fill is filled in.

Ed Reidman the requirements of our Ordinance require a drainage plan to be submitted. Therefore the water that was previously held onsite has to be released off site. It can not be released as a straight volume; it has to be restrained so it only comes off the site at the same original rate of volume. The volume increases but it is over a longer period of time. You only have the volume of the run off that stays the same but goes for a longer time. The other item that is allowed in Federal and State requirements is to purchase wet lands other than on your own property. If out on County Road, I do not know if anything is left out there, but there is a lot out there that is wet lands that have been created and some of it has been sold for other projects to go forward. Granted they are usually commercial projects but...

Molly Just for the record and to give the applicant the benefit of recent history in something we are seeing even with City projects is that the expense of mitigating the impact is really getting greater and greater. I think that needs to go on record as a heads up, to something we are experiencing as a Municipality which you would think we would be able to bear the burden of that cost, but it hurts.

Ed Reidman any other questions or comments?

Ida Douglas 490 Methodist Road, there are four new developments on Methodist Road and the traffic is terrible. The road does have a slight curve there and there are cars off the road all winter long. If there is a wet land how are they going to put in leach bed that is going to accommodate two hundred people?

Ed Reidman that is part of the design process, no one on the Board is qualified to answer that question; it needs a special license to be a site evaluator for subsurface disposal.

Ida Douglas how many times a week will they have services or activities going on there?

Ed Reidman that is a question we will ask at the Public Hearing.

Ida Douglas we would really not like to see a church go in where houses wanted to go and they were denied that.

John Toothacre site evaluator and a certified soil scientist on the project, I would like to clarify some information. We do have a schedule with the Department of Environmental Protection on this project for December 9th. We are going to meet with them and we have done test fitting on the site and have found an area for subsurface waste. The wet lands have been delineated and are shown on the plan. We are being proactive about it and passed out packets to the abutters and have answered any calls with inquires on this project.

Mike Miles 473 Methodist Road, I live almost across the street from the proposed church. I look at the land and am a little surprised that it is subject to development as it is so low. I can not imagine how much fill is going to be required to be brought in. I was a primary opponent to the twenty-two lot development that was put in behind my house on Methodist Road with all the traffic that generated but I personally do not mind the Church going in across the street if it otherwise meets requirements or codes for environmental standards. I would like it known that one of the neighbors is not opposed.

Ed Reidman at this point we say thank you. You have received input from the Board and from the people that live in that area and the next step would be once you have met the requirements to come forward, it would be similar to the first item that was on the Agenda this evening. At that time we would schedule a Public Hearing, Site walk or not. When you come back we will hold a Public Hearing especially where it is a Special Exception.

5. **Sketch Plan – Presumpscot Estates – Sebago Technics, on behalf of Stillwater, LLC, for construction of approximately 33 condominium units on an approximately 56-acre parcel generally located at 536 Cumberland Street. Tax Map: 10, Lots: 5, 6 and 10, Zone: Rural District and Resource Protection.**

Staff Comments:

Condominium. This project does not include subdivision of land into 34 individual lots. The applicant refers to the proposed type of condominium arrangement as “curtilage” lots. Under the Westbrook Land Use Ordinance there is no ability for a person to own “part” of a piece of property; all lots must meet dimensional and other requirements. Therefore, the desire for unit owners to have primary use of and maintenance responsibilities for a portion of the common area would be done through the design of “limited common elements” into the condominium documents whereby others have limited rights to that portion for which the unit owner would have more rights. This means that the use of one or more areas is assigned to one or more (but not all) of the unit owners in the condominium. This is sometimes done to accomplish the concept of a “lot” for each unit, while still keeping all of the land in single ownership (the condominium association is the owner). The maintenance of a limited common element often is also assigned to the owner or owners who are allowed to use the area, rather than being a common expense of the entire association. Because this type of plan does not split the ownership of the land, it does not create individual lots for the purposes of zoning.

Environmental.

In recent residential projects City staff has made an effort to ensure that no one unit owner controls land along our rivers and other significant waterways. Common ownership ensures that the resource will be enjoyed by a larger portion of the community and helps to ensure that the requirements of the Resource Protection Zone are met. The proposed project depicts two “curtilage” lots along the Presumpscot River.

There is a trail proposed in the wetland that runs through the property. The condition of the wetland should be explored to determine if this wetland is wet most of the time and

therefore that the trail would receive little use. Perhaps the trail would receive more use located outside of the wetland.

Project Description – This project would include approximately 34 condominium units with the condominium owners having primary access and responsibility in the land abutting their condominium unit. The project would include a trail to the Presumpscot River as well as a seasonal dock along the river and a community center with club house, pool, tennis court and basketball court for use by the condominium association.

Access to the development would be from Cumberland Street. Access would be off of a private way, ending in a cul-de-sac, with a driveway extending from there with the majority of the units being accessed from driveways extending from this driveway. The driveway would cross over a portion of the rail right of way recently purchased by the State Department of Transportation.

Shawn Frank Sebago Technics, on behalf of Stillwater, LLC, presented aspects for the construction of approximately 33 condominium units on an approximately 56-acre parcel generally located at 536 Cumberland Street. Tax Map: 10, Lots: 5, 6 and 10, Zone: Rural District and Resource Protection.

We are proposing a condominium project on this 56 acre parcel in a generally rural district in a resource protection zone. This is a concept plan; we are in the process of finalizing the soils, wetlands, boundary lines and those types of things. The buildings not quite to scale, we will finalize that when we get some specific footprints. We want to give you a general feel of where we are thinking about and certainly want to get some comments back from Board.

Rather than coming off Begin Lane and some of the residences that are on there, what we are proposing is a new access drive that will come off of Cumberland Street, roughly where the existing curb cut is near the Belanger piece. What we will have is a small private right of way, approximately two hundred feet in length that will terminate in a dead end. This will provide the frontage for the one lot if you will that will be comprised the actual three parcels on the property.

Again we have approximately fifty six acres, with a quick density calculation that will afford forty three units, what we are proposing as shown here are thirty three units, thirty four units, including the existing residence. What we have coming from the two hundred dead end private way is actually an extension which will be a private driveway, that will be owned and operated by the condominium association which will come down to a cul-de-sac. Individual driveways will come off that driveway to service the units.

We are proposing a combination of single family homes and duplexes. Again the final distribution will be revised somewhat as we go through some of the more detailed information associated with the soils and wetlands. We do know that there is some additional wetland area in the area, so our anticipation is that some of the units that are currently shown between Cumberland Street and the railroad right-of-way will probably be relocated to the rear of the site.

Again this is a Condominium Association and is somewhat unique in the fact that rather than just the condominium units itself, we are proposing a limited common element associated with that so folks can have a small lawn area to take care of, areas where they

do not have to go to the Association to ask where to plant a bush or a tree and that type of items.

We do agree with staff that's more of a condominium association type of thing, rather than actually creating lots, as that is not our intent to create lots. We are anticipating that this is one condominium association out here.

We are proposing a number of amenities associated with that, within the cul-de-sac area we are proposing a community building, a pool, a tennis court, a basket ball court used by the residents within the association. There is a connection of open space, anticipation that the trails will come down from the cul-de-sac down to a common area located along the river in the area where we would like to see a seasonal dock in that area so people can launch a kyat or a canoe with a fire pit and a small gathering area, nothing heavy duty but an area that allows the residents to congregate at the dock area.

Mr. Latini currently owns the property near the Presumpscot River, Mr. Wilson one of the other principles would like to have limited common element rights within that area so that the total area along the river would be in the common open space.

We did see staffs comments regarding the trail to wetlands. The areas we have proposed have trails that go to the River and our intent is to retain those trails as much as possible with an extension going up to the cul-de-sac and would certainly finalize that when we go into more detail.

Utilities that consist of water will come from Cumberland Street that will be extended throughout the whole project. Hydrants will be installed and all the units will be sprinkled in accordance to the Fire Department regulations. Underground utilities will be installed; the existing overhead lines along Cumberland Street will service underground service to the units. Sewerage disposal systems will be required for subsurface disposal as there is no sewer system on Cumberland Street at this point. There are acceptable soils on this site. What we are anticipating are multiple systems existing of single systems as well as some common systems to service some of the duplex areas. Again we are finalizing our soils and anticipate having more definitive information at our next presentation. Storm water management will be collected off all the developed areas and will have to meet all the best management practices form the Maine Department of Environmental Protection and the City of Westbrook associated with the treatment of the storm water run off.

With that I conclude my initial presentation and welcome feed back from Board and the neighborhood.

Ed Reidman is this going to be a paved private road?

Shawn Frank yes, totally owned and maintained by the Association.

Ed Reidman you have had discussions with the Fire Department with regard to the length of the road?

Shawn Frank we have at the initial meeting and the staff meeting, the fact that it is a private road and will be plowed and maintained by the Association.

Ed Reidman how far is it in from Cumberland Street?

Shawn Frank I would say approximately fifteen hundred feet.

Ed Reidman questions or comments?

Rene Daniel has there been any dialog on why the creation of new private way and not thinking of using Begin Lane or Willoughby Way?

Shawn Frank our initial intent was to use the Begin Lane; we were working to make a connection between Begin and Willoughby as part of the initial development. As you know the Council since that time, Private Ways are no longer, private rights of way if you will, in terms of creating frontage for individual lots are no longer acceptable in my understanding in the City of Westbrook. What we would be required to do is basically go back to Cumberland Street for both Willoughby Way and Begin Lane and reconstruct those roads to City standards, prior to start extending those to make the connections associated with that. Obviously there is the expense involved with that, the disruption to the existing residences that are on that road, so it really precludes following that route.

As you may recall our initial problem with developing that property was getting over the old railroad track. We do have an easement right over the Belanger piece to the Latini piece with the actual easement rights to cross the railroad now. BB & J actually had gone through and spent a considerable amount of time and money associated with obtaining those rights. When they finally obtained the rights the extension of private right of ways was no longer an option as we understood it, unless we went back and reconstructed the two private ways to City standards.

Rene Daniel is thirty-three condominiums set in stone?

Shawn Frank obviously we have some preliminary residential area calculations to finalize wetlands, soils and we are now just finalizing the actual boundaries, with all that it will allow us to tighten that number up in terms of the net residential. It will certainly be in the low thirties.

Again the final distribution of these as I show you to size are out of scale. Certainly we will tighten up the footprints also associated with some specific building types that we are proposing. I think you will see the size of homes certainly decrease and the size of the units decrease as we start detailing this project more, so what the overall impact on the actual land will be somewhat less. Again some of units in front will be relocated to the back. The intent is almost to cluster these units. There are fingers of wet lands and a small stream that comes through and the idea is basically not to impact the wet lands at all. The final distribution of the units I anticipate will be revised somewhat as we go through the design process.

Rene Daniel do not forget trees and landscaping, not necessarily landscaping as in flowers, but in greenery.

Shawn Frank our anticipation is to maintain the ravine area with the trees and the front area between the railroad tracks and Cumberland Street is mostly open fields at this point in time with some small trees, so we will work on these tree plantings.

Rene Daniel my initial comment looking at it is that I am extremely impressed. One of our greatest assets is our river. By showing the river and a small community making it useable for a long time is extremely commendable. I like the concept giving the Association the opportunity to gather in the area to actually use for swimming, fishing, boating and also winter sports while using out natural resource. I like the whole concept of this project.

Shawn Frank thank you Mr. Daniel, I would like to pass that commendation forward to the developers who have been given this a lot of thought. Both Mr. Latini and Mr. Wilson have given this a lot of thought to create not a standardized neighborhood but a neighborhood that does supply the amenities that we were talking about.

Ed Reidman questions or comments

Dennis Isherwood I would agree with Mr. Daniel's opinion of the site. I can appreciate the recreation on the river, but the downside of the area is that one road coming into the place and the one road out concerns me a lot. If that came somewhere else that could be the ideal situation, but in this location that is a heavy traffic area.

Shawn Frank I would say the site distance is good there as you can see all the way to Pierce Street and back up to the little knoll that is actually on the Windham side of Begin Lane. I would also say the majority of the traffic in the morning that would coming out would be taking a right that would be an easier turn than taking a left at that time of day.

We will not require a MDOT permit but as part of our review process for you folks, we will certainly do a traffic analysis associated with that. And will certainly provide that to the Board in terms of getting anticipated counts that are out there that are anticipated to come from this project. We will look at alleviating any potential conflicts that may arise. I looked at this location again this morning, like I said the site distance is good and we do appreciated the level of use on Cumberland Street certainly during the rush hour. I know it was a big concern when we worked on Wilson Drive also. Like I say the majority of the turns will be turning into the traffic flow rather than against it.

Ed Reidman any further questions?

Dennis Isherwood you will be putting in a turning lane, if one person was taking a left turn against traffic.

Shawn Frank I do not want to commit myself at this time. There certainly is an anticipation that we will have to do something along those lines.

Dennis Isherwood I think it would definitely have to be done. That is a big concern of mine. I know how that street is and I know how hard it is to get off Pierce Street, then another street right down the road from that and this can not be how far away?

Shawn Frank it measures about five hundred feet from Wilson Drive which would make it about seven hundred and fifty feet from Pierce Street.

Dennis Isherwood that entrance would be my biggest concern, nice job.

Ed Reidman is there any further questions or comments?

Matthew Stevenson 514 Cumberland Street, an abutting neighbor the entire length to the development as proposed. I would just have a few concerns as to obviously the location of the road and basically where they are installing the road extension turn around so they can get there frontage so they can get their road extension, the entire area in there and they mentioned about moving some houses is incredibly wet especially during heavy rains. What will happen if there are extended heavy rains that whole back end of the field floods as well as due to previous drainage dug into the field and basically drains the end of the field into the stream next to my land which actually has caused a gigantic sink hole about fifteen feet in diameter and about eight or nine feet deep that has further routed out the entire stream on my property which is where all the drainage will go from this project. So if any of this area was to be paved, was to be grassed, other drainage will drain as and further flood out my property further. I have a small apple orchard that I am trying to resurrect an apple orchard and we are finding that it is partially underwater now of at an unreasonable level partially because of the train tracks and the drainage underneath is quite limited. A lot of it is because that entire field has been draining and will be even more so once the development proceeds due to the pavement and things that do not drain. As far as the back land is undeveloped obviously which is an area that is a nice wooded area, so people go camping back there?

My next biggest concern is for traffic. I leave early for work every morning at about 6:00 A.M. OR 7:00 a.m. the latest and after that you might have difficulty on Cumberland Street due to traffic. The proximately to Begin Lane is very close to where this road is going to be. There is only one or two house lots to Begin then you have Wilson then Pierce, so you have a lot of traffic coming out in one spot coming up to the fork of Pierce.

The only other thing for me is that we have a 40 x 40 barn and have aspirations to farm our land. We have checked with the City Officials to verify that this is okay and it passes all Ordinance requirements. It sounds like I am going to have a residential line all along the border of my property and I already have a residential line on the other side of my property which has as I understand that there is a fifty foot fencing limit for livestock or anything like that. You basically have a lot more restrictions to what you can do when it comes to abutting all of these residential zones and animals and any sort of activity of that nature. That is my major concerns.

Ed Reidman thank you that is one of the purposes to allow the Public to speak at this time so any issues can be identified.

Are there any further questions?

No comments or questions

Shawn Frank thank you Mr. Chairman we appreciate the comments as we are obviously early in the process. I think as we go through the design process we hopefully will be able to answer some of the questions we received tonight.

Ed Reidman may I have a motion to resume to regular session?

Rene Daniel moved to resume to regular session.

2nd by Dennis Isherwood

The vote was unanimous in favor 6-0

6. **Resume Regular Session**
7. **Adjourn**

*Respectfully submitted by Linda Gain PECE Administrative Assistant
MINUTES MAY NOT BE TRANSCRIBED VERBATIM. SECTIONS MAY BE PARAPHRASED FOR CLARITY. A COMPLETE
RECORDING MAY BE OBTAINED BY CONTACTING ENGINEERING, PLANNING AND CODE ENFORCEMENT at 207-854-9105
ext. 220 and lgain@westbrook.me.us. THANK YOU*