



City of Westbrook

DEPARTMENT OF PLANNING

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

**WESTBROOK PLANNING BOARD
TUESDAY, FEBRUARY 3, 2009, 7:00 P.M.
WESTBROOK HIGH SCHOOL, ROOM 114
MINUTES**

Present: Ed Reidman, (Chair) (Ward 5), Rene Daniel (Vice-Chair) (Ward 1), Cory Fleming (At Large), Michael Taylor (Alternate)

Absent: Greg Blake (At Large), Anna Wrobel (Ward 4), Dennis Isherwood (Ward 2), Scott Herrick (Alternate), Paul Emery (Ward 3)

Staff: Molly Just, Richard Gouzie,

Chairman Reidman called the Westbrook Planning Board meeting to order at 7:00 p.m. in Room 114 of the Westbrook High School. The original agenda scheduled a Public Hearing for tonight and will not take place this evening. The Public Hearing will be postponed to March 3rd at 7:00 PM

1. Call to Order

2. Approval of Minutes

Rene Daniel moved to approve the minutes as presented for Tuesday October 7th, 2008.

2nd by Cory Fleming

The Vote was unanimous in favor 4-0

Continuing Business

- 3. Final Subdivision, Final Site Plan and Special Exception Approval Extension – Stroudwater Landing – Daniel J. Maguire, on behalf of Stroudwater Landing, LLC, for a one (1) year extension of the Final Subdivision, Final Site Plan and Special Exception granted on May 1, 2007 for the creation of a 103 unit condominium project on a 65.3 acre parcel located on 449 Stroudwater Street and on a vacant parcel of land between 300 and 328 Spring Street. Tax Map: 9, Lot: 20 and Tax Map: 8, Lot: 3A, Zone: Residential Growth Area 1.**

Staff memo reads as follows:

Final Subdivision, Final Site Plan and Special Exception Approval Extension – Stroudwater Landing

This project received Final Subdivision, Final Site Plan and Special Exception approval on May 1, 2007. In accordance with Westbrook's Ordinance, this gave the applicant a one-year time period in which to commence the project. At its December 4, 2007 meeting, the Planning Board approved an extension of the approvals to May 1, 2009. Due to the reasons explained in the applicant's letter (included in your packet) the applicant is requesting an additional one-year extension of the approval. Planning staff supports this request as it would enable the applicant to retain an existing approval while requesting an amendment to construct a more economically viable project in the current real estate market.

If approved, the correct motion would be to extend the approval date to May 1, 2010.

Ed Reidman you have had one extension already.

Applicant yes

Daniel Maguire Sandy River Health System, on behalf of Stroudwater Landing, LLC requests another extension. We are still stuck in these difficult economic times and economic climate that has been happening. It is impossible to finance these kinds of projects given the current capital markets being as frozen as they are, but that is not to say that we are still wishing to go forward with this project. I know there are a lot of questions out there as if this project is ever going to happen. We intend this project to happen. It is going to take a little while to get through the current environment to do the project. So we are respectfully asking another year extension on our current approvals which expire in May of 2009.

As part of this process of looking at this project; we are doing one hundred and three active adult for-sale homes as you may recall as shown on this approved sub-division plan. It included townhouses, single family homes, some duplexes and after looking at the project long and hard and thinking about the capital environments, probably the only thing you can do if you wanted to do the project along, the only capital sort that is available is HUD, Department of Urban Housing Development that has been the source of financing for of our eleven Nursing Homes including Spring Brook. With a lot of thought we are planning on coming back before you soon to revise the plan to include doing roughly about one hundred and twenty unit congregate care project on the campus. There continues to be a very strong demand in the Greater Portland area for that kind of project. Again, HUD is the only way you can finance this kind of project for a Senior Housing kind of project. They like those kind of projects and it is something we can get done but it will take a little while to get through the re-engineering and re-permitting process, this was a DEP approved process, so we will need to go through that process as well.

Even though we are not before you I will give you a concept plan with aspects of the aggregate care facility while maintaining the site plan already approved. We are

proposing one hundred and twenty congregate care units, one bedroom, two bedroom rental housing with services there maybe some assisted living components for the project as well.

I just want to emphasize that we are very much in the planning stages in terms of what we are actually going to do there. I think this is pretty much in the direction of where we are heading for a viable project with HUD financing availability.

Mike Taylor what is the protocol for Planning Board for extensions? Does it have to go to City Council for extension?

Ed Reidman no, we granted the original right to do the three things they asked for and we have the right to extend it. It has been our practice in the past to grant extensions if there are extenuating circumstances. Generally speaking we have granted two extensions and then on the third one, we have denied.

Cory Fleming a point of clarification; we are only doing the Special Exemption Approval at this point?

Ed Reidman we are doing all three. What we would extend is...

Cory Fleming but as they are going to change the design...

Ed Reidman that last condition says if you do anything different you will come back and see the Board. They would have to come back anyway as this is a major change it is not a little signage change.

Are there any other questions or comments?

Rene Daniel since there are only four Board members here tonight; on the voting is this a situation where we fall into even if all four of us vote yes it does not pass?

Ed Reidman no, if all four of us vote yes then it will pass, if it is a 3-1 vote that I will have to look up. If you are opposed can I suggest that you move to table to our next meeting.

In Chapter 2;

Sec. 2-275. Voting generally.

(a) In matters of a general nature on which a vote is taken by the planning board, a majority of those present, and constituting a quorum, shall be sufficient. However, in any and all matters pertaining to changes in the comprehensive plan, or the official map, or approval of definitive plans or conditional uses, or recommendations on the disposition of city property, or any recommendations on capital improvement programs or any action involving appropriations and expenditures of any monies or recommendations to the board of appeals, **an affirmative vote of a majority of all the members of the board (four (4) votes) shall be necessary for its passage.**

(b) Any and all matters pertaining to changes in zoning or proposed amendments to the zoning or subdivision ordinances, an affirmative vote of a majority of all the members of the board (four (4) votes) shall be necessary for its passage. (Ord. of 12-3-73; Ord. of 9-22-86, § 1)

The way I read that is if we are going to make the extension with only four votes, it has to be four positive votes

Rene Daniel in general I am usually the one member to vote no on the second time around, then I become very active to persuade a few others the third time around. Usually the first time it is a given. Coming in to this evening I had one thought in mind, however realizing the situation that we are all in with the economic atmosphere, I am changing my mind and I am going to vote in favor of giving this option.

Please be aware that the third time I will be actively persuading fellow Board members not to give another extension. Everyone knows we have problems now. Anyone like you and your partners that have the foresight to bring this project to Westbrook needs to be given the extra added bonus as we are trying to do this evening. I am really sold on this project to come to fruition. I am making an exception tonight.

Daniel Maguire thank you, I appreciate that a great deal.

Ed Reidman could I have a motion to extend the previous approvals to May 1st 2010?

Rene Daniel moved to extend the approval date to one calendar year to May 1st, 2010.

2nd **Mike Taylor**

The vote was unanimous 4-0

Workshop: Note – Public comment will be accepted during workshop

Rene Daniel moved to recess to workshop

2nd by **Cory Fleming**

The vote was unanimous in favor 4-0

4. Recess to Workshop

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.**

The Staff Memo reads as follows:

Project Description – This project would include approximately 35 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. The driveway would cross over a portion of the rail right of way recently purchased by the State Department of Transportation.

Staff Comments:

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.

Shawn Frank Sebago Technics on behalf of Stillwater, LLC, presented aspects of 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 told you on our original presentation that we were in the process of finalizing wetlands and doing soils test and those types of things in association of the design, and that in fact would probably lead to revisions to that design. We have made those revisions to account for wetlands, passing soils and those types of things. We wanted to get that back to the Board so you could have a look at it and give us any input that you may have as we are in that point of time that we are starting to do real design in terms of the roadways, the subsurface sewerage disposal systems and the overall drainage scheme.

As you may recall this is the original design that we presented back in December; an access drive coming off Cumberland Street, down to a rather large loop. We have eight units between Cumberland Street and the old railroad tracks and a mixture of duplexes and single family homes for a total of thirty-four units.

Today we have, based on the wet lands and the passing soils and those types of things we have made changes. Based upon a market analysis and discussions with Real Estate Brokers it seems like the duplexes at this point in time are going to be a difficult sell so we have taken the same footprint that we were looking at for the duplexes and just split them. For some reason when you split them and put about fifteen or twenty feet between them, now they are single units, it seems that is what the people are looking for today. We are only talking about four new units between Cumberland Street and the Railroad for a total of thirty-five units as the proposal is now.

We did have that loop as you may recall and now we are showing a couple of standard cul-de-sacs. What we had to do, based on the grading, if you look at the topography has a knoll in this area and we were having a hard time making the grading work associated with the Community Facility and the associated septic system and that type of thing.

We have relocated the community center to a flatter area with the same layout to include the Community center, tennis court, a basketball court and the pool itself.

We have tried to define the existing trails as well as proposed trails. We will try to recreate a trail to an existing trail that is a long distance that could be connected maybe with a board walk and along those lines and we will work with DEP with association of

that. When I am talking Board Walk I am not talking New Jersey style along the beach or anything, but something that you could access the seasonal dock near the area where the fire pit may be and near the area to launch the canoes and kayaks and that type of thing.

Again we are in the process of doing real design work associated with this and we know it is a little bit different from what you looked at before, so we did not want to surprise you and say here we were before with a Sketch Plan and here we are with a full formal submission with something a little different without having the Board have a chance to look at it and to give us any input you may have before we go to the next step.

Ed Reidman I had a call from Dennis Isherwood earlier you could not make the meeting this evening. He did ask me to remind you about his concern which is Cumberland Street with traffic entering and leaving the property.

Shawn Frank I do recall Mr. Isherwood's concerns. We have at least done the preliminary study at the intersection and it has good site distance through there. As you know, Wilson Drive is relatively new to that area, so we are updating those traffic counts associated with the Wilson Drive traffic study.

Ed Reidman he is very concerned about the turn lanes both inbound and outbound of the property.

Shawn Frank one thing I do want to state is we have defined the roadway section and will have a paved road. Obviously with the density of this a roadside ditch which had been our original thought with driveway culverts associated with that so when you are done you do not have much of a ditch so we really will have curbs now along with the road itself and a sidewalk on one side. The sidewalk will actually connect to the trail system as well so we will have a good pedestrian access.

Mike Taylor Molly, does this fall into the outdoor plan that we just approved for recreation and trails and everything like that? Is this part of the thought process?

Molly Just the property specifically is not called out into the plan. What the plan does call out is with new subdivisions, providing parks particularly in the northern part of the City, which this is in, on the property to provide recreation space onsite and also as nearby provisions proposed and built up to connect those communities with trails. – I can see that ultimately happening here given that this is a Sketch Plan that hasn't been fully worked out.

Cory Fleming will the recreational facilities proposed as part of this be limited to just the people living in this particular development or will they be open via a membership or something like that?

Shawn Frank our initial anticipation will be limited to the neighborhood itself. We will have an association. The difficult part is when you try to open that up to other folks, unless it is actually run by the City is the liability issues associated with that.

Rene Daniel just for clarification is this still a sketch plan?

Ed Reidman that is correct.

Rene Daniel Mr. Frank, can you speak to me about lot #17 and lot #29 and why do they look different? I think is the building structures that look different.

Shawn Frank only because we have more specificity if you will, lots #17 and #29 are the proposed single family homes of the developers. They are rather specific to what they want to have done in terms of the floor plans and layouts of their lots and the other ones are more speculative, obviously.

Rene Daniel have you given thought to have the driveway of the present property which is number 35 to come off of the road?

Shawn Frank we have not considered that but certainly it is a good point.

Rene Daniel

I was wondering if that would ease Dennis's concerns. I know it would ease mine. I know that one of the gentlemen involved with this project did a project a number of years ago and I am very pleased with that project. I was just wondering if that would ease Dennis's thoughts because it is true that traffic in that area and the individuals do not drive the speed limit.

I do like the new sketch plan. I like the two cul-de-sacs. I like where the pool area is and the club house. It looks a lot neater and more thought out. I like the open space and the dock. I am very impressed with this project. I am also impressed with the amount of work that went into this new presentation since that last time you spoke and the fact that you listened to what the Board had to say. I am extremely impressed with the people who want to work with the City of Westbrook and listen.

Shawn Frank thank you Mr. Daniel as a consultant I can say it has a lot to do with the people you are working with as well. I would like to give credit to the developers here and that they here what the Board says and you hearing from us the consultants on some of the issues that may arise looking at the details associated with the design and being flexible with those things in terms to allow the process to proceed.

Rene Daniel I am sure if you take that under consideration but I am not sure it will change Dennis mind but it certainly will help me to be even stronger for this project than I am now if the driveway is moved, just because it is one less egress, one less possibility of an accident. I am very pleased and this is a perfect example of why not in Westbrook, this project will be a gem.

Ed Reidman anything else from the Board? We are in workshop session, so if there are comments from the Public it can be done so the developer can hear some of the concerns before the project gets too far along.

Molly Just I wanted to chime in on behalf of a neighbor who had planned on being here tonight. I fear that they may have missed the discussion as the agenda has gone faster than planned. The Grahams, the property abutting to the south of the proposed road, they were just a little bit concerned and echoed Dennis's concerns about the site distance on Cumberland Street. They like the look and the layout of the project, they thought it was very attractive but they were concerned about site distance.

Ed Reidman anything else

Cory Fleming Molly what would it take to get the State of Maine to put a stop light at Pierce and Cumberland?

Molly Just it would need to meet warrants. Basically the activity out there would need to show that one is actually needed.

Shawn Frank if I might add that probably with the speed control on Pierce Street it has diverted more traffic back to Cumberland Street to Bridge Street in that direction. The warrants may be even less met. It probably would not meet the DOT standards at this point.

Ed Reidman you did say that you had to go through DEP and will you end up with traffic permit coming from this?

Shawn Frank yes we have to go to DEP but I do not anticipate a traffic permit. If you look at the thirty-five units we would still be well below the one hundred trips during the peak hour.

Ed Reidman if there are no further comments, may I have a motion to return to regular session?

Rene Daniel moved to return to regular session

2nd by Cory Fleming

The vote was unanimous in favor 4-0

6. 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*