



City of Westbrook

DEPARTMENT OF PLANNING

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WESTBROOK PLANNING BOARD TUESDAY, DECEMBER 7, 2010, 7:00 P.M. WESTBROOK HIGH SCHOOL, ROOM 114 MINUTES

Present: Rene Daniel (Vice-Chair) (Ward 1), Dennis Isherwood (Ward 2), Scott Herrick (Ward 3), Cory Fleming (Ward 4), Michael Taylor (At Large), Greg Blake (At Large), Rebecca Dillon (Alternate)

Absent: Ed Reidman, (Chair) (Ward 5)

Staff: Molly Just, Richard Gouzie

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

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.

1. Call to Order

2. Approval of Minutes

Corey Fleming Moved to approve the minutes as presented with one minor change that I am a member from Ward Four not at Large

2nd by Scott Herrick

The vote was unanimous in favor 6-0

Continuing Business

3. Subdivision Amendment – Westbrook Estates/Miles Lane – SJR Engineering, Inc on behalf of Fortin Construction, Inc to amend lots 4 and 5 and to amend the approved landscape plan. The president of the condominium association has issued a letter of support for the request. Tax Map: 8, Lots: 604 and 605, Zone: Residential Growth Area 1.

Summary. In 2004 the Westbrook Planning Board approved a 9-lot subdivision on a new private road, Miles Lane. At that time the Planning Board approved a landscape plan to be incorporated into the subdivision. Since Planning Board approval, 7 of the 9 approved units have been constructed.

The applicant now proposes to modify the lot line joining Lots 4 and 5 and may propose to reduce the amount of required landscaping. However, the applicant is in violation of its Subdivision approval. The

Disclaimer: Deliberation of agenda items, including workshops, that have not been commenced by the Planning Board as of 10:00 p.m. may be rescheduled to the next regularly scheduled meeting.

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private road was not constructed per the approved plan and there are erosion issues caused by the manner of construction. There is also no curbing, which impacts the flow of water on the site and floods the road. The required landscaping has also not been installed. If the applicant could come to an agreement with the homeowner's association regarding the landscaping and the road then we could support this application as this neighborhood is largely occupied and Miles Lane is a private street and therefore is not maintained by the City.

Update. Since the October 19, 2010 Planning Board meeting the applicant has worked with the neighborhood to address their concerns and has come to an agreement with the neighborhood regarding the road and the landscaping. Attached is a letter from a group of the neighbors which makes clear that they have reached an agreement with the applicant. Therefore this application is recommended for approval by the Planning Board.

Steve Roberge SJR Engineering, Inc on behalf of Fortin Construction, Inc explained the request to amend lots 4 and 5 and to amend the approved landscape plan. The president of the condominium association has issued a letter of support for the request. Tax Map: 8, Lots: 604 and 605, Zone: Residential Growth Area 1.

We have a couple of lots four and five, the existing subdivision as it currently stands shows that lot four is a relatively small lot and then you have a fairly big lot number five. We would like to keep the frontage the same for both properties and would like to widen lot four going back to the far corner as seen on the map. The reason we would like to do that is to make lot four wider and more saleable and easier to place a house on the lot meeting the setbacks.

The second option is when the subdivision was put together the approved landscaping plan as part of the package, when Mr. Fortin bought this subdivision from the former owner the landscaping plan had not been put together. There were no plantings that had been placed in the subdivision. He has since talked to the Home Owners Association to see what they would like to see for landscaping on their project. What we are proposing is what has already been planted on the site is everything you see in red.

This was just done last month and what we are asking for the remaining landscaping that was approved on the original subdivision not be part of our amended subdivision.

The last thing we would like to ask for is during the construction of this project the project was design to be paved and have curbing on it. When this road was paved, Mr. Fortin was not aware of the draining that was going on. He has since paved that area and asked me to go out and look at this area to see what benefit would be for the curbing. Right now the drainage runs along both sides of the road and goes to the catch basin system located along the side of each cul-de-sac. It was my opinion that the Cape Cod type curb would add any significant benefit to the project with regard to drainage. It is already going to where the catch basins are located. It may even be detrimental by putting the curb in because the land where the curd will go is flat and the curb will act as a barrier and block the natural flow onto the road.

Don has talked to homeowners association and has talked to another engineer that has confirmed that information. The Home Owners Association has submitted a letter to the Planning Board in support of the amendment to the subdivision. I would be happy to answer any questions.

Rene Daniel any questions from the Board?

Scott Herrick I have a question on part of the removal of the landscaping, I assume that the turn around area towards the connection with Spring Street is where there is trash, is that were there is a dumpster?

Steve Roberge that is a transformer.

Scott Herrick has that already been landscaped around?

Steve Roberge there is woods around that piece of the subdivision and also some new landscaping that has been planted there.

Scott Herrick on the corner but the landscaping that was to be planted around that been planted?

Steve Roberge not completely, there is a little section here that has not been planted.

Scott Herrick on both sides or just one side?

Steve Roberge there are six bushes on one side and nine on the other side.

Scott Herrick originally I believe that was done to buffer the abutter in particular to buffer the abutter that is not part of the subdivision.

Steve Roberge may have been. There are woods on this side of the subdivision. The Home Owners Association is in agreement with this.

Scott Herrick I understand that the Home Owners Association is in favor of the landscaping amendment but my bigger concern is the other abutter. I do not know if there were here for the original discussion or if they have been contacted for the removal of that screening.

Steve Roberge they were notified of the subdivision amendment as an abutter.

Rene Daniel does the City Planner have any additional information?

Molly Just they were notified as an abutter and were notified when this project first came and then now. The notification included the information about the reduction in landscaping. So if that was a concern we would have heard about it at City Hall and have not heard from that abutter.

Rene Daniel anyone else?

Dennis Isherwood I have a question about the line between four and five. Is that going to cut into the open space?

Steve Roberge it is not going to cut into the open space. The design will stay the same and the new lot line will look like this and go to the diagonal corner.

Dennis Isherwood so the open space will not be affected.

Steve Roberge it will not be affected.

Dennis Isherwood and no access to the open space would be affected.

Steve Roberge correct

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Greg Blake Molly, the first paragraph of your memo that things were not built according to plan. What recourse does the Home Owners Association have even though they have signed this letter with the erosion and drainage issues you mention? I am less concerned of landscaping and more concerned with the engineering of the subdivision. What recourse do these folks have if things continue to degrade?

Molly Just this is a private street and meets our standards for a private street so we are ok. The City Engineer was not supportive of the way the road was not completed according to the plan and was not supportive of the reduction of the landscaping however the good thing about this project that is sometime a detriment is that it is pretty much built out and there are residents there and if the neighbors are fine and you are on record for this subdivision amendment, this becomes the subdivision.

There is no recourse for the City anyway.

Greg Blake they would have to take it up among themselves as the Association.

Molly Just that is correct.

Greg Blake in the future is there a chance that this will be a City Street?

Molly Just as long as it is upgraded to City standards.

Cory Fleming I understand that you have purchased this subdivision from the previous owner. I am a little concerned that there were no systems set in place to make sure that that developer was building it out according to what was presented to us.

As a Board member, why did this happen? That concerns me because all we can do is take the word of the developer to build out what was presented and that did not happen in this case.

Molly Just in terms of the layers of road way that are required, the City Engineer went out with the Public services Department and dug down and took out a section that looks like a cylinder of the road and took apart the individual layers. The structure of road itself is okay. If the City Engineer were sufficiently concerned about the lack of curbing we would not be supporting the project moving forward.

Why this was not caught along the way, honestly given that this is a private street we were not looking to accept it. When you accept a public street you go out to verify that it meets public standards.

When they came for this amendment we were already aware that the curbing was not there. The project has not been finished. There was significant neighborhood concern about the lights. There was some inconsistency of what was promised as to what was provided.

As I understand the neighborhood is in agreement with this project. Given the residents are in agreement and given it is a private street, staff supports this project.

Cory Fleming residents understand that if they ever want it to become a City street that they would need to bring it up to City Standards?

Molly Just yes

Dennis Isherwood is there a member of the Home Owners Association here?

Amanda Pike I am the President of the Home Owners Association

Dennis Isherwood how long have you lived there?

Amanda Pike since August of 2008

Dennis Isherwood how many have you talked to

Amanda Pike every member of the Association

Dennis Isherwood everyone knows what is happening.

Amanda Pike yes

Dennis Isherwood we all know ten years from now and you understand that you are paying the same amount of taxes as someone on a public road that get their street plowed and trash picked up.

Amanda Pike we understand that the curbing is not the only issue to make the street public. The larger issue is the width and certainly that is something that can not be easily fixed.

Dennis Isherwood it is something I look at when dealing with private streets as the residents pay taxes too. The question will come up, maybe not with you but to the people you sell the house to and they see a plow go by on a public street and garbage picked up and we do not have the same benefit even though we pay high taxes. You will not have the same benefit for the same taxes paid.

Amanda Pike we all understand that it is a private street and the street is already too narrow and we are not in the financial position to have the street rebuilt nor do we want to lose a portion of our property to widen the street and the curbing being put in would not help the street become public. That is my understanding.

Dennis Isherwood thank you

Rebecca Dillon you mentioned that there are erosion issues because of construction, what are those exactly?

Molly Just they are minor. There was standing water and a stormwater grate was not installed correctly in the correct location.

Rebecca Dillon are there plans to fix those issues? No concerns from the Home Owners Association?

Amanda Pike no concerns

Rene Daniel anyone else from the Board?

No comments

Scott Herrick moved The Subdivision Plan application for Fortin Construction on Tax Map: 8, Lots: 604 and 605 is to be **approved with conditions** with the following findings of fact and conclusions.

FINDINGS OF FACT

POLLUTION AND SEWERAGE DISPOSAL

- The subdivision is connected to the municipal sewer system and as this amendment does not propose additional development it should not produce undue amounts of groundwater pollution.

B. WATER

- Not applicable.

C. SOIL EROSION

- Adequate.

D. TRAFFIC

- The changes proposed to the existing subdivision should not increase traffic nor alter the traffic patterns at the site's ingress/egress.

E. SEWERAGE

- The project is connected to the municipal sewer system.

F. SOLID WASTE

- Solid waste is the responsibility of the landowners.

G. AESTHETICS

- Wildlife Habitat – N/A
- Appearance Assessment:
 - (1) Project to Site – Adequate
 - (2) Project to Surrounding Property - Adequate
 - (3) Landscape Design –Adequate
 - (4) Lighting – Adequate
 - (5) Signs – Adequate

H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- Comprehensive Plan – The plan meets the recommendations of the Comprehensive Plan..
- Land Use Ordinances – The plan meets the performance standards of the zoning ordinance.
 - Recreation & Open Space – Not applicable as the lot count remains the same.
 - Community facilities impact analysis – Staff does not recommend that a study be required.
- Fire Code – See Conditions of Approval.

I. FINANCIAL AND TECHNICAL CAPACITY

- Not applicable.

J. RIVER, STREAM OR BROOK IMPACTS

- Not applicable.

CONCLUSIONS

1. The proposed subdivision plan **will not** result in undue water or air pollution.
2. The proposed subdivision plan **has** sufficient water available for the reasonably foreseeable needs of the site plan.
3. The proposed subdivision plan **will not** cause an unreasonable burden on an existing water supply.
4. The proposed subdivision plan **will not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
5. The proposed subdivision plan **will not** cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed subdivision **will** provide for adequate sewage waste disposal.
7. The proposed subdivision plan **will not** cause an unreasonable burden on the municipality's ability to dispose of solid waste.
8. The proposed subdivision plan **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed subdivision plan **conforms** with a duly adopted comprehensive plan. However, the proposed subdivision plan is in violation of its original approval.
10. The developer **has** adequate financial and technical capacity to meet the standards of this section.
11. The proposed site plan **is** situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.
12. The proposed subdivision plan **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The proposed site **is not** situated entirely or partially within a floodplain.
14. All freshwater wetlands **have** been shown on the subdivision plan.
15. Any river, stream, or brook within or abutting the subdivision plan **has** been identified on any maps submitted as part of the application.
16. The proposed site plan **will/will not** provide for adequate storm water management.
17. The proposed plan **will not** negatively impact the ability of the City to provide public safety services.

THESE CONDITIONS OF APPROVAL ACT AS ADDITIONS TO THE PRIOR APPROVED CONDITIONS

1. Approval is dependant upon, and limited to, the application dated September 14, 2010 and amended to September 28, 2010, the plans dated August 17, 2004 and amended to August 13, 2010, and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the Planning Board.
2. Prior to the Planning Board signing the mylar, the applicant shall pay the cost of the required notice to abutters.
3. Prior to Planning Board signature of the mylar, the applicant shall pay a fee in the amount of two percent (2%) of the project's total site improvement costs for site inspections made by the Code Enforcement Officer and/or other appropriate City staff.

4. Prior to issuance of the final Certificate of Occupancy, the hydrant shall be flow tested by the Portland Water District or another acceptable authority.
5. The fire hydrant shall be maintained in accordance with NFPA 25 by the developer and/ or homeowners association. This is to include checking and clearing of snow during the winter.

2nd by Cory Fleming

Rene Daniel is there any further discussion or comments?

I am not supporting this motion. When a developer comes before the Planning Board on specific things on a plans, then they do not do them, then come back and want to change the landscape, want to change the street scape and curbing, I fear that if I vote yes to this we would be opening a can of worms. It is my opinion that this will make it easy to have others come back to ask for amendments. I understand that you agree to live with what they have but in ten or fifteen years when you have sold your house once or twice, I see brand new people that do not the items that were argued out and will come back asking the City for assistance to build a road, put in curbing, pick up their trash and the story changes and this nice private neighborhood becomes a burden to the taxpayers, based on that I am voting no.

The vote was 3 in favor four against (Dennis Isherwood, Michael Taylor, Rene Daniel, Rebecca Dillon opposed)

4. **Site Plan Amendment – 45 Bradley Drive – Sebago Technics on behalf of J&S Realty, LLC to amend the approved Site Plan to double the size of the existing 6,400 square foot building and expand the existing gravel lot by approximately 5,300 square feet. Tax Map: 30, Lot: 5B, Zone: Manufacturing Zoning District.**

Project Description – On behalf of its tenant, E.S. Boulos, an electrical contractor, J&S Realty, LLC is proposing an expansion of a building that was approved by the Planning Board on December 12, 1985. The approval was for a 6,400 square foot industrial building, 16 paved parking spaces and gravel lay down area. The current proposal is to double the size of the building by adding on to the back of the building and expanding the gravel lay down area by approximately 5,300 square feet. There is attractive mature landscaping on the subject property and no new landscaping has been proposed by the applicant or requested by staff.

Shawn Frank Sebago Technics on behalf of J&S Realty, LLC explained the request to amend the approved Site Plan to double the size of the existing 6,400 square foot building and expand the existing gravel lot by approximately 5,300 square feet. Tax Map: 30, Lot: 5B, Zone: Manufacturing Zoning District.

The property is lot 110 in the Five Star Industrial Park, now specifically 45 Bradley Drive. The property has been approved in the past to the 6,400 square foot building, currently occupied by ES Bolos. It has a paved parking area and a gravel area. As the site depicts, we propose to double the size of the building used as a shop area. The proposed building will occupy the exiting gravel area as shown in the lighter gray.

All the utilities have been provided to the existing building and will be extended from the existing building to the addition. The same driveway will be used from Bradley Drive. As discussed the landscaping has very mature landscaping along the perimeter of the site as well as the street frontage. From a visual standpoint, it will be an extension of the building in terms of color and materials, height of

the building and those types of things. The stormwater will act in the same way directed much in the same way, a sheet flow through the wooded areas and down to the Presumpscot River.

It is nice to see an expansion in the Industrial Park with a business that is thriving and looking to continue business in the City of Westbrook. From an Engineering standpoint it is a straight forward project. The finish floors have been established so it is just grading the new gravel areas.

Rene Daniel any questions from the Board? Are there any comments from the City Planner?

Molly Just no

Rene Daniel I would entertain a motion.

Scott Herrick is the entire area in front of the building going to be gravel or will it be paved.

Shawn Frank no it will actually be adding gravel to the rear of the building. If you view the building tomorrow what you see today will be the view from Bradley Drive with a little longer building going towards the back.

Greg Blake can you enlighten us on the erosion control as you are doubling the impervious area. Can you give a synopsis of the drainage?

Shawn Frank it does have a site permit through the Department of site Environmental Protection, so storm water permits will be associated with that. Generally drainage as it is now sheets off to this direction, towards the CMP line. The idea is to maintain that sheet flow let it work its way though the vegetation towards the CMP line to woods and another 200 feet to the Presumpscot River.

Our main goal is to maintain that sheet flow characteristic and try not to concentrate any more then what we currently have. I did walk the site and there is no appearance of erosion. I do not see any major erosion control issues down there and with the woods will act as adequate treatment to the run-off.

Dennis Isherwood I am going to call him on that this parcel is a long way from the Presumpscot.

Shawn Frank I am sorry the Stroudwater River, I apologize.

Rene Daniel Comments?

Michael Taylor moved The Site Plan application for J&S Realty, LLC on Tax Map 5B, Lot 30, is to be **approved with conditions** with the following findings of fact and conclusions.

FINDINGS OF FACT

Utilization of the Site

- The building addition would be on the rear of the property and would not significantly change the view of the property from Bradley Drive along Stroudwater Street.

Adequacy of Road System

- Adequate.

Access to the Site

- The entrance to the site is currently from one access point along Bradley Drive. This would not change.
- The project has adequate sight distance at its entrance.

Internal Vehicular Circulation

- Adequate.

Pedestrian and Other Modes of Transportation

- Adequate.

Stormwater Management

- No additional stormwater management infrastructure is proposed or required to accommodate stormwater runoff, which will continue to discharge through the existing vegetation at the rear of the property and toward the Stroudwater River.

Erosion Control

- The City Engineer has approved the erosion control plans.

Utilities

- The additional utilities will connect to the existing on-site utilities.

Hazardous, Special and Radioactive Materials

- None have been identified in the application.

Technical and Financial Capacity

- Adequate.

Solid Waste

- Solid waste is the responsibility of the property owner.

Historic, Archaeological and Botanical Resources

- No resources were identified.

Landscape Plan

- Existing landscaping is adequate.

CONCLUSIONS

1. The proposed site plan **will not** result in undue water or air pollution.
2. The proposed site plan **has** sufficient water available for the reasonably foreseeable needs of the site plan.
3. The proposed site plan **will not** cause an unreasonable burden on an existing water supply.
4. The proposed site plan **will not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

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5. The proposed site plan **will not** cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed site plan **will** provide for adequate sewage waste disposal.
7. The proposed site plan **will not** cause an unreasonable burden on the municipality's ability to dispose of solid waste.
8. The proposed site plan **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed site plan **conforms** to a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
10. The developer **has** adequate financial and technical capacity to meet the standards of this section.
11. The proposed site plan **is not** situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.
12. The proposed site plan **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The proposed site **is not** situated entirely or partially within a floodplain.
14. All freshwater wetlands **have** been shown on the site plan.
15. Any river, stream, or brook within or abutting the site plan **has** been identified on any maps submitted as part of the application.
16. The proposed site plan **will** provide for adequate storm water management.
17. The proposed plan **will not** negatively impact the ability of the City to provide public safety services.

CONDITIONS

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated October 20, 2010 and plans dated October 20, 2010, and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the City Planner or the Planning Board.
2. Prior to Planning Board signature of the mylar, the applicant shall pay for the required notice to abutters.
3. Prior to Planning Board signature of the mylar, the applicant shall pay a fee in the amount of two percent (2%) of the project's total site improvement costs for site inspections made by the Code Enforcement Officer and/or other appropriate City staff.
4. Consistent with Section 504.3 of the Land Use Ordinances, the applicant shall submit the final mylar for Planning Board signature within 6 3 months of the Planning Board vote of approval or the subject approval shall expire.

Molly Just I need to make a correction, in number 4 it should say three months of Planning Board vote and I will make that correcting in number 3

2nd by Cory Fleming

The vote is unanimous in favor 6-0

New Business

5. **Site Plan – Animal Refuge League of Greater Portland – 449 Stroudwater Street – Sevee & Maher Engineers, Inc., on behalf of the Animal Refuge League of Greater Portland for the expansion and reconfiguration of existing parking lots. Tax Map: 9, Lot: 20, Zone: Rural District and Residential Growth Area 1. The August 3rd Site Plan approval expired and this is a new approval of project. There are no changes to the project.**

Background – At its August 3, 2010 meeting, the Planning Board approved the proposed site work for the Animal Refuge League of Greater Portland (ARLGP). Section 504.3 of the Land Use Ordinances requires that the approved mylar be signed by the Planning Board within 6 months of their vote of approval or the approval shall expire and be null and void. However, this did not take place and therefore the applicant seeks a new approval of this familiar project. There are no changes to the project.

Staff Comments:

1. Waivers: The applicant is requesting waivers from Section 504.5 Final Plan Submission Requirements. Given that the Planning Board is familiar with this small project that includes no new buildings and given that the project has already received staff review, the applicant requests a waiver of the number of plan and application sets that must accommodate original submissions and a waiver of the filing fee requirement. Note: The Planning Department supports these waivers.

Project Description – The ARLGP is proposing to construct a parking lot addition beside their facility and reconfigure the existing parking to improve safety and add parking capacity. Forty-seven total parking spaces are proposed in the new parking arrangement. The parking spaces and drive aisle along Stroudwater Street would be restriped to provide for 12 parking spaces and a one-way drive aisle.

A 26-foot wide drive aisle would be reconfigured for access to the side parking lot. A new parking area with 33 parking spaces would be constructed for visitors, volunteers and employees. Other improvements would include a soil filter to capture stormwater runoff, landscaping and site lighting. No changes to the building or utilities are proposed.

The ARLGP has granted the approved Stroudwater Landing development a 50-foot right-of-way for a public roadway, identified as Landing Road. The proposed Site Plan includes the preliminary design for Landing Road subject to future adjustments for grading and utilities. When Landing Road is built, a driveway connection to the ARLGP would be made and the existing two-way entrance onto Stroudwater Street would be replaced with 4 new parking spaces. The dumpsters would be relocated to a new paved area near the back of the building when this connection is made. *Approval of this Site Plan would include approval of these future changes.*

Mark Bergeron Sevee & Maher Engineers, Inc., on behalf of the Animal Refuge League of Greater Portland here for a re-approval for the expansion and reconfiguration of existing parking lots. Tax Map: 9, Lot: 20, Zone: Rural District and Residential Growth Area 1. We missed the 90 day window to get the mylar signed. We wish to take care of that tonight.

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As Molly's memo states there are no changes, the only thing we did was to change the date and add the conditions of approval to the mylar's. I do have two copies for the Board should the project get approval tonight, the Animal refuge League would like to start building as soon as tomorrow. We would like to get as much in the ground this year for the parking lot expansion out back. Hopefully just do gravel parking lots for the winter then obviously finish it in the spring.

As mentioned we will have a total of forty-seven parking spaces to help parking and circulation though the Animal Refuge League site to make it a little safer. We do have a connection to the future Landing Road if and when that subdivision gets built. I believe there was a condition added that one of the driveways out on Stroudwater would be closed and would have the possibility for additional parking there. We do have some landscaping on the North side of one of the existing buildings to help screen the new parking from Stroudwater Street as was approved in August.

Rene Daniel City Planner any comments?

Molly Just I do not

Rene Daniel any comments from the Board?

Michal Taylor I walk my dog in that area in the summer. I know right now the parking lot ends near the second building. How far is the trail going to be cut off from that parking lot?

Mark Bergeron it is mainly going to be in the field and I would have to defer to the Animal Refuge League because I understand that their intent is to keep that path there and work it around the existing parking lot.

Michal Taylor the only concern I have is the entrance by the other house. I have tried to get out of there a couple of times and this is a blind spot. With traffic coming both ways I am concerned with that many more parking spots that are being added. The speed limit is 35 and a lot of traffic goes in and out of that parking lot. I understand we had a traffic study but I am concerned about the tight spot and wondered if you could widen out... I know you can not.

Mark Bergeron I was not part of the approval of Landing Road project but I am assuming the site distance for that road was fine and we are not changing anything in the driveway, it would only be if Landing Road were to be extended to Stroudwater.

Rene Daniel City Planner

Molly Just I just realized that you need to vote on a waiver. The applicant is requesting waivers on some of the site plan requirements; you reviewed it and approved it in August. The Staff review has already taken place. They are requesting a waiver of the filing fees. That fee was paid with the first submission, staff review was done then so we did not need to do another Staff review. They also requested a waiver for the number of Board Sets. For example you did not get a full plan set you are familiar with the project, you just saw it recently, Staff supports these requests.

Rene Daniel clarification Molly, we should take each one separate.

Molly Just yes

Cory Fleming clarification it says 6 months and it should be 3 months according to the previous project? Before we consider the waivers, why weren't the mylar submitted in time?

Mark Bergeron the Animal Refuge League was working with the financing of the project to come up with the money to pay for the construction improvements, the selection process for the contractor and we forgot to notify the Animal Refuge League that we missed the deadline.

Cory Fleming just by a matter of days it was missed.

Mark Bergeron yes a matter of a day or two after the 90 days had expired.

Molly Just there were a few things that were part of the conditions of approval. The applicant had to work with the City Engineer to come up with a bond for the landscaping improvements; steps were not taken in that regard. The 2% inspection fee was never presented, the conditions of approval were not completed so, there were a number of steps that needed to be taken and this should be straight forward and hopefully will be approved tonight.

Rene Daniel can we have the first motion on the waiver for the fee?

Scott Herrick moved to approve the waiver of the filing fee requirement for the applicant.

2nd by **Greg Blake**

The vote was 6-1 in favor (Dennis Isherwood Opposed)

Greg Blake moved to waive the number of plan application sets.

2nd by **Cory Fleming**

The vote was 6-1 in favor (Dennis Isherwood Opposed)

Cory Fleming moved The Site Plan application for Animal Refuge League of Greater Portland on Tax Map 9, Lot 20, is to be **approved with conditions** with the following findings of fact and conclusions.

FINDINGS OF FACT

Utilization of the Site

- The project has been engineered to consolidate the built environment along Stroudwater Street.

Adequacy of Road System

- Adequate.

Access to the Site

- The entrance to the site is currently from two access points along Stroudwater Street. When Landing Road is constructed one of the Stroudwater Street access points would be replaced with a new access point on Landing Road.

- The project has adequate sight distance at its entrances.

Internal Vehicular Circulation

- Adequate.

Pedestrian and Other Modes of Transportation

- Adequate.
- A cross walk from the annex building to the main building, both located close to the primary site entrance, has been provided.
- Handicapped parking spaces have been provided.

Stormwater Management

- The City Engineer has approved the stormwater management plan.

Erosion Control

- The City Engineer has approved the erosion control plans.

Utilities

- No change is necessary or proposed.

Hazardous, Special and Radioactive Materials

- None have been identified in the application.

Technical and Financial Capacity

- Adequate.

Solid Waste

- Solid waste is the responsibility of the property owner.

Historic, Archaeological and Botanical Resources

- No resources were identified.

Landscape Plan

- Landscaping is proposed along Stroudwater Street.

CONCLUSIONS

1. The proposed site plan **will not** result in undue water or air pollution.
2. The proposed site plan **has** sufficient water available for the reasonably foreseeable needs of the site plan.
3. The proposed site plan **will not** cause an unreasonable burden on an existing water supply.
4. The proposed site plan **will not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
5. The proposed site plan **will not** cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed site plan **will** provide for adequate sewage waste disposal.

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7. The proposed site plan **will not** cause an unreasonable burden on the municipality's ability to dispose of solid waste.
8. The proposed site plan **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed site plan **conforms** to a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
10. The developer **has** adequate financial and technical capacity to meet the standards of this section.
11. The proposed site plan **is not** situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.
12. The proposed site plan **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The proposed site **is not** situated entirely or partially within a floodplain.
14. All freshwater wetlands **have** been shown on the site plan.
15. Any river, stream, or brook within or abutting the site plan **has** been identified on any maps submitted as part of the application.
16. The proposed site plan **will** provide for adequate storm water management.
17. The proposed plan **will not** negatively impact the ability of the City to provide public safety services.

CONDITIONS

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated November 22, 2010, and plans dated May 27, 2010 and amended to July 22, 2010, and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the City Planner or the Planning Board.
2. Prior to Planning Board signature of the mylar, the applicant shall pay for the required notice to abutters.
3. Prior to Planning Board signature of the mylar, the applicant shall pay a fee in the amount of two percent (2%) of the project's total site improvement costs for site inspections made by the Code Enforcement Officer and/or other appropriate City staff.
4. Prior to Planning Board signature of the mylar, the applicant shall provide the City a Performance Guarantee to cover the cost of the landscaping and its installation. The landscaping shall be installed by the applicant within 12 months of Planning Board signature of the mylar.

2nd by Dennis Isherwood

Scott Herrick regarding the conditions have 2, 3 and 4 been met already?

Molly Just all the conditions have been met since the application has been filed.

Rene Daniel I will not be supporting this based on my first vote and I have not changed my opinion of this project.

The vote was 6-1 (Rene Daniel Opposed)

6. Adjourn

Respectfully submitted by Linda Gain PECE Administrative Assistant
THANK YOU