



City of Westbrook
DEPARTMENT OF PLANNING

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**WESTBROOK PLANNING BOARD
TUESDAY, SEPTEMBER 6, 2011, 7:00 P.M.
WESTBROOK HIGH SCHOOL, ROOM 114
MINUTES**

Present: Ed Reidman, (Chair) (Ward 5), Rene Daniel (Vice-Chair) (Ward 1), Scott Herrick (Ward 3), Dennis Isherwood (Ward 2), Rebecca Dillon (Alternate), Greg Blake (At Large), Michael Taylor (Alternate)

Absent: Cory Fleming (At Large), Robin Tannenbaum

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. Chairman Reidman explained the public hearing procedures.

PUBLIC HEARING - SITE PLAN – IDEXX Laboratories – One IDEXX Drive – DeLuca-Hoffman, Assoc., on behalf of IDEXX Laboratories for review of a 107,000 square foot administrative office building. The project is proposed to be located along with the existing buildings at One IDEXX Drive. Tax Map: 5B, Lot 5.

Background. IDEXX Laboratories, Inc. is a biotechnology firm with headquarters located at One IDEXX Drive, along Eisenhower Drive. IDEXX has had a location here since 1991, initially as a tenant, and in mid-2006 purchased the property. In 2007 IDEXX obtained approval for a 129,000 square foot expansion of the west side of the existing building. Approximately 1,300 people are employed at this IDEXX location. IDEXX engages in manufacturing, warehousing and distribution and, research and development and office on the subject property. The subject property is located in the Manufacturing Zoning District and is approximately 56 acres in size.

Overview. The proposed amendment would include the construction of a 3-story office and support building of 129,000 square feet. This would serve as Phase 1 of a master planned expansion with Phase 2 adding approximately 132,000 square feet to the Phase 1 building. The new building is ultimately envisioned to accommodate approximately 700 employees, in addition to the 1,300 housed on-site today. The south façade of the proposed building would be comprised of glazing and windows while the north façade, as viewed from Eisenhower Drive, would include a combination of large windows and a white masonry block, similar to the north façade of the existing building.

Building and Site Performance. The applicant is seeking a LEED (Leadership in Environmental Education and Design) silver certification from the US Green Building Council (USGBC) under the New Construction and Major Renovations category. *The Planning Department strongly supports LEED certification.*

LEED certification provides independent, third-party verification that a building or community was designed and built using strategies aimed at achieving high performance in five key areas of human and environmental health: sustainable site development, water savings, energy efficiency, materials selection and indoor environmental quality. Participation in LEED gives building owners and operators the tools

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they need to have an immediate and measurable impact on their buildings' performance. There are both environmental and financial benefits to earning LEED certification.

LEED-certified buildings are designed to:

- Lower operating costs and increase asset value;
- Reduce waste sent to landfills;
- Conserve energy and water;
- Be healthier and safer for occupants;
- Reduce harmful greenhouse gas emissions; and
- Qualify for local, state and federal incentives, where available, such as tax rebates, and zoning allowances.

Moreover, an organization's participation in the voluntary and technically rigorous LEED process demonstrates leadership, innovation, environmental stewardship and social responsibility. (Source: <http://www.usgbc.org>)

Waivers: The applicant is requesting waivers from Section 505.1 Site Plan Review Design and Performance Standards – Parking and Circulation. The applicant provided a logical and thorough justification for the following waivers in the original site plan submission, dated July 26, 2011 and the revised submission dated August 9, 2011. While the subject waivers revolve around reduced parking requirements, there is adequate space to park additional vehicles on the subject property in the future. *The Planning Department supports these waivers.*

1. Off- Street Parking. A reduction is requested from the parking requirements for the entire campus. IDEXX is a unique user given the diverse uses taking place on the property that result in staggered work shifts and varying parking needs. The employee support spaces, such as a cafeteria, fitness center and conference areas should not be fully “parked” as most of the use of such spaces will be by employees already counted for in parking requirements. The applicant has conducted parking counts over the past ten years, with the most recent parking counts showing an average of 0.76 cars per employee. Using a conservative estimate and counting all square footage, including those employee support areas that should not necessarily count toward the parking requirement, the applicant requests a parking ratio of 0.78 spaces per employee. If the employee support areas are not counted toward the parking requirement, then the parking provided would be 0.88 spaces per employee.
2. Design of Off-Street Parking. The applicant requests a reduction of the drive aisle width to 24 feet in the employee parking areas. Visitor parking will include 26 foot drive aisles. The City Engineer supports this reduction, as required by Section 505.1B.
3. Loading Facilities. Based on the use mix of the proposed building and existing loading facilities, the applicant is requesting a loading area reduction from 3 to 1 loading areas and a reduction in the required length of space from 125 feet to 40 feet.

Concerns: The proposed project includes several long stretches of driveway without curbing. *The Planning and Engineering Departments do not support this treatment.* The Planning Department has requested that enhanced pedestrian amenities be provided with this project, particularly in the large expanses of parking lots. While the applicant has not agreed to construct sidewalks along the length of every driveway or parking lot, they have provided significant pedestrian amenities. *Sidewalks and parking lot landscape islands are critical to the support of employees as they walk the long distance from large parking lots to buildings.*

Ed Reidman the Board has received two presentations on this.

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Dick Daigle with Idexx Laboratories and as you have mentioned we have already done a couple of presentations to the Planning Board basically as you have said a 107,000 square foot addition to our existing campus that is intended to be an office building. We are building a silver certified LEED building on the property.

Our plan is to do some site work this fall and start construction in April of next year with anticipation of completion date of August of 2013.

I know you have all the details on the project and would be happy to answer any questions you may have or if there is any further details you want me to go into.

Ed Reidman Molly, have we resolved the problems we had last time we met?

Molly Just yes we have.

Ed Reidman any comments from the Staff at this time?

Molly Just no thank you

Public Hearing open

Ed Reidman is there any public comments? Mr. Knight?

Warren Knight Smiling Hill Farm we are very pleased to see this going in. It works well in the neighborhood and we are very pleased that they will be neighbors to us.

At the Farm we have already discussed expanding our trail system hopefully to allow egress to the Farm and to allow walking from the Park.

I have looked at the plans and have talked to Mr. Daigle about them and am very pleased and thrilled that this is going forward. We think this is a great development.

Ed Reidman Mr. Koris do you have any comments? The indication is no. Anyone else in the audience wish to speak?

Public Hearing Closed

1. Call to Order

CONTINUING BUSINESS

2. SITE PLAN - IDEXX Laboratories – One IDEXX Drive – DeLuca-Hoffman, Assoc., on behalf of IDEXX Laboratories for review of a 107,000 square foot administrative office building. The project is proposed to be located along with the existing buildings at One IDEXX Drive. Tax Map: 5B, Lot 5.

Ed Reidman may I have a motion to remove this item form the table?

Dennis Isherwood moved to remove this item from the table.

2nd by Michael Taylor

The vote was 7-0 in favor

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

FINDINGS OF FACT

Utilization of the Site

- The majority of the proposed work is being done within existing developed areas. There would be approximately 6 acres of net new impervious area created by the work.
- The project proposes to provide a significant amount of additional landscaping.

Adequacy of Road System

- The project requires a traffic movement permit from the MDOT.

Access to the Site

- The project would utilize the existing number of curb cuts along Eisenhower Drive and would include two new curb cuts along Calpine Drive, which is owned by the applicant.
- The middle curb cut along Eisenhower Drive would be relocated to align with Bradley Drive on the north side of Eisenhower Drive. This would improve circulation for the subject property and for those using Bradley Drive.

Internal Vehicular Circulation

- Employee parking areas would be served by reduced drive aisles and visitor areas would be served by the standard width drive aisles due to their lack of familiarity with the subject property.
- Driveways are proposed to the outer parking lots with an off-road pedestrian option for some lots in order to reduce pedestrian and vehicle conflict.

Pedestrian and Other Modes of Transportation

- The project has been designed to provide increased sidewalks and pathways on the property. Adequate site lighting is provided. While the Planning Department would prefer that sidewalks be provided along the length of driveways and parking lots, where pedestrian circulation is provided it is enhanced.

Stormwater Management

- Ultimate authority of the Maine Department of Environmental Protection (DEP), which is sufficient for local approval.

Erosion Control

- Ultimate authority of the Maine Department of Environmental Protection (DEP), which is sufficient for local approval.

Utilities

- All utilities are to be located underground.
- The Portland Water District has confirmed its ability to serve the project.

Hazardous, Special and Radioactive Materials

- No issues.

Technical and Financial Capacity

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

Solid Waste

- Disposal of solid waste is the responsibility of the applicant.

Historic, Archaeological and Botanical Resources

- No issues.

Landscape Plan

- The property will be enhanced by a high quality and quantity of landscape features.

Others

- Parking - The applicant has requested a waiver of several parking requirements as outlined herein.
- Fire – See conditions of approval.
- Comprehensive Plan – The proposed project is consistent with the vision for this area as outlined in the City of Westbrook Comprehensive Plan.

CONCLUSIONS

1. The proposed site plan **will not** result in undue water or air pollution.
2. The proposed site plan **has** sufficient water available for the reasonably foreseeable needs of the site plan.
3. The proposed site plan **will not** cause an unreasonable burden on an existing water supply.
4. The proposed site plan **will not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
5. The proposed site plan **will not** cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed site plan **will** provide for adequate sewage waste disposal.
7. The proposed site plan **will not** cause an unreasonable burden on the municipality's ability to dispose of solid waste.
8. The proposed site plan **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed site plan **conforms** with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
10. The developer **has** adequate financial and technical capacity to meet the standards of this section.

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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 and plans dated July 26, 2011, as amended to August 9, 2011, 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 the Planning Board signing the mylar, the applicant shall pay the cost of the notices to abutters.
3. Prior to Planning Board signature of the mylar, the applicant shall pay a fee in the amount of \$71,454.74, which equals 2%, of the project's site improvement costs for Phase 1 for the purpose of site inspections performed by the Code Enforcement Officer and/or other appropriate City staff.
4. The applicant shall obtain a traffic movement permit from the Maine Department of Transportation, prior to the issuance of the first building permit for phase one.
5. The applicant shall be responsible for construction of any road improvements required by the DOT.
6. The applicant shall install emergency call boxes in appropriate locations in the existing parking lots.
7. The applicant shall comply with Chapter 37, the local Post Construction Stormwater Management Ordinance.
8. Signage requires building permits and shall be approved separately.
9. The Fire Department reserves the right to require Fire Alarm Annunciator Panels at locations to be determined by the Fire Inspector and maps indicating fire protection features with a legend at each location.
10. Fire Lanes shall be established;
 - Access drive A, from Access Road D to existing Fire Lane;
 - Access drive D, entire length;
 - Access drive G, entire circle; and
 - Between the existing building and the proposed building starting from Access drive A. This Fire Lane will not be required to be paved but must meet all weight and width requirements.
11. All exterior doors except overhead doors shall be marked on both sides; marking system shall be approved by the Fire Inspector.
12. Not less than one private fire hydrant shall be required on the East side of the new building, final location(s) to be determined by the Fire Inspector. The fire hydrant(s) shall be tested and accepted prior to any building construction and that the hydrant be flow tested by the Portland Water District or another acceptable authority prior to the issuance of the final Certificate of Occupancy by the City.

13. The Fire Inspector shall approve all Fire Protection/ Life Safety systems, equipment and materials.

2nd by Rene Daniel

The vote was unanimous in favor 7-0

3. Subdivision Amendment – 917 Main Street – Westbrook Housing for the amendment of a previously approved 3-unit condominium live/work building on an approximately 0.11 acre site located at 917 Main Street. This amendment is to clarify that the units are part of a condominium, meaning that the individual units are owned in fee simple and the land is owned in common. The approved Site Plan and Village Review application are not altered by this request. Tax Map: 32, Lot: 106, Zone: City Center District, General Development Shoreland Zone, Downtown Housing Overlay District and Village Review Overlay Zone.

Summary. On April 6, 2010 the Planning Board approved a Site Plan, Subdivision and Village Review Overlay Zone application for a three-story, 3-unit live/work residential condominium at 917 Main Street. The building has been constructed but notations on the approved Subdivision plan conflict as to whether the units are on their own lots or on common land with units owned individually, which is a condominium. The Planning Board approved the project as a condominium, three housing units and not three separate building lots, but the notation conflict on the Subdivision plan is stalling unit sales and the applicant is therefore requesting an amendment to the Subdivision plan to correct the conflicting notation. The overall project does not change and the building has been constructed as approved.

Ed Reidman does Staff have any comments?

Molly Just no comments

Dick Begin from Westbrook Housing

Ed Reidman I get confused, there is the Westbrook Housing Authority and there is the Westbrook Housing Corporation?

Dick Begin actually Mr. Chairman it is Westbrook Housing. We have dropped the Authority. The other Corporation is Westbrook Development Corporation. This particular building was done under Westbrook Housing because it was federal funds.

Ed Reidman what is the status of occupancy in the building at the current time, there are three units as I recall.

Dick Begin there is a resident in there that is renting now. She is waiting on us to make these corrections so she can purchase her unit.

Ed Reidman where it is part of the Housing Authority, what is your occupancy rate over the City of Westbrook

Dick Begin we have over six hundred units scattered throughout the City. Some of them are Westbrook Development Corp and some are Westbrook Housing. The reason for that is Westbrook Development

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Corp is a 501 C-3, non profit. There are certain buildings in order to apply for tax credit funds we have to be a 501 C-3, then the other buildings that are more HUD and federal funds are more under Westbrook Housing. Then we have a couple of what we will call as market rate units that are also Westbrook Housing.

Ed Reidman as I recall you also manage for other people?

Dick Begin right now we are managing some condominiums. Those are developments that we did develop but since then they have been taken over by the condo association but we have a contract to manage them. One would be River Front Lofts, the old Sebago Moc building and then we also have another condominium called Homestead Village located on Saco Street and another development that we used to manage was the Forest Street School but they have decided to self manage.

Ed Reidman at one time you managed the units on Bridge Street?

Dick Begin that is correct, Golder Commons.

Ed Reidman any other questions? Does anyone want a site walk?

*Editors note; Board indicated none needed

Ed Reidman Staff?

Molly Just no

Ed Reidman I would entertain a motion.

Rene Daniel moved the Subdivision Plan application for Westbrook Housing on Tax Map: 32, Lot: 106, is to be **approved with conditions** with the following findings of fact and conclusions.

FINDINGS OF FACT

A. POLLUTION AND SEWERAGE DISPOSAL

- Adequate.

B. WATER

- Adequate.

C. SOIL EROSION

- Adequate.

D. TRAFFIC

- The proposed project will have minimal impact on existing traffic around the subject property.

E. SEWERAGE

- Sewerage is via the municipal wastewater system.

F. SOLID WASTE

- The residential units will be served by the City's trash and recycling service.

G. AESTHETICS

- Appearance Assessment:
 1. Project to Site – The building is located on the small, 0.11 acre site, as best as could be expected while still providing the required off-street parking.
 2. Project to Surrounding Property – The project is accessed from Dana Street and the under-stated and modern and high quality architectural style will serve to “set the bar” for high quality materials and elements for other nearby properties as they redevelop.
 3. Landscape Design – Adequate.
 4. Lighting – Adequate.
 5. Signs - Any project or individual commercial signage will require Village Review Overlay Zone approval, building permit approval and shall be consistent with the sign requirements of the City Center District.

H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- Comprehensive Plan – The subject property is located within the Downtown District of the Comprehensive Plan. The proposed use and density are allowed in this District.
- Downtown Streetscape Plan – This project is in conformance with the Downtown Streetscape Plan as the building meets the street and provides good visual access to the first floor commercial space, a wide sidewalk with street trees with metal grates and a bicycle rack in the amenity zone of the sidewalk.
- Recreation & Open Space – Pursuant to the requirements of Section 502.6 A (Additional Requirements – Public Open Space), the Recreation & Conservation Commission considered this project at their March 18th, 2010 meeting. The Commission voted to recommend Planning Board approval of the project.
- Community facilities impact analysis – If required.

I. FINANCIAL AND TECHNICAL CAPACITY

- Adequate

J. RIVER, STREAM OR BROOK IMPACTS

- N/A

CONCLUSIONS

1. The proposed site plan **will not** result in undue water or air pollution.
2. The proposed site plan **has** sufficient water available for the reasonably foreseeable needs of the site plan.
3. The proposed site plan **will not** cause an unreasonable burden on an existing water supply.
4. The proposed site plan **will not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
5. The proposed site plan **will not** cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed site **will** provide for adequate sewage waste disposal.
7. The proposed site plan **will not** cause an unreasonable burden on the municipality's ability to dispose of solid waste.
8. The proposed site plan **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland

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Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

9. The proposed site plan **conforms** with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
10. The developer **has** adequate financial and technical capacity to meet the standards of this section.
11. The proposed site plan **is** 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** situated entirely or partially within a floodplain.
14. All freshwater wetlands **have** been shown on the site plan.
15. Any river, stream, or brook within or abutting the site plan **has** been identified on any maps submitted as part of the application.
16. The proposed site plan **will** provide for adequate storm water management.
17. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, or great pond as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision **have** a lot depth to shore frontage ratio greater than 5 to 1.
18. The long-term cumulative effects of the proposed subdivision **will not** unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
19. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision **will not** cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.
20. Timber on the parcel being subdivided **has not** been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14.
21. The proposed subdivision **will not** negatively impact the ability of the City to provide public safety services.

CONDITIONS

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated August 23, 2011 and plans dated February 22, 2010 and revised to August 24, 2011 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.

2nd by Michael Taylor

The Vote was unanimous in favor

Rene Daniel moved to recess to workshop

2nd by Michael Taylor

The vote was unanimous in favor 7-0

4. Recess to Workshop

Workshop: Note – Public comment will be accepted during workshop.

5. Sketch Plan – Warren Avenue Industrial Condominium – 84 & 84A Warren Avenue – St. Germain Collins, on behalf of Selden Von Herten for review of a 10-unit condominium. The proposal would separate existing structures with their associated land into condominium units, but not subdivide the land. The condominium project is proposed to be located along with the existing buildings at 84 and 84A Warren Avenue. Tax Map: 46, Lots 19 and 18.

Project Description – The proposed project would be located on an approximately 18-acre site located at 84 and 84A Warren Avenue. The proposal is to separate existing structures with their associated land into condominium units, but not subdivide the land. The condominium project is proposed to be located along with the existing buildings at 84 and 84A Warren Avenue. The property is surrounded by commercial buildings an un-built portion of the Deer Hill subdivision. The project could not be approved or built as proposed as there is no frontage on a public way for the second proposed access point.

Staff Comments:

- The building proposed as condominium unit 7 was never approved and should be depicted as proposed for approval. Any other unapproved improvements should also be depicted as proposed for approval.
- There is an existing informal gravel connection to Chabot Street that was never approved by the city. This does not serve as frontage on a public street, which would be required in order to provide a second point of access.
- Chabot Street was not built for truck traffic and is not in a condition that enables the city to support significant additional truck traffic.
- Staff recommends a driveway off of Warren Avenue ending in a cul-de-sac and the elimination of any existing and unapproved informal connection to Chabot Street.
- It appears that there is over one acre of impervious surface on the property and staff is not aware of DEP approval of this improved area. Any Planning Board approval would be conditioned on DEP approval.
- A traffic study would be necessary with the next level of local approvals, Site Plan and Subdivision. It appears that this property may need a Site Location of Development approval from the DEP.
- Screening of the existing junkyard would be required from any proposed private or public drive, as required by state law. The final location for the existing junkyard should be depicted. It is depicted as on more than one unit on the plan set.

Mark St. Germain from St. Germain Collins, on behalf of Selden Von Herten presented aspects for review of a 10-unit condominium. The proposal would separate existing structures with their associated land into condominium units, but not subdivide the land. The condominium project is proposed to be located along with the existing buildings at 84 and 84A Warren Avenue.

The purpose of this project is basically to improve the site, to update a site plan, to develop the site as condominiums, to keep the tenants on the site in Westbrook and to allow two more businesses to locate into Westbrook.

The site is an 18.73 acre parcel on Warren Avenue. It is surrounded by Industrial properties, Commercial properties and undeveloped area towards the west which is a Residential Zone. Larrabee

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Road is down here and off that is Delta Drive then Chabot Street what a lot on the end of Chabot Street that is owned by Mr. Von Hertton and is part of a different subdivision and is not part of this site plan approval we are seeking today, however Mr. Von Hertton is anticipating putting an easement across the property for access to Chabot Street.

There are currently eight buildings varying in size from six thousand feet to twenty thousand feet, used currently for warehousing and distribution, tire repair, auto body repair and a pump maintenance company, also a vacant building. There is also a licensed junk yard really used for storage, it is not a classic junk yard as you may think, there is some storage and unregistered trailers there and are quite a few less trailers then what is shown on this dated plan.

The parcel is in two zones identified by this zone line in the Industrial Park District and the Gateway Commercial District. With this project we intend to get the State permits to do the following: bring the entire parcel into one common ownership, bring the parcel into one zone as requested, do a text change of the zone, in the Industrial Park District to allow warehousing, create ten (10) usable condominium lots with common access and have storm water components as well, improve site access by formalizing a drive that is there now as a gravel drive from Warren to Chabot Street and improve storm water management as the City and Mr. Von Hertton have been discussing for awhile.

Going through those components, the unified ownership is made up of eight different properties on this parcel. As depicted on this plan you can see the property lines. It is really a compilation of years acquiring pieces of property. Mr. Von Hertton owns the companies that have acquired them but has been acquired by a number of different companies so you have eight different randomly shaped and configured lots from various owners from an easement that is now gone. That parcel with various owners is very difficult to... he could lease from it but now has an owner that is intending to leave if he can not purchase his property. He has also had difficulties utilizing the undeveloped parts of the property because two or three different companies own it and access is an issue and the answer is the Condo Association redistributing some units. We also with common ownership can improve the access and re-route the road a little better for turning radii and improvement of storm water management.

Most of the lot is in the Industrial Park District. There are eight occupied units and two unoccupied units, common area for an access road and some common areas for drainage. On this plan that was submitted, we have superimposed some storm water drainage features which are not there. This is what was there in 2010 on Google Earth but we have superimposed drainage features which are a pond here and a pond here and another pond right there.

The zone line for Gateway Commercial and Industrial Park District takes four of these lots, so there is an intention to try to combine into one lot that would make the project work a lot better. There are similar uses throughout, it avoids multiple zones in a single unit and we propose to change it to the Industrial Park District for the following reasons. We are proposing a text change to the Industrial Park District, which we understand is not just for this property but there are a number of uses in the Industrial Park District that happen to be, not only on this property but others around for warehousing and that does not happen to be listed as an allowed use in the Industrial Park District now. We are proposing that be added to that district. The property in question that Mr. Von Hertton would like sell is the largest building on his site. This building has been a warehouse since before the rewrite of the Ordinance. The text change would enable the sale of the existing lot and future lots.

Regarding improved site access, it is currently a private drive off Warren Avenue that is paved with speed bumps that can go through now as there is gravel going the rest of the way. It is not a road or drive that was approved, that is what we are trying to accomplish. We are proposing to reconfigure that road to work better. Again it would be under common Condo ownership, under an association. An easement would be provided over this lot, which is Von Hertton's approved under a separate site plan or a separate subdivision and that easement would allow access to Chabot Street. It would allow better access

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for emergency equipment. We will be doing a traffic study and engineering analysis of Chabot Street. I understand in the Staff comments that there is no access under this particular site we are looking at. Access will be provided as part of the work to get condo documents and easement drafted up.

By the way there is a small land swap that needs to happen before this comes before you as a Site Plan provision because it has been built over a number of years. Once done we think the package will be ready for the access and if there are issues with traffic and Chabot Street, we intend to address those through site restrictions if deemed necessary.

There are provisions for stormwater management as currently there is some buffering going on, but there is not a lot of management and does not quite meet State requirements. They have a site location development permit from the State and they need a construction stormwater management ponds for both water quality and quantity and the City would like that also and is part of this package.

Approvals that are going to be necessary: the DEP site location and development permit will be amended to show this configuration and provisions associated with that: storm water management and everything that goes along with it. A site plan as we understand it will need a Planning amendment approval; we will require the text change in the Industrial Park District and other items needed for the approval process. I will answer any questions you might have.

Ed Reidman any questions?

Rene Daniel you mentioned Chabot Street, are you going to include that with the access road that is on the piece of property now?

Mark St. Germain yes, it will be a private drive owned by the Condo Association.

Rene Daniel it will be built to what standards? Just a driveway?

Mark St. Germain it is going to be pretty hefty as it is going to be used for onsite truck traffic, it would be to a private drive standard, not the City standard. It is part of the condo association so it could not be turned over anyway.

Rene Daniel just so I have a general idea of where this is located, how close are you to White Brothers? Across the street?

Mark St. Germain yes

Rene Daniel you know the next question will be the need for the upgrade in landscaping.

Mark St. Germain knowing how important that is to the Board I am sure there will be an improvement in that area.

Rene Daniel you probably have the text book example across the street at the White Brothers location and would like to see a mirror there to make that as attractive.

The other thing you talked about was three separate ponds and I see two of them.

Mark St. Germain I did say three, one here, another here and the last here.

Rene Daniel near unit seven, I can see it now.

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Mark St. Germain the exact configuration of those will change on the next time you see us as we have only done the predevelopment work.

Rene Daniel if you were to keep in the back of your mind a rain garden, those are always neat. It will not be seen by everyone in Westbrook and Portland but it will be seen by the tenants. That is my initial comments.

Mark St. Germain Rain gardens are a nice way to move water around.

Ed Reidman I call the Boards attention to page 9; staff comments are included in that. Can I assume that you have seen the staff comments already?

Mark St. Germain correct

Ed Reidman the purpose of a sketch plan is to allow the developer to come before the Board for a review to get suggestions and/or comments before you get into your final design. There is no indication of approval when we review a sketch plan.

Are there more comments from the Board? You have told us what you would like to do, one of which is to change the zone line and also change the wording change on the zone. That will require at least one if not two public hearings and ultimately the Board will decide if we have a public hearing on the site, once you have made the formal presentation of that. As far... I am looking at the staff, those can be separate tracks, you can ask for your zone change, your zone line change prior to going through with your full plan

Molly Just that is correct.

Mark St. Germain thank you

Ed Reidman are there other questions or comments?

Greg Blake I am confused with the access point, where you are saying “no frontage for a second access point” then below in staff comments, staff wants just a single entrance off Warren Avenue with a cul-de-sac.

Molly Just the project as proposed could not be approved; there is a preference for a second access point that needs to be on a public street. We do not approve access to parcels via an easement that is just not what we do. I do not know if that is even legal but I imagine that will be worked out as that could not be approved as proposed. In terms of approving the condominium another way to do that would be to have the one access point with a cul-de-sac for turn around.

Greg Blake if we met the cul-de-sac would that meet the maximum length for a dead end street?

Molly Just it may or may not, looked at the plan and found that we could not do what was proposed, made initial comments as this is a sketch plan.

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Richard Gouzie the eight hundred feet would not come into play as this is a private driveway not a private road.

Molly Just just for clarification, there has been talk of public drives or private drives rather... the City has standards for private drives as in private streets vs. a driveway.

Mark St. Germain when we sat in the planning meeting it was not clarified that we are talking about a couple of parcels. Since this is part of another subdivision plan, also owned by Mr. Von Hertton the easement would be over his property and when we talked about it; it was a drive over his land and it is not depicted there as that is another approval but is that is an issue we will need to have that worked out. It is his property as is all the others, it is not like he is getting an easement from someone else, it can be made part of the project if that is the way to do it. Surely that is his intention is to do that.

Ed Reidman I am sure once the Fire Department does a full review, they will be looking for a second access for the property, due to the density of what is there. If there happened to have an event occurs on that property, I am sure they would like to be able to bring equipment in from the Portland side.

Anything else we can do for you this evening?

Mark St. Germain any advice would be appreciated.

Ed Reidman you heard Mr. Daniel on the landscaping, the drainage issues, roadway issues, then to divide the property up with the proper documents.

Mark St. Germain there was no feed back on the text change component. I do not know if there is any indication, thoughts or feedback on it. I mean it is an existing use in that area and others.

Ed Reidman with out having seen your text change... last time we went through the Ordinance we debated warehousing all the way through, you can propose it but I will not offer an opinion at this time but I am not opposed.

Mark St. Germain thank you for your feedback.

Michael Taylor moved to return to Regular Session

2nd by Rene Daniel

The vote was 7-0 in favor

6. Resume Regular Session

7. Adjourn

Respectfully submitted by Linda Gain PECE Administrative Assistant

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