



City of Westbrook

DEPARTMENT OF PLANNING

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WESTBROOK PLANNING BOARD TUESDAY, NOVEMBER 1, 2011, 7:00 P.M. WESTBROOK HIGH SCHOOL, ROOM 114 MINUTES

Present: Rene Daniel (Vice-Chair) (Ward 1), Dennis Isherwood (Ward 2), Rebecca Dillon (Alternate), Cory Fleming (Ward 4), Robin Tannenbaum (Alternate), Greg Blake (At Large)

Absent: Michael Taylor (At Large), Ed Reidman, (Chair) (Ward 5), Scott Herrick (Ward 3),

Staff: Molly Just

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

1. Call to Order

Continuing Business

2. **Subdivision Amendment – Vacation and Termination of Subdivision on Mayberry Road – Scott Proctor for vacation and termination of an approved subdivision which includes 6 residential units in 3 duplex buildings on an approximately 0.77 acre site located at Mayberry Road, generally across from Emery Street. Tax Map: 38, Lot: 154B. Zone: RGA-1.**

Staff Comments Vacation and Termination of Subdivision on Mayberry Road Subdivision

Summary. Scott Proctor, owner of property located at 0 Mayberry Road, generally across from Emery Street and approved for development of a 6-unit subdivision, referred to as Mayberry Heights, on November 10, 2009 proposes to vacate and terminate the subject subdivision. The subdivision amendment fee has been paid, abutters have been notified and the Vacation and Termination Order is in proper form for Planning Board approval of a subdivision amendment to vacate and terminate the subject subdivision. The typical Findings of Fact and Conclusions are not necessary for a vacation and termination as the development rights revert to the underlying permitted uses.

Scott Proctor and I just recently purchased this property and basically what I want to do is do away with the three unit subdivision and take it back to a buildable lot. My intention is to put a duplex which is allowed once this becomes a regular lot.

Rene Daniel Molly, can you guide us on this on what the best procedure is?

Molly Just essentially what is happening is the six unit subdivision; there were three duplex buildings, six total units that Chris Wilson had approved in late 2009. Essentially what the applicant is requesting to do is to remove those approvals which would mean that the approvals on the property would go back to the original zoning which is RGA1 which allows a single family unit without getting Planning Board approval.

He is going back to no subdivision approval, building on his property as he could as a matter of right. Again that approval that was attained in 2009 would actually go away. What does need to happen, similar to signing a mylar, having something in the registry of deeds is at the end of your meeting the applicant will have his Notary observe your signing the vacation - termination order and will be recorded at the Registry. That is the official and formal termination and vacation of this subdivision.

Rene Daniel any comments?

Cory Fleming moved to vacate the subdivision.

CONDITIONS

1. Approval is dependant upon recordation of the Vacation and Termination Order for Westbrook Tax Map 38, Lot 154B, signed and dated by the Westbrook Planning Board on November 1, 2011, in the Cumberland County Register of Deeds.
2. Prior to issuance of the first building permit for development of the property, the applicant shall pay the cost of the required notice to abutters.

2nd by Dennis Isherwood

Rene Daniel Scott, I am very glad you are doing this. I did not feel good about the project even though I voted for the project. I am glad you stepped forward and I wish you best of luck.

Molly were the neighbors notified?

Molly Just yes they were.

The vote was unanimous in favor 6-0

New Business

3. **Special Exception – Home Daycare Provider – Danielle Hodgkins for Special Exception approval for a 12-child Home Daycare Provider operation on property located at 662 East Bridge Street. Tax Map: 13, Lot: 10, Zone: Residential Growth Area 2.**

Project Description – The applicant requests approval of a 12-child home daycare provider operation at her home at 662 East Bridge Street. The Planning Department supports approval of the subject application.

Danielle Hodgkins Misty and I are here together because we applied together for licensing to the State for a childcare preschool in my home at 662 East Bridge Street. We submitted the application and heard

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back by e-mail was the only problem area on the property were plantings along the fence line to block the view from the neighbors.

*Editors Note – Applicant showed pictures of the new plantings along the fence and the pathway showing evergreen shrubs which buffers the neighbors view.

Misty Dunphy that was the main concern, the view from the other side.

Rene Daniel could you give us an idea where 662 East Bridge Street is?

Danielle Hodgkins my house is three houses from Carlson Street.

Misty Dunphy closer to 302, we are at that end. Also for her driveway to make sure that it would not obstruct traffic, we had the driveway widened and both of us have designated spots to park and about four other spots for... one is required for every six children so there is plenty of room for parking, people can come into the driveway and turn around in the driveway and exit again so it will not disrupt the flow of traffic. There is plenty of space on both sides for snow removal and aloe for the children to get down to behind the house to the preschool.

Rene Daniel anyone with questions?

Dennis Isherwood Danielle do you own this property?

Danielle Hodgkins yes

Dennis Isherwood your neighbors know your plans?

Danielle Hodgkins yes

Misty Dunphy fifty-four neighbors were notified. The area is secluded and has a lot of woods and trees around the majority of the yard.

Rene Daniel how close are you to Mill Brook Stream?

Danielle Hodgkins I am not sure.

Rene Daniel does it go by your property?

Danielle Hodgkins we have a run off in the back, but it is not a stream or a pond. I am not sure.

Robin Tannenbaum I have a question. I believe this is for Molly, what makes this a Special Exception?

Molly Just child care whether is a large facility like a daycare center, a homecare center; any size of child care requires a special exception.

Special Exceptions are required for uses that are generally in keeping with what is allowed in the neighborhood but may have impacts such as sound, kids playing, traffic, that kind of thing, hours of operation.

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Misty Dunphy Julie Anderson from the State has come in and it is pending approval from the Planning Board. The Fire Inspector also came in and we passed with flying colors.

Rene Daniel any comments from the Board?

Robin Tannenbaum one comment from a parent of a small child, I think your facility is great to have in home daycare in Westbrook. Also this is a comment for the Board that I found out recently that shade trees are really important and maybe with future plantings you would consider...

Misty Dunphy on back of house from the daylight basement, we remodeled to a formal class room, preschool classroom and the back of the house has a big deck so there is plenty of shade underneath.

Danielle Hodgkins the way the sun comes it actually starts in the morning in the front of the house and the way the house is positioned the back yard is half shaded all morning.

Rene Daniel is their anyone else? I would certainly entertain a motion.

Cory Fleming moved the Special Exception application for Danielle Hodgkins on Tax Map: 13, Lot 10 is to be **approved with conditions** based upon the following conclusions:

- A. A minimum of 50 S.F. of dedicated outdoor play area shall be required for each child, said play area shall not be placed in required yard setbacks.
 - Requirement met.
- B. All play areas shall be enclosed by a minimum of four (4) foot fencing.
 - Requirement met.
- C. A combination of fencing with plantings, shall be installed such that the area is screened from abutting residential properties in terms of both sight and noise.
 - In order to meet this requirement, evergreen shrubs, at least four feet in height, shall be planted on the east and west sides of the outdoor play area in order to provide a continuous evergreen screen.
- D. One (1) off street parking space shall be provided for each employee or volunteer, and one (1) off street parking space for every 6 children shall be provided.
 - Requirement met.
- E. The parking area shall be in a safe location, shall include an area for snow storage, and shall permit the parent to move directly to the entrance for the loading and unloading of children without affecting the movement of other vehicles.
 - Requirement met.
- F. That the proposed facility shall not burden on-site septic or offsite waste disposal.
 - Requirement met.
- G. All facilities shall demonstrate that they meet the requirements for licensing by the state and shall provide proof of state licensure prior to issuance of a Certificate of Occupancy and shall meet all sanitary, plumbing code, fire code, and building code requirements, as identified by the Code Enforcement Officer.
- H. Based on location, area traffic, and neighboring uses, the Code Enforcement Officer or Planning Board may set the hours of operation.
 - The hours of operation should be limited to 7: 30 am to 5:30 pm Monday – Friday.

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- I. If the operator of the facility is not the owner of the property on which the facility will be located, the operator shall provide evidence of the property owner's consent to the facility.
 - Requirement met.

CONDITIONS

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated October 7, 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. The hours of operation are limited to 7: 30 am to 5:30 pm Monday – Friday.
3. Prior to issuance of a Certificate of Occupancy, the applicant shall provide proof of state licensure of the facility.
4. Prior to issuance of a Certificate of Occupancy, the applicant shall provide proof of the required continuous screening of the outdoor play area.
5. Prior to issuance of a Certificate of Occupancy, the applicant shall pay the cost of the required notice to abutters.

2nd by Greg Blake

Rene Daniel any discussion?

No discussion

Rene Daniel Molly, since they said that the application to the State was put in both their names, should we have it in both names?

Molly Just the application to Westbrook was just in Ms. Hodgkin's name. The State having another name on their approval is fine and will not conflict with our approval.

The vote was unanimous in favor 6-0

4. Adjourn

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