



**City of Westbrook**  
**DEPARTMENT OF PLANNING**

**WESTBROOK PLANNING BOARD**  
**TUESDAY, SEPTEMBER 4<sup>th</sup>, 2012, 7:00 P.M.**  
**WESTBROOK HIGH SCHOOL, ROOM 114**  
**MINUTES**

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

Absent: Robin Tannenbaum (Alternate), Cory Fleming (Ward 4),

Staff: Molly Just, Richard Gouzie

**Chairman Ed Reidman 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.

**Public Hearing - Site Plan, Subdivision & Special Exception – Hyacinth Place - Deluca Hoffman Associates, LLC, on behalf of the Developers Collaborative Predevelopment, LLC, for the creation of 37 multi-family housing units at the former St. Hyacinth's School and Parish Center. The property is located at 2 Walker Street. Tax Map: 32, Lots: 185, 185B, 186; Zone: Residential Growth Area - 1.**

**Ed Reidman** the way we run a Public Hearing is we ask the Developer to make a presentation then we ask the Staff for comments and then I open the Public portion of it. I ask people to come to the microphone, give us their name and their address. If there are any questions I will note questions and ask the questions after the Public Hearing is closed. After the questions are answered I will ask the Planning Board for comments.

**Kevin Bunker** Developers Collaborative Predevelopment, LLC, representing myself and Avesta Housing. At this point I believe we have presented the project a number of times and I think the details are fairly clear. Whatever is not clear we will answer the questions.

It is a thirty-seven (37) unit project, one of the things that have changed that I will note is one of the units that was a one (1) bedroom will now be an efficiency, instead of two (2) efficiencies there will be three. In the construction drawings we lost some of the space in one of the units and are no longer feasible as a one (1) bedroom. I have spoken to Molly about that and on the mylar that will be corrected.

Other than that there are no changes, basically the same plan it has been for sometime now and rather than go through it, I will pass this on to Steve Bushey. I will be here for any questions.

**Steve Bushey** with Deluca Hoffman Associates, representing the developer for new development at St Hyacinth Place and as we had outlined in our sketch plan submission and prior Planning Board meeting and site walk, the project entails redevelopment of the former St. Hyacinths School, Parish building and development of a new building, as well as ancillary facility, parking, utilities and so forth around the lot. I will abbreviate my presentation tonight and be here for any questions.

The site is here on Brown Street and Walker Street. One of the key elements is a new access rout here and Pike Street ends here, on this location just west of the site and historically there has been a throughway that went through to Walker and there has been access there. Part of the discussions and dialog we have had with the City has included some City Council review and action on this project and was for the discontinuance of this piece and historically known as Pike Street. The City Council has discontinued this piece here and accepted the right-of-way or public easement for the continuation of access. This was a point of discussion throughout the course of this project development that there is continued access from Pike Street over to Walker Street. We are going to be providing a twenty-two (22') foot road that City Staff has said is acceptable as it is wider then what is there today by several feet. In constructing this access route we will be constructing some parking. As you may recall, originally we showed some parking in this area, we have moved that more easterly to align with the development here. We also have additional parking in the middle as we talked about at the site walk the grades and topography of the site will not allow for connectivity despite there being a drive connection down through to Brown Street today we are going to discontinue that so we have a more level parking area between the existing building here and the proposed building here. We also have a little parking lot here that served and benefit the former school.

This property here is to be retained by the Diocese, roughly a fifteen (15,000) square foot lot that is not being made part of the land transfer to the developer. As we pointed out the transfer does include the Walker Field area, a two (2) acre area that will remain basically undeveloped as is into the future and the developer has committed to the City to retain that as a recreational open space area. We think that is an amenity to the development and to the City.

The end of Pike Street that we shared with City Staff had included the installation of turn around at this location that will allow the City Plow Trucks to be able to come down Pike Street drive in (I am assuming this is the route they will take) that this can handle the width and depth of the City Snow Plow vehicle, turn in and back out and go back out this direction towards Dodge. The developer will be responsible for the long term upkeep maintenance, snow plowing and so forth of this part of the access drive and once plowed there will be Public access allowed for any of the users coming down Pike Street who do not want to turn around to Walker that is the typical movement that has occurred for the duration of this site. I imagine the trash employees will take this path and continue up to Pike Street to Walker Street I that direction, so all of this has been designed to allow for that.

The buildings will include some level of new utility work. We have some improvements that need to take place, the water services and sanitary sewer. We will point out that some of the reconnection of the existing sewer for the property here, just to our west and that property the sewer goes out the back of the building and has continued through the lot and actually goes underneath the Parish building out to Walker Street. We did examine through video that existing sewer out and underneath the building here is in pretty tough shape with root disturbance and some ups and downs of the pipe so that will be rectified by the new installation of sanitary sewer to serve this building. The sanity sewer will go out by gravity to Walker Street and is made as

part of the project. That is an improvement not only for the onsite piece but for this property as well.

We have some water main improvements and gas service and power will be coming into the site through a central transformer, underground into this building. The mechanical systems include a central plant in this building providing hot water to the other buildings for heating purposes. There are a fair amount of improvements in that regard.

Some of the other comments with City Staff through the course of the review period has included the Fire Department and have made provisions to the parking lot here and shows all of our areas are fully accessible for the Fire apparatus and Emergency Services folks into this parking lot area, Northerly on to Brown Street. As you saw during the site walk a very steep driveway condition exists there today and Fire Department vehicles have a difficult time entering that. We are going to have some improvements that take place and that will allow smoother and easier flow of emergency apparatus up to this parking lot area.

We had a good dialog on the site walk as to the landscaping pieces and some of the direction and a basis as to what we are trying to provide for landscaping recognizing that the Natural Park Service has input into the review and overall redevelopment pieces here for the two historic buildings, so we had to be mindful of that when we put our plan together as we want to account for several of the trees that will be removed to allow for the development here. In this area we have three mature trees that will be coming down and we tried to offset that loss by installing six (6) trees along here, Maple trees. I will note that our original plan had four and the Recreation Committee asked that we put a couple more there so we show that on the plan. That will keep the Walker field with the tree lined effect. We have also provided a fair amount of buffering along this side, recognizing the proximity of this building even though we are well beyond our set back limits. We wanted to be sensitive and provide a fair amount of tree coverage here and provide more trees along this area that is a little switch back ramp area to allow foot traffic to go from this unit to this building remembering that this building besides having fourteen (14) units has a community space that is shared amongst all of the three (3) buildings.

Finally frontages here on the sketch plan, if you recall we had parking that came into the front area quite a bit. We new that would be sensitive and with the Board's comments we heard quite loudly that it was not looked upon favorably and was echoed by the folks at Natural Park Services, that ended us back up pushing us back to the parking we do have here for this building.

What we want to share and mimic as shown in these photos is the historic steps that came down from the front of the building onto Brown Street. We tried to mirror or pay homage to that with the landscaping plan we have proposed here. Nothing very major, we have big tall trees here that provide screening in the summertime to the building and noted at the site walk the Maple trees that cover up the front of building will be taken down so we can see that building area. To that point this photograph shows the existing clump of trees in front so you can not see the front of the building well. This is what it historically was, so we are trying to get back to the rendering in the old photograph with that set of steps and the landscaping that we have shown. This balances the National Park's review of things and as far as we know they have accepted that.

We also walked up Walker Street and pointed out the fact of the existing retaining wall here will be reconstructed. That is a fairly sizable infrastructure improvement along Walker Street. That wall today is tipping over dramatically so we are going to take it all out and reconstruct it. It will look basically the same with the granite facing but will have a better foundation and better drainage behind it.

Other improvements as pointed out by the Architectural team that will have some level of re-pointing, window work and so forth.

That is the limit of the presentation and we welcome any questions.

**Ed Reidman** any comments from the Staff at this point?

**Molly Just** no comments

**Ed Reidman** I will open the Public Hearing and ask anyone who wishes to speak to come to the microphone, give us your name and address or your relationship to the project.

**Rowena Walton** 24 Pike Street, I live right next to the Church property that is going to be developed. I just wanted to apologize for the last time I was here at the Planning Board; I think it was the first meeting. I was quite upset and I did not come to the microphone and I spoke from the seat. I want to apologize for that, I did not realize the protocol, I have never been to a Planning Board meeting before, and so I hope you can accept my apology.

**Ed Reidman** we certainly will.

**Rowena Walton** Thank you for this opportunity to speak at this hearing. I have kind of a list here that I wanted to go through. I am concerned about the scope of the project and the impact it is going to have on my neighborhood as well as my way of life.

Do we really need more low income housing? I am surrounded by it. It is Webb Street, Walker Street, I am just wondering why are we are having more of it now, why Westbrook is having more low income housing, is it really needed? I am very much on favor of renovating the historic buildings, the convent and school. I would hate to have them torn down or just deteriorate more from what they are already. I am very much in favor of their renovation, it is the new building that I have a problem with because it is a fourteen (14) multi-family unit that invades my privacy and changes my whole neighborhood. That is quite a bit different then having a single family unit or a two to three apartment next to me; that I would not mind having. It is just having such a large fourteen (14) unit, multi-family thing right next to me.

I wanted to check whether there would be a barrier between my property and construction site. I think it would help so that the dust, the noise and the dirt would not come over to my property.

I am concerned that if I want to sell my house, I will not get a fair market value for it, since it is so close to this building being built.

It was mentioned at a previous meeting that a study was done in the Waterville area, where a similar project was built and had no impact on property values. I would like the developers to expand on that, before or after the project was built. I would like to request that a study for the impact that this development will have on the property values in my neighborhood.

Another concern I have is the sewer line. I had understood when I saw the project plan before that my sewer line would go down to Brown Street but on this last plan I have seen, it will go from the back of my house down to Pike Street. I am concerned because the back of my house is on a slant and I am just thinking that maybe it will not drain as well if it has to go uphill to Pike Street. This might be a problem for me as in the past I had a problem with back up of my sewer line and I do not want this to happen. I just want to be reassured about this.

I would like any concessions that you are making for me, I would like to have them in writing, if possible. I think that concludes what I have to say right now.

**Paul Emery** 665 Saco Street, The Hamlet which is the other side of the City. I am a member of St Anthony's Parish and I have a few thoughts about... a little history. Nineteen years ago I came to live in the City of Westbrook and fell in love with it. What I have seen has encouraged me. If we look at this neighborhood when I first came to Westbrook, the renovation had not been done on Walker Street. The buildings have been brought to a beautiful standard and still are. There was a school building, Golder which is on the bend of Bridge Street, opposite the, mill that was changed to elderly housing and behind it a new building was constructed for housing also.

To give you an example; I am also a member of the Westbrook Rotary, at the meeting today we presented two (2) checks one to the Town of Gorham food pantry for \$1,000.00 dollars from the Christmas Tree sales (if you wanted to know). We also presented to Jeannie Riley who was a former tenant of the Parish when she operated the food pantry out of there, that is now in the Fred Wescott Building and as Jeannie said it was the fourth time they had moved. Both the Director of the Gorham and Westbrook food pantries spoke about the increase in patronage. What has happened is they are assisting 25% more families. There are issues; we have underemployment, Westbrook is doing very well in that respect but there is always a need for more. Having a job and having a job that pays your expenses is something else. Your major expenses are food, rent and heating. You have to pay your rent; you have to heat the place which means that food is an issue.

I was also sitting next to Superintendent Marc Gousse and we were discussing the number of students which is well over 65% of the students in Westbrook School system that receive and depend upon the supplemental luncheon program, the free lunch. There is hunger in this area. It would be nice if it wasn't but it is.

I also was working with PROP in this same area, replaced a number of single family buildings with four (4) unit subsidized housing. They own their own properties; they are condos but are buying them at a much lower rate. The net effect has been to make the City better, housing better, to make it a great place to live.

I speak in favor of this project and I also see from working on a number of projects for over thirty years, this will (and I am a Realtor) raise property values in the area because we can put people into these buildings. Not worry about empty buildings. We are very fortunate to be approached by this developer because it is going to be a beautiful use of wonderful buildings.

In summary; in due respect to the neighbor who has expressed real concerns I can only say that I think it will be a positive influence on the neighborhood. And yes, it is a lot easier to sell your house if it is next to an occupied, well tended property vs. an empty building.

**Paul Concannon** 24 Fairfield Avenue which is up in Deer Hill area, but my wife says since retirement I spend all my time across the river, so I am very familiar with that area which is affectionately referred to as French Town. Nothing speaks to the character more than the St Hyacinth Church and Walker Field and those two brick buildings.

This project will result in the restoration of those buildings which are currently under decay. I think all of you were at the site walk and saw all of the boarded up windows, there is graffiti on at least two areas of the buildings and just continues to get worse, so this project will address those.

What is extremely useful to the City is the permanent use of Walker Field as a recreational area. Many people do not realize that is private property and with cooperation with the City, the City maintains it so people think the City owns it, this will leave it in a position where the City has rights and the citizens will have rights to use it as a recreational area.

Also I heard at the site walk you heard about the improvements plan for the sidewalk on Walker Street and the rebuilt stone wall that will take care of issues there and the beautification in front of the building between Brown Street and the building vs. what we have now, I think will be a great move. There are some real tangible benefits to the City.

I will let other people answer Ms. Walton's concerns better than I but what I have seen of the Developers Collaborative have been very cooperative, not only in adjusting their plan to meet previous concerns but also to work with the Municipalities and am certain that they will work with Westbrook to resolve any issues. Comments that I have heard from neighbors and from what I have seen, Avesta has proven itself to be a very capable manager.

Kevin Bunker's group and Avesta know what they are doing and how to work with the City, so I urge the Planning Board to endorse the plan without further delay so we can get on with these improvements to the City.

**Jim Walton** son of Rowena Walton and I just wanted to add a couple of things that we are concerned on. One is the new building itself what was about five years ago, it was taken down about five years ago next to my Mother's property was a one family unit house. So imagine the impact of going from a one family unit house to a fourteen (14) unit building. My mother has asked what type of barrier will be erected during construction.

I do want to say the Kevin and the folks from the collaborative have been very open to any suggestions that we have made should this go forward, so I do appreciate that very much. One of the questions that I have if this goes through there is some plantings there that they have been very nice to talk about. What is the maturity of plantings and when are they going to be planted? The other is, the more I look out the window based off the site walk itself, I really believe that it is not going to be enough even if those were to be ten or twelve feet tall, which I certainly don't think initially they will be but maybe they will. The site line into my mother's home is such that...I do not know how many units are on the back side, maybe it is fourteen (14), I do not know but imagine fourteen (14) windows looking upon your particular house. So I am wondering if we can build a more permanent wall or stockade fence that could be taken care of.

The other thing is Dodge and Pike Street... currently my Mom comes through Walker Street down into Pike to go to her house probably about 90% of the time. If anyone has ridden down from Pike to Dodge Street, I know for a fact in the 32 years that my Mom has lived at her home that has never been repaved or resurfaced. It is in terrible shape and I do worry about the fact that you are going to have thirty-seven (37) units and we were told around twenty-four children, however many adults, so there will be a lot of traffic there. So if she is coming out from where she is to Walker, I am a little worried about foot traffic because the parking is on the opposite side which makes sense, but as a result maybe that is not going to be a great way to go back and forth. So now maybe the 90% that she is going out to Walker, she may have to go Pike and Dodge. It is in terrible shape. I really think people should think about that as part of this.

The other question around the sewer line in itself, one thing my Mom forgot to mention was the way this is set up, now proposed as she is at the end of the line so she will be the last thing so as a result what impact could there be? I do not know. I am not a plumber or anything

like that. What potential impact would that have if there were any type of back up at those units?

We totally agree with the Diocese with the two existing buildings. They are in disrepair and we are totally for that part of the project but we really wonder about the need for the fourteen (14) units building there. I know that this project probably hinges on that, but imagine the impact, could it be smaller, an eight (8) unit maybe? I do not know, I am certainly not a builder or a developer but it is one of those things that are impactful to the area. I appreciate your time.

**James Tranchemontagne** 26 Cole Street and I am also a local business owner in the City of Westbrook in the downtown. When I first heard about this project it started with a few e-mails to the City and one of the biggest questions we had is how many low income housing buildings and units are there in Westbrook. The City said within their database they could not give us with that information and we should contact Westbrook Housing who was very helpful and they forwarded us to Maine Housing Association which we then complied different PDF files that they sent us so we called Avesta and a few different companies that they referenced and took the data and complied it into different spreadsheets, look at it and put it on maps and try to figure out where the low income housing is located throughout the City.

Just through Maine Housing we came to see that nineteen (19) locations housing five hundred and thirty-two (532) units are already designated low income, elderly 55+, elderly 60+ and low income family. What is even more shocking that did not even count Section eight (8) which had another eight hundred and five total in the general area, some of that is Portland, Windham and Gorham and some definitely in Westbrook as well. The City should study this before we allow this project to be built.

During the walk through neither the City nor the developers could say what the taxes generated would be. So far 48,000 or 60,000 is being floated. They did say that twenty-four (24) children would be expected to live there so if we use the City's current budget it is \$13,000 a year to educate one child or \$312,000 to educate these twenty-four kids. Being kind using the \$60,000 tax money generated that is still a quarter of a million dollars short of funding these children.

The developers may come back and argue that these children are already in our system, with that argument there is no need to build additional housing.

People are so quick to say that other development does not work here, is that true? We do not know what the church did to actively sell these properties off. So we do not really know and we can not say that we want to save some notice because our heart says this is right.

We put our hopes on these companies that need TIF monies or grant monies to fund these projects. We hope the taxpayers do not suffer the burden of this project. We have developers who can not afford to build houses, people who can not afford to live there. This is a gamble; this is not a job creation. How many of these companies that got TIF monies lived and worked here? How many truly Westbrook citizens, business owners and taxpayers best interest? How much money comes from out of State? Let us also ask how does this meet our Comprehensive study that we just spent two years on? The only time it is mentioned ion the developers study is for employment numbers of top companies. In fact the developers study to this Board has no numbers in it. In fact n all the papers I went through in Mrs. Just office financial numbers are only mentioned twice. The final cost of 55 to 6 million and in the purchase and sale agreement; however those numbers have been blacked out. Why don't they want us to know what they have paid? Even the bank said they have not approved their financing.

According to our Comprehensive Study our population is seventeen (17,000), poverty in Westbrook has doubled since 2000 and 2009. As of 2009 approximately 4,300 residents are in various poverty levels, approximately 40 of these were of age 34 and under. We build a lot of affordable housing and people come, but are we better off as a community shouldering this responsibility? Or perhaps we have done all that we can and it is time to look forward to job creation programs and development.

The developers, architects and Avesta for this project, we know this; they never met with the only abutting property owner while planning, never met with the neighborhood while developing their plans, only met with neighborhood after the Board told them to do so. The developers would not release the market study to the public before the neighborhood meeting, giving residents time to review it and ask informed questions. A lot of their facts came from Maine Housing Authority.

At the neighborhood meeting they said that it would not be Section 8, ten when they were called out by another development, developer they had to retract their statement saying it would go to Section 8 if the apartments did not rent and actually in their own report to this Board they said most projects have the greatest trouble keeping three (3) bedrooms full. The 60% AMI rent of three bedroom units is very difficult on these properties. We know where those units will go, this project has eight (8) three bedrooms or 22% of all the units.

At the walk through on Saturday, Avesta failed to even show up. I do not know about you but if I was going to own 100,000 square feet of low income housing that is a third (1/3) of the size of our downtown and a quarter (1/4) mile away from our downtown I would think you would be a little more honest with the people.

We know they called the former sanctuary a garage, we know they have dropped the word Saint out of it and call it Hyacinth Project. St Hyacinth was a champion for women's rights and the poor in the 1200's; I would see why they would distance themselves from him.

Also there are other questions the wisdom of this Board must reflect upon. While the project is right for the developers and Avesta, is it right for Westbrook? It is not the City's responsibility to accept the development because it would like to see something done with old buildings. As the City has demonstrated that belief on the Maine Rubber site because of its proximity to the downtown and we need to do the same here.

These projects not only keep people poor excluding themselves from the community but they also hold back the middle class that is left with the burden of funding, the support mechanism to keep these projects going. We have already seen a rise of 6% of our property taxes in the last three years. We are the third highest full value tax rate in York and Cumberland County. Eight-six million in bonded debt, no wonder we can not attract real development.

Let us correct our past and direction. I pray for the Board's burden that it has on its shoulders. This neighborhood is being cleaned up by property owners who have cleaned up two to three units and live in them, people who have bought starter houses, the young working family and this neighborhood has been kept from our most dearest, the residents who have lived here their whole life.

We did this with no TIF money; we did this with our own money. You must demand a financial and impact study. If this project can not be funded privately without burden to all Westbrook citizens then it is clear that this Board has responsibility to the citizens, tax payers and businesses, not to the developers. Thank you

**Rick Sousa** 41 Bridge Street and I also manage 30 Pike Street for the owner, who actually did not receive anything on this. I do not know if they mailed it to Pike Street but did not mail it to his house.

I moved to Westbrook about thirteen years ago, my kids went through school and I still have a child here. I coach here, baseball and soccer. My question is what does this project give to Westbrook? I have a four unit that we just bought on the corner of Bridge and Brown and put about 100,000 of our own money into it for remodeling, taking care of it. There were two properties three or four houses down on Brown Street that we were looking into investing in, staying in the town and basically saying we are not staying in Westbrook and actually today I called a realtor to put my property on the market. We have two properties in Westbrook and I also work in the mortgage business and talk to realtors and people who want to buy houses and Westbrook is not where they want to go. You are a realtor but I deal with people as you do and it is not a desired area anymore. If you look around the surrounding Falmouth, Gorham, Scarborough, South Portland, and Windham those are all desirable we become this thing in the middle. 65 % reduced lunch and now I do not know how we are going to put twenty-four (24) people in, I manage 16 units and to say we have a cap of twenty-four (24) I do not know how that is going to happen because... how do you cap that? I live on Bridge and Brown and I hear a Police car go down that street every night. I am not saying low income is the cause of that but when you put thirty-seven (37) more units it is going to create more.

I do not think it is the best thing for the City of Westbrook. I know if my building was right beside that and however many units were going in right beside me I would be appalled to go from at one time a single family house to nothing then fourteen or fifteen more units coming in right beside me. I do not know, you need to think of all the... I live here I coach baseball at the High School Avesta is not here. They are non profit with 150 million dollars in assets that they do not put back into this community, other then doing what we know needs to be done, buildings need to be taken care of but then my experience with low income rental properties... The people that rent do not care about those properties. They have a nice house a nice place to live, but they are not vested in the unit, it is not their house, they do not care. It may be nice now, but what is it going to be like?

**Tim Concannon** 24 Fairfield Avenue and I also own a business out on route 302. Just a few thoughts, I would not know where to begin to address some of the perplexing statements that IU have just heard, ranging from insulting the City as an undesirable place to live, to insulting Avesta, to insulting low income people.

To address a couple of points, what does the City get? Well it gets a beautiful development to change two buildings that are falling into rack and ruin –and are only going to depress property values in that area and potentially we could loose historic buildings. In terms of the tax effect, I am a tax attorney and my understanding is that these properties are tax exempt now and will not be. Of course we do not know what the taxes will be, the property and buildings need to be built and assessed and all that. We can argue about what the numbers will end up being but none of us really know. To me that is not the biggest issue. The biggest issue is that there is not al lot that can be done with this property other than a project like this.

If this project does not go forward and some people have commented that miraculously that some other project is going to come along; well after Avesta has put so much into this project, if this does not go through who else will want to take on a development on this site?

As it has been said before, I think Avesta has shown their ability to manage properties well. As Council Emery pointed out, there is a need in this City. We keep hearing we have the worst economy since the great depression, there is a need.

People say we do not want low income housing in Westbrook, there is already low income people living in Westbrook. They may not all live in designated low income housing but, there are definitely low income people in this City. And as the Councilman said; to allow them to have a more affordable place to live, managed by a quality organization like Avesta, is good for them and is good for us.

Those are my comments and thank the Board for the opportunity to speak.

### **Public Hearing closed**

**Ed Reidman** there were several different types of questions. Some weren't questions, some were just comments. I will say one of the concerns was the effect in the neighborhood and the selling of houses. All the time I have spent on the Planning Board and working in Municipalities, I have never heard of a study that will qualify what the impact is going to be on property values in the neighborhood. It is not totally mine to answer, I will ask the developer; do you have any source, they spoke of a Waterville study... Mr. Bunker

**Kevin Bunker** yes I spoke at a previous meeting about a project we did in Waterville and as part of that it involved a Contract Zone and involved other things that had a lot more going on with that project. We did an impact study to look a lot of things that the neighborhood wanted us to look at and one of the factors was property values and the analyst concluded that there would be no impact on property values.

In response I think Rowena had put something in her letter to Molly about property values so we actually spoke to an appraiser about that and checked into what that would look like and the appraiser concluded that there would be no impact on property values that there would be a benefit to developing vacant, underutilized blighted buildings next door. This is a historic neighborhood and that anyone looking to buy in this neighborhood would understand what it entailed. Certainly when Councilor Emery spoke about buying a house next to an empty building is more of an issue than buying next to a well managed development. It is all about the management; Greg Paine from Avesta is also here to answer any specific management questions for him and is happy to address them.

Something is going to happen with this site, it has been on the market since 08 or 09, and it is been on the market for along time. Someday someone is going to come and do something on this site, this project or something else. A question was asked of me at the last meeting, and have had a really nice dialog with the Walton's the entire time, they have a lot of concerns, some I have been able to address, some I have not been able to address. They are not physical they are emotional and have not been able to address them but, I have had a really good dialog. Jim said to me, what would you do Kevin if it was your Mother? I appreciate what you are raising by that sentiment, what I would say to my Mother is, Mom you live next to a development site, something is going to happen here sooner or later, so if you have someone now who is willing to work with you to try to lessen the impact and do what they can, work with them. That is what I would say. That is what I have to say about property values.

**Ed Reidman** before you leave, since you represent the money for this package, the question that was raised by Mrs. Walton and by her son was some type of physical barrier between the new building and her house.

**Kevin Bunker** yes, no one has ever asked for a fence. I think we would be happy to put a fence up. What Jim said was someone looking out the third story window, I think obviously we could not do a three story fence, I am not sure what the maximum height is for a fence in the Ordinance but we are happy to put in a fence. Maybe it is six feet, eight feet...

**Ed Reidman** eight feet Mr. Gouzie?

**Rick Gouzie** yes

**Kevin Bunker** we would be happy to take that section and install a nice fence if it would be helpful.

**Ed Reidman** Mr. Bushey, you have gone over the sewer situation with us but how are you going to physically going to link it to the end? We are talking about the grad and I know you are going to have it go downhill but where it ties into the St Hyacinth Place sewer and how that works, please.

**Steve Bushey** Mr. Chairman I chose to put this plan up as the colors may help a little bit with the alignment of the pipes and so forth. The Walton property is right here and to her question that her sewer would go out to Brown Street, I am not sure we ever represented that and somehow that has been mistakenly represented.

The existing sewer pipe looking at our video, today that sewer line serving this house goes out through and goes beneath the former Parish Building out to Walker Street and ties into a manhole roughly in this location. We videoed that line from the manhole back to generally underneath the building and basically between the building and the manhole it has a hump in the line and there is a fair amount of roots and is just in bad condition. It flows I am sure as it is lower Walker Street here, compared to the house so with a little surcharging it works.

What we are looking at doing is locating the line here and a new line to go basically northerly here and we have plenty of grade to work with. We are not going to be at minimum grade or anything like that and the pipe will be plenty deep; gravity line that ties into what will be a new trunk line, an eight inch line that will go all the way out to the street here. This building will also tie into that line; we will have a new sewer manhole for clean out purposes. Basically a service connection here, a main line going out to the street with plenty of pitch to get down to Walker Street and then a new tie in connection to the sewer line in Walker Street. That is the general lay out.

**Ed Reidman** let me paraphrase it as it will come out of Mrs. Walton house as it exists today and it is going to make a turn. Is there a clean out there?

**Steve Bushey** yes

**Ed Reidman** a clean out there then proceeds to a manhole where it joins the service for the new building.

**Steve Bushey** Correct

**Ed Reidman** the other question was... I assume there will be some type of written agreement that Mrs. Walton was concerned with regard to putting in the sewer line?

**Kevin Bunker** yes we are happy to provide that. My understanding is that we would be under no obligation to provide that sewer line legally, but that is something we have ever contemplated not doing. I will be happy to memorialize it in writing for her; also we will need to provide her with an easement so she may maintain it in the future if the need ever arises. Yes I will be happy to provide that in writing.

**Ed Reidman** Dodge and Pike Street... I do not know if they are a City problem because they are not City streets.

\*\*Editors note question from the audience that was inaudible

**Ed Reidman** I will answer it, but the Public Hearing is over.

**Rick Sousa** I just have a question on Street sign as we have rentals at 30 Pike and we used to be able to find Pike Street. Is that being renamed?

**Ed Reidman** no, Pike Street is going to have the same name and as part of the development there will be a sign at Walker Street indicating where Pike is.

I will ask Mr. Dudley to talk to Mr. Eldridge, Director of Public Works of the condition of Pike and Dodge Street. It is nothing that the developer is involved with.

Did anyone else pick up any questions that I missed?

**Dennis Isherwood** Jim Walton asked about the plantings and the maturity, when they would be full grown and now we are going to have a fence also but I think we want to know what the plantings are going to be out there and how soon he can expect to have a full grown hedge there for a barrier and also what kind of a barrier are we going to have for construction so we do not have a whole lot of dust and dirt in her house. Could we address that?

**Steve Bushey** Deluca Hoffman the number of plantings, we had three layers there of plantings. We had a lower level closest to the Walton property like a hedge style that are roughly 4' foot tall. Behind that we have four white spruces specified to 7 to 8' feet tall, good sized evergreen tree and I would expect, not being a landscaper those are probably good for a couple of feet a year in terms of growth, I m guessing. We thought that was going to give fairly good density. Behind those we have six shadblow trees a deciduous tree, specified as 1.75 inch caliper, though not a huge tree but as I understand they are fairly broad and will grow fairly high to provide more background behind the white spruces. Also as Kevin just talked about, the idea of the fence line and I am guessing it will go very lose to the property boundary.

**Ed Reidman** do you have building elevations of the new building?

**Steve Bushey** we do have those here and will show them in a moment. I forgot to answer the question regarding construction dust control and so forth. We have provisions within our submission materials in our erosion control and management plan about dust control application of water and I understand that in most communities that there is an enforcement to that and certainly if dust gets out of hand and is becoming a nuisance with the neighbors, code enforcement is going to clamp down hard on the developer and say you need to take care of these things with water, calcium chloride or what have you. We made those provisions so it is certainly enforceable within the context of the plan. I would expect that a temporary fence will be installed around the work zone as well to prevent access for those who should not be on the site. I can not speak specifically to the location as the contractor will move it around as construction progresses.

**Kevin Goff** I am an architect associate with Archetype Architects. This building is the only new construction we have more control over the detailing and the type of building we have given. I think what is pertinent to this conversation in the lower right hand corner here would be the elevation that the neighbors would be closest to, this rear side facing the neighbors. We have broken up the building in three elements which is architecturally getting rid of the overwhelming giant wall idea. It will have lots of shadow; the windows are large, keeping the building open. It is three stories but I think the height from story to story is slightly more than 9' feet if I am not mistaken. This is not an overwhelming tall building of its type, I think it is more typical to have it about 11' feet from floor to floor so we have kept the structure as compact as we can do it for the density.

**Dennis Isherwood** can you give us more directions that this building is facing.

**Kevin Goff** the side facing Walker green Park in upper left so that is the main entrance the side that faces the play ground and the parking lot. This face faces on to the new parking area in between the Parish building and the new building. This protrusion on the lower floor has a lot of glass and you can see it sticking out on the side, the community room that will be the activity for the site. This faces down towards Brown Street on the lower left.

**Dennis Isherwood** show me north.

**Kevin Goff** north is up on this drawing. It is slightly off axis.

**Ed Reidman** anything else from the Board at this time?

**Public Hearing - Land Use Ordinance Amendments – Section 309 Gateway Commercial District and Code of Ordinances, Appendix B, Master Fee Schedule – To establish a fee in lieu of the landscaping requirement of the Gateway Standards of the Gateway Commercial District and to set the fee in the Master Fee Schedule.**

**Ed Reidman** this will ultimately be a recommendation to the City Council.

**Molly Just** in 2000 the cities of Portland and Westbrook conducted a streetscape and traffic study to identify safety and beautification improvements to Route 25, Main Street/Brighton Avenue, in the area of Larrabee Road. Recommendations from this study were subsequently incorporated into the Land Use Ordinances as performance standards of the Gateway Commercial District. The goals of the Gateway Commercial District are to enhance this gateway with Portland as a regional commercial zone. The performance standards of the Gateway Commercial District include a requirement that 25% of a parcel be undeveloped and landscaped. However, the Gateway Commercial District is almost entirely built out and includes many sites covered almost entirely by pavement and/or building.

Without abandoning the objective of enhancing the physical environment and appearance of this major entrance to the city, we need to recognize the challenges and limitations for developed properties achieving this standard within the confines of their existing property boundaries. To this end, we have drafted the concept of a payment in lieu of on-site landscaping. Under this concept, a project that does not meet the full landscaping requirement would have the option of contributing to a dedicated fund that would be used to acquire and/or develop landscaped areas in the Gateway District. The funds would be used in a manner consistent with the recommendations of the 2000 study.

The calculation of the funding is determined by taking 25% of the size of the property, deducting the area to be landscaped to establish the landscaping deficiency of the project. The deficiency would be multiplied by \$73,000 per acre (which is 50% of the average assessed value of land in the Gateway Commercial District) to determine the amount to be paid into the fund. In this example, the amount to be paid into the fund to satisfy the 25% landscaping requirement would be \$36,500.

By way of example:	Total Lot Area	4 acres
		<u>x .25</u>
		1 acre
	On-site landscaping	<u>½ acre</u>
		½ acre x \$73,000 = \$36,500

The fee in lieu concept is available for residential subdivisions in Westbrook. This option has worked well for higher density residential projects and has helped to finance recreation projects throughout the City. Staff requests that the Planning Board holds a public hearing and provide a recommendation to the City Council to adopt the proposed amendments.

**Ed Reidman** at this point I will open the Public Hearing

No comments

### **Closed Public Hearing**

#### **1. Call to Order**

#### **2. Approval of Minutes: August 7<sup>th</sup>, 2012**

**Rene Daniel** I move to accept the minutes as presented.

**2<sup>nd</sup> by Michael Taylor**

**The Vote is unanimous in favor 7-0**

Existing Business

- 3. Site Plan, Subdivision & Special Exception – Hyacinth Place - Deluca Hoffman Associates, LLC, on behalf of the Developers Collaborative Predevelopment, LLC, for the creation of 37 multi-family housing units at the former St. Hyacinth’s School and Parish Center. The property is located at 2 Walker Street. Tax Map: 32, Lots: 185, 185B, 186; Zone: Residential Growth Area - 1.**

**Ed Reidman** if I might ask some question before I open it up to the Board. One is in your memo Molly there is talk about dedication of the open space given to the City. Does that meet the requirements of the Recreation and Conservation Commission sending us a memo?

**Molly Just** yes it does

**Ed Reidman** on page two of the Memo there are two waivers that are requested, both are recommended by the City Engineer, one is the isle width and the second is the number of parking spaces. If you were at the site walk, they were both discussed there.

**Michael Taylor** if we want to require that fence for the abutting property do we add it, or not add it? Or is that going to be a discussion between the Developer and the neighbor?

**Ed Reidman** as we go through this process here we will ultimately, if we choose to recommend approval, we would add that as a condition. We would discuss it with developer although they have already indicated they are willing to do that.

**Molly Just** Mr. Chair, I am a little concerned that the fence will result in a need to somehow alter the landscaping in that area. I do not know if all can fit so I think the developer and the abutter and the City would need to work together to determine any impact of landscaping and the fence, so I would want to put that into the wording of the condition.

**Ed Reidman** I think we are assuming that the fence will go at the property line and Mr. Bushey has already said that there is 30 some feet from the building edge to the property line, if you put something together and we will try.

May I have a motion to modify the, to grant a waiver of the parking isle width to 24 feet reduction?

**Michael Taylor** I will make that motion that we move that to 24’ feet.

**2<sup>nd</sup> by Greg Blake**

**Ed Reidman** any comments?

No comments

**The vote is 5-2 in favor (Dennis Isherwood and Rene Daniel opposed)**

**Ed Reidman** the off street parking is the request of the reduction of parking spaces from 59 to 51 to be provided.

**Michael Taylor I move that we approve the 51 spaces.**

**2<sup>nd</sup> Greg Blake**

**The vote 5-2 (Dennis Isherwood and Rene Daniel opposed)**

**Ed Reidman** the floor is open, you had a site walk, we have had a public hearing and we have three motions to deal with this project and they should all be approved with conditions or denied.

**Michael Taylor moves** the Special Exception application for Hyacinth Place on Tax Map: 32, Lots: 185, 185A, 185B, 186 is to be **approved with conditions** based upon the following conclusions:

- A. Certain Requirements Met. That the use requested meets the dimension, parking, loading, and sign requirements of this Ordinance. Otherwise, the applicant must also request an appropriate variance.
  - The applicant has requested variances for a reduction in the parking requirement and parking lot drive aisles.
  
- B. Value. That the use requested would not significantly devalue abutting property or property across public or private way. In making its determination, the Board shall take into consideration the type of structure proposed, the topography of the area, the market value of the surrounding real estate, the availability of utilities, traffic conditions, and other relevant factors.
  - The requested use will not significantly devalue abutting property or property across a public or private way. The project would significantly improve the appearance of the existing buildings by restoring them to their historical significance. It would add a new building to the neighborhood that includes high quality building materials and of an architectural style that would compliment other multifamily buildings in the neighborhood.
  
- C. Effects of Land Use. That the use granted will:
  - (1) Maintain safe and healthful conditions,
    - Requirement met.
  - (2) Not cause water pollution, erosion, or sedimentation
    - Requirement met.

- (3) Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat,
  - Requirement met.
- (4) Conserve shared tree cover and visual, as well as actual, access to water bodies,
  - Requirement met.
- (5) Not burden on-site septic or off-site waste disposal,
  - The applicant proposes to provide a new sewer connection to the single-family residential abutter. The sewer connection shall be by a gravity feed and so the abutter would have no change in type of service or additional responsibilities, such as maintenance of a pumping station.
- (6) Not burden existing public ways.
  - While the project involves the discontinuance of Dodge Street, the public would still have the right, through a public access easement, to use the private driveway to access Walker Street.

D. Performance Standards. That the use granted is compatible with adjacent land uses and that it meets the following performance standards:

- (1) Landscape Environment and Enhancement. The landscape must be preserved in its natural state insofar as practicable. It must be designed so as to stabilize the slopes and buffer the site, where necessary,
  - Requirement met.
- (2) Surface Water Drainage. Surface water drainage must not have an adverse effect on surrounding properties, downstream water quality, soil stability, or the storm drainage system,
  - Requirement met.
- (3) Water, Air, Soil Pollution. The development will not cause unreasonable water, air, or soil pollution,
  - Requirement met.
- (4) Soil Integrity. The development will not cause unreasonable soil erosion or reduction in the capacity of the soil to hold water,
  - Requirement met.
- (5) Natural Environment. The development must not have an unreasonably adverse effect on a historic site or irreplaceable natural areas,
  - The project will be reviewed by the National Park Service.
- (6) Nuisance Factor. The development must not cause unreasonable noise, odors, dust, gas, fumes, smoke, light or other annoying or dangerous emissions,
  - The proposal is to include a multi-building apartment community in an existing neighborhood. The applicant has committed to lighting the property in a manner that does not negatively impact neighbors. Site lighting will include wall packs in appropriate locations and ornamental pole lights, not to exceed 14 feet in height.

- (7) Special Features. Exposed storage areas, machinery installation, service and loading areas, and similar facilities must be set back, screened, or buffered so as to minimize any possible adverse effect on the surrounding uses,
- The project would include a centrally located area for trash collection. The dumpsters would be fully enclosed using black, vinyl coated chain link and black vinyl slats. The idea is that the enclosure would blend in to the site and not catch the eye of residents or neighbors.
- (8) Vehicular Access. The site layout must provide for safe vehicular access and egress, including that for emergency vehicles,
- The project would have adequate access from Walker and Brown Streets.
- (9) Parking and Circulation. The layout of vehicular and pedestrian traffic patterns must provide for safe interior circulation, separation of pedestrian and vehicular traffic, and storage of plowed snow,
- Requirement met.
- (10) Public Services. The development must not impose an unreasonable burden on the water supply and sewage disposal systems, fire or police services, public ways, schools, recreational facilities, and other public services or facilities.
- Requirement met.

#### CONDITIONS

Approval is dependant upon, and limited to, the proposals and plans contained in the application dated July 9, 2012, and plans dated May 2012 and revised to July 27, 2012 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.

**Ed Reidman** Molly should that also say does the Staff have the right to make modifications in that or not? Sometimes it says either the Planning Board or the Staff on the final condition of approval.

**Molly Just** on the conditions of approval, the ability of Staff to approve changes administratively is only for site plans.

**Ed Reidman** thank you, do I have a second to the motion?

**2<sup>nd</sup> by Joseph Marden**

**The vote is 5-2 (Dennis Isherwood and Rene Daniel opposed)**

**Michael Taylor moves** The Subdivision Plan for Hyacinth Place on Tax Map: 32, Lots: 185, 185A, 185B, and 186, is to be **approved with conditions** with the following findings of fact and conclusions:

***FINDINGS OF FACT***

**A. POLLUTION AND SEWERAGE DISPOSAL**

- The project would be connected to the public sewer system.
- The proposed residential use would not result in undue air pollution.

**B. WATER**

- The Portland Water District would need to confirm an adequate water supply to serve the proposed subdivision.

**C. SOIL EROSION**

- Adequate.

**D. TRAFFIC**

- The proposed residential use would not produce undue amounts of traffic or a burden on the existing street network.

**E. SEWERAGE**

- Sewerage would be via the municipal wastewater system. See comments above.

**F. SOLID WASTE**

- Solid waste would be the responsibility of the landowner.

**G. AESTHETICS**

- Appearance Assessment:
  1. Project to Site – The project proposes to improve historic structures in accordance with the National Park Service standards. The new building would be compatible with the existing buildings and those in the neighborhood.
  2. Project to Surrounding Property – The project appears to make good use of the property while maintaining an open space that is beneficial to the community.
  3. Landscape Design – Adequate.  
*The project requires review and a recommendation from the Recreation Conservation Commission. At their June 21<sup>st</sup> meeting, the Commission voted unanimously to support the project with the public access easement on Walker Field serving as the required open space for the project. The Commission did request two additional trees in the area of the new parking lot within Walker Field.*
  4. Lighting – All proposed lighting shall be of a 90 degree cut-off. Lighting shall not spill over onto abutting residential properties and pole mounted lights shall be of an ornamental variety as depicted in the application materials and shall not exceed 14 feet in height.
  5. Signs – The applicant shall obtain building permits for any proposed signage.

**H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES**

- Comprehensive plan – The project meets the Comprehensive Plan's goals for the Residential Growth Area 1.
- 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 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 OF APPROVAL

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated July 9, 2012 and plans dated May 2012 and updated to July 27, 2012 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 file a performance guarantee with the City of Westbrook. The amount of the guarantee shall be agreed upon in advance with the City of Westbrook and shall be of an amount to ensure completion of all on- and off-site improvements necessary to support the proposed project.
3. Prior to the Planning Board signing the mylar, the applicant shall pay the cost of the required notice to abutters.
4. Prior to issuance of the Street Opening Permit, or the first permit required for the project, a fee in the amount of \$9,000.00 (2% of site improvement costs) shall be made payable to the City of Westbrook for inspection of site improvements made by the Code Enforcement Officer and/or other appropriate City staff. This fee is required per Section 500.8 of the Land Use Ordinances in order to cover the inspection of site improvements. If the project requires both Site Plan and Subdivision approval, this fee shall only be paid once.
5. Prior to issuance of the Street Opening Permit, or the first permit required for the project, the applicant shall record a perpetual public easement allowing public access to Walker Field, current Tax Map 32, Lot 186. This shall also include a perpetual public access easement allowing for turn around of City vehicles and snow storage in a prescribed area of the field.
6. Prior to issuance of the first occupancy permit for the project, the applicant shall record a perpetual public easement over the discontinued Pike Street allowing two way public access to Walker and the public Pike Street.

**2<sup>nd</sup> by Joseph Marden**

**The Vote is 5-2 (Dennis Isherwood and Rene Daniel opposed)**

**Michael Taylor moves** The Site Plan application for Hyacinth Place on Tax Map: 32, Lots: 185, 185A, 185B, 186, is to be **approved with conditions** with the following findings of fact and conclusions:

***FINDINGS OF FACT***

**Utilization of the Site**

- The site is currently occupied by existing buildings and associated parking lots. The project proposes to rehabilitate the existing structures and add a new building. The proposed site layout appears to appropriately utilize the features of the site.

**Adequacy of Road System**

- The existing road system has adequate capacity to accommodate the additional traffic generated by the project.

**Access to the Site**

- The project has safe access from Walker and Pike Streets.

**Internal Vehicular Circulation**

- Adequate.

**Pedestrian and Other Modes of Transportation**

- Adequate.

**Stormwater Management**

- Adequate.

**Erosion Control**

- Adequate.

**Utilities**

- The Portland Water District has provided a letter that outlines their conditions for serving the project.
- Utilities shall be provided underground.

**Hazardous, Special and Radioactive Materials**

- N/A.

**Technical and Financial Capacity**

- Adequate.

**Solid Waste**

- Solid waste pick up would be the responsibility of the landowner.

**Historic, Archaeological and Botanical Resources**

- The project will be reviewed by the National Park Service and Maine State Housing due to its proposed financing program.

**Landscape Plan**

- See Subdivision Review Comments

## Others

- 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 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.
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 OF APPROVAL

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated June 19, 2012 and plans dated May 2012 and revised to July 27, 2012 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. Consistent with Section 504.3, the Code Enforcement Officer shall not issue any permits until a site plan has been approved by the Planning Board and a mylar signed by the Planning Board. Mylars must be submitted to the City within 90 days of Planning Board approval or the approval shall be null and void.
3. Prior to the Planning Board signature of the mylar, the applicant shall revise the plans to depict a turn around area that is 30 feet by 30 feet and at least 24 feet wide. The turn around area shall allow for snow storage within Walker Field.
4. The applicant shall comply with Chapter 37, the local Post Construction Stormwater Management Ordinance.
5. Prior to issuance of the first Certificate of Occupancy for the project the applicant shall construct an 8' foot fence near the property line for Map 32, Lot 177. The applicant shall work with the City and the Land Owner of Map 32, Lot 177 on the design type and location of the fence. The fence shall be depicted on the final plans and shown on the mylar.

**2<sup>nd</sup> by Greg Blake**

**The vote is 5-2 (Denis Isherwood and Rene Daniel Opposed)**

**6. Land Use Ordinance Amendments – Section 309 Gateway Commercial District and Code of Ordinances, Appendix B, Master Fee Schedule – To establish a fee in lieu of the landscaping requirement of the Gateway Standards of the Gateway Commercial District and to set the fee in the Master Fee Schedule.**

*Land Use Ordinance Amendments – Section 309 Gateway Commercial District and Code of Ordinances, Appendix B, Master Fee Schedule*

Proposed Land Use Ordinance Amendments

***309 Gateway Commercial District.***

This district is designed to provide for a regional retail center that takes advantage of major transportation linkages. The use of land in this zone is to be maximized, but according to a set of standards as part of the community's gateway planning.

309.1 **Permitted Uses.** The following uses are permitted in the Gateway Commercial District as a matter of right:

Accessory Use	Municipal Facility
Auto Repair Service	Neighborhood Grocery
Business Office	Private Recreation Facility
Child Care Center	Restaurants Class 2
Day Care Center	Retail Class 1, 3 & 4
Greenhouse or Florist	Service Business
Hotel/Motel	Telecommunication Towers
Industry	Theater*



or endanger the public health or cause damage to property. No storage of hazardous matter is permitted, except that used exclusively for ongoing production purposes.

- I. Vibrations. Must not exceed existing levels at the exterior of the building.
- J. Lighting. All outdoor lighting must be of the cutoff luminaire variety and must be installed so that no direct lighting is emitted beyond the lot lines.
- K. Storage of Materials. All materials must be stored within an enclosed structure so as to be screened from view.
- L. Installation of Utilities. All electric, telephone, and similar lines must be placed underground.
- M. Buffer Zones. Where a business or industry abuts a residential use, a 50' buffer zone must be maintained between the building and the lot line of the residential use.
- N. Telecommunications Towers. In order to maximize the land use, a maximum footprint factor of 100% is allowed, provided that any new structures still meet the district setback. The fall zone may be reduced to include the base of the facility upon a showing to the Code Enforcement Officer that the tower, as designed by a Maine licensed P.E., is designed to collapse upon itself. Any new facilities shall be of the monopole type.
- O. Gateway Standards

**Purpose.** In 2000, the cities of Portland and Westbrook worked jointly to develop a gateway plan for the entrances of our communities along the Brighton Avenue corridor. The Brighton Avenue/Main Street Corridor Traffic and Streetscape Study identifies a number of safety and appearance improvements to the corridor, intended to provide a safer and more pleasing experience for the driver and pedestrian as they move through the corridor. This should, over time, increase property values in this corridor, creating an incentive for further investment.

~~Purpose. In 2000, the cities of Portland and Westbrook worked jointly to develop a gateway plan for the entrances of our communities along the Brighton Avenue corridor. The study pointed to a number of improvements to the corridor, including those that would soften its appearance, creating a more pleasing experience to the automobile driver as they moved into or through the district. It is hoped that this "softening" will, in time, increase property values in this corridor, creating an incentive for further investment.~~

Improvement Standards. When there is new construction (i.e. an addition or new building), or when more than 20% of a property's activity or use changes, the owners are required to submit an application for site plan review, demonstrating how the following performance standards are to be met:

- (1) Landscaping: 25% of the entire site shall be landscaped, leaving 75% for building and paved areas. The landscape plan shall incorporate all plantings within the site such that pavement viewshed is reduced, storage and loading areas screened, vehicle entry areas decorated/landscaped, and the general harshness of pavement and building reduced.

When it can be satisfactorily demonstrated to the Planning Board that it would be overly burdensome to fulfill this requirement due to site constraints or the unique nature of the use of the property, then the applicant shall pay a fee in lieu of providing the full on-site landscaping requirement. In no event shall an applicant be allowed to eliminate the full landscaping requirement through payment of the fee. The funds must be used in the study area in a manner consistent with the Brighton Avenue/Main Street Corridor Traffic and Streetscape Study, to provide landscaping and other streetscape improvements. The fee in lieu of landscaping is calculated as set forth in the City's Master Fee Schedule, which may be updated from time to time.

- (2) Pedestrian Movement: The site must provide for a system of pedestrian ways that are protected and safe from vehicular movement. The system must connect the major building entrances/exits with parking areas. The system should connect with existing sidewalks in the area, bus stops, and with any other area amenities.
- (3) Curbing and Esplanades: Wherever possible, curbing and esplanades shall be used to define parking and driveway areas. Curbing may also be used around building entrances and other pedestrian oriented areas such that the pedestrian is clearly separated from the vehicular movement. Granite curbing shall be used at all intersections with a public street and is encouraged for use through the remainder of the project.
- (4) Vehicle Channelization: The layout of any site must provide for the safe movement of passenger, service, and emergency vehicles in an organized and defined fashion.
- (5) Lighting: A lighting plan shall be developed for the site that provides for consistent treatment throughout the site. All lighting shall be of the "cutoff luminaire" style, such that light is directed down. No light shall spill beyond the property lines.
- (6) Signage and Condition: In addition to meeting the sign ordinance requirements, the owner may be required to improve the existing signs when they are in poor condition. Examples of poor condition can include broken lights, broken lens covers, faded paint or colors, or broken connections of sign to building.
- (7) Loading and storage areas: All loading and storage areas shall be screened from view from the street and abutters. Screening can include fencing, walls, or vegetation and shall block the loading and storage area from view.
- (8) Underground utilities: All utilities, including electricity, shall be underground.
- (9) Schedule for Improvements: Plans for improvements shall be reviewed and approved by the Planning Board prior to any change occurring. The Planning Board shall review the plans through the site plan review process. Improvements shall be completed within 6 months of the new use or activity taking occupancy.

The owner shall provide a bond or appropriate surety instrument to insure that the work is completed. Staff will release the bond when they have inspected and found the improvements are consistent with the plan reviewed and approved by the Planning Board. That review and approval will be based on the criteria identified above.

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**Appendix B**

MASTER FEE SCHEDULE

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Appendix A: Land Use Ordinances - Site Plan Review

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§309	<u>Fee in lieu of landscaping in the Gateway Commercial District (GCC). Calculated by multiplying the landscaping percentage deficit under Section 309.3(O) by ½ of the average assessed value of one acre of land in the GCC, determined as of June 2012.</u>	<u>½ of average assessed value of 1 acre of land in the GCC as of June 2012 = \$73,000</u>	
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**Ed Reidman** we have had our Public Hearing and the proper motion would be to recommend to the City Council.

**Rene Daniel** so moved

**2<sup>nd</sup> Greg Blake**

**Michal Taylor** I just have a question on this. Is there a time frame or is the money that is going to be allotted like bank accounts... will it be City funds? Explain if someone owns a property and this fee is going to be assessed on them that the fee...do you have a timeline for this area say 10 years from now or five years from now...is this the plan for this fee?

**Molly Just** I am sorry we are talking about a lot of fees tonight and I am finalizing who did what, which fee are you talking about?

**Michael Taylor** the Gateway Commercial District. If I own property in the Gateway Commercial District and I get assessed a fee the money taken as a fee can you give me a timeline or how it progresses, the money is going into a fund? Is there a timeline that the area is going to get fixed up or... can you just explain how it works, the whole concept?

**Molly Just** there is not a timeline. We have been wanting to put on projects in this area since we completed the study and then we adopted the Zoning Provisions for the Gateway District in 2004 and recently as we have been working on the Comprehensive Plan there has been a strong recommendation from the Comprehensive Plan task force that we really strengthen the provisions of the Ordinance to improve this area at the Gateway so there is clear direction from

the Public to do that and now we are going to be creating a pot of money of which we can use to improve the area. We have not had a time line before because we have not had any funds to do anything. Also we are seeing more development in the area that has brought to our attention that it is very difficult to implement that 25% landscaping requirement. The only time we can implement that is when site plan is triggered, so it is not like we are going out to assess as part of a tax bill this fee. It is only when you come forward with a site plan project and you can not meet the full 25% landscaping requirement, it is not automatic

**Ed Reidman** Mr. Dudley, does the City of Westbrook have a tie in fee for Sanitary Sewer?

**Eric Dudley** yes \$250.00

**Ed Reidman** is that just general revenue or is it dedicated.

**Eric Dudley** it is dedicated to the Sewer Enterprise account.

**Ed Reidman** I think that is what Mr. Taylor is talking about. The money is going to come in and the question is how is the money going to be spent and within how long a period is it going to be spent? As I am familiar with South Portland's dedicated sewer funds, they are dedicated and available to the City for only 10 years. Maybe you would like to consider that.

**Dennis Isherwood** I guess I have a question on the timeline, and we all know how money in a pot can be interpreted like... if a light is need somewhere now it is said we need it for this area so lets take the \$50,000 out of this that we need for the light and put it in there. I just want to know that we are not going to tax people... I am wondering how anyone will take this, we were considered anti business for putting hours on certain projects, how is it going to look putting this on certain projects?

**Molly Just** first of all I would like to apologize I missed the transition to his item. There were some comments and some controversial discussion on the last item and I was not taking and absorbing that. I honestly missed the transition on this item.

The proposed Ordinance language outlines that the funds that will be accrued through the fee in lieu option that could be exercised here can only be used in this zoning district in the manner consistent with the 2000 Westbrook/Portland corridor study and for purposes to implement that study. A timeline could be considered, it does take a while to generate enough money to do something big.

We are very excited to think about even doing something to beautify this area, there are a lot of things we can do. We can think of a timeline if you wish but the money will be put in a designated fund.

**The vote is 7-0 in favor**

**Ed Reidman** do I have a motion to recess into workshop?

**Michael Taylor** move

2<sup>nd</sup> by Rene Daniel

The vote is unanimous in favor 7-0

7. Recess to Workshop

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

8. Sketch Plan – Multi-Purpose Field – Small Hardy Road – Eric Dudley on behalf of the City of Westbrook for review of an approximately 1.5-acre multi-purpose field, 75-space parking lot, and future equipment/concession building on an approximately 11-acre portion of Tax Map: 20, Lot 10K, Zone: Rural District.

**Eric Dudley** I am the City Engineer for the City of Westbrook representing the City of Westbrook for a proposed project on Small Hardy Road. The City is in receipt of a generous donation from White Brothers, construction on a large parcel on Small Hardy Road, located near the intersection of Country Lane a new roadway built by Gilbert Homes that connects Small Hardy Road to Methodist Road.

Basically Mike White came to us a couple of years ago discussing White Brothers interest in donating the property as a lease, a twenty-five year lease which is renewable if mutually agreed upon for the purpose of athletic fields.

We have been working with Staff and Westbrook Soccer League as an interested party on the development on the fields in this area. Initially what we looked at doing was maximizing the number of fields we could get on the property. We started with a concept of showing two fields about one hundred and fifty feet wide by three hundred and twenty feet long.

Looking at the initial concept we felt it was too much of an impact on the neighboring properties and we are also constrained on the number of parking we could have to support the two fields. There was also the amount of wetland impact that have on the fields on the property that we felt was too significant.

Mike White who is here this evening did meet with the neighborhood about a year or so showing the two different concepts, the two fields and the one field concept. Ultimately what we have decided to move forward with is a single field about one hundred and eighty feet by three hundred and sixty feet long. If you look at the top of the sheet you will see 78 parking spaces, including 3 handicapped spaces. Here we have a grass field area here that could also be used for overflow parking if necessary. The 78 spaces is well beyond what we would need even in overlap situation if you had a field hockey game that was ending and a new one was going to be coming in, you would have adequate parking basically for both sets of teams and that transition period.

What we have heard from the neighbors is having parking on Small Hardy Road which is a fairly narrow, low volume residential street. We fully agree with that, so we have made every effort to provide more than adequate parking on site.

You also see on top of the board we have twelve street trees that we would like to plant as part of the project that obviously we are in sketch plan and do not have those picked out, there is a possibility of further donations with street trees being donated to the City.

White brothers is also donated materials and equipment to do all the major drainage work, filling, grading all the earth work necessary for this project. The City would come in and

do the final touches like the loaming and seeding, finishing off these parking areas, paving and things of that nature.

You will see in the corner here we do show a potential small storage building, concession building. There are no plans for that but did want to show that in the potential if we wanted to ask permission from White Brothers to be able to build such a structure, we could move forward with that if it was agreed upon.

You also see at the bottom a black vinyl wrapped chain linked fence along these edges, to keep balls from he sloped area. You really do not athletes chasing balls there so we show the fence to keep that from occurring.

The blue shown on the plan is part of the wetland impacts from the project here and here that total about seventy-seven hundred square feet. We are actively seeking a permit from DEP for that wetland alteration. You also see the detention area here and a very small one here that will help mitigate the stormwater back from the paved surfaces on the parking lot. Generally the majority of the site drains to structures here down to this wetland area into the Town of Windham.

We are not proposing any water on site, there is public water in the street but we are not proposing putting any water on site at this time. Also there will be no other utilities and no lights. One of the things we have discussed with White Brothers since the beginning is that this would not be a lit field. The main purpose of that is to keep the disturbance down as much as possible for the residential land owner that live on Small Hardy Road and also on Country Lane.

With that I would like to open it to any questions from the Board. Also I think Mike White if possible has some things he might like to add. We are just looking for feedback so we can proceed with Site Plan approval.

**Ed Reidman** are there any questions or comments from the Board? The reason we are in Workshop is to allow people to speak at a time that they would not be able to.

**Joseph Marden** what type of field surface is it going to be, is it grass, synthetic turf?

**Eric Dudley** it will be a grass field. We do have about 15,000 cubic yards of loam that was stripped off the Middle School site when that was constructed. We are planning to screen that cut it with sand and deliver that on site, grade it, then seed it.

**Joseph Marden** will there be public access to this field other than sport teams can the neighbors use it?

**Eric Dudley** absolutely the intention is for the entire public to be able to use the field.

**Rene Daniel** is there going to be any type of landscaping?

**Eric Dudley** right now we have not shown any and have not proposed any. That is one of the things I am looking for guidance if the Board feels they would like to see some additional plantings. We want to keep this attractive but also low maintenance because we do have our crews that maintain significant amount of fields throughout the City. We want to make sure what we have in place we can maintain and will not get overgrown. I would like to hear the Boards opinion on what they would like to see.

**Rene Daniel** personally I would like to see some landscaping but not overly, just enough that people can tell that it is a well given field, simple perennials not many just a little bit of color.

**Eric Dudley** in and around the entrances

**Rene Daniel** yes around both entrances and around the possible food building. I was one of the people involved with the Middle School and I think the loam... it is a perfect place to use it and this is a perfect reason to use it. Is there going to be signage for the field and is there going to be a name? How will people find it?

**Eric Dudley** I would expect to have a small sign on site, as far as the name White Brothers was very generous with the donation of the 25 year renewable lease, if we had a name we would have those discussions with White Brothers if there is an interest in the type of name and whatever name it would be.

**Rene Daniel** I think your strategy is right on. Is this going to be just for soccer?

**Eric Dudley** absolutely not, that is why I said field hockey... you know Westbrook Soccer League has been an interested party and are always looking for additional field opportunities. This is not a soccer field; the dimensions will provide any kind of field activity.

**Rene Daniel** I just see this as a win, win and like where it is going. I think it is about time that the Prides Corner area is getting something back for all the time for their travel. I think it is awesome.

**Ed Reidman** questions or comments from the Board?

**Michael Taylor** I am glad you came forward with this and I am glad you are pushing more recreational fields. Do you have any ideas about... I have gone to other fields...port-a-potties, bathroom facility?

**Eric Dudley** if one of the organized sports say they needed to have three or four games on a Saturday and Sunday, we would require them to have the port-a-potties or the city would work an arrangement where we would install them and then remove them from the site. I do not think we are looking to have something like that on site long term. They can become a nuisance; we want it to be a low impact as possible for the neighbors. Certainly if there is a lot of activity we would need to provide those facilities.

**Michael Taylor** no water to the area?

**Eric Dudley** that is correct

**Michael Taylor** I am concerned if we have a drought? It is going to be a dirt area grass, unless it is being watered, you can find a hardy grass that can work for that area but. I have seen

recreational fields get worn and torn with no water going to it and then it turns into a dust bowl. I would hate to see that happen. You have no sprinkler irrigation system

**Eric Dudley** the majority of the fields in the city are non-irrigated and we find we have pretty good luck with it. The soils we have on site retain water in the soil; we did some test holes on site which shows we have the ability to retain the water.

**Ed Reidman** anyone else?

**Greg Blake** the smaller field to the right is that going to be used for or is that set up as a practice area?

**Eric Dudley** it would be a multi use area and certainly most of the time it will be a practice area that is the idea to keep that grass for smaller athletes or young children. It also provides for an area of possible seating.

You can see what we have done is to push that as far away from the neighbors to try any mitigate the impact.

**Ed Reidman** any questions?

**Mike White** White Brothers, this process started along time ago. As a long time resident of the City, my brother Tim & I recognized that there were no recreational activities in the Prides Corner, the northerly end of the City as we grew up there.

We saw an opportunity with the access land in our quarry area to be there. Our vision was not to be soccer field, nothing wrong with soccer, our vision is to be a multi-purpose field and soccer will be one of those purposes.

One of our concerns during our dialog with the City of the past four or five years has been the neighbors on Small Hardy Road and Country Lane.

Rita Adams is here tonight and Rita and her husband live right here. As I talked to them and different people in the neighborhood, parking was always certainly an issue. Melissa Foye was concerned about it; Melissa is the little house down the street, the house on the little lot down the street. We wanted to make sure we somehow addressed that. The neighborhood does put up with our quarrying operations and did not want to and do the double whammy and put up Foxboro stadium. That has been a concern of ours and with the lease arraignment we have with the City of Westbrook it gives us quite a bit of flexibility to control what ultimately gets done of the site.

Without writing a seventeen page lease we just kind of made it wishy-washy for a lot of stuff that needs to be deferred back to us before it can be done. We thought that was appropriate to keep the folks that live in the neighborhood in mind.

To address Rene's question about plantings that is evolving a little right now. Tim had a good friend that was a landscaper that has mature street trees and right now we are trying to pick that out, pick out what we want. He is going to make a substantial donation to the City and so we are trying to pick those trees. So when we get back before you we will have a planting list. I will leave it up to Sebago Tech for the bushes and those types of things.

As far as the question that was asked about the field, this will be a seeded feed instead of a sod field, so it will require less watering. Sod always requires a lot of watering and I think any

athletic field, once you get it established, the grass to grow, they stand up well until you get high school kids out there playing football with spikes. Again we do not see that taking place out here. The lease also requires no activity after 9:00 pm at night with due consideration for the setting.

**Ed Reidman** any questions?

**Rita Vatter** 20 Country Lane I received this notice and am questioning what is going on. I met Mike, I voted for him for Congress.

\*Editors note laughter

**Rita Vatter** my question is I am nervous about the City of Westbrook. Our development on paper did not turn out the way it was on paper, the street is not wide enough, they did not go by the specs that they put out that houses would be fifteen hundred square feet, blah, blah, blah. So I get nervous when the City gets involved. I am concerned that there is no water and there is no bathroom, you are having concessions without water, it makes me nervous.

There would be a lot of increased traffic and our street is not wide enough as it is. You can not have two cars parked on either side of the road and go through and there are always accidents on route 302 and Hardy Road, I do not understand why they would want to add more?

My other question is who would control who uses it? Is it a travel team or is it City sports? Now that it is Lane Construction will that make a difference in the future? You are not going to be around forever, you will be in Washington.

We have had problems with enforcing things up there as far as the Police are concerned. I would be concerned about enforcing trespassing. I had a trespasser once and at 2:00 in the morning I called the Police and they said, unless your yard is posted they can come in. So now you are adding 75 parking spaces where people will come in right next to my house so I am concerned and the neighbors elected me as the spokesman.

I thank you for your time.

**Ed Reidman** anything more?

**Mike White** I do want to make sure that Rita's concerns are noted and we try and address them and put additional thought process on the plans because I do not want to beat the horse into the ground any further but our concern truly is to try and do this and not dully impact the neighborhood.

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

**Rene Daniel** so moved

**2<sup>nd</sup> by Dennis Isherwood**

**The vote is 7-0 in favor**

**9. Resume Regular Session**

**10. Adjourn**

*Respectfully submitted by Linda Gain PECE Administrative Assistant  
THANK YOU*