



# City of Westbrook

## DEPARTMENT OF PLANNING

### WESTBROOK PLANNING BOARD TUESDAY, FEBRUARY 21, 2012, 7:00 P.M. WESTBROOK HIGH SCHOOL, ROOM 114 MINUTES

Present: Ed Reidman, (Chair) (Ward 5), Rene Daniel (Vice-Chair) (Ward 1), Dennis Isherwood (Ward 2), Rebecca Dillon (Alternate), Robin Tannenbaum (Alternate), Cory Fleming (Ward 4), Greg Blake (At Large)

Absent: Michael Taylor (At Large)

Staff: Richard Gouzie, Eric Dudley

**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.

#### 1. Call to Order

#### 2. Approval of Minutes

**Rene Daniel I move to approve the minutes of January 21, 2012 as written.**

**2<sup>nd</sup> by Cory Fleming**

**The vote was unanimous in favor 7-0**

**Rene Daniel since the new business item is shorter then the other three on the agenda, I would like to suggest that we move number 6 which is a Special Exception for PaPou's Kitchen, 28 Stroudwater Street to the first item.**

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

**The vote was unanimous in favor 7-0.**

#### Continuing Business

- 6. Special Exception – PaPou's Kitchen – 28 Stroudwater Street - Christos Zoulamis on behalf of Papou's Kitchen, LLC, for Special Exception approval of the Light Manufacturing and Research and Development use as part of a small food manufacturing company with a modest retail operation on a property and in an existing building that is occupied by retail and service business uses. The subject property is a**

**1.21 acre parcel located at 28 Stroudwater Street. Tax Map: 33, Lot: 46, Zone: City Center.**

Overview. Christos Zoulamis, a tenant of 28 Stroudwater Street, requests Special Exception approval for a Light Manufacturing facility with a small retail component. The retail use is a permitted use. The manufacturing use will entail the manufacturing of a limited number of food products for distribution from the property. The products will also be for sale to the public as frozen food.

Staff Comments:

The special exception review is triggered by the proposed Light Manufacturing and Research and Development use

**Christos Zoulamis** first of all, PaPous in Greek means Grandfather. When I decided to start this business at age 70, four years ago, my grand children decided that I needed to call it PaPous.

I have been making a product called falafel for the last four years in a facility in Portland. We just recently bought a house here in Westbrook and I decided to move the business to a space here in Westbrook. We found a nice space at 28 Stroudwater Street and we have concluded a three year lease with the landlord and we would like to get permission from you to move in there and begin business in Westbrook.

Our product is carried throughout New England and we have twenty whole foods in Massachusetts, in Providence, Connecticut and in Portland. We have eleven Hannaford's and about seventy to eighty small retail shops that are considered health food stores. We are looking to expand to New York and New Jersey as soon as we can get distribution and we would like to have Westbrook as our home.

**Ed Reidman** all your work except for delivery and receiving will be indoors?

**Christos Zoulamis** yes, absolutely

**Ed Reidman** is anyone interested in taking a Site Walk? This is an existing building. A Public Hearing?

\*\*Editors Note no interest from the Board

**Ed Reidman** question, comments?

\*\*Editors Note no comments from the Board.

**Ed Reidman** in Molly's memo you will find the appropriate language for a motion.

**Cory Fleming I** move the Special Exception application for 28 Stroudwater Street, for the benefit of PaPou's Kitchen, on Tax Map: 33, Lot: 46 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 sign provisions of the Land Use Ordinances must be met and sign permits must be approved for individual signs.
- B. Value. That the use requested will 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.
- Adequate.
- C. Effects of Land Use. That the use granted will:
- (1) Maintain safe and healthful conditions,
    - Adequate.
  - (2) Not cause water pollution, erosion, or sedimentation
    - Adequate.
  - (3) Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat,
    - Adequate.
  - (4) Conserve shared tree cover and visual, as well as actual, access to water bodies,
    - Adequate.
  - (5) Not burden on-site septic or off-site waste disposal,
    - Adequate.
  - (6) Not burden existing public ways.
    - Adequate.
- 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,
    - No impact.
  - (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,
    - Adequate.

- (3) Water, Air, Soil Pollution. The development will not cause unreasonable water, air, or soil pollution,
  - Adequate.
- (4) Soil Integrity. The development will not cause unreasonable soil erosion or reduction in the capacity of the soil to hold water,
  - Adequate.
- (5) Natural Environment. The development must not have an unreasonably adverse effect on a historic site or irreplaceable natural areas,
  - Adequate.
- (6) Nuisance Factor. The development must not cause unreasonable noise, odors, dust, gas, fumes, smoke, light or other annoying or dangerous emissions,
  - Adequate.
- (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,
  - Adequate.
- (8) Vehicular Access. The site layout must provide for safe vehicular access and egress, including that for emergency vehicles,
  - Adequate.
- (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,
  - Adequate.
- (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.
  - Adequate.

#### CONDITIONS

- (1) Approval is dependant upon and limited to, the proposals and plans contained in the application dated January 30, 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 issuance of the next permit for the project, the applicant shall pay the cost of the required notice to abutters.

(3) All exterior signage shall require individual building permits.

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

The vote was unanimous in favor 7-0

**2. Legacy Publishing – Site Plan & Village Review Overlay Zone Approval - Legacy Publishing – Construction of a parking lot with screening on property located at 10 Speirs Street. Tax Map: 33, Lot: 196, Zone: City Center, Village Review Overlay Zone and General Development Shoreland Zone.**

Overview. The applicant has submitted an application for construction of 26 parking spaces along the Main Street frontage of 10 Speirs Street, on the site of the former St. Mary’s Church.

SITE PLAN

*Staff Comments:*

- *The City Engineer and City Planner cannot support approval of this project at this time. The project is proposed without curbing along the entire eastern side of the proposed parking lot. Water would then sheet flow onto abutting property. A project without curbing in the downtown of an urban area and within approximately 30 feet of Main Street cannot be supported.*
- *Waiver: Design of Off-Street Parking. The applicant requests a reduction of the drive aisle width to 24 feet in the employee parking areas. Visitor parking will include 26 foot drive aisles. The City Engineer supports this reduction, as required by Section 505.1B.*

**Mark St Germaine** with St Germaine Collins and we are here tonight with LPC LLC, the owner of property on Main Street. LPC is Legacy Publishing Company and they are a developer and marketer of parenting products across the Country. You might have recently heard of them or saw them in the paper that they opened a new additional facility for part of their services on Larrabee Road.

They have a parking lot at the former location known as St. Mary’s Church that they would like to improve and we are seeking approval tonight. If you are familiar with Riverbank Park, this is the area that they have a parking lot that has an access drive. Speirs Street is their main address. Looking at the parking lot, they will access off of Riverbank Park access. It is a ten thousand square foot parking lot twenty-six (26) spaces, paved. They maintain parking in front of the building that has four spaces plus two handicapped and a ramp that goes into the building. The parking lot itself has 68% impervious area and is in the Village Overlay Zone with a portion of the property in the Shoreland Zone.

The storm water is being controlled by curbing for the entire parking lot. The direction of flow is from the bottom right of your screen to the top left where there is a filter which is an infiltration filter which is a filter media which is directed towards here and will go through some roots, then discharged to an existing storm drain that goes down the access drive.

The balance of the property that is not impervious is landscaped. There is quite a bit of landscaping now, there is a little bit of a walkway here near the St. Mary's Rectory which they will clean up and plant some grass. Along Main Street behind the grass esplanade off the sidewalk will be landscaping along Main Street and the access drive. Basically there will be magic carpet, spirea along most of the ... We have landscaping along Main Street and have put in a lot of attention into it and have worked with the City Planner on it. The two dominant features on Main Street will be crimson king maples on both sides of the driveway access. There are flowering crab apples, a green oak are all existing, ornamental trees in front of the building now. On the corners to highlight it there will be some azaleas.

The vehicle access will be off of the Park Road with one access to stay away from Main Street. The flow within the parking lot is two way. The access is over City Property and there is an easement that was just put in place about a week ago that was agreed to by the City Council.

Essentially this project meets the needs of Legacy and also greatly improves the look of the site that is currently a gravel area with no screening at all. The intention is to make it look nice and it meets all the Zoning requirements.

I would also mention that currently is gets used as overflow parking for the park.

**Ed Reidman** did I hear you say that you were going to curb the parking lot?

**Mark St Germaine** thank you for bringing that up, in the original proposal we had not proposed that but the City Engineer asked us to add that so we have committed to that. We mentioned to Molly that before this plan is stamped we will be adding curbing to that all the way around.

**Ed Reidman** is anyone interested in a site walk?

\*\*Editors Note – no interest from the Board

**Ed Reidman** a Public Hearing?

\*\*Editors Note – no interest from the Board

**Ed Reidman** if you looked at your memo you will see a request for a waiver of the aisle width on parking lots to reduce it to twenty-four feet for employee parking and visitor parking would be twenty-six feet, driveway isles.

Are you going to sign it that way?

**Mark St Germaine** it is actually employee parking with little visitor parking along the access, so yes.

**Ed Reidman** I would like to deal with the waiver first.

**Greg Blake** I will make a motion to grant the waiver, to reduce the off street parking to twenty-four feet.

**2<sup>nd</sup> by Cory Fleming**

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

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

**Greg Blake** I have a question on the easement piece that was just but in place. Whose easement is whose?

**Mark St Germaine** it is an easement to LPC, LLC from the City. The City owns the property and LPC has the access to the parking.

**Rene Daniel** looking at the landscaping map are the three trees on the park side are they the same...

**Mark St Germaine** there are actually four trees.

**Rene Daniel** are they the same species that is in the Park has now?

**Mark St Germaine** no, the two by the access drive are flowering crab apples. We are trying to break up the look. These two crimson maples will be in keeping with the look going down Main Street. I do not believe they are crimson in the park now. There will be maples going down the street as you can see with a green ash that is necessary for the root structure tree box.

**Rene Daniel** is I am coming into Westbrook going by the Park, is that lot going to blend in with the Park or will it stand out?

**Mark St Germaine** you are going to have more flowering and color then you would in the Park. It will add more color but will blend in with the Park. We proposed different vegetation but Staff suggested landscaping such as the spirea.

**Rene Daniel** through you Mr. Chair to our City Planner, Molly because they are upgrading on this piece of property are we limited only to the parking lot? Has anyone looked at the parking lot on Speirs?

**Molly Just** the entire site is open for review. The plan review is for the entire property. The Zoning requirements apply to the entire property and you can comment on that, yes. The focus is on the improvements.

**Rene Daniel** did anyone on Staff bring up the entrance way from Speirs Street?

**Molly Just** that was not raised.

**Mark St Germaine** this is a separate lot so as the applicant we looked at it as a separate item.

**Rene Daniel** I am confused, is it a separate lot or is it one entire lot?

**Mark St Germaine** it is common ownership but it is a separate lot.

**Molly Just** looking for lot lines on the property in the power point that shows the lots.

**Mark St Germaine** it is in the application itself.

**Greg Blake** the dotted line in the middle

**Mark St Germaine** Wanda is looking at it. It is gray scaled on the plan that was submitted and basically comes out like this across there and is not shown in the rendering. It is an existing lot and is gray scaled on the plan submitted.

We looked at the parking and other then that it meets all of the ordinance requirements. There has been a lot of improvements to the building itself and quite a lot of landscaping that has been added. The Speirs Street parking is what it is and our intention was to leave it and work on the front...

**Rene Daniel** it certainly has always been an eye sore and continues to be an eye sore. You have nothing to do with that, the Catholic Church created an eye sore.

**Robin Tannenbaum** I am curious on the storm water that goes through the tree box filter, is that then going directly in the river, or does it go into a storm drain?

**Mark St Germaine** there is a rather large storm drain that comes down the access drive and it enters that.

**Robin Tannenbaum** ultimately it is an improvement?

**Mark St Germaine** it is an improvement.

**Robin Tannenbaum** this is just a logistical thing, looking at the parking. I am glad that you have reduced from twenty-six to twenty-four. Did you consider just a one way drive and much more buffer?

**Mark St Germaine** the four feet we saved was for that reason primarily from the twenty-six to twenty-four. If we went one way there was some zoning concerns and we could not get the number of spaces. We really could not add much to the buffer.

**Robin Tannenbaum** you could reduce each to twelve feet and add twenty-four feet buffer on one side or the other could you not?

**Mark St Germaine** I do not think you could get down to twelve feet.

**Robin Tannenbaum** I am assuming there is some Fire Department stuff...

**Mark St Germaine** sixteen is the standard for one way? We did look at that... there seemed to be a lot of reasons and we did not believe it would benefit or gain buffering and of course for functionality perspective. We felt it was a better parking lot if it was very functional.



**Robin Tannenbaum** I am glad that you are adding the curbing as suggested by the City on the easterly side. I am in the park at different times of the year, I think people parking against the planting buffer that you are showing on the right and I wonder is that going to continue or would we want to look at a curb there to discourage that.

**Mark St Germaine** what you have seen and what you will see are different things. Part of the movement over to Larrabee was to deal with some other items as well as this haphazard parking that they do now on the gravel lot. There will be no need to park there.

**Robin Tannenbaum** in other words parking needs will be addressed.

**Mark St Germaine** yes, parking needs will be addressed and on their site.

**Robin Tannenbaum** what is the transition then between the edge of that planting buffer and the road?

**Mark St Germaine** consistent with the other side which is a grass buffer.

**Robin Tannenbaum** I was not on the Planning Board, but I was on the Village Review Committee back in 2008 and this project came before us about taking down the church and making a parking lot here and we gave that although it was a very big deal. It was not something we wanted to do, take down a building and put in a parking lot on a Main Street in a small community. We did do it but with great concern and with lots of comments about wanting it done very nicely with extensive landscaping and buffering. I can not help but be concerned as this is not the level of the landscaping and buffering I would like to see. This is how people enter Westbrook and Riverbank Park is a phenomenal amenity that Westbrook has. People will drive by the Rectory that is a sweet building and hopefully will find a re-use and it would be nice if they saw immediately was fitting of what is coming. I look at the front and my rough calculations from the scale is about eighty feet across on Main Street and there are fourteen plants and thirteen are the spirea. I am not a planting expert but I consulted with some people and the internet and it felt like a small gesture in terms of screening. My comment would be I would think there would be a more robust effort at that screening planting.

**Mark St Germaine** part of the consideration is what will live there next to the sidewalk. In front of my office up the road on Main Street, the City just put bark mulch because I presume that they are not able to keep the plantings alive. It is mostly bark mulch up Main until it is heavily developed between the trees. This was an attempt to get some green there and accent the corners of the property. Of course it is a screening not a complete buffering, you will not hide everything behind a bush. It is intended as a screening and is hardy vegetation that will last.

**Ed Reidman** there are two motions required on this.

**Molly Just** Mr. Chair if I could interject one minute. I would like to ask to add a condition of approval that reflects applicants' commitment to paving the eastern side of the parking lot and I have wording if that would be appropriate.

**Ed Reidman** we will see when someone makes the motion. No one has any objections to adding that condition?

**Cory Fleming** is that a condition to the Village Overlay or to the Site Plan?

**Ed Reidman** the Site Plan, the Overlay... it is okay.

**Greg Blake** Mr. Chair, through you to Molly, just a clarification are you paving the eastern side or curbing?

**Molly Just** curbing.

**Cory Fleming** I just want to be clear that with the curbing condition, the comment by Staff not supporting is voided then?

**Molly Just** that is correct.

**Ed Reidman** she has a proposed condition to cover that fact.

**Cory Fleming** I move the Site Plan application for LPC, LLC (Legacy Publishing) at 10 Speirs Street on Tax Map 33, Lot 196, is to be **approved with conditions** with the following findings of fact and conclusions.

### ***FINDINGS OF FACT***

#### **Utilization of the Site**

- Inadequate. See staff comments.

#### **Adequacy of Road System**

- Adequate.

#### **Access to the Site**

- Access the site is provided from Speirs Street. Access to the expanded parking lot would be from the driveway for Riverbank Park, off of Main Street. The City has agreed to grant the applicant an easement for this access. The applicant would be responsible for their maintenance needs, such as snow plowing, that occur outside of the regular City schedule.

#### **Internal Vehicular Circulation**

- Adequate.

#### **Pedestrian and Other Modes of Transportation**

- Adequate.

#### **Stormwater Management**

- Inadequate. See staff comments.

**Erosion Control**

- Inadequate. See staff comments.

**Utilities**

- All utilities are to be located underground.

**Hazardous, Special and Radioactive Materials**

- No issues.

**Technical and Financial Capacity.**

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

**Solid Waste**

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

**Historic, Archaeological and Botanical Resources**

- No issues identified.

**Landscape Plan**

- See Village Review.

Others

- Parking - The applicant has requested a waiver of a parking requirement as outlined herein.
- Fire – See conditions of approval.
- Comprehensive Plan – Adequate.

*CONCLUSIONS*

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

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application August 16, 2011 and amended to February 9, 2012 and plans dated August 16, 2011 and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the City Planner or the Planning Board.
2. Prior to the Planning Board signing the mylar, the applicant shall pay the cost of the notices to abutters.
3. Prior to Planning Board signature of the mylar, the applicant shall pay a fee which equals 2%, of the project's site improvement costs for the purpose of site inspections performed by the Code Enforcement Officer and/or other appropriate City staff.
4. Prior to the Planning Board signature of the mylar, the applicant shall provide a performance guarantee, in an amount to be established by the City Engineer.
5. Prior to the Planning Board signature of the mylar, the applicant shall provide a copy of the recorded easement from the City of Westbrook, granting the applicant access to 10 Speirs Street from the driveway for Riverbank Park.
6. Prior to Planning Board signature of the mylar the applicant shall add curbing along the entire eastern side of the proposed parking lot.

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

**Rene Daniel** what is presently our curbing in our Park now?

**Molly Just** granite curbing.

**Rene Daniel** we are expecting granite curbing also?

**Molly Just** we do not require granite curbing within parking lots, we do require granite curbing along the apron where you enter a parking lot from the public way so the applicant is providing granite where we require it and bituminous where we do not. Concrete

**Mark St Germaine** actually concrete.

**Molly Just** concrete

**Rene Daniel** is there where we discuss landscaping?

**Molly Just** you can discuss it under Site Plan or Village Review.

**Ed Reidman** where are you talking about the landscaping?

**Rene Daniel** on the...

**Ed Reidman** on the existing parking lot or on the existing site?

**Rene Daniel** on the new parking lot they are talking about this evening, the Park side, Main Street side.

I just get the feeling that I am not the only one here this evening that is not elated with the landscaping. I thought I was quite clear a number of years ago when we voted to take St. Mary's Church down that whatever would go in there would be elegant or at least par to our City Park. I am not impressed with the landscaping choices.

**Mark St. Germaine** may I speak to that?

**Ed Reidman** certainly

**Ed Reidman** it is unfortunate but I think the Park does not have landscaping up to the road either, it is grass. I think that is a practical reason for that.

What we tried to do was match it to the trees. The fact that there are five trees in that small area... I think it will be in keeping with the grass and trees in the Park, yes there are some flower beds surely, but when you are driving by you are seeing a lot of green mostly. We could add perennials, but they will not last and that is not what you see along Maine Street.

**Rene Daniel** it is not the perennials or annuals I am looking at. All I am looking at is the trees. You have eighty feet, you have four trees, it looks like you are throwing tiny bushes in there, and lets see if that will appease them.

**Mark St. Germaine** the intention of adding the bushes is to give it some fill to screen the cars.

**Rene Daniel** and I can assure you if you came before me to build that Park you would have the same problem.

**Robin Tannenbaum** I have one other question and I am not sure if it goes to you or to Molly. I am curious in general, when something goes through Planning Board review and there is a landscaping issue is there any enforcement any power by the City is three of the spirea die or do not survive, is there any power that someone can say to Legacy this is part of the agreement and you need to keep these looking good?

**Molly Just** once the site plan is approved that is law for development of that property. If someone complains there can be a zoning violation issued. We do not have that happen that often, but it could be a violation.

**Mark St. Germaine** we have a representative from Legacy if you would like to ask any questions.

**Robin Tannenbaum** I want to add that I am thrilled that Legacy is there, it is just very close to the Park. I am glad they are re-using that building; I do not like people outside smoking on the path when I am walking my toddler back and forth but I am thrilled they are investing and taking this space.

**Ed Reidman** anymore questions or comments? Seeing none, the motion on the floor is as written.

**The vote is 6-1 in favor (Robin Tannenbaumn opposed)**

**Greg Blake** I move the Village Review application for LPC, LLC (Legacy Publishing) on Tax Map 33, Lot 196, is to be **approved with conditions** with the following findings of fact and conclusions.

- (1) Scale of the Building. The scale of the building depends on its overall size, it's mass in relationship to the open space around it, and the size of its doors, windows, porches and balconies. The scale of a building must be compatible with its site and neighborhood.
  - No new buildings are proposed. The size of the parking lot is compatible with the site size and configuration and the surrounding neighborhood.
- (2) Height. Change in the building height can have a negative impact on how a street appears. While maintaining a particular height is not required, changes in height must be visually compatible with the streetscape and the neighborhood.
  - N/A
- (3) Rhythm of Front Facades. In reviewing any façade, the pattern of doors, windows and wall surface, their height and width, should be visually compatible with the neighboring structures.
  - N/A.
- (4) Relationship of Façade Shapes and Materials. The relationship of façade shapes and materials should be considered in relation to the surrounding neighborhood. In particular, the

rhythm of shapes, pitch, and orientation to the street on which the structure fronts should be maintained.

- N/A.

### CONDITIONS

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application August 16, 2011 and amended to February 9, 2012 and plans dated August 16, 2011 and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the City Planner or the Planning Board.
2. Prior to Planning Board signature of the mylar, the applicant shall pay the cost of the required notice of abutters.
3. The applicant shall provide landscaping on the Riverwalk side of the proposed dumpster in order to visually soften the appearance of the dumpster proposed in this area of the site. Flowering ornamental shrubs shall be used.

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

**The vote is 5-2 (Rene Daniel and Robin Tannenbaumn opposed)**

3. **LANCO Assembly – Site Plan Amendment – 14 Thomas Drive – Sebago Technics on behalf of Lanco Properties, LLC for a 26-space paved parking lot addition to a Site Plan approved in 1995. Tax Map: 3, Lot: 106, Zone: Industrial Park District.**

Overview. The applicant has submitted an application for construction of a parking lot expansion to include 26 parking spaces.

**Dustin Roma** I am a Civil Engineer with Sebago Technics and am here tonight to present to you a parking lot expansion project for Lanco Assembly in the Colonel Westbrook Industrial Park.

Also here tonight are Russ Young, Ed Caravack and Tom Zack. As you said the project originally received site plan approval from the Planning Board in 1995, those improvements are shown on the plan. I included the building, one hundred parking spaces, access drives and loading docks.

The subject property that we are seeking approval for is on 14 Thomas Drive. Lanco Properties the owner of the property also owns the adjacent property at 20 Thomas Drive. It is a separate business, they lease it out, it is not associated with their development, and it is under common ownership. They do also share a single common access drive from Thomas Drive on this site. The only exception is they do utilize two thousand square feet at twenty Thomas for storage and time to time they will need to go back and forth with some fork trucks get some materials.

The proposal is a twenty-six space parking lot. If you were to drive on the property today you will notice that there are many vehicles parked alongside drive isles. They have a very short term agreement to have some spill over vehicles. They frequently fill the entire site with employee parking which virtually leaves no space for vendors or anyone visiting the site.

The parking lot is not associated with the building expansion it is just to accommodate the vehicles trying to park as it is today.

We will be installing two wall pack fixtures to illuminate the parking lot. The employees that use this parking lot have an entry door adjacent to the loading area just to the front of the parking lot. They will be able to park in the parking lot and enter the building there and not be a need to walk through an access isles.

As I said there is a shared access on Thomas Drive, there is a wide paved apron area between the two buildings. The main purpose for that is that is where the main loading docks are on both of the buildings. They have some turn around movement to be able to get into the loading docks easily. It is necessary for the operation of both facilities, it is there for deliveries.

For stormwater drainage the site is part of the site walk permit that was approved for the overall Industrial Park. The project is in the Long Creek watershed and is participants in the general permit program. We have had several conversations with the Cumberland County Shoreland Conservation District and they are engineers that are working on designing stormwater BMP's for the site and are well aware of what we are doing. They are going to be responsible for doing some larger scaled improvements on this site as well as others in the Industrial Park. It is not part of our application but we are a party to what they are doing. We have met with them and they have guided us with installation of stormwater pipes and temporary and permanent measures that ultimately with what we are designing here today can be sent to the stormwater measurement system that they will be designing and implementing as part of their requirement to satisfy the Long Creek Management plan.

We looked at landscaping for the overall site and this is located in the Industrial Park but they do a nice job of keeping it clean and tidy on the site. There is some significant lawn area on the Thomas Drive side as well as the County Road side. As you are driving down County Road, the buildings are set back one hundred feet which was the zoning in place at the time when this was developed. The method of landscaping in the front is a lot of larger trees. The buildings and parking lots that you are seeing are set back off the road and that seems to be the best method to buffer that area. We are proposing to plant two trees at the end of the parking lot to try and fill in the gap in the frontage of these two lots. We have shown the areas of the existing landscaping to remain and there are several clumps of birch trees and a lot of evergreen type plantings in front of the parking lots that were planted in the mid 90's when the site was developed so they are very mature now. The owners keep them trimmed lower to the ground and mow around them and the tops are a large canopy in the area.

We are asking for a waiver to reduce the parking lot space down to twenty-four feet, for a couple of reasons to be consistent with the rest of the site, it is employee parking and we also have the area in between the proposed parking lot and the existing adjacent parking lot to the east is a drainage swale and would like to keep that to maintain the drainage in the current state.

That is my proposal and with that I would like to turn it over to the Board for any questions of us or for the representatives from Lanco.

**Ed Reidman** is anyone interested in taking a Site Walk or having a Public Hearing?

**\*\*Editors Note no interest from the Board**

**Ed Reidman** I would like to deal with the waiver right away as it is the same as the previous project, to reduce parking spaces to twenty-four feet for employee parking.



**Cory Fleming** I move to grant the waiver for the design of the off street parking at Lanco Assembly, 14 Thomas Drive, Tax Map: 3, Lot: 106 Zone Industrial Park District.

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

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

**Ed Reidman** any other questions?

**Cory Fleming** I move the Site Plan application for Lanco Properties, LLC on Tax Map 3, Lot 106, is to be **approved with conditions** with the following findings of fact and conclusions.

***FINDINGS OF FACT***

**Utilization of the Site**

- Adequate.

**Adequacy of Road System**

- Adequate.

**Access to the Site**

- Adequate.

**Internal Vehicular Circulation**

- Adequate.

**Pedestrian and Other Modes of Transportation**

- Adequate.

**Stormwater Management**

- Adequate.

**Erosion Control**

- Adequate.

**Utilities**

- All utilities are to be located underground.

**Hazardous, Special and Radioactive Materials**

- No issues.

**Technical and Financial Capacity.**

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

#### **Solid Waste**

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

#### **Historic, Archaeological and Botanical Resources**

- No issues identified.

#### **Landscape Plan**

- Adequate.

#### **Others**

- Parking - The applicant has requested a waiver of a parking requirement as outlined herein.
- Fire – The project shall comply with the requirements of the Fire Code.
- Comprehensive Plan – Adequate.

#### *CONCLUSIONS*

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

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application February 6, 2012 and plans dated January 10, 2012 and amended to February 6, 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. Prior to the Planning Board signing the mylar, the applicant shall pay the cost of the notices to abutters.
3. Prior to Planning Board signature of the mylar, the applicant shall pay a fee which equals 2%, of the project's site improvement costs for the purpose of site inspections performed by the Code Enforcement Officer and/or other appropriate City staff.

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

**Rene Daniel** how many trees and shrubs will be taken out?

**Dustin Roma** none

**Rene Daniel** no shrubberies or trees there?

**Dustin Roma** no, they plow there so not trees will need to be removed to put a parking lot there.

**Rene Daniel** you said you will put two red maples in?

**Dustin Roma** yes

**Rene Daniel** did you talk to anyone about grasses to help buffer that?

**Dustin Roma** like ornamental grasses? One of the design considerations for the site... Cumberland County Soil and Water is designating the end of the parking lot as a snow storage area. They are required because of the sanding and the salting of the areas to push the snow right on the end there. We did try to leave that area open for that. We certainly could do some perennial type grasses that will get covered with snow and get knocked down and grow again in the Spring. That would be okay.

**Rene Daniel** that would certainly help to shield that, not only near the driveway but around the trees. I just think we do not do not do enough landscaping in this City.

**The vote was unanimous in favor 7-0**

4. **Stroudwater Landing – Special Exception Amendment, Subdivision Amendment & Site Plan Amendment - 449 Stroudwater Street – Daniel J. Maguire, on behalf of Sandy River Company for a 3-phase project to include a 60-bed memory care center, a 120-unit assisted living facility and 44 for-sale age restricted units in duplexes, triplexes and quads. This project would be located on an approximately 65.3 acre parcel located on 449 Stroudwater Street and on a vacant parcel of land between 300 and 328 Spring Street. Tax Map: 9, Lot: 20 and Tax Map: 8, Lot: 3A, Zone: Residential Growth Area 1.**

Background. In April and May of 2007 the Planning Board approved development of 103 residential units in the form of duplexes, triplexes and quads on the subject property. The approved residential units would be age-restricted and the project would include the construction of a new public street, Landing Road, connecting Spring and Stroudwater Streets. The applicant received a zone change from the City Council for a large portion of the property currently owned by the Animal Refuge League at 449 Stroudwater Street. The applicant received the zone change from Rural to RGA1 to increase the allowable density for this project. Construction of the project did not get underway within the time period required by the Land Use Ordinances, one year, and the applicant has since obtained a series of extensions for the approvals.

Update. The applicant is requesting an amendment of the current approvals for the property. The subject proposal includes development in three phases as follows:

Phase I: A 60-room memory care center (these will not be full residential units). Phase I will commence within one year of Planning Board approval. Phase I will be accessed by a driveway with sidewalk. Maintenance of the driveway is the responsibility of the landowner. From initial construction of the project, the access from Spring Street will include adequate right-of-way for a public street, Landing Road, between Spring Street and Stroudwater Street.

Phase II: A 120-room assisted living facility (these will not be full residential units). Phase II will commence construction within three years of a certificate of occupancy for Phase I. Prior to issuance of a certificate of occupancy for any portion of the development after Phase I, the applicant shall complete construction of Landing Road.

Phase III. Construction of the 44 retirement cottages would be completed within three years of a certificate of occupancy for the 120-room assisted living facility (Phase II).

#### SUBDIVISION AMENDMENT REVIEW

Staff Comments:

Prior to a Planning Board vote on the project, the applicant should provide the following:

1. Updated digital data for the project.
2. A detail on the plan set for the dumpster enclosure(s).
3. Update the plans to depict all improvements (including fencing) on the subject property, not abutting property.
4. Revise the notes on the plan set to include that the driveway for Phase I will be constructed with a sidewalk.
5. A signed copy of the Development Agreement in its final form.

**Daniel Maguire** with Sandy River Company and I am happy to be here as it has been a long process on this project to say the least.

We are here to amend our approvals that came before you in May 2007; we came to you about a year ago with a Sketch Plan proposal with the new project with an amendment to that Site Plan. Since then we have had lots of conversations with lots of people ranging from things on how do you finance this project to how do you thoughtfully develop something that is good fro the Community, to how do you work with neighbors. Know that there is not a requirement to have a Public Hearing we took it upon ourselves to meet with the neighbors on several occasions last year. We had a balloon meeting and raided balloons so the neighbors could get a sense if you could actually see the buildings or not. It was very clear that neighbors could not see the development from their property. More importantly it is working as a good citizen and working with the neighbors within a community with a process that is healthy and making sure we do things right.

The other part of our project that is important to mention if the financing part of it, as of January 31 TD Bank North has made a commitment to finance this project. We also have the Department of Human Services very interested in what we are doing in how to do a better job with caring for people with memory losses. We are meeting with them regularly and getting their approval on the project as well.

Regardless of all the planning that I do and all the years that it takes to do that planning, at the end of the day it is still about a family member, about a person who needs care and about care givers working in a building and creating an environment for people to be saved, to be cared for and to get what they need in terms of services. That is what we are really all about.

I also want to thank you for approving Springbrook Nursing Center's addition. Sandy River owns the building and leases it to Genesis Healthcare. An important note on that project is they are building a state of the art rehab center.

Senior care is changing and evolving. Particularly changing because we as baby boomers are demanding that change so I think it is a healthy conversation.

Our project involves three phases and I always call it four phase because Springbrook is the anchor of the project and we would not be here if it were not for Springbrook. We are very proud of that facility; it has done a great job in the community. Springbrook is a one hundred and twenty-three bed facility. Right now it is one hundred bed nursing facility and twenty-three bed residential care facility. Part of what we are proposing is the licensed residential care beds will be relocated to a new memory care facility on the campus.

Phase one is going to be a sixty unit memory care center. Phase two will be one hundred and twenty assisted living facilities. Phase 3 will be the forty-four cottages that is a mix of single family homes, duplexes and quads.

Our intention is to break ground for phase one in May if we can, assuming if everyone agrees that we should be doing that. Phase Two would start construction within three years in completing phase one and phase three within three years of completion of phase two.

There is also a community impact study that will not cost the City a lot of money while creating services. You will see a net benefit of \$500,000 dollars once the project is fully built out.

There are tons of details that go into the site drawings and Will can answer any questions. We have been working on this a long time and would like to start this spring and if at all possible I would be extremely delighted if you could vote on this project and approve it tonight.

**Ed Reidman** will you go back and tell us what we gave the original approval for vs. what you are asking for now? It is not the same as what you brought to us the first time.

**Daniel Maguire** the original project we planned a campus like facility much like what we are asking for now, back in 2005 and 2006 when we were planning it. At the time we were in the process of getting out of the operating business and brought in Genesis Healthcare to operate Springbrook Nursing Care. Also at that time for sale retirement cottages were a very big product needed and people were buying them and doing very well throughout Maine, then after we received our approvals in May 2007 the real estate market collapsed and is slowly recovering.

Our original plan was one hundred and three for sale cottages shown on this plan and that was to be done in four different phases.

**Ed Reidman** no assisted living facility in your original proposal?

**Daniel Maguire** no

**Ed Reidman** no memory care facility in your proposal?

**Daniel Maguire** no

**Ed Reidman** would any Board Member like a site walk?

**Rene Daniel** I would

**Ed Reidman** would anyone like a Public Hearing? I personally feel we should have one.

**Rene Daniel** as I listened to you I am still very excited. I want to see the project continue. I am sold on the new concept but while hearing about the differences, I think there is enough difference from when you presented it to us the first time...I would feel more comfortable to have a public hearing. I do not want to drag this out any longer, but I feel so strongly that I will make a motion to have a public hearing.

**Ed Reidman** March 20th is the first meeting we can have as no one is available for our usual first meeting of the Month.

**Molly Just** that is correct

**Rene Daniel** that is four weeks, I still feel strong enough that I want to make the motion.

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

**Rebecca Dillon** I need to recuse myself.

**Ed Reidman** Ms. Dillon has a conflict that we discussed prior to the meeting.

**The vote is 4-2 in favor (Robin Tannenbaum and Cory Fleming opposed – Rebecca Dillon recused)**

**Rene Daniel** I move to have a site walk as arranged by Staff.

**2<sup>nd</sup> by Robin Tannenbaum**

**The vote was 5-1 in favor (Cory Fleming opposed – Rebecca Dillon recused)**

- 5. Site Plan – Fairlane 500 Industrial Drive - 84 Warren Avenue – St.Germain Collins, on behalf of Selden Von Herten, for approval of a commercial condominium consisting of 13 condominium units (land areas with improvements). Most of the condominium units have been developed. The Site Plan approval is also for approval of a ready mix concrete plant to be owned and operated by Hissong ready Mix & Aggregates on Unit I of the commercial condominium.**

**Overview.** The proposed project would be located on an approximately 18-acre site located at 84 and 84A Warren Avenue. The proposal is to separate existing structures with their associated land into condominium units, but not subdivide the land. The condominium project is proposed to be located along with the existing buildings at 84 and 84A Warren Avenue. The property is surrounded by commercial buildings an un-built portion of the Deer Hill subdivision.

The condominium units will be accessed by an existing driveway, by way of Warren Avenue and Chabot Street. Chabot Street and Delta Drive are currently not in a condition to accept the type of traffic, industrial, associated with the development. The applicant has entered into a cost-sharing agreement with the City of Westbrook to improve Chabot Street and Delta Drive. Please see the Conditions of Approval for the amount to be paid by the applicant.

The Site Plan approval includes a concrete ready-mix plant, to be constructed on Unit I. The batch plant and truck loading area would be enclosed within the proposed building. The existing junkyard, located in Unit I, would be relocated to Unit J.

**Mark St Germain** with St Germain Collins we were here for a sketch plan review a few months ago you may recall. I will point out some of the differences as I give the presentation.

I will introduce Seldon Von Hertton the owner of Fairlane 500 Industrial Drive LLC and the owner of the property, next to him is Chris Pizzey who is with Hissong ready mix, aggregates

and a potential purchaser of one of the condominium units. Molly Sinclair Bull is an attorney who helped defining the lots or parcels and St Germaine Collins Staff; Design Engineer, Peter Dalfonso and Wanda Emery our Regulatory Specialist.

The site is off Warren Avenue, between Warren Avenue and Larrabee Road on an eighteen acre parcel surrounded almost in its entirety by commercial activity, White Brothers, Gagne Concrete, Delta Drive, the Health Club, Sebago Tech, and the treatment Center. This is Westbrook Housing, one residential undeveloped to Deer Hill. Zoning is mostly Industrial Park District and some is in the Gateway Commercial. Gateway and Industrial Zone do not differ much except for future uses.

The existing condition plan has eight buildings on the property since early 1970's that range in size from six to twenty thousand square feet. You have Von Hertton Auto Body in front, then a vacant property that is zoned for recreational use, a metal distribution, Portland Paper Company; these two properties are commercial warehouse distribution companies, Atlantic Transport, and Gaftec that install tank systems and service pumps. All these companies exist on the property currently. As you can see that is one parcel and that is changed since that last time we were here. The last time it was seven separate parcels and we have worked combining them into one parcel owned by Fairlane 500 LLC.

The project name will be Fairlane 500 Condominiums. There is also a communication tower down here off the cul-de-sac, there is a licensed junk yard here and that is where Hissong is going and the licensed junk yard will be moved to another portion across the access drive.

Here is the site as we currently propose and that is currently developed. The brown is the buildings; the gray is pavement from here over this brownish area is gravel area and then a bunch of green. The proposal is to break these up into thirteen usable Condominium units. This is not a subdivision; this is one lot with condominium units. There will be the eight condominiums that we have talked about, the Hissong location, the tower lot and then three lots that are available (that are identified as J, K & L that are for future use.

This is Atlantic and they wish to own their property and in this zone there was not enough frontage, so this project was born by a need for a local business to grow and to improve the property and this will help accomplish that and will allow the four additional lots that he already has a use for that we are looking for Site Plan approval today, for Hissong Ready-mix.

Here is a gravel drive and it is not constructed in the way the City would like it constructed, so our intention is to improve this access drive, which will improve site access throughout the property and we will improve stormwater management.

The common elements of the condominium association will be the road, the maintenance of the road, stormwater features, the two stormwater detention ponds and a third stormwater treatment pond, infrastructure getting the water and from and Hissong has a DEP Permit that is in place now that requires these three ponds.

The Hissong project is unit I and this is the location in the corner of the lot. Hissong ready mix takes dry powdery concrete in a silo and mix it with aggregate and water, in the truck. All the trucks are front loaded trucks so the driver can see what is being loaded in front of the truck.

The traffic flow is two way all the way through but a truck will pull into this bay that has a chute above that the materials, concrete components drop into the truck into a hopper and there is a silo above them that is mixed with aggregate that comes in from the building, This is an internal operation that is all automated. There is someone on the computer that says the is the mix we want and all the mechanisms bring them in to a hopper with all the aggregates in it, it



brings in a portion of all the aggregate a certain portion of the cement and a certain portion of the water and is loaded into the truck and it mixes in the truck and the truck goes to the site with the concrete. It is all indoors and this is the second facility that Hissong will be operating. The first location is in Elliott. What is nice about the interior operation is it has dust control because of the directional chutes. There is a bag house for dust control of that internal air; you will not see dust flying around. Once they load this into the truck they leave the site. When they come back they might have a little wet concrete, they will come back to the pad that they will use the concrete to make blocks that is poured into molds and once that is done they will need to clean out the truck. There is a three bay pad here that has three hose reels on the wall and they basically put the chutes over that wall and wash all the contents of the truck into that bay. There is some stone that holds all the heavier solids in this area and water flows from that area into a three stage settling basin which allows the solids to settle out of the water. Once in the third bay the water is brought to a tank inside and the same tank water is used to wash the next truck. They already use this system in Elliott and we have improved it to ensure the elevations on site so they have no stormwater running into this system.

Per the City Engineers request with a 100 year storm you could have a little more water than the system could handle if could not catch it. This system has water added to it daily, it is a net user of water. If you have an overflow you have a design overflow, an infiltration filter which is basically an under drain filter that would take that water through the under drain filter and drain through the under drain to the stormwater pond.

The building has a various functions, the loading area, the bag house, a conveyor, aggregate storage types, feeding bin. It loads from the conveyor to a hopper area. Here is an office and dispatch area and internal parking for these trucks.

There is no heating of this material, there are no stacks, no burning. There is a boiler for hot water and to heat the building, this is not an operation like an asphalt plant, the water is all recycled and there is no discharge.

Back to the larger site, the utilities exist from this side over here. The water and gas will be brought in from Chabot location, they will be adding a septic for this area and all the rest have septic already.

The one thing we heard from the sketch plan is so what if this site is existing, you can do improvements to the landscaping. We did and it looks good. We were told to do something like White Bothers as a matter of fact. Seldon and Hissong would like to make the site more attractive. We have some entrances, some curves, we have some elevation so we can really use some of those things to capitalize on them.

Starting from the new entrance coming off of Chabot Street you have a change in road direction and you go into a curve. On the corner of Chabot Street on the corner of the property we have a mix of existing vegetation on the left hand side; you do not have to worry about that, which is not what you are going to see. Looking at back side you will see a garden with large shrubs, trees, some spruce, white oak and around the corner a lot of perennials and he have added the entire perennials list into the application in the latest submittal. Around the corner you will be looking at the Hissong site and we added Black Spruce and more trees to that corner to screen the corner, then along the drive we have added white ash through the drive through the property.

Along the left is the new location for Seldon's junk yard and this is not a typical junk yard, it is mostly tractor trailer boxes with things used in Seldon's trade. We have provided screening along that area and then more landscaping added near the Stratum Tire building. We have carried landscaping from the back entrance through the property.

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If you are coming from the front of the property from Warren Avenue from Westbrook this is what you will see coming into the property. Looking up the drive actually is not Seldon's property it is owned by Portland Water District. Going further there is a hill with a flower bed – that has flowering shrubs and trees.

Site access is a private driveway going through that is totally the responsibility of the Condominium Association. It is currently gravel and will be paved that will improve access for emergency purposes as well.

We retained Gorrill Palmer to do a traffic study and traffic counts for both Chabot Street side and Warren Avenue side and looked at estimated impacts from Hissong from the developments of units J, K and L for commercial use provided in those zones. They did include unit H as well, Portland Paper as that had been added since the DEP review. The study looked at the counts during peak time and estimated 48 additional trips in the am peak hours and 52 in the pm peak hours between both driveways.

We will have to update the DEP permit as there is an ownership change with the property. We have talked to DEP and it is a minor modification of the permit.

At this time, if the Board is interested Chris Pizzey could show slides of the Hissong facility in Elliot.

**\*\*Editors note:** Chris Pizzey from Hissong showed twelve slides showing the facility in Elliott and explained the process in detail.

**Mark St Germaine** we are looking for a site plan approval, to improve the site from a functionality perspective, environmental perspective, an appearance perspective, so it can be designated as condominiums, we can keep a tenant and enable a new tenant and to the owners to be able to expand a business and bring in a new business and hopefully have three additional spots. We are looking for comments

**Ed Reidman** I would like to ask Mr. Gorrill to come up and Tom remembers the last time he was here and there are many new faces on the Board. At one time Tom was nice enough to come in and give us a lesson on traffic engineering.

Everyone has a concept that at 8:00 in the morning everyone is in their car going out... Would you go through that procedure?

**Tom Gorrill** what we do is we go on the street and look at peak hours during the day and we go out and count traffic. There is a couple of peak hours in a day early in the morning on your way work and then in the afternoon on your way home.

We tried to put that on the same peak hours to super impose it and we will take that background traffic that is there and we adjust it upward to be more of a peak as traffic can vary throughout the year, so we do make some adjustments to try to get to a fairly high hours.

We take the traffic that is generated by this site and add it to that traffic, and then you go through and perform a capacity calculation which is very similar to an academic rating system is how we look at it. It is based on the way so an F is not great and an A is very good.

That is an un-signalized intersection; it can be an F and is not really that bad of a rate as you can have a lot of driveways around. Un-signalized can operate as an A, sometimes home driveways will mean an F but a signalized intersection is more important. We do take a look and see if signals are warranted at most intersections and most of the time they are not.

That is a quick overview for you. One other thing you have to watch for is whether it warrants a signal from the DOT and this as Mark said in the early 90's or late 80's went through an environmental process with the DEPO that actually permitted traffic. So all we are looking at this point is the amount of traffic that is going to be added to these four additional lots and it did not require a traffic permit from DOT.

**Ed Reidman** thank you Tom for the brief lesson in traffic engineering.  
Is anyone interested in a Site Walk or Public Hearing?

**Dennis Isherwood** I would like a Public Hearing as this is so close to Deer Hill properties and I want the public to be very aware of this.

**Dennis Isherwood** I move to schedule a Public Hearing on this project on March 20<sup>th</sup>, 2012 following the previously scheduled Public Hearing.

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

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

**Cory Fleming** Mr. Chair, can I bring up an auxiliary issue that this project brought up for me? Something that I am realizing with the three projects tonight and one thing that I would like to encourage Board Members with is to start to encourage low impact landscaping using native species particularly with this project I am seeing perennials, flower beds and things like that I am thinking the maintenance of that is going to be very difficult for you and I think there are different species that may not require as much attention. I think you will have a more successful appearance and this is strictly an opinion statement but wanted to express this as landscaping came up a few times this evening.

**Ed Reidman** let me make a suggestion, if you have concerns about the way the landscaping is, that is one of the particular items that we seem to be involved with, make a suggestion to add something or as a condition or refer it to Staff to do something like that.

You express your opinion as to what you feel and then there seems to be nothing done about what you are saying. I do not mean to put you off, but you should be relaying them to the staff and the applicant so they can be addressed. Once they are in here, they are going to do what is on the plan.

## 6. Adjourn

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