



# City of Westbrook

DEPARTMENT OF PLANNING, ENGINEERING AND  
CODE ENFORCEMENT

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**WESTBROOK PLANNING BOARD  
TUESDAY, APRIL 4<sup>TH</sup>, 2006, 7:00 P.M.  
WESTBROOK HIGH SCHOOL, ROOM 114  
MINUTES**

Present: Ed Reidman, (Chair), Greg Blake, Anna Wrobel, Luc Bergeron (At-Large), Paul Niehoff (Alternate)

Absent: Brian Beatti, (Rene Daniel (Vice-Chair) arrived at 7:45)

Staff: Rick Gouzie, Brooks More

Chairman Reidman called the Westbrook Planning Board meeting to order at 7:00 p.m. in Room 114 of the Westbrook High School. Mr. Reidman informed the audience of the purpose for the public hearing, and asked everyone who would speak to do so at the podium, being certain to speak clearly and provide the Board with their name and address. Mr. Reidman stated that the Board would hear a presentation accept any additional Staff comments, and then receive questions and commentary from the public. Mr. Reidman noted that any questions received by the Board would be answered at the end of the public presentation. Mr. Reidman explained that any action taken at this meeting would be dependant upon time constraints.

**Public Hearing - Final Subdivision Plan – Beauchamp Condominiums - Sebago Technics, on behalf of Cliff & Pat Plummer, for the creation of an eleven (11) unit condominium development on a 2.3 acre parcel located at 247 Spring Street. Tax Map: 8, Lot: 13A, Zone: RGA1.**

**Matthew Ek** from Sebago Technics, on behalf of Cliff & Pat Plummer, presented to the Planning Board all aspects for the creation of an eleven (11) unit condominium development on a 2.3 acre parcel located at 247 Spring Street. Tax Map: 8, Lot: 13A, Zone: RGA1.

**No Public comment**

**Luc Bergeron** asked if the change of cutting trees and installing a stockade fence is acceptable with the abutters.

**Matthew Ek** confirmed that this issue has been brought forth to the Elders of the church for the installation of the stockade fence.

**Ed Reidman closed the Public Hearing**

**Public Hearing – Final Subdivision Plan, Site Plan and Special Exception – Fox Knoll Condominiums - Land Use Consultants, on behalf of Tony Vance, for the construction of seven (7) condominium units on a 0.86 acre parcel of land located at 499 Cumberland Street. Tax Map: 43, Lot: 114, Zone: RGA1.**

**Tom Emery** with Land Use Consultants on behalf of Tony Vance presented to the Planning Board all aspects of the construction of seven (7) condominium units on a 0.86 acre parcel of land located at 499 Cumberland Street. Tax Map: 43, Lot: 114, Zone: RGA1.

**John Sterling** 222 Pierce Street is concerned about the location, blasting and the length of time for the construction. How much can the Pierce Street sewer handle? Liability – who would cover damage due to blasting or sewer back-up?

**Ed Reidman** read a letter written by Ben Adams who is concerned with traffic safety, with blasting and recommends a denial.

**Ed Reidman** closed the Public hearing

**Ed Reidman** asked how long the blasting will last in the area.

**Tony Vance** a blasting plan has been submitted to the City Engineer, Eric Dudley. The hours of blasting would be between 9:00 am to 3:00 pm considering any school children traveling to and from school. The blasting will be no longer than five (5) days a week for approximately a month.

**Ed Reidman** asked the capacity of the Pierce Street sewer.

**Eric Dudley** confirmed the seven (7) new units would not tax the Pierce Street sewer. As far as the liability question if the sewer backs up, this would be the City's liability.

**Paul Niehoff** asked about the site distance for people pulling out of there driveway.

**Tom Emery** said that there is nothing in his traffic study that indicates that this location has a high accident rate.

**Greg Blake** expressed his concerns about crosswalks and children using the crosswalks at peak traffic hours. Greg Blake mentioned as much signage as possible to warn commuters about the possibility of pedestrian crossing.

**1. Approval of Minutes – March 7<sup>th</sup>, 2006**

**Luc Bergeron** moved to accept the minutes as written

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

The vote was unanimous in favor 5-0

**Continuing Business**

**2. Final Subdivision Plan and Final Site Plan – Gateway Condominiums - Land Use Consultants, on behalf of Tony Vance, for the construction of twelve (12) condominium units on a 0.91 acre parcel located at 243 Conant Street. Tax Map: 31, Lot: 34, Zone: City Center.**

**Greg Blake** moved to remove the this item from the table

**2<sup>nd</sup> by Anna Wrobel**

The vote was unanimous in favor 5-0

Westbrook City council mentioned no parking on Route 25

**Greg Blake** moved the Subdivision application for Gateway Condominiums on Tax Map: 31, Lot: 34 is to be Approved with Conditions with the following findings of fact and conclusions.

**POLLUTION AND SEWERAGE DISPOSAL**

The project can be served by public sewer with a connection to the existing main on the far side of Conant Street.

**WATER**

The Portland Water District has confirmed its ability to serve the project in a letter dated May 12, 2005.

**SOIL EROSION**

The applicant has submitted to the City Engineer an alternative plan to mitigate stormwater velocities upstream of the driveway culvert to the abutter. Although this alternative is not as desirable as a plunge pool at the outlet of the driveway culvert, it

will be acceptable if the downstream abutter does not agree to the work being performed on his property.

#### TRAFFIC

A statement from John L. Murphy, P.E. states that adequate sight distance exists and the project will generate 13 trips in the P.M. Peak Hour. This small number of trips can be accommodated by Conant Street. Note: this review was based on the original 15 unit proposal. The revised 12 unit design should have fewer trips.

#### SEWERAGE

The project can be served by public sewer with a connection to the existing main on the far side of Conant Street.

#### SOLID WASTE

Solid waste will be the responsibility of the property owners.

#### AESTHETICS

The Maine Department of Conservation confirmed in a letter dated November 14, 2005 that rare and exemplary botanical species do not exist on the site.

The Maine Department of IF&W confirmed in a letter dated January 30<sup>th</sup>, 2006 that no significant wildlife habitat exists on, or adjacent to, the property.

Appearance Assessment:

Project to Site – The landscape plan is appropriate for the site and its relation to Route 25.

Project to Surrounding Property – This standard requires smooth transitions between properties through the use of screening materials, landscaping and natural topography. The applicant has incorporated 6' high stockade fencing and landscaping to provide buffer to the adjoining properties on the East and West. The project proposes most of its landscaping to the front along Route 25.

Landscape Design – The landscaping is appropriate for the site. Additional landscaping may be required on the North side based on the Board's review of the information.

Lighting – Details of the proposed light poles show a "colonial" style fixture that is appropriate for a residential development.

Signs – A project sign has been identified on the plans. A detail of the sign has been submitted for review on page C-8 of the plan set. The applicant has submitted the proposed color and materials to be used.

#### CONFORMITY WITH LOCAL PLANS AND ORDINANCES

Comprehensive Plan:

The Plan calls for this area of the City to allow the expansion of the Downtown. As such, the goals call for multi-family residential, except on the street level. While the

street level provision was called for in the Comprehensive Plan, it was not implemented in the Land Use Ordinances.

Land Use Ordinances – The proposed 12 unit project meets the net residential standards of the zoning district.

Recreation & Open Space – The Recreation & Conservation Commission reviewed the sketch plan at its October 20<sup>th</sup>, 2005 meeting. The Commission recommended the following:

That land, rather than the fee in-lieu of land be requested of this project. The land most acceptable would be in the rear of the property. The wetlands would not be acceptable as they are not considered usable space by the ordinance. According to the ordinance, 300 S.F. is required for each multi-family unit. For 12 units, the total would be 3,600 S.F.

That the filling of the wetlands will not affect abutting properties.

Follow-up: The Commission reviewed the redesigned proposal at its February 13, 2006 meeting and found that it met the intent of their recommendation.

Per Section 502.6 of the Subdivision Ordinance, the proposed open space must be designated on the plans with the following text, “Reserved for Conservation or Recreation Purposes.”

Community facilities impact analysis – An analysis may be requested by the Board.

Fire Code

***According to the Code of Ordinances, City of Westbrook, Chapter 13, Article IX, Sprinkler Systems, Section 13-9.3 Applicability – New Building Construction, (d) we would like to reinforce that this is understood and that a sprinkler system is required for this project.***

Others:

None

#### FINANCIAL AND TECHNICAL CAPACITY

The applicant has completed several projects in the City of Westbrook.

A performance bond will be required for on and off-site infrastructure work. The amount shall be approved by the City Engineer.

#### RIVER, STREAM OR BROOK IMPACTS

The applicant has submitted to the City Engineer an alternative plan to mitigate stormwater velocities upstream of the driveway culvert to the abutter. Although this alternative is not as desirable as a plunge pool at the outlet of the driveway culvert, it will be acceptable if the downstream abutter does not agree to the work being performed on his property.

## CONCLUSIONS

The proposed site plan **will not** result in undue water or air pollution.

The proposed site plan **has** sufficient water available for the reasonably foreseeable needs of the site plan.

The proposed site plan **will not** cause an unreasonable burden on an existing water supply.

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.

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.

The proposed site **will** provide for adequate sewage waste disposal.

The proposed site plan **will not** cause an unreasonable burden on the municipality's ability to dispose of solid waste.

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.

The proposed site plan **conforms** with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.

The developer **has** adequate financial and technical capacity to meet the standards of this section.

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.

The proposed site plan **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

The proposed site **is not** situated entirely or partially within a floodplain.

All freshwater wetlands **have** been shown on the site plan.

Any river, stream, or brook within or abutting the site plan **has** been identified on any maps submitted as part of the application.

The proposed site plan **will** provide for adequate storm water management.

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.

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.

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.

Timber on the parcel being subdivided **has not** been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14.

The proposed subdivision **will not** negatively impact the ability of the City to provide public safety services.

#### CONDITIONS

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated December 13, 2005, as amended March 31, 2006, 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. A performance bond will be required for on and off-site infrastructure work. The amount shall be approved by the City Engineer.
3. Site distance shall be added to the final mylars.
4. Signs shall be added to the plans that prohibit parking in the emergency vehicle turnaround area.

**2<sup>nd</sup> by Luc Bergeron**

**The vote was unanimous in favor 5-0**

**Paul Niehoff moved to waive the isle width from twenty-six (26) feet to twenty (20) feet.**

**2<sup>nd</sup> by Anna Wrobel**

**The vote was unanimous in favor 5-0**

**Greg Blake moved the Site Plan application for Gateway Condominiums on Tax Map 31, Lot 34, is to be approved with conditions with the following findings of fact and conclusions.**

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

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

- The development takes into account the shape of the parcel and the existing drainage patterns.

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

- The road system will be able to handle the net increase of 12 trips in the P.M. peak hour. Note: the net increase in trips was based on the original 15 unit proposal. The redesigned 12 unit project will generate the same or fewer trips.

### **Access to the Site**

- As noted by John Murphy, P.E., adequate sight distance exists at the site.
- Sight Distance must be added to the plan.

### **Internal Vehicular Circulation**

- The applicant has requested a waiver of the 26 foot parking aisle standard. The applicant has noted in the submission of January 31, 2006 that the parking stalls in this area of the site have been widened to 10 feet, as compared to the required 9 feet. Staff does not have an issue with this request as the reduced parking aisles are in areas where only one side of the aisle has stalls.
- Parking: 23 parking spaces have been provided for the 12 units. The 1.91 parking spaces per unit meets the requirement for 1.5 parking spaces per 2 bedroom unit.
- No parking signs should be added at the end of the turnaround provided for emergency vehicles and trash collection. The signs should also be added to the construction details in the plan set.

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

- Internal walkways have been provided.
- A 5' sidewalk has been provided on Conant Street.

### **Stormwater Management**

- The applicant has submitted to the City Engineer an alternative plan to mitigate stormwater velocities upstream of the driveway culvert to the abutter. Although this alternative is not as desirable as a plunge pool at the outlet of the driveway culvert, it will be acceptable if the downstream abutter does not agree to the work being performed on his property.

### **Erosion Control**

- The City Engineer has approved the erosion control plans.

### **Utilities**

- The project can be served by public sewer with a connection to the existing main on the far side of Conant Street.

### **Hazardous, Special and Radioactive Materials**

- None have been identified in the application.

### **Technical and Financial Capacity**

- The applicant has successfully completed projects in the City of Westbrook.
- A performance bond will be required via the subdivision review, above.

### **Solid Waste**

- Solid waste will be the responsibility of the property owner(s).

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

- The Director of Economic Development worked with the applicant to add architectural features to the proposed buildings.
- The Maine Department of Conservation confirmed in a letter dated November 14, 2005 that rare and exemplary botanical species do not exist on the site.
- The Maine Department of IF&W confirmed in a letter dated January 30<sup>th</sup>, 2006 that no significant wildlife habitat adjacent to the property.

### **Landscape Plan**

- Appropriate landscaping has been proposed for the project.

### **Others**

- None.

### **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 dated December 13, 2005, as amended March 31, 2006, 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<sup>nd</sup> by Luc Bergeron**

**The vote was unanimous in favor 5-0**

**3. Final Subdivision Plan – Beauchamp Condominiums - Sebago Technics, on behalf of Cliff & Pat Plummer, for the creation of an eleven (11) unit condominium development on a 2.3 acre parcel located at 247 Spring Street. Tax Map: 8, Lot: 13A, Zone: RGA1**

**Luc Bergeron moved the Subdivision application for Beauchamp Condominiums on Tax Map: 8, Lot: 13A is to be approved with conditions with the following findings of fact and conclusions.**

**POLLUTION AND SEWERAGE DISPOSAL**

- The project will be connected to the public water system.
- A catchbasin must be installed on the opposite side of the driveway from CB1 to collect runoff from the driveway prior to the intersection with Spring Street.

**B. WATER**

- The Portland Water District has confirmed its ability to serve the project.

**C. SOIL EROSION**

- The City Engineer has approved the erosion control plans.

**D. TRAFFIC**

- Adequate sight distance exists at the entrance to the property.

**E. SEWERAGE**

- There is adequate capacity in the sewer system to accommodate the project.

**F. SOLID WASTE**

- Solid waste will be the responsibility of property owners.

**G. AESTHETICS**

- A statement from the Maine Department of Conservation sent on February 17, 2006 confirms that no rare botanical features have been documented on the project site.
- A statement from the Maine IF&W sent on February 28, 2006 confirms that no significant wildlife habitat exists on the property.
- Appearance Assessment:

- (1) Project to Site – The plan appropriately takes into account the shape and topography of the parcel.
- (2) Project to Surrounding Property – Additional buffer has been provided between the proposed units and the property at 249 Spring Street.
- (3) Landscape Design – A complete landscape design plan has been included.
- (4) Lighting – Interior lights have been proposed. The type of fixture should be included in the construction details.
- (5) Signs – A project sign has been proposed. A sign permit must be issued by the Code Enforcement Officer.

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

- Comprehensive Plan:
  - The project meets the use of the RGA1 district.
- Land Use Ordinances – The plan meets the setback and net residential density standards of the zoning ordinance.
  - Recreation & Open Space – The Recreation & Conservation Commission reviewed the project at its February 13<sup>th</sup>, 2006 meeting. The Commission recommended that a fee-in-lieu of land be required as the remaining open space on the plan is encumbered with utility lines. Based on section 502.6A(1), the fee should be set at \$3,976.
- Community facilities impact analysis – An analysis may be requested by the Board.
- Fire Code
  - The site plan submitted by Sebago Technics on behalf of Cliff & Pat Plummer has been reviewed and meets all requirements as presented in the plan for the Planning Board's condition of approval
- Others

#### I. FINANCIAL AND TECHNICAL CAPACITY

- The applicant has submitted documents of financial capacity.
- A performance bond or letter of credit shall be required for on-site and off-site infrastructure work.

#### J. RIVER, STREAM OR BROOK IMPACTS

- None identified.

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 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. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, or great pond as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision **have** a lot depth to shore frontage ratio greater than 5 to 1.
18. The long-term cumulative effects of the proposed subdivision **will not** unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
19. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision **will not** cause unreasonable traffic congestion or

- unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.
20. Timber on the parcel being subdivided **has not** been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14.
  21. The proposed subdivision **will not** negatively impact the ability of the City to provide public safety services.

**CONDITIONS**

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated November 15, 2005, as amended February 9<sup>th</sup>, 2006 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. A performance bond or letter of credit shall be required for on-site and off-site infrastructure work. A performance guarantee in the amount of \$179,148 shall be submitted to the Department of Planning, Engineering and Code Enforcement prior to the commencement of any site work.
3. Per section 502.6A of the Land Use Ordinance, the applicant shall pay a fee-in-lieu of land in the amount of \$3,976 prior to the issuance of any building permits.
4. A catch basin must be installed on the opposite side of the driveway from CB1 to collect runoff from the driveway prior to the intersection with Spring Street, the City engineer and its appropriateness deemed upon such discussion. This revision must be made to the final mylars prior to the Planning Board's signing.
5. The applicant shall submit a revised landscape plan to be approved by the City Planner and the appropriateness of such discussion.

**2<sup>nd</sup> by Anna Wrobel**

**The vote was unanimous in favor 5-0**

**4. Final Subdivision Plan, Site Plan and Special Exception – Fox Knoll Condominiums - Land Use Consultants, on behalf of Tony Vance, for the construction of seven (7) condominium units on a 0.86 acre parcel of land located at 499 Cumberland Street. Tax Map: 43, Lot: 114, Zone: RGA1.**

**Luc Bergeron moved the Subdivision application for Fox Knoll Condominiums on Tax Map: 43, Lot: 114 is to be Approved with Conditions with the following findings of fact and conclusions.**

## **POLLUTION AND SEWERAGE DISPOSAL**

- The project will connect to the municipal water and sewer systems, and therefore, should not produce unreasonable pollution.

### **B. WATER**

- The Portland Water District has confirmed its ability to serve the project in a letter dated February 10, 2006.

### **C. SOIL EROSION**

- A geotechnical engineer must evaluate the excavated slope to determine what long term stability concerns for blasted rock exist and recommendations to minimize these concerns. Specifically, over time, rock from the blasted face will experience multiple freeze/thaw cycles that will dislodge rock from the face to the toe of the slope. Since there are homes in very close proximity to the proposed slope, mitigation measures should be taken to ensure the long term safety of the homes and inhabitants.

### **D. TRAFFIC**

- The project is located next to the intersection of Cumberland and Pierce Streets. Due to the topography of Cumberland Street and the large volumes of commuter traffic, this intersection is an area of concern. The applicant has hired traffic engineer John L. Murphy, P.E. to respond to these concerns.
- Mr. Murphy states that adequate sight distance exists for the posted speed limit. Staff has visited the sight and is comfortable with the sight distance.
- The location of the proposed driveway is across the street from Wilson Drive. The alignment of the driveway is in the best possible location for this project.
- Mr. Murphy states that the project will generate an additional 6 trips in the P.M. Peak Hour. This small number of trips will not significantly affect the level of service on Cumberland Street.
- Sight Distance must be added to the plan.

### **E. SEWERAGE**

- The existing sewer manhole in Pierce Street must be replaced with a 6' diameter structure to accommodate the new 8" sewer main. The section of sewer main between the existing structure and SMH 1 along with SMH 1 shall be installed as new public infrastructure. Sewer infrastructure from SMH 1 into the project shall be deemed private and the responsibility of the condo association. A note must be added to the plans to indicate this.

F. SOLID WASTE

- Solid waste will be the responsibility of the property owners.

G. AESTHETICS

- The Maine Department of IF&W confirmed in a letter dated February 9<sup>th</sup>, 2006 that no significant wildlife habitat exists on or adjacent to the property.
- Appearance Assessment:
  - (1) Project to Site – The landscape plan is appropriate for the site. *A statement must be provided from the applicant as to the maximum height of the plantings close to Cumberland Street as they should not impact the sight distance looking East.*
  - (2) Project to Surrounding Property – This standard requires smooth transitions between properties through the use of screening materials, landscaping and natural topography. The applicant has incorporated Eastern White Pines along the northwest property line. The remainder of the property, except for that along the right-of-way, is screened by the hillside.
  - (3) Landscape Design – The landscaping is appropriate for the site.
  - (4) Lighting – Details of the proposed light poles show a “colonial” style fixture that is appropriate for a residential development.
  - (5) Signs – A project sign has been identified on the plans. A detail of the sign has been submitted for review on page C-8 of the plan set.

H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- Comprehensive Plan:
  - The Plan calls for this area of the City to allow the infill of remaining vacant residential parcels with access to existing public services.
- Land Use Ordinances – The applicant has requested that the steep slopes on the site not be considered unusable land, as defined in section 201.90 of the Land Use Ordinances. The definition states that unusable land is sensitive areas which if disturbed or destroyed can adversely affect unique ecological balances. Slopes over 25% are used in the case-by-case analysis of sensitive areas. The applicant has obtained an evaluation of the slope from certified soil scientist Mark Hampton C.S.S., L.S.E. Mr. Hampton concluded that the ledge formation does not constitute an ecologically sensitive area, nor will it affect the unique ecological balance in the area. Based on this review, Staff recommends that the applicant be allowed to use the slope area in its net residential density calculation. The Recreation and Conservation Commission also reviewed and agreed that the slope did not have to be reduced from the density calculation.

- Recreation & Open Space – The Recreation & Conservation Commission reviewed the application at its March 13<sup>th</sup>, 2006 meeting. The Commission recommended that a fee-in-lieu of land be required as the remaining open space on the plan is inaccessible to the residents of the project. Based on section 502.6A(1), the fee should be set at \$2,485.
- Community facilities impact analysis – An analysis may be requested by the Board.
- Fire Code
  - According to the Code of Ordinances, City of Westbrook, Chapter 13, Article IX, Sprinkler Systems, Section 13-9.3 Applicability-New Building Construction, (d) building B is required to be protected by an automatic sprinkler system due to its configuration of three units.

Section 13-9.5 Additional Requirements of Sprinkler Systems (a), (b), (c),

(a) An approved automatic sprinkler system shall be equipped with an approved supervisory alarm system. NFPA 13 R is acceptable

(b) An approved automatic sprinkler system shall provide a 4-inch Storz Fire Department Connection. Exception: NFPA 13 R standard shall be 2.5 inch thread with cap.

(c) An approved Automatic Sprinkler System shall include an evacuation alarm which will sound when the sprinkler system is activated.

- A new fire hydrant needs to be installed with a minimum of a 6 inch water main to be located at or about the entrance to the complex for fire suppression.
- Others:
  - None

#### I. FINANCIAL AND TECHNICAL CAPACITY

- The applicant has completed several projects in the City of Westbrook.
- A performance bond will be required for on and off-site infrastructure work. The amount shall be \$850,000.00, or as amended by the City Engineer during the review process.

#### J. RIVER, STREAM OR BROOK IMPACTS

- None

## 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 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. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, or great pond as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision **have** a lot depth to shore frontage ratio greater than 5 to 1.
18. The long-term cumulative effects of the proposed subdivision **will not** unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.

19. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision **will not** cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.
20. Timber on the parcel being subdivided **has not** been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14.
21. The proposed subdivision **will not** negatively impact the ability of the City to provide public safety services.

### **CONDITIONS**

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated February 14, 2006, as amended March 31, 2006, 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. A performance bond will be required for on and off-site infrastructure work. The amount shall be \$850,000.00, or as set by the City Engineer.
3. Per section 502.6A of the Land Use Ordinance, the applicant shall pay a fee-in-lieu of land in the amount of \$2,485 prior to the issuance of any building permits.
4. A geotechnical engineer shall evaluate the excavated slope to determine what long term stability concerns for blasted rock exist and recommendations to minimize these concerns. Based on the evaluation, the City Engineer will require and approve the necessary mitigation measures.
5. The applicant shall meet the sprinkler and hydrant conditions stated in the Deputy Fire Chief's memo of March 1, 2006.
6. The existing sewer manhole in Pierce Street must be replaced with a 6' diameter structure to accommodate the new 8" sewer main. The section of sewer main between the existing structure and SMH 1 along with SMH 1 shall be installed as new public infrastructure. Sewer infrastructure from SMH 1 into the project shall be deemed private and the responsibility of the condo association. A note must be added to the plans to indicate this.
7. A statement must be provided by the applicant as to the maximum height of the plantings close to Cumberland Street as they should not impact the site distance looking east.
8. The Developer will meet with Public Safety and City Staff to arrive at a solution for Pedestrian Safety acceptable to Public Safety and City Staff. The applicant is responsible for the cost for such measures.

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

**The vote was 4-1 in favor (Anna Wrobel opposed, Rene Daniel abstaining due to late arrival)**

**Luc Bergeron moved the Site Plan application for Fox Knoll Condominiums on Tax Map 43, Lot 114, is to be approved with conditions with the following findings of fact and conclusions.**

## ***FINDINGS OF FACT***

### **Utilization of the Site**

- The development involves significant modifications to the exist topography of the site. The applicant has engineered the stormwater management plan to take into account the changes to the drainage patterns post blasting.

### **Adequacy of Road System**

- Mr. Murphy states that the project will generate an additional 6 trips in the P.M. Peak Hour. This small number of trips will not significantly affect the level of service on Cumberland Street.

### **Access to the Site**

- Mr. Murphy states that adequate sight distance exists for the posted speed limit. Staff has visited the sight and is comfortable with the sight distance.
- The location of the proposed driveway is across the street from Wilson Drive. The alignment of the driveway is in the best possible location for this project.
- Sight Distance must be added to the plan.

### **Internal Vehicular Circulation**

- The slope of the driveway is still under review.
- Parking: 11 parking spaces have been provided for the 7 units. This meets the requirement for 1.5 parking spaces per 2 bedroom unit.

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

- Internal walkways have been provided.
- The applicant has stated a willingness to work with Public Services to locate a crosswalk. Staff does not recommend that a crosswalk be located on Cumberland Street. Signage at the approaches to alert drivers to pedestrians would be preferable. The risk with a crosswalk is that it may either give pedestrians a false sense of security or result in vehicles being rear-ended.

### **Stormwater Management**

- The City Engineer has approved the stormwater management plan.

### **Erosion Control**

- A geotechnical engineer must evaluate the excavated slope to determine what long term stability concerns for blasted rock exist and recommendations to minimize these concerns. Specifically, over time, rock from the blasted face will experience multiple freeze/thaw cycles that will dislodge rock from the face to the toe of the slope. Since there are homes in very close proximity to the proposed slope, mitigation measures should be taken to ensure the long term safety of the homes and inhabitants.

### **Utilities**

- The Portland Water District has confirmed its ability to serve the project in a letter dated February 10, 2006.
- The existing sewer manhole in Pierce Street must be replaced with a 6' diameter structure to accommodate the new 8" sewer main. The section of sewer main between the existing structure and SMH 1 along with SMH 1 shall be installed as new public infrastructure. Sewer infrastructure from SMH 1 into the project shall be deemed private and the responsibility of the condo association. A note must be added to the plans to indicate this.

### **Hazardous, Special and Radioactive Materials**

- None have been identified in the application.

### **Technical and Financial Capacity**

- The applicant has successfully completed projects in the City of Westbrook.
- A performance bond will be required via the subdivision review, above.

### **Solid Waste**

- Solid waste will be the responsibility of the property owner(s).

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

- The Maine Department of IF&W confirmed in a letter dated February 9<sup>th</sup>, 2006 that no significant wildlife habitat exists on or adjacent to the property.

### **Landscape Plan**

- Appropriate landscaping has been proposed for the project.

Others

- None.

### 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 dated February 14, 2006, as amended March 31, 2006, 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<sup>nd</sup> by Greg Blake**

**The vote was 4-1 in favor (Anna Wrobel opposed, Rene Daniel abstaining due to late arrival)**

**Luc Bergeron moved the Special Exception application for Fox Knoll Condominium on Tax Map: 43, Lot: 114 is to be approved with conditions:**

- 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 multi-family units meet the parking requirements of Section 505.1A of the Site Plan Ordinance.
  - Project meets the dimension, loading and sign requirements of the ordinance.
- 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.
- The applicant has responded that these units will sell for prices that are comparable with the neighborhood.
  - The Planning Board may request that an appraiser review the information and present data on comparable sales in the area.
- C. Effects of Land Use. That the use granted will:

- (1) Maintain safe and healthful conditions,
  - The project will be connected to the public water and sewer systems.
- (2) Not cause water pollution, erosion, or sedimentation
  - The City Engineer is reviewing the erosion and sediment control plans.
- (3) Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat,
  - The site is currently occupied by a single-family dwelling.
- (4) Conserve shared tree cover and visual, as well as actual, access to water bodies,
  - Will not affect tree cover shared by existing residential properties. Will not affect shared physical or visual access to water bodies.
- (5) Not burden on-site septic or off-site waste disposal,
  - The City Engineer is reviewing the projects impact on the municipal sewer system.
- (6) Not burden existing public ways.
  - As noted in the traffic assessment conducted by John Murphy, P.E. the project will not burden the existing public way.

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,
  - Slope: The applicant is proposing to remove the ledge on the property. The blasting will be conducted by a professional firm and the applicant's engineer has designed a drainage plan for post blasting conditions.
  - Buffering has been provided on the Northwest corner of the site. The rear of the property will be buffered by the ledge wall. The applicant should be prepared to present on the buffering along Cumberland Street as the creation of an 11 space parking lot represents a significant change from the existing conditions.
- (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,
  - The City Engineer is reviewing the stormwater management plan.
- (3) Water, Air, Soil Pollution. The development will not cause unreasonable water, air, or soil pollution,
  - The use of multi-family units will not cause unreasonable water, air or soil pollution as municipal sewer service will be connected to the site.

- (4) Soil Integrity. The development will not cause unreasonable soil erosion or reduction in the capacity of the soil to hold water,
- A geotechnical engineer must evaluate the excavated slope to determine what long term stability concerns for blasted rock exist and recommendations to minimize these concerns. Specifically, over time, rock from the blasted face will experience multiple freeze/thaw cycles that will dislodge rock from the face to the toe of the slope. Since there are homes in very close proximity to the proposed slope, mitigation measures should be taken to ensure the long term safety of the homes and inhabitants.
- (5) Natural Environment. The development must not have an unreasonably adverse effect on a historic site or irreplaceable natural areas,
- The applicant commissioned a review of the site by Mark Hampton, C.S.S., L.S.E. Mr. Hampton found that the project will not unreasonable affect the ecological balance of the area.
- (6) Nuisance Factor. The development must not cause unreasonable noise, odors, dust, gas, fumes, smoke, light or other annoying or dangerous emissions,
- The development will produce the by-products associated with a residential development. The use of one multi-family building should not create more unreasonable impacts of these types than other residential developments.
- (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,
- Basements have been proposed for the units. These areas should provide adequate storage space for the residents.
- (8) Vehicular Access. The site layout must provide for safe vehicular access and egress, including that for emergency vehicles,
- As concluded by John Murphy, P.E., and confirmed by Staff, safe sight distance exists at the driveway entrance.
  - The site entrance is appropriately located across from Wilson Drive.
- (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 parking has been provided.
  - Adequate driveway width has been provided.
- (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.

- The Board may request that a Community Facilities Impact Analysis be conducted. Due to the size of the project, and because it is infill development on existing municipal services, Staff does not recommend that this analysis be required.

### CONDITIONS

- 1 Approval is dependant upon, and limited to, the proposals and plans contained in the application dated February 14, 2006, as amended March 31, 2006, 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<sup>nd</sup> by Greg Blake**

**The vote was 4-1 in favor (Anna Wrobel opposed: Rene Daniel abstaining)**

### New Business

**5. Final Site Plan Approval Extension – Pride’s Corner Bingo - Jack Soley for a one (1) year extension on the Final Site Plan Approval granted on April 5<sup>th</sup>, 2005 for the construction of an 18,000 S.F. building on a 6.22 acre parcel located at 33 Elmwood Ave. Tax Map: 59, Lot: 36, Zone: HS.**

**Jack Soley**, the current owner of the property at 33 Elmwood Street, is requesting a one (1) year extension to the Pride’s Corner Bingo site plan approval that was granted on April 5<sup>th</sup>, 2005. A copy of the meeting minutes from April 5<sup>th</sup>, 2005 is included in your packet.

**Anna Wrobel moved to hear Public Comment**

**2<sup>nd</sup> by Paul Niehoff**

**The vote was unanimous in favor 6-0**

**Pauline Barrows** 409 Bridgton Road expressed the stipulations that had been agreed upon between the Developer and the abutting neighbors and asked to carry the stipulations forward.

**Ed Reidman** confirmed the carry over of such stipulations if the extension is granted.

**Rene Daniel moved to extend Final Site Plan Approval Extension – Pride’s Corner Bingo - Jack Soley for a one (1) year extension on the Final Site**

**Plan Approval granted on April 5<sup>th</sup>, 2005 for the construction of an 18,000 S.F. building on a 6.22 acre parcel located at 33 Elmwood Ave. Tax Map: 59, Lot: 36, Zone: HS.**

**2<sup>nd</sup> by Anna Wrobel**

**The vote was unanimous in favor 6-0**

**6. Final Site Plan - Sigco Inc. – Deluca Hoffman, on behalf of Sigco Inc., for the construction of a 63,000 S.F. building on a 7 acre parcel identified as Lot 6 of the Westbrook Heights Business Park on Saco Street. Tax Map: 4, Lot: 306, Zone: IP.**

**Steve Bushey** with Deluca Hoffman, on behalf of Sigco Inc., presented to the Planning Board all aspects of a 63,000 S.F. building on a 7 acre parcel identified as Lot 6 of the Westbrook Heights Business Park on Saco Street. Tax Map: 4, Lot: 306, Zone: IP.

No Public Hearing

**Anna Wrobel moved to find the application complete.**

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

**The vote was unanimous in favor 6-0**

**Luc Bergeron moved the Site Plan application for Sigco Inc. on Tax Map 4, Lot 306, is to be approved with conditions with the following findings of fact and conclusions.**

***FINDINGS OF FACT***

**Utilization of the Site**

- The project has been engineered to take advantage of the topography of the site.

**Adequacy of Road System**

- The project falls within the MDOT Traffic Movement Permit that was issued for the Westbrook Heights Business Park. This permit includes improvements to intersections in the vicinity of the Park.
- With the required improvements, the road system has adequate capacity to accommodate the additional traffic.

### **Access to the Site**

- The entrance to the site will be on the Westbrook Heights Business Park road.
- The project has adequate sight distance at its entrance.
- Only one curb cut has been proposed.

### **Internal Vehicular Circulation**

- To minimize conflicts between passenger cars and loading operations, it is recommended that the parking spaces closest to the loading docks be removed.

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

- Internal walkways have been provided.
- Handicapped parking spaces and ramps have been provided.

### **Stormwater Management**

- The As-Built elevations of the detention pond should be field verified to determine that the invert out of SD1 at elev. 87.0 is possible.

### **Erosion Control**

- The City Engineer has approved the erosion control plans.

### **Utilities**

- The Portland Water District has confirmed its ability to serve the project in a letter dated March 15, 2006.

### **Hazardous, Special and Radioactive Materials**

- None have been identified in the application.

### **Technical and Financial Capacity**

- Draft letters from two lending institutions demonstrate the applicant's efforts to obtain financing for the project.
- The applicant has hired a professional engineer to design the plans and has an existing manufacturing business in Portland, ME.

### **Solid Waste**

- Solid waste will be the responsibility of the property owner(s).

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

- No resources were identified in the permitting of the Westbrook Heights Business Park.

### **Landscape Plan**

- Appropriate landscaping has been proposed for the project. The landscaping provides a well designed level of softening to the building site.

### **Others**

- Lt. Jarrett, Fire Inspector, has included ten (10) conditions in his memo dated March 17, 2006. The incorporation of these requirements has been included in the conditions of approval.

### **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 dated March 13, 2006 and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the Planning Board.
2. The applicant shall incorporate the ten (10) requirements of Lt. Jarrett's memo dated March 17, 2006 into the final mylars. The requirements shall be included either as part of the site design or in the notes section of the plan set. These changes must be made prior to the Planning Board's signing and the commencement of any site work or construction.
3. The applicant will field verify the As-Built elevations of the detention pond to determine that the invert out of SD1 at elev. 87.0 is possible. This determination submitted to, and approved by, the City Engineer prior to the commencement of any site work.

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

**The vote was unanimous in favor 6-0**

**7. Final Site Plan - HVAC Services Warehouse Addition – Land Use Consultants, on behalf of Sublimation, LLC, for the construction of a 5,320 S.F. addition to the building located at 73 Bradley Drive. Tax Map: 5B, Lot: 27, Zone: IP.**

**Dave Camilla with Land Use Consultants, on behalf of Sublimation, LLC, presented to the Planning Board all aspects of the construction of a 5,320 S.F. addition to the building located at 73 Bradley Drive. Tax Map: 5B, Lot: 27, Zone: IP.**

No Public Hearing

No Site Walk

**Luc Bergeron moved to find the application complete.**

**2<sup>nd</sup> by Paul Neihoff**

**The vote was unanimous in favor 6-0**

**Anna Wrobel moved the Site Plan application for HVAC Services on Tax Map 5B, Lot 27, is to be approved with conditions with the following findings of fact and conclusions.**

***FINDINGS OF FACT***

**Utilization of the Site**

- The addition is situated on a previously cleared and filled area. The area is currently covered with grass.
- The project connects to the existing building, reducing disturbance to the site.

**Adequacy of Road System**

- The project will not impact the road system.

**Access to the Site**

- No change to the site's entrance has been proposed.

### **Internal Vehicular Circulation**

- The addition will be accessed on both sides through the addition of paved drives and overhead doors.

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

- The addition will not change the existing pedestrian movement on the site.

### **Stormwater Management**

- The City Engineer has approved the stormwater management plan.

### **Erosion Control**

- Due to the project's location in the Shoreland Zone, the applicant shall hire a third party inspector to ensure that proper erosion control measures are in place throughout the construction process. Staff recommends that the Cumberland County Soil and Water Conservation District be retained by the applicant.

### **Utilities**

- The Portland Water District confirmed its ability to serve the project in a letter dated March 7, 2006.

### **Hazardous, Special and Radioactive Materials**

- None have been identified in the application.

### **Technical and Financial Capacity**

- A letter demonstrating the applicant's financial capability has been provided by Maine Bank & Trust in a letter dated February 16, 2006.

### **Solid Waste**

- Solid waste will be the responsibility of the property owner(s).

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

- The site was previously filled, graded and seeded.

### **Landscape Plan**

- The addition is in the rear of the property. No additional landscaping has been proposed.

Others

- The Fire Inspector does not have any comments.
- A Shoreland Zoning Permit will have to be issued by the Code Enforcement Officer.

*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** situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.
12. The proposed site plan **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The proposed site **is not** situated entirely or partially within a floodplain.
14. All freshwater wetlands **have** been shown on the site plan.
15. Any river, stream, or brook within or abutting the site plan **has** been identified on any maps submitted as part of the application.

16. The proposed site plan **will** provide for adequate storm water management.
17. The proposed plan **will not** negatively impact the ability of the City to provide public safety services.

## CONDITIONS

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated March 14, 2006 and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the Planning Board.
2. The applicant shall hire a third party inspector to ensure that proper erosion control measures are in place throughout the construction process. The inspector shall be under contract prior to the commencement of any site work.

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

**The vote was unanimous in favor 6-0**

**8. Final Site Plan – NAPA Addition – Gorrill-Palmer, on behalf of Genuine Parts Company, for the construction of a 46,000 S.F. addition to the building located at 180 Larrabee Rd. Tax Map: 42A, Lots: 11 and 11B, Zone: GC.**

**Maureen McGlone with Gorrill-Palmer on behalf of Genuine Parts Company, for the construction of a 46,000 S.F. addition to the building located at 180 Larrabee Rd. Tax Map: 42A, Lots: 11 and 11B, Zone: GC.**

No Public Hearing

No Site Walk

**Luc Bergeron moved to find the application complete**

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

**The vote was unanimous in favor 6-0**

**Luc Bergeron moved the Site Plan application for the NAPA Addition on Tax Map 42A, Lots 11 and 11B, 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 developed.
- The project will consolidate the number of businesses on the properties.
- The project will reduce the conflicts between trailer trucks and passenger vehicles.

### **Adequacy of Road System**

- The applicant has performed a traffic analysis and determined that the project will result in a net decrease in trips to and from the site. As a result, the project will not require a MDOT Traffic Movement Permit.

### **Access to the Site**

- Larrabee Road is a limited access road that is under the jurisdiction of the MDOT. The DOT has determined that two curb cuts will be allowed.

### **Internal Vehicular Circulation**

- The project will improve the internal circulation of vehicles on the site. In particular, it will provide better separation of passenger vehicles of visitors and tractor trailer trucks accessing the loading docks.

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

- The customer entrance is separated from the loading dock area.

### **Stormwater Management**

- The existing stormwater management system must be shown on the plan set. Currently, only the covers to the structures are shown. Detail for the basins, and pipe with inverts must be included.

### **Erosion Control**

- The City Engineer has approved the erosion control plans.

### **Utilities**

- The Portland Water District has confirmed its ability to serve the project in a letter dated December 19, 2005.

### **Hazardous, Special and Radioactive Materials**

- None have been identified in the application.

### **Technical and Financial Capacity**

- Genuine Parts Company is a national corporation. Financial statements have been included to demonstrate the corporation's financial capacity.

### **Solid Waste**

- Solid waste will be the responsibility of the property owner.

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

- The site is currently developed and occupied by commercial enterprises.

### **Landscape Plan**

- Appropriate landscaping has been proposed for the addition.

### **Others**

- Lt. Jarrett, Fire Inspector, has included eight (8) conditions in his memo dated March 17, 2006. The incorporation of these requirements has been included in the conditions of approval.

### **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 dated March 14, 2006 and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the Planning Board.
2. The applicant shall incorporate the eight (8) requirements of Lt. Jarrett's memo dated March 17, 2006 into the final mylars. The requirements shall be included either as part of the site design or in the notes section of the plan set. These changes must be made prior to the Planning Board's signing and the commencement of any site work or construction.
3. The applicant shall amend the plans and electronic data to include the stormwater features noted in the stormwater management section, above. These changes shall be made prior to the Planning Board's signing of the plans.

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

The vote was unanimous in favor 6-0

**9. Village Review – Stephen W Manchester Post #62 of the American Legion – Darryl Wright, for the Stephen W Manchester Post #62 of the American Legion, for the remodeling and improvement to the Legion Hall located at 17 Dunn Street. Tax Map: 33, Block: 1, Lot: 192, Zone: CC.**

Anna Wrobel moved to table to April 18<sup>th</sup>

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

The vote was unanimous 6-0

**11. Land Use Ordinances – Sign Ordinance Amendment – City of Westbrook for amendments to Section 404 Sign Regulations. Proposed amendments will increase the allowable area and materials of signs in the Industrial Park District and Business/Professional Office District.**

Rene Daniel moved to schedule a Public Hearing on April 18<sup>th</sup>

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

The vote was unanimous in favor 6-0

Ed Reidman announced the Mayors appointment for two new members to the Planning Board; the Representative from Ward #2 Charles Isherwood and Corey Fleming as an Alternate at Large.

**12. Adjourn**

*Respectfully submitted by Linda Gain PECE Secretary*

*MINUTES MAY NOT BE TRANSCRIBED VERBATIM. SECTIONS MAY BE PARAPHRASED FOR CLARITY. A COMPLETE RECORDING MAY BE OBTAINED BY CONTACTING THE ENGINEERING, PLANNING AND CODE ENFORCEMENT DEPARTMENT. THANK YOU*