



## City of Westbrook

### DEPARTMENT OF PLANNING, ENGINEERING AND CODE ENFORCEMENT

2 York Street Westbrook, Maine 04092 (207) 854-0638 Fax: (207) 854-0635

### WESTBROOK PLANNING BOARD MINUTES TUESDAY, JULY 18th, 2006, 7:00 P.M.

Present: Ed Reidman, (Chair), Rene Daniel (Vice-Chair), Greg Blake, Corey Fleming, Dennis Isherwood, Anna Wrobel

Absent: Paul Niehoff (Alternate), Brian Beatti Luc Bergeron (At-Large)

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.

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

**Public Hearing - Final Subdivision Plan and Final Site Plan - Riverfront Lofts - Archetype, on behalf of Blue Star Corporation, for the conversion of the existing commercial/industrial buildings located at 30 Lincoln Street to 44 dwelling units. Tax Map: 32, Lot: 127, Zone: City Center, Shoreland Zone: General Development.**

David Lloyd with Archetype, on behalf of Blue Star Corporation, presented to the Planning Board all aspects of the conversion of the existing commercial/industrial buildings located at 30 Lincoln Street to 44 dwelling units. Tax Map: 32, Lot: 127, Zone: City Center, Shoreland Zone: General Development.

Jamie Goddard 65 Lincoln Street asked who the tenants will be. Will they be lower income?

Robert Foley 44 Mitchell Street spoke in opposition of this project. This project has too many units. Not enough adequate parking. The Planning Board should mandate Deed restrictions. Do not allow absentee landlords.

**Public Hearing Closed**

**David Lloyd** with Archetype, on behalf of Blue Star Corporation answered all questions in reference to the Market Rate, Condo or rental options and parking that meets zoning ordinance of 1.5 per unit or sixty-six (66) spaces.

**Public Hearing - Requests to Purchase City Owned Property - The following parties have made requests to purchase property owned by the City of Westbrook. These requests have been referred to the Planning Board by the City Council's Committee of the Whole. The properties requested for purchase are listed following the names of the applicants.**

**Brooks More** explained the several requests to purchase property owned by the City of Westbrook have been referred to the Planning Board by the City Council's Committee of the Whole. In regards to the Toppi request, the City has received comment from the Maine DEP. The DEP informed the City that it cannot sell land within 100 feet of the bottom of the landfill slope.

**A. Westbrook Housing - 0 Wadsworth Avenue. Tax Map: 28, Lot: 33, Zone, RGA1.**

**Lisa Smith** 49 Saco Street spoke in favor of Westbrook Housing Authority's request to purchase this City property; or have the City retain property at 0 Wadsworth Avenue for open space. Westbrook Housing Authority requested the purchase of land first.

**Stephanie Emery** 14 Lewis Street (speaking for Joan Calderbank at 8 Turner Street) - Property should remain as green space - Westbrook Housing Authority asked for property at 0 Wadsworth Avenue first - Westbrook Housing Authority's use fits the neighborhood better.

**Public Hearing Closed**

**B. Fraternal Order of Eagles - 0 Wadsworth Avenue. Tax Map: 28, Lot: 33, Zone, RGA1.**

**Lisa Smith** 49 Saco Street spoke in opposition of the Fraternal Order of Eagles request to purchase this City property at 0 Wadsworth Avenue. The party zone should not be extended, do not make a bad situation worse, the partying will be extended outdoors.

**Stephanie Emery** 14 Lewis Street (speaking for Joan Calderbank at 8 Turner Street), read a letter in the record that was in opposition to the Fraternal Order of Eagles request to purchase this City property at 0 Wadsworth Avenue.

**Lewis Emery** 14 Lewis Street spoke in opposition to the Fraternal Order of Eagles request to purchase this City property at 0 Wadsworth Avenue. Mr. Emery is in favor of the sale to Westbrook Housing Authority with a no-build provision.

**Ed Reidman** gave Diane & Paul LeConte's letter for the record

**Public Hearing Closed**

**C. Alan & Denise Toppi - 0 Methodist Road. Tax Map: 20, Lot: 14, Zone: Rural.**

The DEP informed the City that it cannot sell land within 100 feet of the bottom of the landfill slope.

**Public Hearing - Land Use Ordinances - Request by Tim Flaherty to amend Section 404.1B and 404.3F of the Sign Regulations in the Land Use Ordinances. The amendment will remove the standard that both sides of the sign face must be counted in the computation of sign area.**

**Brooks More** explained that staff has brought forward several amendments to the sign ordinance in the past year. In all three cases (Disability RMS, Cinemagic, and this one) the size of signage has been the issue.

The proposed amendments would allow for greater size of free-standing (A.K.A. Pylon) signs in all districts. In other words, all districts would receive the same treatment as the amendment for Cinemagic achieved in the Industrial Park District (Note: the previous amendment for the Industrial Park District was removed as the proposed amendment will achieve the same ends).

On the one hand, Staff is not favorable to allowing excessive signage in the City. However, we try to look at applications and look at what is reasonable and fair. In light of the most recent application, and the Cinemagic application, we recognize that requiring both sides of a free-standing sign to count towards area is too restrictive. Thus, we are proposing that both sides of a free-standing sign be counted separately when determining the size of a sign. Thus, allowing one hundred (100) square feet of sign area means that both sides of a free-standing sign may be one hundred (100) square feet for an overall total of two hundred 200 square feet. Under the current regulations, each side may only be fifty (50) square feet, for a total of one hundred (100) square feet Staff recommends that members visit the newly constructed free-standing sign for Cinemagic on County Road. This sign is just less than one hundred (100) square feet per side.

**No comments**

**Public Hearing Closed**

**Public Hearing - Land Use Ordinances Amendment - Referral from the City Council to remove private ways from the Land Use Ordinances**

**Brooks More** explained to the Planning Board that administration sought a referral from the City Council to amend two provisions of the Land Use Ordinances. The City Council reviewed the proposal and has referred the issue to the Planning Board for a recommendation. The first is the removal of private ways as an option for creating frontage in subdivisions. The second is reintroducing the ability of land owners to divide their lots through the use of "back lots."

### Private Ways

The Administration is concerned that residents on private ways will request that the City take over responsibility for plowing, maintenance and trash collection. In this scenario, the City may take over responsibility for roadways that were constructed with less subsurface support (in the form of gravel layers), no pavement, curbing or enclosed storm. Staff is recommending that the City return to the practice of only allowing new subdivisions to occur on roadways that are constructed to public street standards.

This is a departure from the recommendations in the 2000 Comprehensive Plan. The Plan identified private ways as a means to encourage the development of interior lots and reduce municipal maintenance costs. As Strategy 4.3.3 states, "Reduce municipal maintenance costs by permitting private road development, provided that such roads remain private in perpetuity." (p. 11-7) The risk is that a future City Council may, as a result of landowner pressure, decide that the City should accept responsibility for the private ways. Thus, the municipal maintenance costs will not be reduced as the road did not remain private in perpetuity.

The Comprehensive Plan also finds that regulatory restrictions previously constrained the amount of development potential on Methodist Road. As stated in the Plan, "Prohibitions on flay lots, private roads, and the 1,000-foot maximum length for new subdivision roads has frozen development that diminishes the very visual quality that defines the district." (p. 8-20) As we are witnessing with Cobb Farm Estates, public streets are being used along Methodist Road for new subdivisions. Furthermore, with the companion proposal to reintroduce back lots (A.K.A. flag lots) we can create a system that accommodates large scale subdivisions with public streets and minor subdivisions (1-2 lots) with the allowance of flag lots.

Staff has reviewed applications for private ways and found that approximately 11 private ways have been permitted since 2004. This includes the following private ways:

- Timberland
- Fieldstone
- Lilac
- Dudley

- Sunnyfield
- Adams
- Willoughby Farm
- Menna
- Miles
- Starlight
- Kennard

**Arthur McDermott** Asked for the recommended changes in writing

**Roger St. Pierre** asked why the City took over the extra services for the Private Ways and then asked how flag lots will replace Private Roads.

**Public hearing closed**

**Brooks More** explained the reasoning to include flag lots and the change for Private Ways.

Eric Dudley explained the reasoning for the services provided on a few Private Ways and not on others.

**Public Hearing - Land Use Ordinances Amendment - Referral from the City Council to introduce flag lots into the Land Use Ordinances**

**Brooks More** explained the reasoning for the recommendation of Flag Lots.

Back lots (A.K.A. Flag lots)

As a companion to the removal of private ways, Staff is proposing that flag lots be reintroduced into the ordinances. Flag lots provide property owners with an option when the goal is to split off a single lot. Without the ability to create a flag lot, a property owner must construct a private way to establish lot frontage.

**Ed Reidman** read a letter from Mr. Gailey into the record.

**Ralph Hat** asked how complex a flag lot can become. How many will the City permit if multiple lots are created?

**Roger St. Pierre** asked how the density is calculated. Density if sold the flag part of the lot can be turned into a City Street.

**Public Hearing Closed**

**Brooks More** explained the density calculation of a flag lot.

**Ed Reidman** explained the number of flag lots that Ralph Hat could potentially have on his property.

**Public Hearing – Land Use Ordinance Amendment – Referral from the City Council to introduce contract zoning into Section 106 of the Land Use Ordinances**

**Brooks More** explained that the City Council is requesting a recommendation on whether contract zoning should be introduced into the Land Use Ordinances. Contract zoning was allowed in the previous zoning ordinance. Per State Statute, contract zoning is defined as, “Contract zoning’ means the process by which the municipal legislative body may rezone property to permit the use of that property subject to conditions not generally applicable to other properties similarly zoned.” Reviewing the zoning map, Westbrook has several examples of contract zones. These include Golder Commons on Lincoln Street, Hannaford Supermarket on William Clarke Drive and Brydon Farms on Route 302.

In the past, Staff has found that when used in coordination with the Comprehensive Plan, that contract zoning provides the City with greater flexibility on projects that have the potential to benefit the community. Thus, Staff recommends that the proposal receive a positive recommendation.

**Ralph Hat** asked if anyone could ask for their property with its existing lots to be in a Contract Zone. Mr. Hat also asked if in his area if the lot sizes could be reverted to a half acre, instead of an acre and a half.

**Roger St. Pierre** What is the process to request a Contract Zone?

**Kenneth Tuttle** 243 Bridge Street the Vice-President of the Recreation Conservation Commission is opposed to Contract Zoning. Zoning without Contract Zoning is fairer. No special treatment will be given.

**Eileen Shutts** Monroe Avenue said that right title and interest should be included in Contract Zoning.

**Ed Reidman** mentioned the public comment from resident Eileen Shutts, into the record.

**John O’Hara** 80 Cottage Place supports Contract Zoning.

**Lee Swanson** 30 Clifford Street asked why Contract Zoning was removed from the Ordinance.

**Arthur Randall** Stroudwater Street said that Contract Zoning makes it easier for Developers. Westbrook does not need Contract Zoning. Are we relaxing any standards for changing the zone?

**Public Hearing is Closed**

**Ed Reidman** explained the purpose of a Contract Zone and also said Contract Zoning may have stricter standards, but at least the same standards as set forth by the current Ordinance.

**Mr. Reidman** asked Counsel if the City Council can over ride the Planning Board's decision on a Contract Zone Project.

**Natalie Burns** Yes

**Ed Reidman** asked if we could address Mr. Hat's question on the lot size requirements of his property.

**Brooks More** said that anyone can request Contract Zoning as long as they can provide a compelling reason to do so.

**2. Approval of Minutes: May 16, 2006; May 30, 2006.**

**Rene Daniel** moved to approve the minutes as written.

**Anna Wrobel** amended the motion to review the May 16<sup>th</sup> minutes on page 12 whether Anna Wrobel was absent on the vote of Maine Medical.

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

**The vote on the amended motion was unanimous in favor 6-0**

**Continuing Business**

**3. Final Subdivision Plan and Final Site Plan - Riverfront Lofts - Archetype, on behalf of Blue Star Corporation, for the conversion of the existing commercial/industrial buildings located at 30 Lincoln Street to 44 dwelling units. Tax Map: 32, Lot: 127, Zone: City Center, Shoreland Zone: General Development.**

**David Lloyd** with Archetype on behalf of Blue Star Corporation explained for the financial need for the waiver of underground utilities.

**Anna Wrobel** moved to deny the waiver for underground utilities.

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

**The vote was 5-1 in favor (Dennis Isherwood Opposed)**

**Ed Reidman** read a memo from Mike Shutts that a fee in lieu of land in the amount of \$14,910.00 should be added as a conditional of approval to be paid before the commencement of any site work.

**Rene Daniel** explained the need for additional landscaping at the rear of the project.

**Brooks More** explained to the Planning Board that there are environmental reasons to keep the vegetation adjacent to rivers, as well as DEP reasons to keep existing vegetations.

**Rene Daniel** moved to Table this item until August 1<sup>st</sup>, 2006

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

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

**4. Requests to Purchase City Owned Property - The following parties have made requests to purchase property owned by the City of Westbrook. These requests have been referred to the Planning Board by the City Council's Committee of the Whole. The properties requested for purchase are listed following the names of the applicants.**

**A. Westbrook Housing - 0 Wadsworth Avenue. Tax Map: 28, Lot: 33, Zone, RGA1.**

**B. Fraternal Order of Eagles - 0 Wadsworth Avenue. Tax Map: 28, Lot: 33, Zone, RGA1.**

**C. Alan & Denise Toppi - 0 Methodist Road. Tax Map: 20, Lot: 14, Zone: Rural.**

**Rene Daniel** requests to reclude himself as he is an employee of Westbrook Housing.

No objections from the Planning Board

**Dennis Isherwood** move to recommend that the City of Westbrook does not sell

**No Second Motion fails**

**Greg Blake** moved recommend to the Westbrook City Council to sell 0 Wadsworth Avenue Tax Map: 28 Lot: 33, to the Westbrook Housing Authority

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

The vote was 4-1 in favor (Dennis Isherwood opposed) (Rene Daniel Abstained from vote)

Anna Wrobel moved to recommend to the Westbrook City Council; that no sale be offered to the Fraternal Order of Eagles for 0 Wadsworth Avenue Tax Map: 28 Lot: 33.

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

The vote was unanimous in favor 5-0 (Rene Daniel Abstained from vote)

No action taken on item C. Alan & Denise Toppi - 0 Methodist Road; Tax Map: 20, Lot: 14, Zone: Rural, as the City has been informed by the DEP that it cannot sell land within 100 feet of the bottom of the landfill slope.

5. Land Use Ordinances - Request by Tim Flaherty to amend Section 404.1B and 404.3F of the Sign Regulations in the Land Use Ordinances. The amendment will remove the standard that both sides of the sign face must be counted in the computation of sign area.

Corey Fleming moved to recommend the amendments

2<sup>nd</sup> Rene Daniel

The vote was unanimous in favor 6-0

6. Land Use Ordinances Amendment - Referral from the City Council to remove private ways and introduce flag lots into the Land Use Ordinances.

Greg Blake moved to recommend the amendments to remove private ways and introduce flag lots into the Land Use Ordinances to the City Council

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

The vote was in favor 4-2 (Dennis Isherwood & Corey Fleming opposed)

7. Land Use Ordinance Amendment - Referral from the City Council to introduce contract zoning into Section 106 of the Land Use Ordinances.

Rene Daniel moved to recommend to the Westbrook City Council to accept the Land Use Ordinance Amendments as presented.

2<sup>nd</sup> by Corey Fleming

The vote was unanimous in favor 6-0

New Business

**8. Amended Site Plan - Associated Design Partners, on behalf of Freightliner and Western Star of Maine, for the construction of a 1,600 S.F. addition and associated parking lot improvements on the property located at 10 Terminal Street. Tax Map: 42B, Lot: 12, Zone: Industrial Park.**

Tim Thibodeault with Associated Design Partners, on behalf of Freightliner and Western Star of Maine, presented to the Planning Board all aspects of the construction of a 1,600 S.F. addition and associated parking lot improvements on the property located at 10 Terminal Street. Tax Map: 42B, Lot: 12, Zone: Industrial Park.

Corey Fleming moved to fine the application complete.

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

The vote was unanimous in favor 6-0

Greg Blake moved the Site Plan application for Freightliner on Tax Map 42B, Lot 12, 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 covered by impervious surfaces and has an existing storm water detention pond.

**Adequacy of Road System**

- The changes will not affect the adequacy of the road system.

**Access to the Site**

- The project is not proposing any changes to the site's access.

#### **Internal Vehicular Circulation**

- **The parking lot has been designed to allow proper circulation.**

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

- **The proposed changes will not affect pedestrian and other modes of transportation.**

#### **Storm water Management**

- **The City Engineer has approved the storm water management plan.**

#### **Erosion Control**

- **The City Engineer has approved the grading and utility plan.**

#### **Utilities**

- **The utilities shall be extended from the existing building.**

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

- **None have been identified in the application.**

#### **Technical and Financial Capacity**

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

#### **Solid Waste**

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

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

- **None.**

#### **Landscape Plan**

- **The proposed structure is an addition to the far end of the building. Accordingly, no additional landscaping has been proposed.**

**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 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 affects the quality or quantity of ground water.**
- 13. The proposed site is situated entirely or partially within a floodplain.**
- 14. All freshwater wetlands have been shown on the site plan.**
- 15. Any river, stream, or brook within or abutting the site plan has been identified on any maps submitted as part of the application.**
- 16. The proposed site plan will provide for adequate storm water management.**

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

**CONDITION**

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated May 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 Rene Daniel

The vote was unanimous in favor 6-0

9. Amended Site Plan - Sebago Technics, on behalf of Sysco of Northern New England, for site modifications to the property located at 36 and 44 Thomas Drive. Tax Map: 3, Lots: 11, 11A, 12, Zone: Industrial Park.

Adam Pitcher representing Sysco of Northern New England presented to the Planning Board all aspects for site modifications to the property located at 36 and 44 Thomas Drive. Tax Map: 3, Lots: 11, 11A, 12, Zone: Industrial Park.

Corey Fleming moved to find the application complete

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

The vote was unanimous in favor 6-0

Anna Wrobel moved the Site Plan application for Sysco of Northern New England on Tax Map 3, Lots 11, 11A and 12, is to be approved with conditions with the following findings of fact and conclusions.

***FINDINGS OF FACT***

**Utilization of the Site**

- The project will impact a small area of the site. The project will provide improved fueling and parking on the property.

### **Adequacy of Road System**

- **The proposed improvements will not affect the adequacy of the road system.**

### **Access to the Site**

- **The proposed improvements will not affect the site's access.**

### **Internal Vehicular Circulation**

- **The proposed improvements will improve internal vehicular circulation.**

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

- **The proposed improvements will not affect pedestrian and other modes of transportation.**

### **Storm water Management**

- **The City Engineer has approved the storm water management plan.**

### **Erosion Control**

- **The City Engineer has approved the grading and utility plan.**

### **Utilities**

- **All utilities will be extended from the existing building.**

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

- **None have been identified in the application.**

### **Technical and Financial Capacity**

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

### **Solid Waste**

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

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

- None.

#### Landscape Plan

- No landscaping has been proposed.

#### Others

- **Lighting:** Cut-sheets of the lights must demonstrate that the fueling canopy will utilize cut-off fixtures.

#### *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 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 June 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 lights for the fuel station canopy must be 90 degree cut-offs. Details of the lights must be added to the plans prior to the Planning Board signing of the Mylar.

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

The vote was unanimous in favor 6-0

10. Amended Site Plan - Deluca Hoffman, on behalf of SIGCO, Inc., for the construction of a 744 S.F. addition, movement of the transformer pad and grading revisions on the property identified as Lot 6 of the Westbrook Heights Business Park. Tax Map: 4, Lot: 10, and Tax Map: 1, Lot: 1, Zone: Industrial Park.

Steve Bushey with Deluca Hoffman, on behalf of SIGCO, Inc., presented to the Planning Board all aspects for the construction of a 744 S.F. addition, movement of the transformer pad and grading revisions on the property identified as Lot 6 of the Westbrook Heights Business Park. Tax Map: 4, Lot: 10, and Tax Map: 1, Lot: 1, Zone: Industrial Park.

Corey Fleming moved to find this application complete.

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

The vote was unanimous in favor 6-0

Anna Wrobel moved the Amended 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.
- The grading revisions have been made to reflect changes discovered in the site preparation work.

### **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**

- The plan has been designed to provide proper vehicular circulation

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

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

### **Storm water Management**

- The City Engineer has approved the storm water management plan.

### **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, as amended June 19, 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 Mylar. 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.

2<sup>ND</sup> by Corey Fleming

The vote was unanimous in favor 6-0

**11. Special Exception - T & M Development, LLC, Extractive Industry, Methodist Road - Sebago Technics, on behalf of T&M Enterprises, LLC for the creation of an extractive industry (A.K.A. Quarry) project on a combined 96 acre parcel located at 409 Small Hardy Road. Tax Map: 20, Lot: 10 and Tax Map: 17, Lots: 12 & 13, Zone: Rural.**

**SPECIAL EXCEPTION REVIEW**

**Special Exception Application** - This application is for the location of an extractive industry in the Rural District.

Staff Comments:

1. Staff finds the application to be thorough in its answers to the Special Exception standards. There are two aspects of the application that Staff would recommend that a peer review be conducted. These are the market value analysis and the noise study. The qualifications of the two professionals that conducted these studies are not being questioned. Rather, Staff does not have the expertise to provide a high level of review on these technical issues. Typically, the Planning Board stipulates that the cost of peer reviews is born by the applicant.
2. This application is being reviewed under the Special Exception standards in Section 204. The operation of the Extractive Industry must also meet the standards in Section 202.6.

**Mike White with White Brothers Incorporated presented to the Planning Board all aspects of the request for a Special Exception for T & M Development Extractive Industry**

**Rene Daniel moved to place this item on the table until August 1<sup>st</sup>**

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

The vote was unanimous in favor 6-0

**12. Adjourn**

**Meeting Adjourned**

*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*