



City of Westbrook

DEPARTMENT OF PLANNING, ENGINEERING AND
CODE ENFORCEMENT

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WESTBROOK PLANNING BOARD TUESDAY, DECEMBER 5th, 2006 MINUTES

Present: Ed Reidman, (Chair, Ward 5), Rene Daniel (Vice-Chair, Ward 1), Dennis Isherwood (Ward 2), Evan Carroll (Ward 3), Anna Wrobel (Ward 4), Greg Blake (At-Large), Cory Fleming (At-Large), Carmen Dolloff (Alternate), Michael Taylor (Alternate),

Absent:

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 – Land Use Ordinance Amendment – Residential Growth Area 1 Business Office Overlay District - Create an Overlay District in the Residential Growth Area 1 to allow limited business office uses, and create a definition for limited business offices. Areas identified for this zone include sections of Main Street and Stroudwater Street.

This proposal is to create an overlay district over limited sections of Main Street and Stroudwater Street to allow for the establishment of business offices. Text and maps of the amendments are included in the packet.

Brooks More explained to the Planning Board this proposal is to create an overlay district over limited sections of Main Street and Stroudwater Street to allow for the establishment of business offices. Mr. More explained the location of the Overlay District is requested.

Ed Reidman read Doug Wallace's favorable letter and entered it into the record.

Ed Reidman Andrea Steme read a letter opposing the Business Overlay District in the Stroudwater Street area.

Sue Sheloske 20 Robyn Avenue spoke in opposition of the Business Overlay District due to traffic.

Tami Blake 91 Wildwood Circle spoke in favor of the proposed changes.

James Violette 7 Crestwood Drive spoke in favor of the Business Overlay District and explained to the Public that this is not a permitted use; this is a Special Exception; which will be reviewed by the Planning Board.

Dana Luke 22 Highland Street spoke in opposition of the Business Overlay District. Mr. Luke abuts Desmand & Rand's office and observes that Highland Street is becoming a parking lot. Mr. Luke feels that the City of Westbrook has enough area space for business, Stroudwater Street is primarily residential.

Holly Travers 12 Waltham Street spoke in opposition of the Business Overlay District. Ms. Travers was concerned about Parking, traffic and the Quality of life in her residential neighborhood.

Cindy Castleman 18 Doyle Street spoke in opposition to the Business Overlay District.

Sherman Richey 75 Stroudwater Street spoke in favor of the amendments.

Public Hearing - Comprehensive Plan Amendment – Amend the Future Land Use Map to reclassify the property at 471 Stroudwater Street from Industrial II to Residential Growth Area 1 and amend the text of Chapters 8 and 12 to reflect the proposed map amendment. Tax Map: 9, Lot: 19, Comprehensive Plan District: Industrial District II.

Brooks More explained to the Planning Board;

- 1) I discovered that the Comprehensive Plan amendments require a 30 notice public hearing notice. The notice must be posted in City Hall (i.e. no mailing or advertising requirements). As a result, Staff is recommending that the public hearing be continued to the Planning Board's January 2, 2007 meeting. Legal Counsel has determined that an extension of the public hearing will meet the 30 day notice provision.
- 2) The Recreation and Conservation Commission (RCC) reviewed the application on November 29, 2006 and voted 4-0 to oppose the rezoning. A formal recommendation will be available once the RCC members have approved the text.

For the past year the Site Selection Committee for the new Junior High School has been meeting with the State Department of Education and State Planning Office to obtain funding for the new facility. The State Planning Office is requiring that the new facility be built in a “growth area” of the City. A growth area is a comprehensive plan and zoning term for those areas of the community that have been identified and zoned for more intensive residential or commercial/industrial development. Typically, these growth areas are served by municipal services such as sewer, water, street infrastructure, etc...

As you may be aware, the City Council purchased the property at 471 Stroudwater Street as a possible location for the new Junior High School. At this time, the Department of Education will not move forward with the funding request until a decision has been made on whether this property will be included in Westbrook’s identified growth areas. If the area is not rezoned as a growth area, the Junior High School will lose its position on the Department of Education’s funding list.

Comprehensive Plan

The proposed Comprehensive Plan amendments are designed to separate the North Side and South Side of the “Stroudwater Character Area.” For those members who were on the Board at the time, this is what was essentially accomplished with the zoning ordinance that was enacted. As you can see on the zoning map, the South side of the street was zoned as Rural, while the North side was partially retained as Business-Office (Industrial II in the Comp. Plan), and partially zoned Rural. Going beyond the zoning, the Comprehensive Plan’s text in Chapter 8 and 12 will now classify the site being examined for the Junior High School as Residential Growth Area 1. This change will also be reflected on the Future Land Use Map.

Ed Reidman noted that the Public Hearing will be extended to January 2, 2007. The reason for the extension is that the Comprehensive Plan requires a thirty (30) day notification.

Stan Sawyer explained the reason for the amendment request. Mr. Sawyer introduced Dan Cecile.

Dan Cecile from Harriman Associates presented to the Planning Board all aspects of the request for the Comprehensive Plan Amendment – Amend the Future Land Use Map to reclassify the property at 471 Stroudwater Street from Industrial II to Residential Growth Area 1 and amend the text of Chapters 8 and 12 to reflect the proposed map amendment. Tax Map: 9, Lot: 19, Comprehensive Plan District: Industrial District II; due to the State of Maine, Department of Education requirements for the Site Search.

Ed Reidman explained that the Public Hearing will be extended to January 2, 2007. Chairman Reidman read the Recreation Conservation Commission negative recommendation into the record.

Andrew Gattine 529 Stroudwater Street asked not to change the text in the Comprehensive Plan just to change the map change only.

John O'Hara spoke in favor of the recommended changes for the Business Overlay District.

Deborah Rummery 533 Stroudwater Street asked the Planning Board to take the path with the least amount of harm. If possible just change the map.

Ed Reidman asked William Dale how to extend this Public Hearing.

William Dale said the preferred way would be to ask for a motion to recess and reconvene as stated.

Rene Daniel moved to recess this Public Hearing and reconvene to January 2, 2007 at 7:00 P.M.

2nd by Dennis Isherwood

The vote was unanimous in favor 7-0

Ed Reidman asked if it was possible to only make the map change that would satisfy the State of Maine's criteria.

Brooks More explained according to Legal Staff that the Comprehensive Plan Text should be changed to reflect the map changes.

Corey Fleming asked at the next meeting for more information on the Community facility uses, in the School.

Anna Wrobel asked for a clarification as to the effect on other properties in the Comprehensive Plan text change?

Brooks More explained that the Comprehensive Plan has a Land Use Map and the Zoning Map should mirror the Comprehensive Plan Land Use Map. There are a couple of properties in this area that the Zoning Map does not mirror the Land Use Map from the Comprehensive Plan, creating the inconsistencies mentioned. Currently we are changing the Comprehensive Plan Land Use Map on the DeWolfe property only. On the text the City Council can allow greater density like in a Contract Zone. The end results would be to make the Comprehensive Plan and the Zoning Ordinance consistent.

Anna Wrobel asked if the State of Maine would only accept the change to both or would the State of Maine accept the minimum amount as requested by the abutters.

Brooks More clarified that by our reading that if we change the Comprehensive Plan Land Use Map and not the text change would make it inconsistent.

Public Hearing - Contract Zone Request – 471 Stroudwater Street – City of Westbrook and Westbrook School Department for a contract zone of the 65 acre parcel located at 471 Stroudwater Street. The contract zone is being requested to rezone the property to a growth area district, with conditions to ensure appropriate development of the site, for the purpose of potential construction of a school or recreational facility. Tax Map: 9, Lot: 19, Zone: Rural.

Ed Reidman announced that the Public Hearing will be extended. There will be no presentation due to the duplication of the prior Public Hearing.

Brooks More explained the contract zone has been drafted to allow for the construction of a Junior High School. At the same time, the proposal allows for the uses and standards in the Residential Growth Area 1 if the City Council approves them. Should the School not be built, the City of Westbrook could re-zone this parcel of land according to the current procedures set in place.

William Dale explained the legal aspect of the consistency between the Comprehensive Plan text change and the Map change as well as the possibility of the need to re-zone the property if the School should not be built.

Rene Daniel moved to recess this Public Hearing and reconvene on January 2, 2006 following the first Public Hearing scheduled.

2nd by **Corey Fleming**

The vote was unanimous in favor 7-0

Evan Carroll requested a detailed explanation, at a later date; why the State of Maine is giving the City of Westbrook the requirements discussed during the previous Public Hearings.

1. Call to Order

Ed Reidman requested that William Dale explain ex-parte communications.

William Dale presented to the Planning Board the legal responsibilities of the Planning Members.

2. Approval of Minutes: November 21, 2006

Rene Daniel moved to approve the minutes as presented.

2nd by Cory Fleming

The vote was unanimous in favor 5-0 (Greg Blake & Anna Wrobel not voting due to absence – Carmen Dolloff voting)

Continuing Business

3. Land Use Ordinance Amendment – Residential Growth Area 1 Business Office Overlay District - Create an Overlay District in the Residential Growth Area 1 to allow limited business office uses, and create a definition for limited business offices. Areas identified for this zone include sections of Main Street and Stroudwater Street.

Greg Blake recused himself

Anna Wrobel asked what standards the Planning Board would use should a Business Office Overlay District be approved.

Brooks More explained the standards that the Planning Board would have to review.

Rene Daniel moved to recommend to the City Council acceptance and creation of an Overlay District Zone.

2nd by Anna Wrobel

The vote was 6-1 in favor (Cory Fleming opposed) (Michael Taylor voting)

4. Comprehensive Plan Amendment – Amend the Future Land Use Map to reclassify the property at 471 Stroudwater Street from Industrial II to Residential Growth Area 1 and amend the text of Chapters 8 and 12 to reflect the proposed map amendment. Tax Map: 9, Lot: 19, Comprehensive Plan District: Industrial District II.

Rene Daniel moved to table Comprehensive Plan Amendment and reconvene on January 2, 2007

2nd by Cory Fleming

The vote was unanimous in favor 7-0

5. Contract Zone Request – 471 Stroudwater Street – City of Westbrook and Westbrook School Department for a contract zone of the 65 acre parcel located at 471 Stroudwater Street. The contract zone is being requested to rezone the property to a growth area district, with conditions to ensure appropriate development of the site, for the purpose of potential construction of a school or recreational facility. Tax Map: 9, Lot: 19, Zone: Rural.

Rene Daniel moved to table Contract Zone Request and reconvene on January 2, 2007.

2nd by Cory Fleming

The vote was unanimous in favor 7-0

6. 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 by the City Council's Committee of the Whole to the Planning Board. The properties requested for purchase are listed following the names of the applicants.

Anna Wrobel moved to remove this item from the table

2nd by Cory Fleming

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

The following requests have been made and referred to the Planning Board. Below, is a brief description of the requests to purchase City owned property. Detailed information, including Staff recommendations, can be found in the enclosed packet

.A. Tim Grimason - 0 Dale Avenue, Land at end of Dale Ave on North side of the street. Tax Map: 30, Lot: 41X, Zone: RGA1.

Tim Grimason – Mr. Grimason is requesting to purchase a piece of property that the City acquired as part of the construction of Dale Avenue. The owner's stated purpose is to improve his side yard. This item was tabled at the Boards November 21st, 2006 meeting so that members could visit the site.

Rene Daniel moved to recommend to the City Council to sell this parcel at 0 Dale Avenue, Land at end of Dale Ave on North side of the street. Tax Map: 30, Lot: 41X, Zone: RGA1.

2nd by Cory Fleming

The vote was 5-1 (Dennis Isherwood opposed) (Carmen Dolloff voting) (Greg Blake and Anna Wrobel not voting due to absence at Public Hearing)

New Business

7. Preliminary Final Site Plan and Village Review – 12 Giles Street – Land Use Consultants, on behalf of Lebeau Properties, LLC for the construction of a 3,588 S.F. building to house a ground floor commercial unit and a second floor apartment unit. The project is located at 12 Giles Street. Tax Map: 33, Lot: 17B, Zone: City Center.

Matthew Hill from Land Use Consultants on behalf of Lebeau Properties, LLC presented to the Planning Board all aspects of construction of a 3,588 S.F. building to house a ground floor commercial unit and a second floor apartment unit. The project is located at 12 Giles Street. Tax Map: 33, Lot: 17B, Zone: City Center.

STAFF COMMENTS

- Complete Application: Staff recommends that the application be found complete.
- Waiver: The applicant is requesting the following waivers:
 - (1) Reduction of the width of one parking space from 9ft to 8ft.
 - (2) Waiver of the requirement for a storm water management report. The City Engineer does not feel a report is warranted.
 - (3) Waiver of the requirement for an erosion control report. The City Engineer does not feel that a separate report is warranted.
 - (4) Request to connect to the electric grid via overhead lines.
 - (5) Waiver of the requirement for a letter of financial capacity. The applicant has completed several single family homes in Westbrook. This project is in the same scale as a single family home.

Cory Fleming moved to find the application complete

2nd by Anna Wrobel

The vote was unanimous in favor 7-0

Rene Daniel asked for clarification of the width of a parking space.

Ed Reidman stated the normal width of a parking space

Anna Wrobel moved to waive the Reduction of the width of one parking space from 9ft to 8ft.

2nd by Corey Fleming

The vote was unanimous in favor 5-2 (Rene Daniel and Evan Carroll opposed)

Cory Fleming moved to waive the requirement for a storm water management report.

2nd by Greg Blake

The vote was 6-1 in favor (Evan Carroll opposed)

Matthew Hill confirmed that the applicant would install the electrical grid underground as a condition of approval.

Cory Fleming moved to deny the waiver request to connect to the electric grid via overhead lines.

2nd by

The vote was unanimous in favor 7-0

Cory Fleming moved to approve the waiver of the requirement for a letter of financial capacity. The applicant has completed several single family homes in Westbrook. This project is in the same scale as a single family home.

2nd by Anna Wrobel

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

Rene Daniel moved to schedule a Public Hearing on January 2, 2006 after the prior Public Hearings scheduled.

2nd by Cory Fleming

The vote was unanimous in favor 7-0

Rene Daniel moved to schedule a Site Walk on December 16, 2006 at 10:00 A.M.

2nd by Dennis Isherwood

The vote was unanimous in favor 7-0

8. Final Site Plan & Special Exception – Kids Fit – Jessica Lepage for the establishment of a Child Care Center at 200 Larrabee Road. Tax Map: 42A, Lot: 11A, Zone: GC.

STAFF COMMENTS

- Complete Application: A cover letter describing the project must be submitted prior to finding the application complete.
- The fitness center owner currently provides babysitting services for customers. This proposal is to convert the babysitting operation into a Child Care Center that serves 12 children.

Rene Daniel moved to table this item until January 2, 2007.

2nd by Cory Fleming

The vote was unanimous in favor 7-0

9. Final Site Plan Extension – Genuine Parts Company – Gorrill-Palmer Consulting Engineers, Inc., on behalf of Genuine Parts Company, for a one year extension to the Site Plan approval granted on April 4, 2006. Tax Map: 42A, Lots: 11 & 11B, Zone: GC.

Staff recommends that Genuine Auto Parts be granted a one (1) year extension to the approval dated April 4, 2006.

Rene Daniel recused himself

Evan Carroll moved to extend to April 4, 2008

2nd by Greg Blake

The vote was unanimous in favor 7-0 (Rene Daniel recused; Carmen Dolloff voting)

10. Amended Final Subdivision & Site Plan – Westbrook Housing Authority – Gorrill-Palmer Consulting Engineers, Inc., on behalf of the Westbrook Housing Authority for amendments to the Larrabee Village Assisted Living Facility approval of 1995. Property is located at 30 Liza Harmon Drive. Tax Map: 42A, Lot: 12, Zone: City Center.

Laurie McGowan with Gorrill-Palmer Engineers on behalf of the Westbrook Housing Authority presented to the Planning Board all aspects for

amendments to the Larrabee Village Assisted Living Facility approval of 1995. Property is located at 30 Liza Harmon Drive. Tax Map: 42A, Lot: 12, Zone: City Center.

Staff Comments

1. Complete Application: The application should be found complete.
2. Overview: This application is to satisfy the legal requirements for the transfer of land from the Westbrook Housing Authority to Genuine Auto Parts. Genuine Auto Parts must purchase this property to meet the landscape requirements of the Gateway Commercial District. The land to be purchased is classified as wetlands.

Greg Blake moved to find the application complete

2nd by Carmen Dolloff

The vote was unanimous in favor 7-0 (Rene Daniel recused; Carmen Dolloff voting)

Anna Wrobel moved the Subdivision application for the Larrabee Village Assisted Living Facility on Tax Map: 42A, Lot: 12 is to be **Approved with Conditions** with the following findings of fact and conclusions.

POLLUTION AND SEWERAGE DISPOSAL

- No issues
- B. WATER
- No new utilities are being proposed.
- C. SOIL EROSION
- No Issues.
- D. TRAFFIC
- No Issues.
- E. SEWERAGE
- No Issues.
- F. SOLID WASTE

- No Issues.

G. AESTHETICS

- Appearance Assessment:
 - (1) Project to Site – The subdivision amendment will not affect the appearance of the site.
 - (2) Project to Surrounding Property – The subdivision amendment will not affect the appearance of the site from abutting properties.
 - (3) Landscape Design – N/A.
 - (4) Lighting – N/A.
 - (5) Signs – N/A.

H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- Comprehensive Plan:
 - The project meets the goals of the Comprehensive Plan.
- Land Use Ordinances –
 - Following the land transfer, the Larrabee Village Assisted Living Facility will continue to conform with the City of Westbrook's Land Use Ordinances.
- Recreation & Open Space – N/A.
- Community facilities impact analysis – N/A.
- Fire Code
 - No comments.
- Others:
 - No Issues.

I. FINANCIAL AND TECHNICAL CAPACITY

- The applicant has financial capacity to purchase the identified property.

J. RIVER, STREAM OR BROOK IMPACTS

- N/A.

CONCLUSIONS

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

2. The proposed site plan **has** sufficient water available for the reasonably foreseeable needs of the site plan.
3. The proposed site plan **will not** cause an unreasonable burden on an existing water supply.
4. The proposed site plan **will not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
5. The proposed site plan **will not** cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed site **will** provide for adequate sewage waste disposal.
7. The proposed site plan **will not** cause an unreasonable burden on the municipality's ability to dispose of solid waste.
8. The proposed site plan **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed site plan **conforms** with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
10. The developer **has** adequate financial and technical capacity to meet the standards of this section.
11. The proposed site plan **is 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 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.

2nd Evan Carroll

The vote was unanimous in favor 7-0 (Rene Daniel recused; Carmen Dolloff voting)

Anna Wrobel moved the Site Plan application for the Larrabee Village Assisted Living Facility on Tax Map: 42A, Lot: 12, is to be **approved with conditions** with the following findings of fact and conclusions.

FINDINGS OF FACT

Utilization of the Site

- The property is currently vacant wetlands.

Adequacy of Road System

- N/A

Access to the Site

- N/A

Internal Vehicular Circulation

- N/A

Pedestrian and Other Modes of Transportation

- N/A

Stormwater Management

- No issues.

Erosion Control

- No issues.

Utilities

- No new services have been proposed.

Hazardous, Special and Radioactive Materials

- No hazardous materials have been proposed.

Technical and Financial Capacity

- N/A

Solid Waste

- No Issues.

Historic, Archaeological and Botanical Resources

- No resources have been identified.

Landscape Plan

- None.

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 November 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.

2nd Carmen Dolloff

The vote was unanimous in favor 7-0 (Rene Daniel recused; Carmen Dolloff voting)

11. Village Review – Pizzatime – Phil Kaplan Architects, on behalf of Steven Orr, for renovations to the Pizzatime Restaurant located at 528 Main Street. Tax Map: 40, Lot: 165, Zone: City Center.

Cory Fleming recused

Staff Comments:

Staff has met with the Applicant and his architect to review this project. As we were very pleased to see, this is a considerable improvement over the current building.

Note: As with all Village Review applications, the Board is only reviewing the design of the building. The determination on whether or not the proposal meets the standards of the zoning district is made by the Code Enforcement Officer through the building permit application.

Jesse Thompson with Phil Kaplan Architects on behalf of Steven Orr presented to the Planning Board all aspects of renovations to the Pizzatime Restaurant located at 528 Main Street. Tax Map: 40, Lot: 165, Zone: City Center.

Evan Carroll moved the Village Review application for the 528 Main Street Pizza Time on Tax Map 40, Lot 165 is to be **approved with conditions**

(1) Scale of the Building. The scale of the building depends on its overall size, it's mass in relationship to the open space around it, and the size of its doors, windows, porches and balconies. The scale of a building must be compatible with its site and neighborhood.

- The proposed scale of the building is in keeping with the existing building and surrounding properties.

(2) Height. Change in the building height can have a negative impact on how a street appears. While maintaining a particular height is not required, changes in height must be visually compatible with the streetscape and the neighborhood.

- The height of the proposed building is similar to that of the buildings in the neighborhood.

(3) Rhythm of Front Facades. In reviewing any facade, the pattern of doors, windows and wall surface, their height and width, should be visually compatible with the neighboring structures.

- This proposal is of a different style than the surrounding buildings. This being said, the proposal brings a unique and fresh look to this area of town. As the building is not intended to match the other properties in the area, it must be of a design quality that is able to stand on its own. The use of façade shapes and sign design accomplishes this goal.

(4) Relationship of Facade Shapes and Materials. The relationship of facade shapes and materials should be considered in relation to the surrounding neighborhood. In particular, the rhythm of shapes, pitch, and orientation to the street on which the structure fronts should be maintained.

- The relationship of the façade shapes and materials is the same as for section (3), above.

CONDITIONS

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

2nd by Michael Taylor

The vote was unanimous in favor 7-0 (Cory Fleming recused; Michael Taylor voting)

12. Adjourn to Workshop – Public comment will be accepted during the workshop

Rene Daniel moved to adjourn to workshop session

2nd by Dennis Isherwood

The vote was unanimous in favor 7-0 (Michael Taylor voting)

Mr. Reidman informed the audience of the purpose for the work shop session, 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.

Workshop

13. Sketch Subdivision Plan – Austin Street Housing Development – Land Use Consultants, on behalf of Jim Guidi, for the creation of a 38 unit

condominium development on an approx. 26 acre site located at 388 Austin Street. Tax Map: 55, Lot: 2, Zone: RGA2.

Scott Collard with Land Use Consultants on behalf of Jim Guidi, presented aspects of the creation of a 38 unit condominium development on an approx. 26 acre site located at 388 Austin Street. Tax Map: 55, Lot: 2, Zone: RGA2.

Staff Comments

1. Complete Application: N/A
2. As discussed with the applicant, the greatest issue with this development is likely to be the existing condition of Austin Street Extension. This is a fairly narrow dead-end roadway that currently serves somewhere between 40 to 60 dwellings. In light of the Reed Street decision, I highly recommend that Board members visit Austin Street Extension prior to Tuesday's meeting. As the applicant currently has an option to buy (rather than having already purchased the property), your honest assessment of the road conditions should be a topic of discussion. I am not trying to find fault with this application. At the same time, I would like to avoid the same situation as we encountered with Reed Street, if the conditions are deemed to be similar.
3. As a condominium project, this development does not fall under the City's cluster subdivision standards. Rather, only the site's overall residential density is considered in establishing the amount of units that can be placed on the site.

Rene Daniel requested more information on greenery, sidewalks, lighting. Mr. Daniel had concerns on the Austin Street construction, signage of entrances and the size and cost of the buildings.

Evan Carroll asked how this road construction is different than a dead end off a dead end.

Brooks More explained that condominiums would be considered a shared driveway.

Anna Wrobel stated concerns about the Austin Street and Pride Street intersection. Traffic concerns; cars cut across this intersection.

Rita Smith commented that the road is very narrow.

Greg Blake echoes concerns that Anna Wrobel stated about traffic The Planning Board will have serious traffic concerns on Austin Street.

J. Guidi (Developer) spoke about past projects and had concerns about the market for Condos.

14.Land Use Ordinances - Farm Animals in Residential Growth Areas – Referral from the City Council seeking recommendations on land use policy for the keeping of non-domesticated animals within residential zoning districts.

As part of this workshop, Staff will give an initial presentation on a review of the regulations in area municipalities. Following this presentation, Staff will ask the Planning Board to answer a set of questions that will be used to guide the drafting of proposed legislation. In addition, public comment on this policy issue will be available during the workshop. The following is a list of preliminary questions that Board members can consider prior to the meeting:

- What is the minimum lot size that non-domesticated animals should be allowed on?
- What definitions should be drafted to identify the types of animals that are, and are not, permitted within the residential zoning districts?
- Should regulations be zone wide, or should overlay districts be utilized?
- For those areas where non-domesticated animals are permitted, what standards should be in place for such items as animal boarding, waste disposal, noise limits, etc...?
- Should additional property line setbacks be required for non-domesticated animals?
- Should there be differences in the animals that are permitted in each zoning district?

Brooks More presented to the Planning Board what the Provisions are currently and how other Municipalities have dealt with issues such as non-domesticated animals within residential zoning districts.

Raymond Ledoux 60Chestnut Street spoke from the audience. (Editors note: unable to hear clearly in order to transcribe notes.)

Ed Reidman explained how the Planning Board needs to define non-domesticated animals.

Brooks More explained that the City of Westbrook needs to resolve the issue at hand.

Anna Wrobel expressed some of the standards we need to review during this process are the size of animals, types of animals, numbers of animals on a lot, noise, sanitation and maintenance of animals.

Ed Reidman explained the process of reviewing the current standards and agreeing on any recommendations made to the City Council.

Anna Wrobel asked if this item could be reviewed by a committee, such as the Paper Street item was handled?

Ed Reidman read the explanation from the Code of Ordinances of referrals received by the Planning Board from the City Council.

Rene Daniel moved to adjourn to regular session.

2nd by Cory Fleming

The vote was unanimous in favor 7-0

15. Adjourn to Regular Session

Rene Daniel moved to bring forward the Land Use Ordinances - Farm Animals in Residential Growth Areas – Referral from the City Council seeking recommendations on land use policy for the keeping of non-domesticated animals within residential zoning districts for step two on January 16, 2007 .

2nd by Corey Fleming

The vote was unanimous in favor 7-0

16. Planning Board Administration – Scheduling of legal training to be provided by the City’s legal counsel.

Legal Training is scheduled for January 23, 2007 at 6:00 P.M.

17. 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*