



# City of Westbrook

## DEPARTMENT OF PLANNING

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**WESTBROOK PLANNING BOARD  
TUESDAY, NOVEMBER 13, 2007, 7:00 P.M.  
WESTBROOK HIGH SCHOOL, ROOM 114  
MINUTES**

Present: Ed Reidman, (Chair) (Ward 5), Rene Daniel (Vice-Chair) (Ward 1), Dennis Isherwood (Ward 2), Anna Wrobel (Ward 4), Cory Fleming (At Large), Scott Herrick (Alternate), Greg Blake (At Large)

Absent: Michael Taylor (Alternate)

Staff: Molly Just, Rick Gouzie, Captain Charles Jarrett

Chairman Reidman called the Westbrook Planning Board meeting to order at 7:00 p.m. in Room 114 of the Westbrook High School.

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

### **2. Approval of Minutes – October 2, 2007.**

**Rene Daniel Moved to approve the minutes as written**

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

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

### **Continuing Business**

### **3. Final Subdivision Review – 360 Duck Pond Road - Terradyn Consultants LLC, on behalf of George T. Kirck, for the development of a four (4) lot subdivision on approximately 14 acres located on Old Farm Road. Tax Map: 021 Lot: 036 Zone: Residential Growth Area 3 and Prides Corner Smart Growth Area.**

**Jon Whitten** Terradyn Consultants LLC, on behalf of George T. Kirck, presented aspects for the development of a four (4) lot subdivision on approximately 14 acres located on Old Farm Road. Tax Map: 021 Lot: 036 Zone: Residential Growth Area 3 and Prides Corner Smart Growth Area.

Jon Whitten explained that this plan came before the Planning Board approximately one (1) year ago. He proposed a short dead end road with a turn around and a sidewalk associated with this road. There will be individual septic on each of the lots. The center large portion of the lot will be open space. Approximately three (3) acres located on the left of the property would give the neighbors the ability to purchase portions of the land for extra buffering. There are wetlands on the property. There will be no other sub-divisions on this lot in the future with the caveat of asking for a waiver on the requirement for a dead end road off a dead end road. This will be four (4) lots on about fourteen (14) acres of land. This plan shows a connection from Old Farm Road instead of Duck Pond Road that would have site distance issues.

**Ed Reidman** explained that if the Board approved the waiver, the project could go forward. If denied the project would have to be re-written.

Mr. Reidman read excerpts from the memo from staff as follows:

502.5 C (1) (c) Subdivision General Provisions - Dead end off a Dead End. "A dead-end street, either public or private, may not begin from any point along another existing or proposed dead end street."

Waivers are granted on a case by case basis. If the Board is to grant the waiver, then the plan can move forward. If the Board does not grant the waiver, then the plan will have to be revised.

Mr. Reidman read excerpts from the memo as follows:

*Note: The City Planner, City Engineer, Public Works Director, and Director of Economic Development support the waiver request due to the specific conditions of this project. They recommend that while the proposed subdivision could be accessed from Duck Pond Road, the Planning Board cautiously exercise their authority to approve such waiver for the following reasons:*

A. The proposed dead-end roadway off of Old Farm Road is significantly shorter than a road extending from Duck Pond Road would be. A shorter road is preferred for environmental reasons and because the City would have less roadway to maintain.

B. While the subject property has frontage on Duck Pond Road, adding another curb cut for a small, 4-lot, subdivision would increase congestion in this area more than would combined access onto Duck Pond Road by the two subdivisions from Old Farm Road.

C. The proposed dead-end roadway would connect to an existing neighborhood.

*Note: The Code Enforcement Officer opposes approval of the proposed waiver. The Fire Inspector generally opposes any waiver to the requirements set forth*

in Section 502 of the Land Use Ordinances. Specific to this waiver type, the Fire Inspector opposes the practice of building dead-end streets off of dead-end streets as he opposes dead-end streets due to their lack of connectivity to other streets and he feels that if this waiver is granted then many other such waivers would be applied for and that granting this waiver would set a precedent. The Fire Inspector is also concerned about the City's ability to provide public safety services on dead-end streets as well as residents' ability to evacuate in the event of disaster.

**Anna Wrobel** said the standards for a waiver as stated in the memo;

“Section H. Substantial non-conformance with this Ordinance or the Comprehensive Plan.”

What standard can be used in the case by case basis to determine which application is more substantial non-conforming than others.

**Ed Reidman** explained that to determine a waiver on a case by case basis, the Board needs to consider what is in the best interest of the City of Westbrook.

**Anna Wrobel** explains a shorter road would maintain the natural woodland. The integrity of the public safety must be maintained. As a potential purchaser, would anyone have to inform the purchaser that the dead end road was built even with the Public Safety and Code Enforcement's opposition?

**Ed Reidman** explained that the waiver would be recorded on the sub-division at Cumberland County Registry.

**Anna Wrobel** asked if the waiver was granted and a Public Safety disaster happened could the City of Westbrook be sued.

**Ed Reidman** explained that nothing protects the City from being sued.

**Anna Wrobel** explained that she is currently supporting Code Enforcement and public safety staff and opposed the waiver.

**Rene Daniel** asked what if Mr. Kirck did not own this parcel and someone else owned this parcel, could they come in from Stonewall or Duck Pond and would the Code Enforcement and Fire Inspector, have the same oppositions.

**Molly Just** suggested that request for a subdivision could be more complex for the road placement.

**Jon Whitten** explained that a portion of the property abuts Old Farm Road.

**Rene Daniel** asked if there were any waivers given by the Planning Board for a dead-end off a dead-end in the last five years.

**Captain Charles Jarrett** said due to existing dead-end off dead-ends concerns, the Ordinance was re-written and the Planning Board has not granted any waivers. This is the first request for a waiver to create a dead end off a dead end road.

**Rene Daniel** asked if the applicant can show the area around the subdivision where abutters have shown interest in purchasing land for a buffer.

**Jon Whitten** showed the Mallias and the Maguire property location.

**Rene Daniel** asked if he owned one of those properties, could he subdivide his property at some point.

**Rick Gouzie** said the subdivision request would have to include a waiver for a dead end road off a dead end road.

**Cory Fleming** asked what the measurement of the entire length of Mr. Kirck's property line that runs along Duck Pond Road.

**Jon Whitten** said it was 340 feet.

**Cory Fleming** said the 340 feet is the entire distance from the one dead end road that you could put a road in. From that spot to the end of the property to Stonewall, do we know what that length is approximately?

**Captain Charles Jarrett** said the length is 921' between Stonewall Way and Old Farm Road.

**Anna Wrobel** asked how far it is from the Old Farm Road entrance to where a possible entrance on Duck Pond Road, though Mr. Kirck's land might go through. What kind of a distance from one curb cut to another?

**Molly Just** said the entrance at Duck Pond Road would be 390' feet south of Old Farm Road and 580' feet north of Stone Wall Way.

**Rene Daniel** asked how many feet are between Mr. Kirck's present homestead and his border at the end of his land on Duck Pond Road.

**Jon Whitten** said 340' of frontage.

Jon Whitten clarified: where the road entrance would be to his homestead? That would be just over thirty (30) feet.

**Rene Daniel** so it is just about eighty (80) feet from his home and the border?

**Jon Whitten** said it shows on the plan to be one hundred (100) feet from his building structure to his southerly property line. So he would be about forty (40) feet from the right of way.

**Ed Reidman** in the ordinance under streets and future planning; the intersection of streets there must be a maximum of center line length of five hundred (500') feet between street intersections. If there is only nine hundred and twenty (920') feet even if you add twenty five (25) feet to each right of way, that is still below the one thousand (1000) feet to put another road in between. Either way they go the applicant will require a waiver.

**Rick Gouzie** said that does not apply here, the five hundred (500') feet is for a road going in will have a cul-de-sac returning on itself within five hundred (500) feet of the public way.

**Ed Reidman asked for a motion to grant or deny the waiver.**

**Greg Blake** explained his position on the waiver request: that is a safer condition to come off old farm road instead of squeezing in off Duck Pond Road, given the DOT access rules, etc.

**Greg Blake moved to approve the waiver**

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

**The vote was 4-3 in favor (Rene Daniel, Anna Wrobel and Dennis Isherwood opposed)**

**Greg Blake moved to find the application complete**

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

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

**Scott Herrick** asked what kind of time frame limitations would be on the conveyed parcels and if the Board would consider putting on development limitations if this is being sold as something that would be considered as open space.

**George T Kirck** 360 Duck Pond Road said there are covenants in the agreement written that would make it clear that this property will not be developed further.

**Ed Reidman** asked if that would be shown on the recorded document.

**George T Kirck** said yes

**Scott Herrick** expressed his concern that this process could be lost or overlooked and suggested that a time limitation be placed on this development if the transfer did not happen, the property would revert to open space.

**George T Kirck** said a time limit would be followed through after this meeting.

**Ed Reidman** asked if anyone wanted a site walk or schedule a Public Hearing.

**Rene Daniel** moved to schedule a Public Hearing on December 4<sup>th</sup>

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

**Captain Jarrett** asked if the prevailing Board Members could state the reasons for approvals, so staff can have guidelines to follow in the future, for any other dead end off a dead end waiver request.

**Ed Reidman** explained his position is the same as what was stated in the memo for the Planner, the Engineer and the Economic Developer.

**Cory Fleming** said her position was the same as Mr. Blakes, in terms of the safety of the roadway and the traffic.

**Scott Herrick** said he had the same position as mentioned previously.

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

**4. Site Plan Review - 471 Stroudwater Street – City of Westbrook and Westbrook School Department for construction of a school with auditorium and recreational facility on the 31 acre parcel located at 471 Stroudwater Street. Tax Map: 9, Lot: 19, Zone: Rural and Contract Zone 7 – Stroudwater Street Growth Area Contract Zone.**

**Rene Daniel** disclosed that he is one of the co-chairs and is part of the project committee and would not be financially compensated and would not be recusing himself.

**Ed Reidman** disclosed that his wife is part of the committee and would not be financially compensated

**Greg Blake** disclosed that he is a sub-committee chair as part of the project committee and would not be financially compensated

**Frank Crabtree** with Harriman Associates on behalf of City of Westbrook and Westbrook School Department explained aspects of the construction of a school

with auditorium and recreational facility on the 31 acre parcel located at 471 Stroudwater Street. Tax Map: 9, Lot: 19, Zone: Rural and Contract Zone 7 – Stroudwater Street Growth Area Contract Zone.

The parcel is approximately sixty-five (65) acres. The back half of the property is being retained by the City of Westbrook; while the front thirty one acres is for the construction of the new Middle School.

The location of the building in the center of the lot helps maintain the rural character of the neighborhood.

The storm water will be split into many filter basins as we treat the water and are filtered down through the soil, collected in perforated pipes and then discharged. There are seven or eight of those around the site in small areas.

We have met with the Maine Historical Preservation Commission and have planned a drainage swale but have changed the plan to run into chambers under the parking lot, due to the protected area of the Canal that is on part of the property.

Parking is scattered around the site is based on fifty four (54) classrooms with 1.3 spaces per classrooms which results in a little over Seventy (70) parking spaces during the daytime. The other part of the Ordinance covers the one thousand (1000) seat theater which requires the three Hundred (300) parking spaces for events. We have provided three hundred and six (306) permanently paved and striped parking spaces and do not anticipate overlap of the parking spaces. Provisions around the site will allow for an overflow of parking on the grassy area that will allow approximately twenty-five (25) extra parking spaces. That will be a total of three hundred and seventy-two (372) parking spaces for all events.

Landscaping on plan is looking toward the future. We are going to minimize the plantings on the first phase. Future plantings will be accomplished with extra planning, donations, etc to allow for future landscaping. Future walking and jogging trails will be added on the outskirts of the project.

This will not be included on the initial construction phase.

**Randy Dutton** Gorrill Palmer explained the traffic design from Laffin Drive up to the Middle School site. A traffic impact study will need to be conducted and submitted to the City of Westbrook as well as the Maine Department of Transportation. Due to the Stroudwater Bridge and the Congress Street Bridge being closed, traffic counts and impacts would not have been true. Traffic counts and impacts need to be completed and will be analyzed when the bridge is opened.

The City of Westbrook will be constructing a five (5)' foot sidewalk from Laffin Drive, nine hundred (900) feet to the entrance of the Middle School, where it will continue up the site driveway.

Randy Dutton cautioned that the right of way is narrow which requires the site to have a six (6') foot paved shoulders the entire length where allowed.

We anticipate traffic to travel up Stroudwater Street and turn right onto the site. A right turn deceleration lane will be added. An eight (8') foot wide shoulder will be constructed at the entrance. This shoulder will assist with turning traffic that can

break down the road. The shoulder will also improve site lines and will open the area, for movement in and out on the entrance. The shoulder will be built to the same standard as the roadway travel lane.

Not shown on the plan are over head flashing school zone signs that will be installed three hundred (300) feet from the entrance on both the Westbrook and Portland end on Stroudwater Street.

We met with the abutter; Ms. Jeffers and explained the traffic lane to her. Her driveway has a large clump of bamboo near the right-of way and impedes her site distance while exiting her driveway. The bamboo will be removed and seeded over to improve site distances.

**Rene Daniel moved to find the application complete**

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

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

**Molly Just** explained the emergency gate requirement, for the access drive.

**Ed Reidman** said this requirement will be added before signing the project Mylar

**Ed Reidman** read a portion of staff comments from the memo as follows:

*Staff recommends that the School Department set aside dedicated funding to construct the landscaping and trails that are depicted as "future" on the plan. Dedicated funding should be set aside annually so that the ultimate plan for landscaping and trails is realized sooner, rather than later, ideally within 3 years of Site Plan approval*

Mr. Reidman asked if the developer had a cost estimate for the future landscaping and trails.

**Frank Crabtree** with Harriman Associates said the landscaping was estimated at about \$60,000.00, \$15,000.00 dollars now and \$45,000.00 in the future.

**Ed Reidman** asked the projected opening date of the Middle School.

**Frank Crabtree** with Harriman Associates said the fall of 2010.

**Rene Daniel** explained that the presentations that have well published and televised so his recommendation is not having a Public Hearing as well as not having a site walk.

**Ed Reidman** recommended \$10,000 a year for landscaping is dedicated for 6 years after the opening of the new Middle School, from 2011 through 2016.

**Stan Sawyer** Superintendent of Schools said the school staff has had preliminary discussions of raising this money without putting it in the school budget.

**Rene Daniel** asked Frank Crabtree to explain that the front parcel was not being given to the School.

**Stan Sawyer** Superintendent of Schools explained the State of Maine Statutes for construction regulations. As a result, the Department of Education will reimburse the taxpayers approximately ½ million dollars for the purchase price of the front portion of the land.

**Rene Daniel** asked Randy Dutton about the removal of the bamboo and planting of low trees. What fund will that come out of?

**Mr. Dutton** said that would come out of the off site mitigation.

**Rene Daniel** asked about curbing

**Mr. Dutton** explained the purpose of the vertical curbing will not allow a stray vehicle to go onto the sidewalk.

**Rene Daniel** explained that he is aware of the landscaping plan and is not satisfied with \$15,000.00 dollars for landscaping

**Frank Crabtree** explained the Department of Education formula for landscaping, and is looking for donations and fund raising, for the remaining costs to complete the landscaping plan.

**Molly Just** asked if an additional condition be added that covers the dedicated funding for landscaping.

**Ed Reidman** proposed a condition for the landscaping as follows:

*The Planning Board recommends that the School Department set aside dedicated funding to construct the landscaping and trails that are depicted as "future" on the plan; the amount to be dedicated is \$10,000 dollars per year beginning in the year, 2011.*

**Stan Sawyer** explained that it is not the School committee's intent to wait until 2011 to raise landscaping money.

**Ed Reidman** explained the need to have conditions in writing and asked Superintendent Sawyer if there was something in the wording he needed to be clarified?

**Stan Sawyer** suggested the wording; raise and appropriate funds

**Ed Reidman** added the wording; raise and appropriate funds to the suggested condition.

**Cory Fleming** moved the Site Plan application for 471 Stroudwater Street on Tax Map: 9, Lot: 19, is to be **approved with conditions** with the following findings of fact and conclusions.

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

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

- The project proposes to increase the size of the parking area and install additional landscaping.

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

- The internal road system is adequate.

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

- The project would be accessed by an entrance on Stroudwater Street. There would be a right hand turn lane provided for access into the site. For egress from the site a left hand turn lane and right hand turn lane would be provided. There would be an additional access point from Stroudwater Street for emergency vehicles along the western edge of the property.

#### **Internal Vehicular Circulation**

- Adequate internal vehicular circulation has been provided. The applicant proposes to limit use of parking to the rear of the building in order to control access into the school building so that it may be best monitored.

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

- While the funds would not be available with initial construction of the building, “future trails” are proposed internal to the site, accessing fields, parking, and the school building. Staff recommends that the School Department set aside dedicated funding to construct the trails that are depicted on the plan. Dedicated funding should be set aside annually so that the ultimate plan for trails is realized sooner, rather than later, ideally within 3 years. In addition, the project proposes two connections to future local and/or regional trail systems. Such trail would be part of a local and/or regional effort and would involve other landowners.

#### **Stormwater Management**

- The City Engineer is reviewing the proposal for stormwater management.

#### **Erosion Control**

- The City Engineer will monitor the erosion control on the site.

#### **Utilities**

- All utilities are proposed to run underground.

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

- None have been identified in the application.

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

- The school building, parking, and other site improvements are to be funded by the State. The auditorium will be funded by the City.

#### **Solid Waste**

- Solid waste will be removed by the City of Westbrook.

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

- The old Cumberland and Oxford Canal runs across the site, between a parking lot and playing field. The canal would be maintained. Two crossings would be necessary to access the playing fields for maintenance and emergency purposes.

#### **Landscape Plan**

- In addition to the landscaping that is proposed with construction of the school, there is landscaping proposed as "future". Staff recommends that the School Department set aside dedicated funding to construct the landscaping that is depicted on the plan. Dedicated funding should be set aside annually so that the ultimate plan for landscaping is realized sooner, rather than later, ideally within 3 years. Landscaping and trees provide shading, reduce the heat island effect due to paving, enhance the natural and physical aspects of the site, and provide cooling in summer.

#### **Others**

- None.

## CONDITIONS

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 October 23 2007, the Site Plan dated October 23, 2007 and revised to November 8, 2007, 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 Planning Board recommends that the School Department set aside dedicated funding to construct the landscaping and trails that are depicted as “future” on the plan; dedicated funding should be set aside annually so the ultimate plan is realized sooner rather than later

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

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

**Dan** expressed his thanks to the Planning Board and the City Staff for all the assistance that has been realized for this project.

**Rene Daniel moved to recess in to work shop**

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

**The vote was unanimous in favor 6-0 (Anna Wrobel out of room)**

### **New Business**

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

### **5. Recess to Workshop**

### **6. Sketch Site Plan - Deluca-Hoffman Associates, on behalf of IDEXX Laboratories, for the construction of an approximately 240,000 S.F. administrative office building at One IDEXX Drive. Tax Map: 5B, Lot: 5, Zone: IP.**

**Chris Osterrieder** Deluca-Hoffman Associates, on behalf of IDEXX Laboratories, presented aspects of the construction of an approximately 240,000 S.F. administrative office building at One IDEXX Drive, Phase II. Tax Map: 5B, Lot: 5, Zone: IP. This will be a consolidation of four different buildings owned by Idexx. This will be a four story building with green space. The rear of building will not have parking, only a Public Safety access.

We propose to construct a building that conforms to the Leadership in Energy and Environmental Design (LEED) Green Building Rating System™ and is certified by the US Green Building Council.

Chris Osterrieder explained that a dedicated pedestrian paved path will be on site and touched on the flood plain separates the parking plan with the one hundred (100') foot stream buffer, with a pond in the back of the site and dispersed to the site.

The main driveway will be moved to the east, to align with Bradley Drive, with curb cuts off Calpine Drive with a dedicated truck route.

We are looking for Boards feed back during the sketch plan, before submitting to the Maine Department of Transportation and Department of Environmental Protection.

**Ed Reidman** asked if the softball site would be eliminated.

**Chris Osterrieder** said there was no plan for the replacement of the ball field.

**Ed Reidman** asked about leed building concept.

**Chris Osterrieder** said they are strongly looking to construct a Leadership in Energy and Environmental (LEED) Green building that conforms to the Design Building Rating System. We are targeting the air quality, energy efficiency, and those types of things.

**Rene Daniel** expressed his approval of the landscaping and planting scheme and the passive recreation and walking trails with the construction of a (LEED) certified building.

No further comments

**Rene Daniel moved to return to regular session**

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

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

## **7. Resume Regular Session**

## **8. 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 ENGINEERING, PLANNING AND CODE ENFORCEMENT at 207-854-9105 ext. 220 and lgain@westbrook.me.us. THANK YOU*