



# City of Westbrook

DEPARTMENT OF PLANNING, ENGINEERING AND  
CODE ENFORCEMENT

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## WESTBROOK PLANNING BOARD TUESDAY, JANUARY 2<sup>ND</sup>, 2007, 7:00 P.M. 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), Michael Taylor (Alternate),

**Absent:** Carmen Dolloff (Alternate)

**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.

**Ed Reidman** announced that item number eight (8) Final Site Plan and Amended Final Subdivision Plan – Lollipop Lane Educare – DeLuca Hoffman Associates, on behalf of Kiel LLC, for amendments to the Terminal Way subdivision and the creation of a new 10,220 S.F. Child Care Center on a 2.77 acre parcel located at 18 and 36 Patrick Drive (located on North side of Terminal Way). Tax Map: 42B, Lots: 4A & 4D, Zone: Gateway Commercial is off the agenda this evening.

**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.**

*Complete application and waivers process:* During the last meeting, I realized that we should revise how the Board conducts the complete application and waiver vote process. Up to this point, we have voted on the complete application

and then any requested waivers. It struck me that if a waiver of a submission requirement is not granted, then the application is not complete. Thus, I am recommending that we address the waiver requests first. If all submission requirement waivers are granted, then the Board can vote on whether the application is complete. If, however, a submission requirement waiver is not granted, then the item must be tabled so that the applicant can submit the information to Staff and the Board for review. This has the potential of lengthening the review process for applications. However, this is in keeping with our goal of having all information submitted and reviewed prior to the public hearing.

### **1. Comprehensive Plan Amendment and Contract Zone – Stroudwater Growth Area**

#### *Updates:*

- 1) A letter has been enclosed from Mayor Chuluda regarding efforts to draft additional language from the Comprehensive Plan amendment and Contract Zone. This letter was sent to residents in the area of the project, City Council, School Committee and Junior High Committee. The revised plan and ordinance language will be provided to the Planning Board as soon as possible. Staff will provide a detailed presentation at the January 2, 2007 meeting. (*Update: 12-22-06*)
- 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.

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 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.

**Stan Sawyer** introduced Dan Cecile the Westbrook School Department's architect and Brian Mazjanis the Principle of Westcott Junior High School.

**Dan Cecil** with Harriman Associates addressed some of the Recreation and Conservation Committees concerns.

Mr. Cecil explained that two traffic studies have been performed by Gorrill Palmer Engineers with a positive outcome with minor corrective action near the DeWolfe property.

**Brian Mazjanis** the Principle of Westcott Junior High School explained positive aspects of the proximity of this location to the Westbrook High School and additional uses of facilities made public.

**Brooks More** explained the Comprehensive Plan, Future Land Use Map vs. Zoning Map inconsistencies.

**Ed Reidman** opened the Public portion of this item.

**Elizabeth Gattine** 529 Stroudwater Street hopes the City will restart Stroudwater Area Comprehensive plan amendments to ensure that this rezoning will only affect the DeWolfe property.

**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.**

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.

No Public Comments

**Public Hearing closed**

**Public Hearing – 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.**

**STAFF COMMENTS**

- Complete Application: The application was found to be complete on December 5, 2006.
- Site Walk: A site walk was held on Saturday, December 16, 2006.
- Waiver: The applicant is requesting the following waivers:
  - (1) Reduction of the width of one parking space from 9ft to 8ft. This waiver **was** granted by the Planning Board on 12-05-06.
  - (2) Waiver of the requirement for a storm water management report. This waiver **was** granted by the Planning Board on 12-05-06.
  - (3) Waiver of the requirement for an erosion control report. This waiver **was** granted by the Planning Board on 12-05-06.
  - (4) Request to waive the underground utility requirement. This waiver **was not** granted by the Planning Board on 12-05-06.
  - (5) Waiver of the requirement for a letter of financial capacity. This waiver **was** granted by the Planning Board on 12-05-06.

*Staff Comment* (12-21-06): On December 16, 2006 site walk many comments related to making sure that enough on-site parking is supplied. In light of these comments, Staff recommends that additional signage be placed on the parking stalls to identify which spaces are reserved for the dwelling unit residents and which ones are reserved for the salon patrons. It should also be noted that dwelling unit residents or their visitors can use the salon parking spaces after regular business hours.

**Matthew Hill** with Land use Consultants on behalf of Lebeau Properties, LLC presented aspects of 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.

No Public Comment

**Public Hearing Closed**

**Ed Reidman** noted the parking and no parking areas around this site has been referred to the City Council as a result of Public Safety Officials attending the Site Walk.

**1. Call to Order**

**2. Approval of Minutes: December 5<sup>th</sup>, 2006**

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

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

The vote was unanimous in favor 7-0

**Continuing Business**

**3. 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.**

**Anna Wrobel** needed clarification as to the lot that would be reclassified.

**Brooks More** confirmed that it would be only the DeWolfe property.

**Rene Daniel** moved to recommend amending 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.

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

The vote was unanimous in favor 7-0

**4. 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 recommend to the City Council 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 Contract Zone amendments to the.

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

The vote was unanimous in favor 7-0

**5. 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.**

**Dennis Isherwood** moved the Site Plan application for 12 Giles Street on Tax Map 33, Lot 17B, 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.
- The design is intended to provide adequate parking for the commercial use. The availability of parking in this area has become an issue due to the success of several businesses on the corner of Main Street and Giles Street. Parking space dedication signs should be added to the final plans.

**Adequacy of Road System**

- The existing public street can accommodate the proposed use.
- At the site walk, attendees urged that additional no-parking areas be designated on Giles Street. These included both sides of the street and around the corner leading to the Charest apartment units.

**Access to the Site**

- The project will use a wide curb-cut on Giles Street to provide access to the parking spaces.

### **Internal Vehicular Circulation**

- No issues.

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

- There are no sidewalks on this side of Giles Street. The wide-curb cut would not allow for the construction of a sidewalk on this site.

### **Stormwater Management**

- No issues.

### **Erosion Control**

- No issues.

### **Utilities**

- The plans must demonstrate that the project will connect all utilities underground once they enter the property.
- The Portland Water District has confirmed its ability to serve this project.

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

- No hazardous materials have been proposed.

### **Technical and Financial Capacity**

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

### **Solid Waste**

- No Issues.

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

- No resources have been identified.

### **Landscape Plan**

- The proposed landscaping has been included on Drawing 1 of the plan set.

### **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 affects 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 31, 2006, as amended November 29, 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. Additional signage shall be installed in the parking area to identify which spaces are reserved for the residential unit and which spaces are reserved for the commercial business.

**2<sup>nd</sup> by Evan Carroll**

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

VILLAGE REVIEW

Staff Comments:

Staff has met with the Applicant to review the proposed building design. Based on our review, the residential design of the building is appropriate in the context of the eclectic home designs on Giles Street.

**Dennis Isherwood** moved the Village Review application for the 12 Giles Street on Tax Map 33, Lot 17B 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 building is in scale with the surrounding buildings in the neighborhood.

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

- The height of the proposed building is similar to that of the existing 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.

- The front facade is typical of a New England style colonial home.

- (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 façade shapes and materials are consistent with the surrounding neighborhood.

#### CONDITIONS

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated October 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 Evan Carroll**

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

#### New Business

- 6. Amended Final Subdivision Plan – 700 Saco Street – Sebago Technics, on behalf of JTJ Holdings, LLC, to replace the existing house on the site with a new 1,332 S.F. single-family condominium. This amendment will not increase the number of dwelling units in the subdivision. Tax Map: 1, Lot: 2, Zone: Residential Growth Area 2.**

Overview – 7 unit condominium project on Saco Street that was approved on December 6, 2005. In the original proposal the existing single-family house was to be rehabilitated for sale or rent. The applicant is returning to the Board to request that rather than rehab the existing house, it be replaced by a new ranch style single-family dwelling unit.

#### Staff Comments

1. Complete Application:
  - a. The original subdivision application was found to be complete on 11-01-05.
  - b. Staff recommends that the subdivision amendment application be found complete.

**Dustin Roma** with Sebago Technics on behalf of JTJ Holdings, LLC, presented aspects to replace the existing house on the site with a new 1,332 S.F. single-family condominium. This amendment will not increase the number of dwelling units in the subdivision. Tax Map: 1, Lot: 2, Zone: Residential Growth Area 2

**Rene Daniel** asked how many bedrooms in the original plan and the amended plan.

**Dustin Roma** answered two (2) in each plan.

**Rene Daniel** asked if the façade of the new building would mimic the new construction or the old building.

**Dustin Hoffman** said that the new building with mimic the rest of the complex.

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

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

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

**Evan Carroll** the Amended Subdivision application for 700 Saco Street on Tax Map: 1, Lot: 2 is to be **approved with conditions** with the following findings of fact and conclusions.

**A. POLLUTION AND SEWERAGE DISPOSAL**

- Septic systems will be used. The project meets the residential density required for septic system projects.

**B. WATER**

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

**C. SOIL EROSION**

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

**D. TRAFFIC**

- Adequate sight distance is provided at the site's driveway.
- As part of the original December 6, 2005 approval, the applicant was required to pay a fee-in-lieu of constructing a sidewalk along Saco Street. Staff is currently researching whether this fee was paid in full.

**E. SEWERAGE**

- Sewerage will be via septic systems.

F. SOLID WASTE

- Solid waste will be the responsibility of property owners. This information must be included in the condominium association documents.

G. AESTHETICS

- A statement from the Maine Department of Conservation has confirmed that no rare botanical features have been documented on the project site.
- A statement that no significant wildlife habitat exists has been obtained from the Maine IF&W.
- Appearance Assessment:
  - (1) Project to Site – The plan appropriately takes into account the shape and topography of the parcel.
  - (2) Project to Surrounding Property – The original plan was modified to provide greater buffer for the Gleason property on Eleanor Ave.
  - (3) Landscape Design – The landscaping was upgraded based upon Board comments during the 12-6-05 meeting.
  - (4) Lighting – Interior lights have been proposed as private post driveway lights. A light at the entrance is shown on the plans.
  - (5) Signs – A project entrance sign has been shown on the plans.

H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- Comprehensive Plan:
  - The project meets the use of the RGA2 district.
  - The standards of the land use ordinances and the goals of the Comprehensive Plan are not consistent in this area of the City. In this case, the standards of the Land Use Ordinance prevail. As stated below, the project meets the standards of the Land Use Ordinance.
- Land Use Ordinances – The plan meets the setback and net residential density standards of the zoning ordinance.
  - Recreation & Open Space – The Recreation & Conservation Commission has recommended that a fee in-lieu-of-land in the amount of \$9,108 be required from this project. Per condition #3 of the Planning Board's December 6, 2005 approval, the applicant has paid the fee in-lieu-of-land in full. As a result, this condition of approval has been removed on the amended subdivision conditions.
- Community facilities impact analysis – An analysis may be requested by the Board.
- Fire Code

- A properly sized marker indicating the project's location as 700 Saco Street, this may be incorporated into a permanent sign for the condominium project. The project entrance sign has been shown on the plans and in note #20 on sheet 2 of 3. As a result, this condition has been removed from the amended conditions of approval.

- Others:

I. FINANCIAL AND TECHNICAL CAPACITY

- The applicant has submitted documents of financial capacity.

J. RIVER, STREAM OR BROOK IMPACTS

- None identified.

CONCLUSIONS

1. The proposed site plan **will not** result in undue water or air pollution.
2. The proposed site plan **has** sufficient water available for the reasonably foreseeable needs of the site plan.
3. The proposed site plan **will not** cause an unreasonable burden on an existing water supply.
4. The proposed site plan **will not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
5. The proposed site plan **will not** cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed site **will** provide for adequate sewage waste disposal.
7. The proposed site plan **will not** cause an unreasonable burden on the municipality's ability to dispose of solid waste.
8. The proposed site plan **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed site plan **conforms** with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
10. The developer **has** adequate financial and technical capacity to meet the standards of this section.
11. The proposed site plan **is not** situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.

12. The proposed site plan **will not** alone or in conjunction with existing activities, adversely affects 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 September 27, 2005, as amended December 5, 2006, and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the Planning Board.
2. A performance guarantee in the amount of \$90,000 must be approved by the City Planner prior to the commencement of any site work. This figure covers the cost of constructing the driveway and infrastructure.
3. A provision that solid waste is the responsibility of the Condominium Association must be added to the Condominium Association legal documents.
4. Fee in lieu of a sidewalk is to be paid with the amount to be determined by the City Engineer
5. The stockade fence as presented will be extended sixty (60) feet along the Eleanor Avenue property line.

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

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

**7. Preliminary Final Subdivision, Preliminary Final Site Plan and Special Exception – Stroudwater Landing – Land Use Consultants, on behalf of Stroudwater Landing, LLC, for the creation of a 114 unit condominium project on a 65.3 acre parcel located on 449 Stroudwater Street and on a vacant parcel of land between 300 and 328 Spring Street. Tax Map: 9, Lot: 20 and Tax Map: 8, Lot: 3A, Zone: Residential Growth Area 1.**

Overview – This is a 114 unit age-restricted condominium development on two parcels of land located between Spring Street and Stroudwater Street. The applicant received a zone change from the City Council for a large portion of the property currently owned by the Animal Refuge League at 449 Stroudwater Street. The extent of the zone change from Rural to Residential Growth Area 1 covers the area between the remaining Oxford-Cumberland Canal on the East and the property boundaries to the South and West. The area that was rezoned is identified on the zoning map. In sum, the applicant received the zone change from Rural to RGA1 to increase the allowable density for this project.

Staff was supportive of the requested zone change for the following reasons:

1. Age-restricted properties are net tax gains for their host communities. This is due to the fact that full taxes are assessed, but residents are not requesting public school education.
2. Street Connectivity – Staff has predicated its support on the construction of a through road connecting Spring Street and Stroudwater Street. This is not a design feature that the applicant desired. Staff of Planning, Engineering, Police, Fire and Public Services strongly believe that this is an important opportunity for the City to increase the connections in its street network without the need to take private property, expend public funds for construction (though maintenance will be the City's responsibility), or go through the extremely lengthy and uncertain federal funding process. Furthermore, a subdivision of this size must have two access points for safety purposes. A more detailed discussion on the street connectivity issue is attached in a memo that was originally provided to the City Council as part of the rezoning process.
3. The project is a master planned community rather than an incremental subdivision of land. Master planned communities typically result in projects that provide a better product. For instance, this project accomplishes the following:
  - a. Takes into consideration the topography of the site,
  - b. Provides a street connection between Spring and Stroudwater,
  - c. Utilizes "Low Impact Development" (LID) techniques being advocated by the Department of Environmental Protection,
  - d. Creates self-contained neighborhoods that branch off from the public through street.

## SUBDIVISION REVIEW

Staff Comments: Due to the scope of this project and the upcoming holidays, Staff is presenting its preliminary review of this application. As a result, further comments may be presented based upon further review and/or the submission of additional information by the Applicant.

### 1. Waivers:

- a) Section 502.5F(1)(a)-(b): This is a waiver request of the peak discharge reduction requirement. The City Engineer supports this waiver request and Staff will explain more about the issue at the 1-2-07 meeting.
- b) Section 502.5C(1)(f): Waiver request of the granite curbing requirement for the proposed public street. The City Engineer's ball park estimate is that the difference in cost between granite and bituminous curb is \$130,000.
- c) ~~Section 502.5C(1)(b): Waiver of the 500' maximum distance between intersections requirement. Staff supports this waiver as the overall master plan takes into consideration the topography of the site. Strict adherence to this requirement would increase the need for earth fill on this site. The need for additional fill would increase the environmental impact on the site.~~

\*Notes: Strike waiver 1C; Requesting Peer review of Storm Water – This is not a cluster provision.\*

2. Complete Application: Based upon Board's waiver decisions.
3. Public Hearing: Scheduled upon complete application finding.
4. Site Walk: Scheduled upon complete application finding.

**Daniel Maguire** with Sandy River Health System presented aspects of the creation of a 114 unit condominium project on a 65.3 acre parcel located on 449 Stroudwater Street and on a vacant parcel of land between 300 and 328 Spring Street. Tax Map: 9, Lot: 20 and Tax Map: 8, Lot: 3A, Zone: Residential Growth Area 1.

**John Paven** with Northbridge Communities presented aspects of the target market and design features for this type of facility.

**Scott Collard** with Land Use Consultants presented a detailed overview of the actual subdivision, Site Plan and Special Exception requirements.

**8. Final Site Plan and Amended Final Subdivision Plan – Lollipop Lane Educare – DeLuca Hoffman Associates, on behalf of Kiel LLC, for amendments to the Terminal Way subdivision and the creation of a new 10,220 S.F. Child Care Center on a 2.77 acre parcel located at 18 and 36 Patrick Drive (located on North side of Terminal Way). Tax Map: 42B, Lots: 4A & 4D, Zone: Gateway Commercial.**

Removed from Agenda

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

Rene Daniel moved to recess into workshop session.

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

The vote was unanimous in favor 7-0

**Workshop**

Preliminary Final Subdivision, Preliminary Final Site Plan and Special Exception – Stroudwater Landing – Land Use Consultants, on behalf of Stroudwater Landing, LLC, for the creation of a 114 unit condominium project on a 65.3 acre parcel located on 449 Stroudwater Street and on a vacant parcel of land between 300 and 328 Spring Street. Tax Map: 9, Lot: 20 and Tax Map: 8, Lot: 3A, Zone: Residential Growth Area 1.

**Guy Cote** 19 Laffin Drive commented that the plan is now more aggressive in terms of units and sizes.

- Lack of a buffer on the North side
- Target market will not restrict ages and families.
  
- Traffic study was conducted in August.
- September/October there is more traffic.
  
- Traffic Study conducted in evening when more traffic is heavier in the morning.
- Why was 1% growth projected?

**John O'Hara** 80 Cottage Place

- How can this be preserved for retirement community?
- How will the phase of thru road construction be conducted?
- Do not water down road construction standards – i.e. granite curbing

**Andrew Gattine** 529 Stroudwater Street

- What are the specific changes from the initial application?
- Cumulative traffic impacts of School project and Stroudwater Landing

**Eileen Shutts** 42 Monroe Avenue

- Traffic is a concern
- No specific age restriction
- Not acceptable to put through road at the end of the project
- Traffic Study needs to be updated from 2005.

**Arthur Randall** Stroudwater Street asked who will hold the developers feet to the fire. There are significant changes from the original development plan.

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

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

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

**Ed Reidman** explained that the Planning Board needs to continue in regular session with the Preliminary Final Subdivision, Preliminary Final Site Plan and Special Exception – Stroudwater Landing – Land Use Consultants, on behalf of Stroudwater Landing, LLC, for the creation of a 114 unit condominium project on a 65.3 acre parcel located on 449 Stroudwater Street and on a vacant parcel of land between 300 and 328 Spring Street. Tax Map: 9, Lot: 20 and Tax Map: 8, Lot: 3A, Zone: Residential Growth Area 1.

**Cory Fleming** disappointed not to see retail within the community plan.

**Rene Daniel** expressed concerns about the preservation of the Canal.

**Anna Wrobel** is concerned about an age restrictive community vs. an age target community, which is it?

**John Paven** explained the age protection classification within the housing market. Fair Housing Act addressed age restriction vs. age target communities.

**Natalie Burns** explained that the staff will provide additional information on the age issue - target vs. restriction; at the next scheduled meeting.

**Anna Wrobel** expressed not in favor of Granite Curb Waiver, Not in favor of proposed phasing of roadway, No granite Curb Waiver, Yes waiver of Storm Water, Yes waiver of sheet size, Show trees within development area of 10' in caliper or greater along proposed limits of disturbance within 10'.

**Eric Dudley** explained the peak run off rate of Storm Water on Site.

a) Section 502.5F (1) (a)-(b): This is a waiver request of the peak discharge reduction requirement. The City Engineer supports this waiver request and Staff will explain more about the issue at the 1-2-07 meeting.

**Cory Fleming** moved to approve the waiver.

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

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

**Anna Wrobel** moved not to grant the waiver for granite curbing.

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

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

**Rene Daniel** moved to table

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

**The vote was 6-1 in favor**

**Anna Wrobel** moved to grant the waiver of the size of the sheets (mylar plans)

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

**Rene Daniel** moved to grant the waiver for the size of the trees to be identified as 10 (ten) inch or greater within 10' ten feet of the proposed limit of clearance.

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

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

**Captain Jarrett** asked if the phase portion of the road had been approved.

**Ed Reidman** explained that the applicant had proposed completing the road during phase 4 (four). Mr. Reidman said that the Board has not approved the plan as presented.

**Daniel Maguire** requested the Proposed Plan be accepted and explained the Phasing of the project.

**Rene Daniel** moved to table this item to a date to be announced by the staff as soon as possible.

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

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

**Rene Daniel** moved to adjourn to workshop

**2<sup>nd</sup> by Evan Carroll**

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

**Workshop**

**10. Sketch Site Plan – Lot 4 Westbrook Heights Business Park – DeLuca Hoffman Associates, on behalf of Westbrook LLC, for the construction of a 12,000 S.F. Office/Warehouse building on a 1.28 acre parcel located at 8 Spiller Drive. Tax Map: 4, Lot: 304, Zone: Industrial Park.**

**Steven Bushey** with Deluca Hoffman Associates on behalf of Westbrook LLC presented aspects for the construction of a 12,000 S.F. Office/Warehouse building on a 1.28 acre parcel located at 8 Spiller Drive. Tax Map: 4, Lot: 304, Zone: Industrial Park.

**Evan Carroll** asked about the elevations near the loading dock.

**Steven Bushey** explained that the loading dock will be rotated 90 (ninety) degrees.

**Ed Reidman** reminded the Planning Board of the Training on January 23<sup>rd</sup> @ 6:30 PM, Westbrook High School, room 114.

**Anna Wrobel** requested a reminder.

**11. Adjourn to Regular Session**

**12. Adjourn**

*Respectfully submitted by Linda Gain PECE Secretary*

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