



City of Westbrook

DEPARTMENT OF PLANNING, ENGINEERING AND CODE ENFORCEMENT

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WESTBROOK PLANNING BOARD TUESDAY, APRIL 3RD, 2007 MINUTES

Present: Ed Reidman, (Chair) (Ward 5), Rene Daniel (Vice-Chair) (Ward 1), Dennis Isherwood (Ward 2), Evan Carroll (Ward 3), Michael Taylor (Alternate), Scott Herrick (Alternate)

Absent: Cory Fleming (At Large), Anna Wrobel (Ward 4), Greg Blake (At Large)

Staff: Rick Gouzie, Brooks More

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

Public Hearing - Contract Zone Amendment – Stroudwater Street Growth Area Contract Zone 471 Stroudwater Street – City of Westbrook and Westbrook School Department for an amendment to the contract zone of the 65 acre parcel located at 471 Stroudwater Street. The contract zone amendment is being requested to increase the maximum allowable height from 40 feet to 45 feet for the design of a proposed middle school. Tax Map: 9, Lot: 19, Zone: Stroudwater Street Growth Area Contract Zone.

Michael Kucsma business manager of the Westbrook School Department and a member of the building committee for the new Westbrook Middle School explained to the Public the State of Maine requirements for the Zoning of the proposed parcel.

Public Hearing Closed

1. Call to Order

2. Approval of Minutes – March 6, 2007

Rene Daniel moved to accept the minutes as presented

2nd by Evan Carroll

The vote was unanimous in favor 6-0

3. Chairman's Report – Calendar Year 2006

Ed Reidman read a portion of the Chairman's Report into the record.

Rene Daniel moved to send the Chairmans Report to the City Council and the Mayor

2nd by Dennis Isherwood

The vote was unanimous in favor 6-0

Continuing Business

4. Contract Zone Amendment – Stroudwater Street Growth Area Contract Zone 471 Stroudwater Street – City of Westbrook and Westbrook School Department for an amendment to the contract zone of the 65 acre parcel located at 471 Stroudwater Street. The contract zone amendment is being requested to increase the maximum allowable height from 40 feet to 45 feet for the design of a proposed junior high school. Tax Map: 9, Lot: 19, Zone: Stroudwater Street Growth Area Contract Zone.

This amendment is being requested due to the final design for the proposed Junior High School on Stroudwater Street. In the design process, the architects recognized that the building will be 43' above the ground. Thus, the proposed amendment will increase the maximum height limit from 40' to 45'.

The 45' maximum height limit is greater than that allowed in the Residential Growth Area 1. This is the district that the contract zone was modeled after. However, the height limitation is consistent with the abutting Rural properties to the East.

Rene Daniel moved to recommend to City Council the contract zone amendment to increase the maximum allowable height from 40 to 45 feet, for the purpose of the building of the middle school, on Tax Map: 9, Lot: 19 Zone: Stroudwater Street Growth Area Contract Zone.

2nd by Dennis Isherwood

The vote was unanimous in favor 6-0

5. Final Subdivision, Final Site Plan and Special Exception – Stroudwater Landing – Land Use Consultants, on behalf of Stroudwater Landing, LLC, for the creation of a 103 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 – The plan has been revised to the now proposed 103 unit 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 North, 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 well designed neighborhoods that branch off from the public street.

Update as of 3-29-07: Both the Planning Board and City Council brought up issues relating to the phasing of Landing Road and whether the project will be age-restricted. Upon direction from both the Board and Council, Staff worked with the applicant to develop a formal proposal on these issues.

- Age-Restricted v. Age-Targeted: In the March 20th, 2007 submittal, the applicant has agreed to make the project “age-restricted.” In light of the importance of this issue, it is Staff’s recommendation that a final draft of the homeowner’s association documents be submitted prior to a final vote by the Planning Board.
- Phasing of Roadway: In regards to the phasing of the roadway, the Applicant and Staff agreed that the roadway will be base-paved from Spring Street to the pump station. From there Landing Road will be constructed of gravel and gated/blocked. During Phase III, the remainder of Landing Road will be base-paved. It has been agreed that the City will not issue a Certificate of Occupancy for the 50th unit until the entire length of Landing Road has been base-paved and the gate/blockage removed. A note must be added to the phasing plan that the Certificate of Occupancy for the 50th unit will not be issued prior to installation of base-pavement on the entire length of Landing Road and the removal of any gate or blockage.

Scott Collard with Land Use consultants on behalf of Stroudwater Landing, LLC, presented to Planning Board the revised update of the Final Subdivision, Final Site Plan and Special Exception – Stroudwater Landing – for the creation of a 103 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.

Ed Reidman asked Eric Dudley if the condominium association does not maintain the Storm Water System does the City of Westbrook have the right to go in and maintain them and back charge.

Eric Dudley said we do not typically do that.

Ed Reidman asked what will happen if it is not maintained?

Eric Dudley said that it would be the responsibility of a DEP employee.

Rene Daniel moved to schedule a **Public Hearing on April 24th, 2007.**

2nd by Michael Taylor

The vote was unanimous in favor 6-0

Rene Daniel moved to adjourn to workshop for the purpose of reviewing a sketch subdivision plan, site plan and special exception for Austin Street Condominiums.

2nd by Evan Carroll

The vote was unanimous in favor 6-0

New Business

6. Adjourn to Workshop

Workshop – Public Comment will be accepted during the workshop portion of the meeting.

7. Sketch Subdivision Plan, Site Plan and Special Exception – Austin Street Condominiums – H.W. Land Company for the creation of a thirty (30) unit condominium project on a 12 acre parcel located at 341 Austin Street. Tax Map: 15, Lot: 14, Zone: RGA2.

Dan White the Engineer with H.W. Land Company presented to the Planning Board aspects of the creation of a thirty (30) unit condominium project on a 12 acre parcel located at 341 Austin Street. Tax Map: 15, Lot: 14, Zone: RGA2.

Jim Coffin with Coffin Engineering explained that the proposal has been changed to build duplexes.

Richard Ledoux 5A Kennard Street – Austin Street is a narrow road. Is there going to be a road widening?

Eric Peters – Jemada Way – Owns house at end of private way. Ask that developer put proper buffer between their house and the development. Mr. Peters requested a fence along with bushes and vegetation. Proper buffering is their concern.

Sidewalk may be required by Board.

Rita Smith – 347 Austin Street said her property line pin has a discrepancy with this property. Not a big one, but it does concern her. Will there be a storm water plan? How far is the setback for this property? I am increasingly concerned about of traffic on Austin Street. I would like to be informed about blasting when it occurs.

Chairman Reidman clarified the difference between the “workshop” session and the regular session. Workshop will allow Public Comment, but the Planning Board can not act

or vote on anything presented in workshop session. The chair continued to explain the notification process during a new proposed project.

Rene Daniel moved to adjourn to regular session.

2nd by Evan Carroll

The vote was unanimous in favor 6-0

8. Adjourn to Regular Session

9. Review of Paper Street Development - Mitchell Farm – Pinkham and Greer Consulting Engineers, on behalf of Mitchell Farm Developers, LLC, for a waiver of the requirement to install granite curbing and sidewalk along the newly construction portion of Kennard Street and the proposed section of Osaka Street. Tax Map: 38, Zone: RGA1.

This is a waiver request for the requirement to install granite curbing and sidewalks along newly constructed public streets.

As you may be aware, the two streets in question are being constructed in accordance with “Section 406 Review of Paper Street Development” and the Mitchell Farms Master Development Agreement. In accordance with the ordinance, the applicant has the ability to request a waiver by the Planning Board. The Planning Board is not reviewing the entire paper street development, but rather, only the waiver request. In other applications, abutters may request that a paper street development be reviewed by the Planning Board.

Background

The construction of existing lots on pre-platted subdivisions was introduced into the Land Use Ordinances as a means to achieve the Smart Growth goal of infill housing. Infill housing is seen as a means to allow growth in traditional urban centers. This helps to support urban centers, and increase the efficiency of existing utility infrastructure. At the same time, this new housing contributes to the stock of housing that is located in neighborhoods within walking and bicycling distance of services.

To improve the process of allowing infill housing, the City formed a Committee to review the practice. The Committee worked for five months and created a set of policy recommendations. These recommendations were translated into ordinance language. At the same time, the City of Westbrook Administration worked with the developer of Mitchell Farms to create a master plan that would provide infill housing that is sensitive to the surrounding neighborhoods. The result is a master development plan that includes both homes and preserved open space.

To achieve this balanced master plan, the developer agreed to forgo the development of lots that could have otherwise been used for profitable homes (the applicant will present the master plan at the meeting). As a result of this mutual agreement between the City, Developer and neighborhood residents, City Staff supports this waiver request.

Mark Bergeron with Pinkham and Greer on behalf of Mitchell Farm Developers, LLC, presented to the Planning Board the request for a waiver of the requirement to install granite curbing and sidewalk along the newly construction portion of Kennard Street and the proposed section of Osaka Street. Tax Map: 38, Zone: RGA1.

Michael Taylor moved to schedule Public Hearing on April 24th, 2007 following the first hearing.

2nd by Rene Daniel

The vote was unanimous in favor 6-0

10.Land Use Ordinance – Village Review Overlay Zone Amendments – Amendments to enable the review of village review applications by a newly established Village Review Overlay District Commission.

Staff is working on the establishment of a Commission to review and approve Village Review applications. This Commission will be comprised of professionals in the design, construction and historic preservation fields. At this time, we have three resident architects that are interested in serving on the commission. In addition, Staff will seek members from the Historical Society and the building trades' field.

The purpose of the Commission is to assist the Planning Board and City Staff with architectural and historic review by bringing in professionals in related fields. In addition, the Commission members will provide applicants with better design alternatives than either Staff or the Planning Board can currently offer.

The Planning Board does not need to make a recommendation on the Commission's by-law language as this will be installed in the general Code of Ordinances. That being said, I expect the Council would like to know whether you support this concept and how the Commission is structured. The Planning Board will need to make a recommendation on amendments to the Village Review Overlay Zone text that relates to the new Commission reviewing applications.

Erik Carson proposed Village Review Overlay Zone Amendments and the Village Review Commission to the Planning Board. The establishing of the

Village Review Commission will bring additional expertise to the review process and possibly benefit the grant funds for community.

Ed Reidman asked how the Commission would interact with the Planning Board.

Erik Carson said that should the Commission be approved the projects would go to the Commission and not the Planning Board with the intent of the Commission to present an annual report of the Village Reviews to the Planning Board.

Brooks More explained that a project may have to seek both the Commission (for Village Review) and the Planning Boards (for Site Plan) approval for a project that falls within this district.

Erik Carson explained that this Commission would review “smaller” projects, such as window placement and re-siding of the building while keeping the architectural design intact.

Ed Reidman commented that he is not totally opposed to the creation of the Village Review Commission, especially should it bring in grant funds to the City of Westbrook.

Evan Carroll asked if the staff is reviewing surrounding town’s procedures.

Erik Carson said the certified local government requirements – you need an established Commission, review processes, certificates of appropriateness and review standards written in detail.

Michel Taylor commented that this could be conceived as another level of government but is necessary for preserving the historical nature of the down town area.

Erik Carson mentioned some of the Village Review projects that have been completed to date. Mr. Carson suggested the staff collect additional information as requested by the Planning Board.

Planning Board members requested that next time schedule this item in workshop, bring map of area and examples of what other towns are doing.

11. Land Use Ordinances Amendment – Private Way Amendments - Referral from the City Council to allow the use of private ways for between one to three lots.

This item has been sent back to the Planning Board by the City Council. Based on public comment, Staff is working to make Private Ways available for minor subdivisions of between 1 to 3 lots. This will eliminate the potential for large subdivisions being developed on private ways. At the same time, we are seeking

to grandfather those that have already put the expense into a private way with the understanding that they could build as many lots as frontage will allow on these ways.

Michael Taylor moved to schedule a Public Hearing for Private Way Amendments on April 24th, 2007 following the prior scheduled hearings.

2nd by Evan Carroll

The vote was unanimous in favor 6-0

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