



City of Westbrook

DEPARTMENT OF PLANNING

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**WESTBROOK PLANNING BOARD
TUESDAY, JUNE 17, 2008, 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), Paul Emery (Ward 3), Michael Taylor (Alternate), Cory Fleming (At Large)

Absent: Scott Herrick (Alternate), Greg Blake (At Large), Anna Wrobel (Ward 4),

Staff: Molly Just, Richard Gouzie, Captain Charles Jarrett, Eric Dudley

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**

Consent Agenda: Note – Public comment will be accepted for this item.

2. **Review of Paper Street Development - Dale Avenue – Sebago Technics, on behalf of the Westbrook Rotary Club, for the extension of Dale Avenue (a paper street) to provide access to six lots of record for the construction of four single-family homes. This development is consistent with the provisions of Sec. 406 Review of Paper Street Development. Tax Maps: 8A and 30, Lots: 5 and 41X respectively. Zone: RGA-1.**

Ed Reidman asked Molly Just what action the Planning Board can take tonight.

Molly Just said that given that the applicant is not yet the owner of the property, and therefore has no standing to receive zoning approvals on the property, the role of the Planning Board at this time is to obtain feedback from the community and provide Planning Board feedback to the applicant. The applicant must enter into negotiations with the City Council concerning sale of the property. If the property is conveyed to the applicant they would then seek approval of the Paper Street Development per Section 406 – Review of Paper Street Development,

Ed Reidman said it is my understanding that the request from the Westbrook Gorham Rotary is the extension of the road. There was no mention of interest in the property at last

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weeks Planning Board meeting. If the Board had acted last week and granted the extension of the street, would we be here revoking that action?

Molly Just said the applicant has no standing to actually obtain the approvals, so the approval would not be valid.

Staff Memo reads as follows:

Project Description –The applicant proposes to purchase the subject property from the City of Westbrook to extend Dale Avenue, a paper street, and construct 4 single-family homes on 6 lots of record.

Update – At its June 3, 2008 meeting, the Planning Board requested that the applicant look for a way to accommodate the existing trail into the plan for development.

The Recreation Conservation Commission discussed this project at their June 12, 2008 meeting. The Commission has historically made a recommendation to the City Council in cases where there is a request to purchase City property.

The above referenced subject was discussed at length at the Commission's meeting. Those in attendance were Molly Just, Randy Peters, Mike Shutts, Wes Douglas, Mark Leclair, Peter Burke, Rita Lane. The meeting was followed by a brief site walk and the group was joined there by Dave Tapley.

There was much discussion, many questions, and considerable concern expressed during the meeting on this subject. The Commission could not reach a consensus regarding the land's use and/or sale at this time, but wish to provide these statements to the Planning Board for the interim:

- 1.) The RCC *acknowledges* the educational and vocational value of the Rotary/High School partnership and how that relates to this city owned property at the end of Dale Avenue.
- 2) After review of city maps and the Draft Concept Plan for the Recreation, Parks, and Open Space Master Plan they *see the greatest value* of this parcel as its role in a planned trail system being developed in the city. The site walk added an appreciation of what the wooded site and few existing trails contribute to the abutting neighborhoods.
- 3) Their questions are:
 - a) For more information prior to rendering a final decision on the subject.
 - b) That the trail and open space value be kept foremost during this project's discussion and decision

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.

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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.

Per Section 406 – Review of Paper Street Development, if the proposed development meets the Code requirements for development on paper streets and the applicant proposes no changes to the lot size or configuration then a project may be approved administratively so long as there is not a request for Planning Board review by an abutter. However, in this specific case, the Planning Board is only offering feedback at this time as the applicant does not control the property. Abutters have been notified regarding this proposal.

Review Standards.

- A. Storm water. Adequate provision has been made to collect, treat and dispose of stormwater such that the rate of flow onto properties in the area shall not exceed those existing prior to the construction or improvement of the paper street.
- B. Street Construction Standards. The proposed extension of Dale Avenue meets the requirements of Sec. 502.5C (Design Standards for Streets and Private Rights of Way). This is an existing paper street that was approved under a prior Ordinance. Therefore, Planning and Engineering staff do not believe that the current 800 foot limit on dead end road length applies to this project. The Fire Inspector does not agree with this opinion. Please see the attached memo from the Fire Inspector for comments on the proposed extension of Dale Avenue.
- C. Erosion Control. The proposed project shall incorporate the best management practices for erosion control and shall not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
- D. Lot Development. The project shall include 8 street trees distributed both sides of Dale Avenue along the lot frontage.
- E. Provision of Open Space. The plan includes maintaining an existing informal trail that eventually connects the High School and the future Middle School. This complements current efforts underway by local and regional trail planning groups to link the two schools and ultimately to connect the City to the Sebago to the Sea Trail, which will run from Sebago Lake to Portland. The Site Plan for the new Middle School depicts a trail connection and this would help to ensure that the trail becomes a reality.
- F. Water and Sewer Capacity. The project shall be served by existing public water and sewer. The applicant has verified that there is adequate water supply and the City Engineer has verified that there is adequate sewer capacity.
- G. Traffic. The proposed paper street will not cause unreasonable highway or public road congestion or unsafe conditions.

Staff Comments

- 1. The plan depicts a “possible fence buffer for construction by City”. Such a fence would be at the option of and at the expense and construction of the individual homeowner or homeowners association, not the City.
- 2. The Fire Inspector recommends that the existing hammerhead be maintained to provide a small amount of parking for trail users. The Recreation and Conservation

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Commission supports this recommendation. Planning staff would like Planning Board feedback on this concept.

3. The existing trail should be maintained in its current location and within the existing 20' sewer easement where possible. The exact size and location of the trail would be determined at the time of design.
4. The final siting of the homes should take into account any required setback from a possible stream running through lots 129-133.

Dan Riley Sebago Technics on behalf of the Westbrook Rotary Club continued the discussion of the extension of Dale Avenue. We came before the Planning Board on June 3rd and discussed the project at some length. The Planning Board asked us to look at a couple of items at that time. The project is a paper street development to support the Rotary Trust housing project which is a partnership that the Rotary Club has had with the City of Westbrook to provide residential properties for the Westbrook Regional Vocational program. They have been constructing homes in the City for about 50 years. The idea is for the school students to construct the house, the property is sold to a private owner and the proceeds from that sale are rolled into the program to acquire land for the next season's construction.

At the last meeting the Planning Board asked us to look at a public access easement for a trail on the east side of lot 133 on the development. What we have submitted on our latest submittal will accommodate that trail.

We are proposing to extend Dale Avenue approximately 165 feet to provide frontage for five lots on one side of the road and another City lot on the north side of the road. The Rotary Program is proposing to build houses on the last four lots in the sub division. Due to a stream and set back issues, the Rotary is not proposing to develop lot 129.

The final item is related to the trail to consider how the development would occur on lot 133. We have prepared a concept plan as to what the development would look like on the last two lots. What we are showing are 28 x 48 square foot houses. They are bigger than normal that the Rotary Club constructs. The footprint is equivalent to townhouse buildings currently on Dale Avenue.

We understand the issue of standing, but we are here for comments as the Rotary has been involved with the Council for the past couple of years on the continuing development for the vocational program.

We would like to get a sense from the Planning Board if this proposal meets the requirements of paper street development. With that sort feedback we could go before the Council to complete the negotiations, knowing this could be a viable project, recognizing the City of Westbrook Council has final decision to use this land to support the school programs or use the land in some other way.

Cory Fleming asked about the hammerhead and how many parking spaces that will have, since we will be maintaining it?

Dan Riley said parking might be able to accommodate 2 parking spaces with 24 foot width.

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Cory Fleming asked if there would be a time limit attached to the parking spaces.

Molly Just can certainly talk about placing a sign out.

Cory Fleming asked about the ownership of lot 129 and the lot across the street. Would they go to the Rotary Club or stay with the City of Westbrook as you are not planning to develop those lots.

Dan Riley presumably the Rotary would only develop four lots and the remainder would remain in the City of Westbrook possession. Typically the Rotary does not hold ownership of the property. The City conveys the property to the Rotary Trust then immediately conveys the property to the buyer. We may have to handle this project differently due to the paper street issue.

Ed Reidman asked Eric Dudley for a comment on the parking.

Eric Dudley said currently it is illegal to park in as the hammerhead is considered a travel way.

Dennis Isherwood said he continues to be concerned about lot 133 and how the trail will cross the front part of it. The first owner will be receptive, but the second and third owner will not be as receptive. How can we separate this and not have the trail as part of lot 133 corners property. I wish you would develop lot 129 and leave lot 133 undeveloped. Are you going to propose the trail go up the embankment and travel across the top?

Dan Riley currently the trail runs at the tow of the embankment, and then veers away from the embankment. The proximity of the trail has some concerns. Typically you can screen that trail with a fence. That is one of the reasons we have provided the shared an access between the two lots where the most foot traffic will be.

Dennis Isherwood said I understand that but unfortunately people forget about that. I am not comfortable with the lot 133 and the trail alongside it.

Paul Emery asked if you would be able to accommodate parking on lot 129 for approximately four vehicles.

Dan Riley said it is possible to construct parking for about four vehicles with some additional fill and construction.

Paul Emery asked if people outside the Dale Avenue area could use those parking spaces without any problems from the Police or Fire Department.

Captain Charles Jarrett said the parking questions are between the existing hammerhead and the new proposed hammerhead. The comment from the City Engineer originally was that as part of the project they would need to tear up the existing hammerhead. My thought

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process was why not keeping the existing hammerhead and changes it into parking so they would not park in the end hammerhead.

Paul Emery asked for clarification between the existing and the new hammerheads.

Dan Riley showed the existing hammerheads on the map.

Paul Emery asked if you kept the existing hammerhead, would you have enough parking spaces there to accommodate the people exiting and entering the trail, without creating problems for Fire and Police.

Captain Charles Jarrett said probably not as people park in the end hammerhead space now. I think if the trail system is used as much as the Planner is describing we will need more parking there.

Molly Just said that she would imagine that most of the users walk there.

Molly asked Dennis if she is wrong with her interpretation.

Dennis Isherwood said most of the time people walk, the only time we have any issues is during hunting season.

Molly Just said that outside hunting season, residents use it for guest parking.

Dennis Isherwood said that is also the case.

Paul Emery asked on lot 133 is there a way to place a berm on corner to screen the house from the trail.

Dan Riley said you could place a berm there.

Rene Daniel said based on the write up the Board has it says: "to provide access to six lots of record for the construction of four single-family homes" and you keep speaking about lot 129 as an unusable lot. I have not heard anything about lot 134 across the street.

The first red flag: I have heard some conflict between Eric and Captain Jarrett's opinions of the hammerheads. The second red flag: what are we going to do to lot 134? I believe we have discussed lot 134 and recommended our findings to the City Council, which was not adopted, but now we need to discuss lot 134 again. The third red flag: the amount of landscaping that abuts the two proposed homes.

I have some grave concerns about shared driveways. I will also listen to the neighbors concerns, and will rely on Dennis Isherwood as he lives in the area.

Rene reminded the developer to look at trees on the street side.

Alexander Juniewicz 7 Runningbrook Road talked about the needs of the young people in high school. I speak from the perspective of one who taught shop a few years. The young people's needs for the future utilize the program as a guide. I have seen many young

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people who have gone from the vocational program right to work utilizing the skills learned from the vocational program.

I believe this land was originally zoned as residential. To take that opportunity away and set it aside for something else, I think is going in the wrong direction. I urge the community leaders to take some of these statements into consideration. I think some of the other homes that have been built by the students of the vocational program would fit in this neighborhood.

Captain Charles Jarrett said that in his memo it addressed the street length issue does not meet the ordinance as Section 406 requires. That issue has not been resolved yet. Does the planning board have any discussion on that?

Ed Reidman said not this evening.

Judith Reidman President elect of the Rotary Club said that according to the City Attorney we have received a resolution of that, and it is a non-issue unless something has come up within the last four or five hours. It is my understanding that it is not an issue at all and the resolve was given by the City's Legal Council.

The real reason for this to be such a desirable location is the proximity to the high school. It is very difficult between transportation and the amount of time the students are allowed on the lot to complete a project.

This is such a fantastic opportunity for the City of Westbrook and the vocational program that the Rotary and the City have been working on for several years, not something new. Please take that into consideration as well

Angel and Victoria Dale Avenue area residents, said they have lived on Dale Avenue there whole lives. This is a place we care about. We enjoy this path and every Thanksgiving our neighbors walk the trail. If houses are built on this path how are we going to enjoy the beautiful area, the animals, vines and flowers all along the trail? I know if you walked on the trail just once you would understand our passion for trying to save the trail. We care about the trail and are willing to fight for it and so do our neighbors. We love this place and the development has gone to far already.

David Tapley 39 Dale Avenue, Recreation and Conservation Committee member, as well as Recreation, Parks and Open Space Committee member said let me start with the preface that I think this is a great project, but it seems that this process it is getting crammed into the area to make something work. Are there any other places the school could use? Does the City have any other land to bargain with?

Having the building of four houses on six lots it seems to be squeezed into a small area. If there were only three houses, that would be perfect. The trail network is amazing, that links to the Refuge League, behind Beaver Brook Trail and links to the Stroudwater River. The trail has a number of animals like turkey and a family of deer every winter.

I am not saying that the trails, animals and the project could not coexist together; I am just hoping that we are not doing this project because it is a "feel good" project for the vocational program. Due to the proximity on Stroudwater, I noticed a school bus at the Stroudwater Project, even though it was right next to the High School. It seemed a little

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odd to me that the students were still bused to that location. The proximity issue does not sit right with me. The students will be bused no matter what and traffic is an issue no matter where the project will be there will be traffic.

My final comment is that I have had a recent addition and I had to follow stipulations placed by the DEP. I received a stream easements and a permit by rule and I request that this project follow the same rules as I did.

Ed Reidman said that Mr. Tapley suggested that you re-divide the lots potentially into three lots instead of four. Is that a possibility?

Dan Riley said that it is my understanding from conversations with the financial officials for this project that the project will not be financially viable with three lots. Essentially you need the revenue from the four lots to cover the cost of constructing the road and be able to roll the money into the program to enable the next house to be built.

Mike Taylor asked about the 55 and older development that has been approved that would connect Stroudwater to Spring Street. How close will that development be to this project?

Molly Just said that this development a lot or two away gets to the Animal Refuge League. The development they are speaking about has an option to purchase a portion of the Animal Refuge League property that will actually be very close and the trail does run through that property.

Dennis Isherwood said it was very interesting to listen to Angel and Victoria; who expressed their opinions very well.

My daughters used that trail very often and called it the Enchanted Forest. The trail started closer than where it is located at this time, two houses were on Dale Avenue at that time. The trail will always exist and will be preserved so many people can enjoy it.

I want to thank Angel and Victoria for coming tonight.

Ed Reidman said that Mr. Riley asked for a straw vote from the Board relative to the extension of Dale Ave, if all issues could be resolved such as the Council having to agree to sell the lots in question.

The Council has to act on whether 50 foot lots can be built on before the rotary can try to do it. Mr. Riley has indicated that it is not financially feasible to build on anything less than four of the lots.

The Rotary cycle is going on a 2 year cycle which means that a year and some months another lot has to be located to allow this project to go forward or a project that has been going on for 50 years will disappear.

We have heard about the value of the trades, for teaching students a carpentry background.

We have arrived at the point where if items can be ironed out and if the City of Westbrook sells the lots and you can build on 50 foot lots would you be willing to vote to extend Dale Avenue.

In order to move forward, would you be willing to grant the Rotary the right to extend the road. Needless to say, I would.

Mike Taylor said yes

Paul Emery said yes if all the concerns are met.

Cory Fleming said yes with the caveat that the trail be preserved as well as getting the existing hammerhead issue ironed out.

Rene Daniel said I will be in total favor.

Dennis Isherwood said no as there are too many variables that need to be cleared up before I give an approval.

Ed Reidman thanked Dan Riley and said the item is on the table until the issues can be resolved.

Continuing Business

3. **Final Site Plan and Final Subdivision – Greenwood Creek Condominiums - ES Coffin Engineering & Survey on behalf of HW Land Company, LLC for construction of 30 condominium duplex units on an approximately 13-acre parcel located at 341 Austin Street. Tax Maps: 15 and 55, Lots: 14 and 8, Zone: RGA-2.**

Ed Reidman said we have had a public hearing and a site walk. We will listen to an updated plan.

Jim Coffin ES Coffin Engineering & Survey on behalf of HW Land Company, LLC presented aspects of the plan with a slight alteration to the sidewalk along the front of the property. Children will be able to wait for the bus on that location. We have also changed a couple of the lights coming into the site we have shoebox lights instead of lantern types so we can control the flow to the abutters. The other lights are the lantern style along multiple sidewalks that loop in and out of the site.

Gorrill Palmer conducted a traffic study that shows 20 peak hour trips. The landscape plan was developed by Sebago Technics, with double the plantings.

We have a stormwater permit from DEP. We are expecting a letter from CMP that will say that it is ok to put our filter ponds within the easements. We have a letter from the Department of Conservation in hand.

Some abutters have asked what is going to be disturbed and what is going to be removed. Mr. Coffin showed the trees that would be removed on the plan and the new landscaping plan that some plantings added to shield the parking lot, from the abutting neighbors.

A building rendering was shown to the Board.

Ed Reidman asked the Board for any questions or comments.

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No Comments

Ed Reidman asked Eric Dudley what an Ashler wall is in reference to the design style.

Molly Just said it is actually an appearance style.

Jim Coffin said that they are going to use a ready rock, with a unique design.

Ed Reidman asked the Board for questions or comments.

Rene Daniel commented that the landscaping plan is far improved than what was originally submitted but wanted to know what the numbers represented.

Jim Coffin said that Molly asked the same question and explained that they do not like to put the total number on the plan and then they change and we are held to that number of quantities. Then they go out to bid and they have ten or twelve certain species that they are responsible for and the plan has not been updated. That is the statement we received at the meeting.

Rene Daniel explained that the Board requires the numbers so when the Code Officer inspects we have the correct numbers on the plans for enforcement purposes.

Dennis Isherwood said that this is a beautiful property and you have done a nice job on the proposed development. I wish the power line was not there as that is the only downfall that property had besides Austin Street.

If Rene's Cadillac and my Tundra pass each other on Austin Street (which is very narrow), that is where I have a problem.

Jim Coffin said I am familiar with Austin Street and it changes width along the street and it is not consistent for the length of the street. That is why we had Gorrill Palmer involved early on with the project. They stated 20 trips per peak hour when the entire project has been built out. The build out will take about two to five years to reach that point minimum. Probable ten years to reach the full build out. I would hope that Austin Street would be looked at and widened. According to the neighbor's comments referencing the parking on Austin Street that cars can not get by, I understand their concerns. Your point is well taken but I can not say that there may not be issues in the future. I realize that this does not answer your question, but this is the best I can offer as a potential reasoning.

Dennis Isherwood said he is wondering about the 20 trips a day if three years down the road we have to ask the citizens of Westbrook to widen the road. The taxpayers will pay for Austin Street and your project will be finished and you will be gone. But everyone who lives on Austin Street will have to pay the price to repair Austin Street. How do we take care of Austin Street?

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Jim Coffin said until someone goes out and determines the right of way width and gets the process started we can not do a whole lot. We have hopefully started the process by putting the sidewalk in front of our project. We have improved foot traffic in the area by installing the sidewalk. Hopefully we have taken the lead in that area to get people motivated to walk around the area a little more.

Paul Emery said I like your plan, but I have an issue on the entrance. I am in the car and Austin Street is ahead of me. I think the plantings are wonderful but you have for example two Austrian Pine with a 6 to 7 foot height which is a conifer that will have growth year around and I am looking at the site lines and I think it would be a little safer if you go to a low ground cover there instead of two or three trees.

The next issue is where you have the Red Sunset Maple planted; they are not as bad if they are a cultured type that has a long slender trunk with a compact crown. I am reluctant to see trees or bushes around that site. Is there anyway to cut back and open up that intersection to improve the lines of site.

Jim Coffin showed the trees along the side of the property used to screen the headlights from the abutter, and then I had the landscaping architect back off 20 feet so the project could have the site line as mentioned. I will reduce the height of the trees to five feet if you want me too.

Ed Reidman said that I think that the trees that Mr. Emery is talking about are right along side of the roadway.

Paul Emery said that he understands the issue of headlights but what you are talking about is reaction time. In a perfect world a car comes to a stop and the driver looks both ways, but if you have a little more peripheral vision on the property on Austin Street for the property on the left it might be a little safer.

Jim Coffin said he agree with the trees mentioned, I can back them up a little to increase the site lines.

Dennis Isherwood asked Dan White about the parking of cars in the development.

Dan White with H.W. Land said that there is enough parking for the cars on site for all the units so there is no reason for our cars to be parking on the street.

Ed Reidman asked for a motion to take this off the table.

Rene Daniel moved to remove this item from the table.

2nd by Mike Taylor

The vote was unanimous in favor 6-0

Ed Reidman said that one additional condition should be added as shown on page eight to indicate that there will be a change at the entrance that the change to the trees will accommodate the site distance as Mr. Emery has indicated to the developer.

The developer has indicated that it is acceptable to them.

Molly Just said there is one issue that needs to be discussed and possibly have added as a condition. In my memo on page six there is discussion of Solid Waste. Only two sets of dumpsters / recycling bins are proposed for this thirty unit development. That seems inadequate to me; the development is spread out into pods and areas of parking lots. I would like to require three additional locations. Basically I want to minimize the distance that people will have to walk with the bags of trash and to minimize the potential for unintended littering. I would be happy to discuss the suggested locations with you.

Ed Reidman asked if the developer is all set with that.

Jim Coffin said we are all set with that.

Ed Reidman said to add condition number 15 to read: Add three dumpster locations as indicated by the City Planner.

Cory Fleming moved the Site Plan application for HW Land on Tax Maps 15 and 55, Lots 14 and 8 is to be **approved with conditions** with the following findings of fact and conclusions.

FINDINGS OF FACT

Utilization of the Site

- The site is largely tree covered and includes a stream crossing.
- The development includes wetland impact within the level allowed by State law.
- The applicant proposes to consolidate development closest to Austin Street while providing significant open spaces for use by residents.
- 15 duplex structures are proposed (30 units) and are accessed by a common driveway from Austin Street, a sidewalk from Austin Street meandering through the site, and groups of parking lots adjacent to the buildings.
- The site includes an approximately 185' right-of-way easement for several companies including Central Maine Power (CMP), Cumberland County Power & Light and Scott Paper. This right-of-way includes most of the parking for the project and many units directly abut the easement(s). According to the applicant, the landowner has the right to pave and park within the easement area. The City Engineer is concerned about the constructability of the stormwater detention pond within this area and the ability of CMP to service their lines and the two poles that would be located within the pond.
- The retaining walls will continue to be studied for their ability to handle forces generated by the abutting units. Retaining walls will incorporate safety features to prevent accidents.

Adequacy of Road System

- The proposed development would generate approximately 20 trip ends in the weekday AM peak hour and 24 trip ends in the weekday PM peak hour. This would not significantly impact the existing road system,
- Staff is concerned about the safety of the intersection at Austin and Pride Streets.

Access to the Site

- Access to the site would be from one curb cut on Austin Street.

Internal Vehicular Circulation

- Internal vehicular circulation would be via an internal driveway and parking lots for groupings of units.

Pedestrian and Other Modes of Transportation

- Pedestrian access would be via an internal sidewalk system that runs along the driveway from Austin Street and through the open space system to access groupings of units, keeping pedestrians off of the main driveway where possible.

Stormwater Management

- Prior to Final Approval, the applicant shall show proof that CMP has no issues with the stormwater detention pond underneath its lines and its poles being within the pond. The lines, poles, and pond will need maintenance and the pond to be constructed. The letter shall address CMP's understanding and compliance with these matters.

Erosion Control

- Adequate/

Utilities

- Under review. The applicant proposes to make use of public water and sewer. Prior to Final Approval, the applicant shall provide documentation from the Portland Water District showing evidence of adequate water flow to the property. If there is not an adequate supply of water the applicant agrees to sprinkler the units.

Hazardous, Special and Radioactive Materials

- N/A

Technical and Financial Capacity

- A letter of financial capacity has been provided.

Solid Waste

- Adequate. Dumpsters would be provided and would be enclosed. Single-stream recycling would be provided. Private trash and snow removal would be provided. Planning staff is concerned about the distance that would have to be traversed in order to dispose of waste and recycling under the proposed plan. Only two trash/recycling

points are proposed. Planning staff proposes three additional trash/recycling points and will work with the Planning Board and/or the applicant to determine appropriate locations. Additional trash/recycling points closer to more units would reduce the potential for unintentional littering and would reduce the possibility of residents waiting longer between trips to the trash/recycling point.

Historic, Archaeological and Botanical Resources

The applicant should provide:

- A statement from the Maine Department of Conservation must confirm that no rare botanical features have been documented on the project site.
- A statement that no significant wildlife habitat exists on the site must be obtained from the Maine Inland Fisheries & Wildlife (IF&W).
- A statement from the State Department of Environmental Protection approving of the stream buffer.

Landscape Plan

- Planning staff recommends additional plantings, perhaps clustered, in the eastern corner of the property.
- The applicant proposes to donate to the City (an abutter) a 3+ acre parcel to supplement abutting City-owned property.
- The Recreation and Conservation Commission has reviewed the proposed project and has made the following unanimous motion:

“Recommend that the City accept the “Remaining Lot B, +/- 3.797 acres” from the Greenwood Creek Condominiums project for recreation and open space, with the condition that that said land be conveyed to the City. The motion included a further recommendation to add street trees along Austin Street, to add groupings of trees within the development, at appropriate locations, such as groupings of naturalistic plantings in and around the storm water detention areas, and additional plantings to provide a buffer between lot lines and around parking lots for Units 9-12 and 25 & 30.”

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.

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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 February 7, 2008, plans dated December 17, 2008 and updated to June 9, 2008, 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. Prior to Final Approval, the applicant shall remove all references to Austin Drive from the plans and supporting documents.
3. Prior to Final Approval, the applicant shall provide detailed design information for the retaining walls.
4. Prior to Final Approval, the applicant shall have the fire hydrant flow tested by the Portland Water District or another acceptable authority. If the hydrant is not capable of providing at least 1000 gallons per minute flow with 20 psi residual pressure, all dwelling units must be protected throughout by an approved and accepted automatic fire suppression system.
5. Prior to Final Approval, the applicant shall convey to the City, if the City so desires, for no consideration and in fee simple the property depicted as "Remaining Land Lot B 3.797 acres" on the Condominium Plat dated February 7, 2008. In the event that the City chooses not to accept the land, it shall revert to the homeowners association.
6. Prior to Final Approval, the applicant shall provide a letter from CMP stating that CMP understands that this project will be developed within and around their poles and lines

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and that a stormwater detention pond, road, and parking lot will be constructed within their easement and will also need to be maintained. CMP must state that they have no issues with construction and maintenance of these structures within their easement and that they have no issue with CMP poles being located within a stormwater detention pond.

7. Prior to Final Approval, a statement from the Maine Department of Conservation must confirm that no rare botanical features have been documented on the project site.
8. Prior to Final Approval, a statement that no significant wildlife habitat exists on the site must be obtained from the Maine Inland Fisheries & Wildlife (IF&W).
9. Prior to Final Approval, a statement from the State Department of Environmental Protection approving of the stream buffer.
10. The units shall incorporate alternating portico and window placement and different colors and material elements in order to differentiate the units throughout the project.
11. The retaining walls shall be of an "Ashler" design style.
12. Internal fences shall be made of cedar.
13. Any project oriented signage shall be ground mounted.
14. Change in the trees at the entrance of the development to accommodate the site distance concerns.
15. An additional three dumpster locations and recycling bins placed in the development as indicated by the City Planner.

2nd by Mike Taylor

The vote was 5-1 (Dennis Isherwood Opposed)

Mike Taylor moved the Subdivision Plan application for HW Land on Tax Maps 15 and 55, Lots 14 and 8 is to be **approved with conditions** with the following findings of fact and conclusions.

FINDINGS OF FACT

A. POLLUTION AND SEWERAGE DISPOSAL

- Under review. The municipal wastewater system would be utilized.

B. WATER

- Under review. The applicant must submit a letter from the Portland Water District indicating sufficient capacity and sufficient capacity for fire protection. A private fire hydrant would be provided.

C. SOIL EROSION

- Under review.

D. TRAFFIC

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- According to the applicant's traffic study the proposed development would generate approximately 20 trip ends in the weekday AM peak hour and 24 trip ends in the weekday PM peak hour. This would not significantly impact the existing road system.
- Staff is concerned about the safety of the intersection of Austin and Pride Streets.

E. SEWERAGE

- Under review. Sewerage would be via the municipal wastewater system. A statement regarding sewer capacity must be obtained from the City Engineer.

F. SOLID WASTE

- Under review. Trash would be the responsibility of the unit owners. This information must be included in the condominium association documents.

G. AESTHETICS

- A statement from the Maine Department of Conservation must confirm that no rare botanical features have been documented on the project site.
- A statement that no significant wildlife habitat exists on the site must be obtained from the Maine Inland Fisheries & Wildlife (IF&W).
- A statement from the State Department of Environmental Protection approving of the stream buffer.
- Appearance Assessment:
 1. Project to Site – The applicant should enclose all dumpsters and provide single-stream recycling for the project. Retaining walls should be of an “Ashler” style design and should incorporate safety features to prevent accidents. Internal wood fences should be made of cedar. The applicant has agreed to these provisions.
 2. Project to Surrounding Property – Buffering for surrounding properties should be further defined. The applicant may need to convey an easement to the owner of Map 55 Lot 7 for an existing stone fence.
 3. Landscape Design – See the “Update” section above.
 4. Lighting – Adequate.
 5. Signs - Any project name sign should be ground mounted. Internal signs, such as parking or stop signs, should use cedar posts for support. The applicant has agreed to these provisions.

H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- Comprehensive plan – The project meets the requirements of the RGA-2 district.
- Recreation & Open Space – The Recreation & Conservation Commission has reviewed the proposed project and made the following unanimous motion:
“Recommend that the City accept the “Remaining Lot B, +/- 3.797 acres” from the Greenwood Creek Condominiums project for recreation and open space, with the condition that that said land be conveyed to the City. The motion included a further recommendation to add street trees along Austin Street, to add groupings of trees within the development, at appropriate locations, such as groupings of naturalistic plantings in and around the storm water detention areas, and additional

plantings to provide a buffer between lot lines and around parking lots for Units 9-12 and 25 & 30.”

- Fire Code (see attached memo from the Fire Inspector):
 - A fire hydrant must be placed in the project as shown on the plan. The fire hydrant must be placed in service prior to combustible construction commencing and it would be the responsibility of the applicant to have the hydrant flow tested by the Portland Water District or another acceptable authority prior to the first Certificate of Occupancy being issued by the City.
 - The required fire hydrant must be maintained in accordance with NFPA 24 by the developer and/ or condominium association. This would include checking and clearing of snow during the winter.
 - In accordance with NFPA 1, if the required fire hydrant is not capable of providing at least 1000 gallons per minute flow with 20 psi residual pressure, all dwelling units must be protected throughout by an approved and accepted automatic fire suppression system.
 - Provision of internal signage to indicate locations of units were it is not readily apparent. Sign size, type and location to be determined by the Fire Inspector.
- Community facilities impact analysis – If required.

I. FINANCIAL AND TECHNICAL CAPACITY

- The applicant has submitted documentation of financial and technical capacity.

J. RIVER, STREAM OR BROOK IMPACTS

- The project would meet the State requirements for setbacks from the brook.

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,

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- or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed site plan **conforms** with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
 10. The developer **has** adequate financial and technical capacity to meet the standards of this section.
 11. The proposed site plan **is** situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.
 12. The proposed site plan **will not** alone or in conjunction with existing activities, adversely affects the quality or quantity of ground water.
 13. The proposed site **is** situated entirely or partially within a floodplain.
 14. All freshwater wetlands **have** been shown on the site plan.
 15. Any river, stream, or brook within or abutting the site plan **has** been identified on any maps submitted as part of the application.
 16. The proposed site plan **will** provide for adequate storm water management.
 17. 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

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13. Any project oriented signage shall be ground mounted.
14. Change in the trees at the entrance to accommodate the site distance.
15. An additional three dumpster locations and recycling bins placed in the development as indicated by the City Planner.

2nd by Cory Fleming

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

Workshop: Note – Public comment will be accepted during workshop

Rene Daniel moved to recess to workshop

2nd by Dennis Isherwood

The vote was unanimous in favor 6-0

4. **Recess to Workshop**
5. **Recreation, Parks & Open Space Plan – The City is in the process of generating a first ever comprehensive plan for recreation, parks and open space citywide. Public outreach has included 2 community meetings, distribution of a questionnaire to determine current utilization and wants and needs, 1 Planning Board Workshop, and participation of a citizen stakeholder committee. The Planning Board is responsible for making a recommendation on the plan to the City Council. The plan will go to the City Council for a final decision.**

Ed Reidman read the memo into the record:

The City is in the process of generating a first ever comprehensive plan for recreation, parks and open space citywide. Public outreach has included 2 community meetings, distribution of a questionnaire to determine current utilization and wants and needs, and participation of a citizen stakeholder committee. The questionnaire was distributed to all K-8 students for take home, was placed on the City's web site, was posted in the newspaper, was distributed by extensive e-mail distribution, and was distributed at City meetings. The Planning Board held a public workshop on this item at their April 15, 2008 meeting. Most recently, a letter was distributed to large landowners as an additional measure to ensure outreach on this planning process. The letter is attached for your reference. This Planning Board public workshop is an additional opportunity for public input.

No recommendation will be made until a formal Public hearing

Molly Just read into record:

The City is in the process of generating a first ever comprehensive plan for recreation, parks and open space citywide. Public outreach has included 2 community meetings, distribution of a questionnaire to determine current utilization and wants and needs, and participation of a citizen stakeholder committee. The questionnaire was distributed to all K-8 students for take home, was placed on the City's web site, was posted in the newspaper, was distributed by extensive e-mail distribution, and was distributed at City meetings. The Planning Board held a public workshop on this item at their April 15, 2008 meeting. Most recently, a letter was distributed to large landowners as an additional measure to ensure outreach on this planning process. The letter is attached for your reference. This Planning Board public workshop is an additional opportunity for public input.

The Concept Plan will be incorporated into a Concept Plan document that outlines the planning process, existing conditions, concept plan, implementation tools, and implementation schedule. The Planning Board is responsible for making a recommendation on the plan to the City Council. The plan will go to the City Council for a final decision. This narrative describes the elements of the accompanying Concept Plan.

Please see the attached documents titled “Draft Concept Plan 6-10-2008” and “Draft Implementation Schedule”.

The strategies include many small parks and open spaces within a 1/4 mile walking distance of individual neighborhoods and a few large parks and open spaces spread throughout the City. Parks and open spaces are linked with “green” corridors using on and off road pedestrian and bike trails and paths. The overall objectives and the elements of the Concept Plan are described below. The Presumpscot River is used as the divide to describe the “north” and “south” parts of the City.

Overall Objectives of the Concept Plan:

- Provide a long term vision that allows the City of Westbrook to plan for future growth and have people and companies want to reside within the City in part due to the recreation opportunities that the City has to offer.
- Create a system of parks and open spaces, large and small that are connected through the use of greenways, on- and off-road trails and sidewalks.
- Enhance the existing City owned parks and introduce new neighborhood parks.
- Ensure that under a complete “build out” scenario of the City, there are significant parks, open spaces and recreation opportunities readily available to people living, working or visiting the City of Westbrook.
- Increase the connectivity for pedestrians and bicyclists to existing and future parks and City owned facilities such as schools or a recreation center.
- Develop a bicycle system that is mainly off road, but identify the on road segments for future bike lanes within the right of way.
- Tap into local and regional bicycle planning efforts.
- Work with landowners to obtain easements where necessary to gain access to future parks, open spaces, recreation opportunities and trails.
- Capitalize on existing natural features as open spaces and recreation opportunities, while maintaining and protecting the integrity of those features.
- Use buffering to protect the visual aesthetics of farm fields from redevelopment in the south part of the City and maintain the woodlands, along the roadways, with redevelopment in the north part of the City.
- Ensure that the necessary conservation and planning tools for the implementation of the Concept Plan are appropriate for the specific areas throughout the City.

Parks and Open Spaces

(Existing parks and open spaces shown on the Concept Plan as a burnt yellow color and proposed parks and open spaces shown as a bright orange color)

The rationale for the proposed park system shown on the Concept Plan is based on the assumption that small “neighborhood” parks (1-3 acres) within walking distance are ideal and that a variety of park sizes provides a multitude of experiences and uses; quiet and intimate, singular in nature versus complex and multipurpose. The parks shown on the Concept Plan are linked with trails, greenways and/or sidewalks to establish a system or network of parks throughout the City, thus establishing a chain of “green” spaces.

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A quarter mile radius shown as a green dashed circle on the Concept Plan was placed on the plan over the existing parks and facilities to identify what neighborhoods would have a park within walking distance. This informed the Concept Plan where any new additional park open space needed to be located in order to fill in the missing gaps.

Parks and Open Spaces South of the Presumpscot River

The strategy for developing a network of small “neighborhood” parks in the southern half of the City relies on supplementing the park spaces that are already in place such as Riverbank Park.

The park locations are as follows:

1. Beaver Pond (Boat Launch)
2. Saccarrapa Island
3. Lori Lane and Anne Terrace
4. Within the Industrial Park (a trail system)

Parks and Open Spaces North of the Presumpscot River

The proposed parks and open spaces in the northern half of the City are a combination of both large and small size parks. Below outlines the locations for large park locations.

1. City Owned Land (the City Forest) Associated with the Future Recreation Center
2. City Owned Land Associated with the Deer Wintering Grounds (An easement is required to gain public access)
3. Some land within the Duck Ponds (dependant on redevelopment, the landowner’s willingness to sell the land to the City, develop a conservation easement, or other appropriate conservation tools)

These proposed parks and open spaces are either wooded, have important ecological significance or have significant topographic change associated with them. In part they provide important passive and active recreation opportunities, but they also protect large tracts from development. Depending on the land’s character and topographic change either passive recreation (such as walking paths and trails) or active recreation opportunities (such as multipurpose fields) could be incorporated into the parcels.

The strategy for obtaining a network of small “neighborhood parks” is to establish planning and incentive tools to encourage and/or require developers and landowners to include small parks and open spaces within any future housing development. In the future, as the number of parks and open spaces are realized as part of development, greenways and conservation easements should be considered to connect these small individual parks into a network of green spaces.

The Concept Plan identifies parcels of land that are 10 acres or more and indicates a moderately sized park and open space (1-3 acres) within that parcel as a small bright orange box. While the private landowners of these parcels may not have a vision to develop the land, the Concept Plan is positioned under the assumption that the zoning in this area does allow the land to be developed for housing at some point in time. Our Land

Use Ordinances include provisions requiring a land set aside or a fee in lieu for provision of open space necessitated by new residential subdivisions. This plan seeks to provide guidance regarding the provision of open space for future subdivisions. It might be most appropriate for each individual neighborhood to program “their” park as the neighborhood builds out but the land would be set aside during the development review and approval process.

Recreation Facilities

(Shown as yellow on the Concept Plan)

The Concept Plan identifies the schools and a potential future recreation center at the former Jr. High School as major facilities. This Concept Plan recognizes that the future re-programming and re-development of the Jr. High School as a recreation center is still in debate and needs further internal discussion. For the purposes of this Concept Plan, developing the recreation center at this location is ideal because it is centrally located within the City.

The one facility that the public feels the City is lacking is an indoor hockey rink. A hockey rink could be part of a future recreation center. While including a hockey rink with a recreation center has some merits, there are some concerns about the volume of traffic, parking needs, construction costs and maintenance costs. While there has been no conclusive decision about the location, an indoor hockey rink may be a facility that the City may want to consider in the future. The Concept Plan proposes that the existing rink on Stroudwater Street be covered.

Pedestrian Movement-Greenways, Trails, Sidewalks, and Bike Lanes

(Off-road shown as a red dashed line and on-road shown as an orange dashed line)

The Concept Plan acknowledges and depicts the past and current planning efforts to develop a multimodal trail system through the City of Westbrook. While much of the past efforts have been to extend the Mountain Division Trail and connect to the Portland Trail system, the trails shown on this Concept Plan develop a network connecting neighborhoods, parks, open spaces, and facilities throughout the City. While the trail system depicted on this Concept Plan utilizes off road routes through easements, greenways or utility corridors, certain segments require on-road routes. The road widths along these segments need to be reviewed to better understand the ability to introduce bike lanes within the road right of way.

Greenway and Corridors

Daniel Smith and Paul Cawood Hellmund, in Ecology of Greenways writes, “Greenways are defined as linear open spaces established along either a natural corridor, such as a riverfront, stream valley, or ridgeline, or overland along a railroad right-of-way converted to recreational use, a canal, a scenic road, or other route or, alternately, an open space connector linking parks, nature reserves, cultural features, or historic sites with each other and with populated areas (p.10).” This definition suggests a broad range of greenway types and uses. Greenways also play a role in defining the visual quality of an area.

Mill Brook, Minnow Brook and the Stroudwater and Presumpscot Rivers are significant water corridors running through the City that need to be protected for their value as recreation resources and greenways, as well as for their environmental attributes. These linear open spaces are corridors that are character defining and provide significant aesthetic and environmental assets for the City. Few cities within Maine can say that they have a River Walk along a significant river such as the Presumpscot River. The Concept Plan proposes trails along portions of the Stroudwater River, Mill Brook and Minnow Brook corridors, landowner willing.

The linear qualities of woodlands along Methodist Road are important to maintain because of their character defining characteristics. As future developments are planned along this road, consideration should be taken to ensure that a significant amount of woodlands are preserved along the road frontage to maintain the rural woodland character.

Funding, Conservation & Development Tools for Open Space, Parks and Trails

Clearly the Concept Plan is comprehensive and requires cooperation, funding and long term implementation. The Concept Plan will identify tools to employ in order to make the Concept Plan a reality.

Mission Statement

City of Westbrook
Recreation, Parks & Open Space Plan

MISSION STATEMENT

Through the development of a Recreation, Parks and Open Space Plan, the mission of the City of Westbrook is to:

- *Provide the community with a quality of life that is enhanced by recreation opportunities, parks and open space.*
- *Provide services and amenities for the widest range of users possible.*
- *Recognize the benefits of a multifaceted approach including: active and passive opportunities; indoor and outdoor recreation; constructed as well as natural amenities.*
- *Work with landowners using the principle of voluntary landowner participation.*
- *Recognize the service demand created when land is developed for residential and commercial uses.*
- *Plan for future needs while budgeting for the maintenance and operation of existing and proposed recreation, park, and open space amenities.*
- *Instill an appreciation for public and private facilities through stewardship.*
- *Identify opportunities to enhance services provided by the City of Westbrook through partnering with public and private organizations.*

I find that the plan is very much in line with the mission statement.

Ed Reidman said as the Planning Board has heard the complete presentation please present us with any changes to the plan.

Todd Richardson with Richardson and Associates explained the importance of a master plan approach and focus on a long term vision for the master plan. The master plan responds to growth in a coordinated way as the recreation and open space is thought of and defines the future development within the City of Westbrook.

It begins to develop a strategy and frame work, and then ensures a full integration of the Comprehensive Plan, one of our primary functions of our work. It begins to develop supportive policies and guidelines to see the plan realized.

Todd Richardson touched on the first two conceptual plans, and then discussed the integration of the two plans.

The original plan touches on concept open space for larger parcels within the City of Westbrook. The second plan looked at another approach looking at the individual neighborhoods, many small parks and open spaces and the linkages between the two. When presented there were merits from both of the individual plans. The plan you are looking at this evening looks at the integration of both of these two strategies.

Looking at some of the highlights in the southern portion of the City we are integrating improvements to some of the existing neighborhood parks and adding a few neighborhood parks so that each area of the City would have a park within walking distance.

We have added areas in the northern portion of the City that could be considered for new parks that are in walking distances for the residents, predicated on future development. New subdivision plans and future development would receive recreational land and development of trails that could link parks with other trails. In the northern area of the City we are proposing use of the City Forest, new areas for multi purposed fields, trails and open space associated with the ponds in the area and the deer wintering yard on the center of the northern area and a park with connected trails through that section.

The Master Plan is a conceptual document that will help develop Recreational and Open Spaces during future development within the City of Westbrook.

Mike White 117 Brydon Way and president of White Brothers Construction and one of the owners of T & M Development, said he firmly supports open space and parks in the City of Westbrook.

My comments are not meant to be detrimental towards this plan; my comments are against the process. As everyone has different perspectives mine will be different than others. I may disagree with the plan, but will not be disagreeable towards it. I think it will take a lot of cooperation for this process to ever happen. I lived in the City of Westbrook basically all my life and I could not believe the amount of money, \$50,000 we paid for this study, when we have other needs to be taken care of within the City. Another problem I find with this process is a "stakeholder". When I look at a map that shows circles and map around property that my brother and I hold deeds to and the tax bills associated to it, I think I am a stakeholder and I think that I have standing in the community. I have had neither in this process to date.

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Yes, the notice was filed in the newspaper and notices were mailed but I missed them. Again we are not opposed to this we will support this; we will not support the long term plan to somehow erode our property rights. Other words that this makes me think of are discouraging development.

Other words that I think of are deeds, taxes, risk and reward, Capitalism, the process. I do not think that the process worked real well here. Fairness and the plan are other words that I think of. Plans tend to take on their own lives. People, five years from now tend to forget good intent that underlies the plan. My brother and I die in a plane crash, the estate is trying to liquidate our assets, we have a piece of property with a circle or square on it and the attorneys go out and hire a real estate agent to try and pedal the property, if someone does their due diligence when my estate is trying to get rid of my property and go to the City of Westbrook and rummage around and start finding circles and squares on that piece of property, I think it affects the estate property value. I do not think two wrongs make a right. I do not think the goal of this process is wrong, I think how we got to this point is wrong.

While talking to Molly Just, I found her very forth coming explaining what was going on. Molly and I have some very philosophical differences. That is all right, we live in America.

The other thing that really bothers me is a recent supreme decision that says private land can be taken for public good. Frankly I am appalled. So that makes me uncomfortable that I actually own the land even though I pay the mortgage payment and taxes. I know some of my positions are harsh, but I am trying to cut it to the quick to simply impress upon you that I think this process has run amuck. In this plan we talk about City owned land and City acquired land which results in fewer taxes that is on the books as the City does not pay themselves taxes. I continue to pay taxes and that is the only right I have for the land I own. You all own property today and no one will argue with your right to pay the taxes. They will want more taxes, but they will never argue the right whether you are going to pay them or not. Someone will find a vernal pool, a wetland and someone will find some reason for you not to use your land. That map in my opinion is another reason to devalue our land or a reason for us not to be able to use our land. We would gladly participate in this process and will, I would assume by the time it runs its course.

We have an old quarry on Methodist Road that will soon be inactive. We have always figured that there would be a trail that would run along the bottom edge of that. That Millbrook is a beautiful corridor. We see that as a viable thing to happen in the future. I do not like to see a plan that says a ball fields on top of the land we own, when the City has a land fill right next door, that was closed with the intent to have a ball field put there someday.

Other words that I think of are realistic to include (?), Nirvana (?). I do not think there was enough emphasis put on the utilization of existing parks and features on existing City land and on existing corridors within the City. The example I will give to you is that I am a snowmobiler, a gear head, a fossil fuel burner. I know that connectivity is a big thing with trails and connectivity is a huge thing with snowmobile trails. In Northern Maine I get confused because someone is always moving the snowmobile trails and the reason for this is because a land owner gets sick of snowmobilers being on their property. The land owners have contacted the clubs and said you can no longer cross my land, so the trails are moved to respect the private property owner's request and the person's ability to control

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their land. You could go and beg forgiveness and the trail might go back there someday. Snowmobilers and people like that do not position, jockey or line things up to eventually handle the multitude of issues to force us to maximize our use of our land.

I have stood before this group and will stand before this group again and ask you to reflect on the United States Constitution and what that says about our land. I will take you back to what I said before. Stakeholders in standing as land taxpayers have paid a lot of taxes over the years. The owners have sat on their land in hopes to do something with it, potentially for retirement purposes, save for their children, and what ever the case can be.

I do not think that this is an appropriate vehicle for us to move forward with a very important agenda with the open space, trails, parks and connectivity for the City. This City is where I make my living and where I live and I want this to be a good City to live in.

It also has to be mixed with private property owners and our rights, with the ability of the City to raise taxes to build new schools and roads.

In closing I would say my final request would be that this Board recommends that this process not completely start over but consider the written words as they are good and agree with the Mission Statement that was read earlier I have no problem with and in concept support and will support in the future with effort and with our land. I do not like plans. Plans tend to evolve and gain credibility over time. Words get dropped off plans, staff changes, philosophy changes, these meetings are forgotten. So I am going to ask this City through the Board, public hearings in the future before the City Council to slow down and stop. I do not think it is appropriate to crash ahead with this. The people involved say they are not crashing ahead; we have been working on this for almost two years. That does not make it right. I think that generally the property owners that I have talked to feel they were left out of the process. Maybe we were informed, maybe we did not keep up, maybe we were working, regardless of that I appeal to this Board and to the Council to slow down and stop. Do not throw anything away do not backup just stop. This is the first plan that the City has done dealing with Recreational Open Space. Westbrook has been around for hundreds of years and will be around for hundreds of years more. If the City of Westbrook does not have a plan in the next six months I do not think we will turn into a pumpkin.

I will close by asking you to take some very serious consideration about this and do not look at it casually, not that I think you would. I would ask you to hold in your deliberations that there is a thing called private property in this State and in this Country. As our rights are continually eroded through government rules and regulations, the insidious creep of government regulations. It is a by product of our democracy, but citizens can fight it when issues affect the landowner.

Ed Reidman requested that the audience not clap, boo, hiss or make any other noise that may be construed as disrespectful to the speaker.

Beth Paulsen-Olmstead 245 Methodist Road, I am one of the committee members and am pleased with what Mr. White has said work with land owners. In the mission statement there is one bullet that is not being paid attention too that reads as follows:

- *Work with landowners using the principle of voluntary landowner participation.*

Another bullet in the mission statement that needs more attention reads as follows:

- *Provide services and amenities for the widest range of users possible.*

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I know quite a few visually impaired seniors and there is nothing in this plan that refers to them throughout the community.

After the committee members went through the draft, we went through the proposal from the company and there are a couple of things that I need to point out in the proposal is that whatever came up would include security and ease of maintenance and I think what we are looking at behind me does not have security, it just has pathways projected all over the place. The ease of maintenance is not going to happen. It also says the final Master Plan shall be an annotative plan that will make recommendations for the existing parks and open spaces, proposed acquisitions and existing and future pedestrian in flight connections.

The map goes well beyond anything that is in the mission statement. It is well beyond anything that was in the proposal. Another item due to the irritation from some people with the little dots and circles on their land is that we are paying attention to that part and the committee has not even paid attention to the down town part of the City of Westbrook because the land owners issue has been so visual.

I called Chief Baker a couple of weeks ago, when I was informed that the Police Department was going to look at this, so I could give him a heads up that it was coming. I gave Chief Littlefield the same notice because Molly was going to get it to the Fire Department. I then followed up with Chief Littlefield yesterday and he had not seen this plan. I do not know who in the Fire Department has; Chief Littlefield has not seen the plan to date.

I called Don Thompson, the area representative for Spectra Energy, the natural gas line and he informed me that CMP does not own this line; there are about fifteen different property owners that own the line. Chief Littlefield does not know if he can get equipment up there to take care of any issues. Why do you want to have pathways to the deer yard? Why are you putting people's personal property on here? It does not fit with the part of the mission statement that says: *Work with landowners using the principle of voluntary landowner participation.* I do not know one single person that wants a circle or bullet on my piece of property. That is not voluntary. The committee, the City Planner, or the consultants, no one went to the land owners and asked if they wanted to be put on this map, when it says on the proposal to see an annotative plan. My personal opinion, I never thought there would be a map. I thought this would be a commentary. I love the idea to have trails that are walk able and the inter connection, but not the map.

Another thing mentioned tonight, look at Methodist Road, look at all the pretty trees, so I asked Molly about that. The idea was if the area was developed lets put in a provision there that you have to keep the trees up. So I asked the question does that mean that the City is going to accept the liability of the trees. You have stated that the landowner can not do anything with them. You can not harvest them or do anything. The City of Westbrook would say it is a green zone you can not do that. I am going to quote the response that Molly gave me:

"You asked if the City would maintain the buffer as the buffer would only need to occur with redevelopment the home owners association would maintain the buffer. The buffer would most likely add monetary value to the subdivision as most new subdivisions have little to no trees save. This would be a comparative advantage of a Methodist Road subdivision."

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If there is know homeowners association, who is going to take care of the trees and the property owner who has house then trees and a road, do you think they want to take the responsibility of all this, just because the City says and the residents say how pretty about your trees? The property owners have come to the last meeting of the committee. Ron Edgecomb was there and is terribly upset. You have things going through his fairways. He has a deal with Sappi that mandated that he put up gates where the pole lines cross over his property. I see know change in the map. This map is going to give everyone a problem. Every time I see this map you have more trails put on it. This is not the same map that I saw the last time. We have been asking to get rid of the map, do not make the map public, and do not post the map electronically.

Again, let me quote what I have from Molly:

Unfortunately long range plan maps are not as popular as actual trail maps put out by groups like Portland Trails and working municipalities with formal trail systems. This map will be in a limited paper copies of this plan and on the City's web-site under planning, most likely.

This map does not belong; it needs to be something that is written not conceptualized on a map. It needs to have the individual land owners taken off this. Reading the letter that came to the landowners my personal perspective: *"The accompanying map depicts neighborhood parks on large parcels of property in the Northern portion of the City, which is not well served in terms of parks and recreational opportunities. This is intended to depict the plan recommendation"*. Notice the words *plan recommendation - neighborhood parks on large parcels*. More and more this is sounding like this is what they want to have the City of Westbrook look like. That is not right. It sounds like this is the final plan. Lets work with it, well I am a land owner and I do not want to work with it. This has gone too far, it does not support the Mission Statement; it does not support what the folks did for the proposal. It has gone well beyond the boundaries of where it should be.

Other communities have a lovely written piece, Casco and other places. This goes beyond and we are all going to get in trouble. The land owners are going to be kicking people off their property because of this map.

I have also heard that is for the good of the many. I have also heard that people are trespassing on people's property. Just because people are purposely trespassing on other peoples property does not make it right to legalize them walking on other peoples property.

Lynda Adams 60 Adams Way, I live at the very end of Adams Way. We actually built a private way off property we owned and we are about 400 feet into the woods. We do have some neighbors that own about 40 acres of land that let us go out and sure the trails and go into the woods.

I do not know if anyone here has walked out in the woods near Millbrook or not, but there is a lot of work to be done, so if they are looking to do that there I do not know what they would do. It needs to be constructed well, maintained and I do not know how they are going to get out there to do that.

I guess I have some issues with the trails. I agree that the City of Westbrook needs more open space. I think they need more walking trails, whether it is like sidewalks on the

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edge of Pride Street, going to East Bridge. I would love to walk on Pride Street, but the way the traffic is I do not even try it.

I am not sure about the walking trails down through Millbrook, getting easement rights from property owners. I just do not know if that will work.

I would like to see more open space even when it comes to developments. It is odd as we are speaking about this tonight when you just passed a subdivision in a place that it did not belong.

I think if you are doing more development you should incorporate more open space along with the development. Too many of them are crammed into small spaces where they do not belong.

Just to let you know there is an old family cemetery in the woods this side of Millbrook that no one can get too; it is not maintained. It would be nice if someone could access that. I am sure it is all on private land now, so you should be aware of that.

My other concern if this goes forward that you will not have too many limitations as to what can be used out there. We actually have four wheelers that we use and a lot of people in the area do also. People in the area have horses and people walk there dogs out there. So if you are going to look at some sort of a trail system, I think you need to look at accommodating everyone that wants to use it, not limiting just to walking.

I think you will need signage for the trail system. I know it was mentioned in the plan. I can not tell you how many times I have looked out my window and people are all of a sudden in my yard. They have no idea where they are. I give them directions to find there car parked on Pride Street at the church. We actually had a person come through our land in a jeep that ended up tearing up our neighbor's lawn. People should not be out there if you do not know where you are going, but they do, that is a reason for some signage.

I agree with what the City is trying to do, but I believe this is a little bit of an over killed plan.

Mike Shutts 42 Monroe Avenue, I am on the Recreation Conservation Commission and the commission voted at our last meeting to support the recreation Open Space Plan, unanimously. We do endorse this concept plan that you see here tonight.

Over the past several years, you may have received notes from the commission whenever the City sold land. Over those years we have sent a recommendation to you saying until there is an Open Space Plan in place we would prefer that you do not sell properties as we may be selling a key parcel.

There is currently zoning ordinance requirement for developers to set aside land for recreation and open space. That has been working well and we have received some nice properties as a result of that ordinance. Our Ordinance has that in place, but what it lacks is vision. That is where this plan comes into play. This Open Space Plan addresses what many people in the City have asked for, like neighborhood parks and connectivity between neighborhoods and many other recreational and open space opportunities.

This can happen if we adopt this open space plan. We do not know when any of the parcels identified on the map will be developed in the future. If we apply the plans concept we will get a more satisfying result than if we take a haphazard result to ensure a good quality of life for Westbrook citizens.

Ward five is one of the least developed wards in the City of Westbrook and has the least amount of land set aside for parks. This plan identifies that inequity and provides the

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solution. Having a plan in place that shapes as parcels are developed is the best method for a coordinated effort of parks and open spaces.

Earlier this evening I saw two items that are the reasons behind the need for an open space plan. The first was the Dale Avenue project and you heard two young ladies that spoke from the heart about the trail through their neighborhood that means so much to them. I could not explain any better how important the trail system is for the citizens' quality of life. The second piece was the Austin Street project. There was nearly four acres of land that will be set aside for open space. That is a key four acres as this is located near City owned land near the north western part of that property.

These are the types of things that we work with owners. I heard earlier that owners do not have a say, this is not true. Owners come to your Board every week and you work with the owner about how to best manage their property. The same thing when the recreation conservation commission makes a recommendation we will have an owner come in and we will talk to them about their parcel and where we might set aside some land. It is not hard and fast but with this plan we can develop a coordinated plan for trails, parks and other recreational opportunities. Everyone's voice is heard. This concept plan is needed to enhance that.

What is in it for developers? We have seen that buyers will pay a premium price for the amenities that are in place. There are a couple of properties that have been developed in Westbrook that has received a premium rate on a parcel for a house lot. This is why we have a Zoning Board, Recreation and Conservation Commission and a Planning Board to add the balance that is needed.

I think this is a needed plan and my recommendation is to take it. We have all of the Boards as well as the City Council to ensure that citizens are treated fairly and with respect to receive the best possible value for the developers, buyers and the City as a whole.

Steve Aylward a retired Army Officer and I teach in the local community college system and I am from Portland. I want to say thank you for this plan that has a regional impact. Thank you keeping the trace of the Cumberland and Oxford Canal in the plan. I hope you will do everything possible to preserve this area as time goes on. If I am advocating for the canal, you know I will be talking about historical value, as there is a lot of historical value with this canal.

The canal is part of our ethnic history. The construction was accomplished by Irish immigrant labor. Businesswise this was one of the better managed canals that had a fifty year run, that did not have to be taken over by the State. About half of the gun powder for the Union forces during the Civil War was transported through this canal. Since the 1970's the canal has been on the National Engineering Historical Site and on the list of the American Federation of Civil engineers.

I am also going to add that it has economic development potential. A number of Canal restoration and development projects have centered on canal corridors that still exist. The canal corridors are a big attraction for historical tourism. Sometimes the smallest things will attract tourism, for example the underground railway, markers that have been recently been put in place in Portland. You would think that would be a local interest or attraction, as it turns out they have had bus loads of tourists to see the historical attraction.

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I would also note that the Main Street program, a Nationwide Main Street program which focuses on urban revitalization has published a book on this called Canal Town Down Town showing ways to take canals and make them viable today.

There are efforts locally in the region from Portland up through the lakes region, one being Portland Trails has acquired a portion of the canal that runs through Stroud water Marsh. The Gorham Land Trust has several portions of it and an individual land owner in Gorham that has given the region an easement to let people see the remnants of the little river aqueduct.

I am sensing a lot of interest in this and maybe we could have these linked in a way as the Canal Corridor does.

Westbrook has a number of nice portions now, the school, Beaver Pond 1/2 to 2/3's the area still stands and what I am hoping is you will preserve as much of the area as possible. I think it will enhance not only Westbrook, but the whole region, economically, historically and give us a sense of place. As the canal once did in the 1800's once again it can pay off for us today.

Tammy Brown Timberland Drive and I am here to express my concern of the Parks Open Space Trails concept map that has been produced by the Planning Department. While I do support parks and trails, open space and recreational plans I would disagree that the present map be part of the proposed plan. Primarily as it depicts parks and trails and open spaces that do not exist. It seems that this will create great confusion due in part to the wish list items are mapped along with the recreational areas that already exist. Frankly I find the map is deceptive both to residents and potential business leaders coming into Westbrook. Another issue aside from the maps fictional view is the burden that will be caused by it. The misinterpretation and confusion is going to fall to the land owners.

In our particular case not only do we have an active tree farm but as many Westbrook residents know a good deal for our business is done on our wood lot. If passed this would require additional signs additional fencing and extra caution while working on our property and the potential liability issues.

Not only do we feel this process should be slowed we would like to see a questionnaire and a awareness letter presented to all the property owners described in the narrative as having 10 or more acres, as well as the land owners that have trails depicted on their properties. This would accomplish several things; it would make property owners aware, it would solicit interest levels as well as provide a valuable resource tool from the land owners most affected. In this way both sides of the discussion are heard allowing edits and changes so the plan suits the many. Those that desire bike and hiking trails and those that own the land that they wish to recreate on.

In closing the map should depict what is now available and the narrative as to what is ahead, a wish list. Simply update the map in narratives as properties, parks, trails and easements are purchased, donated, or granted through development. Otherwise how will anyone know when the plan is actually coming to fruition? Promoting the process this way will be a fun way to see the plan to completion.

We hope you consider our thoughts on this and remove the map entirely, slow the process, inform all the residents that will be affected and then consider this plan as a viable future open space parks, trails and recreational plan.

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Paul Niehoff 22 Mayfield Drive, a member of the Park and Recreation Committee.

Mike White used the word *perspective* and just to let you know I am an infrastructure person, get me the money and I will build it for you. But having worked for the bicycle coalition of Maine, doing safe routes to school for a year and currently working for the Portland Area Comprehensive Transportation Committee otherwise known as PACTS, within the last year or so I have seen and changed my philosophy with planning and studies and now see the importance of having an overall plan for things such as: interconnectivity, so you know where you are headed down the road.

Working currently for PACTS when you talk about funding for sidewalks, bike lanes, trails by talking more on the transportation end of things not necessarily on the recreational side I feel if you do not have a plan to start with, it is very difficult to get State or Federal funds to actually build something. The more of a plan you have to start with, the further down the road you can get something accomplished. I am applauding Westbrook for taking the initiative to come up with a plan so we have a vision. How you get there, you need to work out the details.

The other side of the coin, speaking as a parent; the north end needs recreation and there are a lot of opportunities there. Some of the difficulties are how you actually get there.

I am aware of some of the conflicts that can arise from users of private property on trails that are designated or not. There is a benefit to designated trails with the correct easements people have fewer tendencies to go off trails and end up in people's back yards. I think those types of details of land ownership issues can be worked out.

David Tapley 39 Dale Avenue, a member of the Parks and Recreation Committee and a 30 year long resident of Westbrook. I have recreated on probably everyone's property that I see here in the audience. I say that as a child I needed a place to play with my bicycle, mountain bike, going swimming and to just find a trail to play on. Now if I want to mountain bike, I go to Portland Trails. If I want to road bike, I go to Cape Elizabeth or Falmouth. If I want a trail or a park, I will go to Fort Williams or to the Promenade. I do not ever think about Westbrook.

The reason I became involved with the Recreation Committee is that I had hope for my children to make Westbrook a destination not a pass through community. I want people to come to Westbrook to recreate. Talking to other citizens and a suggestion to create a loop to the riverfront to go around Brown Street much like you have in Back Bay, people would come here and recreate here. People would come here instead of going to Back Bay.

Every resident has a voice about how this is developed. Basically what I am asking for is to find a trail network. I would love to recreate, but the property is owned by private residents, the City of Westbrook, the Animal Refuge League and the golf course, etc. What we need to have done is to create trail systems like other communities have. If we do not have it, people are going somewhere else to recreate. What I am asking for is to have defined trails as no one wants to be on someone else's property and we need to recreate someplace. If this plan provides this for us then we do not need to go elsewhere, or cut through your property to get elsewhere. I am simply asking to have a plan to allow us to recreate legally. Should we table this and not go forward, other towns will look to be more appealing to live in.

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Sean Adams 60 Adams Way and I am one of the fortunate residents that lives in an undeveloped area, even though I just saw some of the undeveloped land go away tonight. As a person who has lived there for 43 years those woods are my back yard, which is where I walk, mini bike, and horse backed through the area. We rode our snowmobiles and dirt bikes On Mayfield Drive years ago as that was not developed then.

Had this plan come forward about twenty or twenty five years ago it would have worked well. It is a good idea now going forward in some of these areas. I think some of the mapping is outrageous. Twenty-five years ago this map may have worked. We were able to go through the back woods because there were no houses around. There were no neighborhoods around were we would go. As a kid about ten years old, I would count ten or fifteen snowmobiles go by my house because there were trail systems everywhere as there were no housing developments in my area. Now you want to bring a trail system and stick it in everyone's back yard. I am wondering where everyone is going to park to enjoy the trails and open space. Twenty plus years ago you could set aside a parking area for people, now where are they going to park? Someone's land is going to be invaded and you will have to take over someone's property for these people to get to the public areas. To go out and develop a trail system at this time...I agree with Mike White, that you have come forth with this map and I feel the map intrudes onto people's property. Putting circles, dots and squares on peoples land making it look like trails are there, I do not know. Do I want 25 strangers wondering fifty feet from my house? Probably not, that is why I live in ward five, I grew up in the Prides Corner area and why I chose to build my home in the woods. I enjoy the woods, I feel that I have earned the right by living there 40 some odd years and my family living there 60 years prior to that. That is why I am out there. If I wanted thirty of forty people walking by my house, I would have moved Downtown.

Hebert Paulsen and I live on the Methodist Road and have been there for seventy years. I have an operating farm at that location with cattle and a tree farm. I belong to the tree and farm program. Trespassers are not welcome. I have a field and a bull. If you can not run across the field in nine seconds, the bull can in ten seconds and you know what he can do to you. It is private property and it is meant to be a farm and it is almost in the center of Westbrook.

Kurt Brown 20 Timberland Drive and have lived in the community for ten years. The trails and maps depicted on Windhams web-site shows existing trails. They are not trails of dreams and the types are accurate. I have heard someone speak to the use of the trails, the use of ATV'S, walking trails and how to differentiate. On the web-site I was looking at today shows what the use is for the trail. I do not know how they enforce it, but they have put that consideration into those trails.

I also agree with Paul Niehoff and the need for a plan and though he and I may be on slightly different sides of the agreement of this plan, we do agree that we need a plan for this type of plan to move forward.

As a concerned land owner though I support the Planning for future parks, trails and open space the reality is more open communication between residents, business leaders, present land owners and City Administration. I and others feel that the desires and suggestions for future land use regarding parks, trails and open space north of East Bridge Street would be best described in a narrative offered by present landowners and residents

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with an eye towards the future. The use of a dream map will only cause confusion even with the disclaimer that it is only a concept; it is only a wish list as this only depicts one of the many scenarios that could occur on this plan. In the narrative with every parcel of 10 acres or more will be denoted as an orange square noting that a park would be recommended that a park would be required on one to three acres within that subdivision. All land with ten acres or more is not depicted here with an orange square. That is a slight flaw there. The map needs to be removed from the plan and the process needs to continue at the committee level with more resident input and more clearly represent a larger pool of residents.

I attended the May 22nd meeting that was attended by a few large lot land owners. At the end of the meeting Molly asked for recap by the people that participated and she asked Mr. Richardson to give that recap of the sentiments of the entire meeting as follows: overall the concept seemed ok with a few concerns for regarding security and maintenance costs of the trails and the parks, meaning if people wondered off the trail, would the police come after them if there was an accident. Who would maintain the park? The opinion of many was that the map's depiction of trails and parks seems too specific for a broad concept plan. At the present future subdivision sites remain unknown.

The point is the north of East Bridge Street the depictions are too specific for what could actually take place. I suggest the map be removed and the plan return to committee to allow for more detail and more community involvement from the various land owners. Some of the land owners found out about this plan a little late even though the appropriate notification was given. Do not start the plan over again but let's just make it a little meatier, a little more truthful and give it a little more reality before we bring this plan to the Planning Board.

Angel Simoneau 83 Anderson Avenue, I think this is mostly a good idea. There are things that I am concerned about such as not being able to walk on someone else's property. This is not right, you should make a deal with the land owners. You have to have respect for the land owner's rights. You can not just take the land that they own. I do not think that map works as it has too much detail. I believe that there does need to have trails where people can hang out and families can be together but we do not need to have that many trails.

George Kirck 360 Duck Pond Road, like many others was interested to know about the previous meetings about this plan and would have appreciated about knowing about the plan. The plan was a bit of an eye opener to find out that there had been previous meetings. I certainly support the Planning Board and support the ideas for planning for recreation. I know it is important to put in safe developments and that we maintain quality standards. But nothing incenses the sole than perceived injustice. I believe that these kinds of suggestions in a plan are actually unconstitutional. I believe that the 5th amendment says that no person shall be deprived of life, liberty or property without due process of law, nor shall private property be taken for public use without just compensation. So I guess one of my questions is does the City propose to take private property by emanate domain. Do the laws of the State of Maine require parks and recreation Comprehensive Plan over and above the current City's Comprehensive Plan in order to receive State funding. In other words is the current Comprehensive Plan sufficient to allow Westbrook to receive State funding.

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I agree with everyone that this map is news to me and a lot of other folks like me who own ten or more acres. I do find the map very misleading and agree that it should be removed. A good deal of the property designated on the plan has never been developed; there is always a reference to redevelopment. So is there going to be a distinction made to the property that is redeveloped and property that will be developed for the first time. I do believe that technically if you have a house on a piece of property and that property falls in the jurisdiction of ordinances such that it can be subdivided that you do not need ten acres for that. So if you have three acres or more, maybe you should be involved with this process.

No matter how you look at it this proposal or plan essentially reduces the value of my property. For it imposes a restriction on its value. The current laws of taxation tax all of us at the highest and best use which is developments of homes and businesses. If the highest and best use of the property is now diminished if this plan becomes a working plan then I believe the definition and the taxation of properties fall under this plan and needs to be reevaluated for the amount of property that falls under highest and best use and therefore should have a recording of a reduction in property taxes.

My family has been a resident of Westbrook for a long time and I feel we need a plan for development and perhaps this plan should have been done 30 years ago. I believe that everyone wants the community to be better, safer and more beautiful, but it is not the responsibility of those that have been designated in this proposal, plan to bear the brunt of that responsibility without due compensation or to have been considered prior to this time even though it may be our faults. I would hope the rights of the property would supersede all other aspects of this plan and include more people and to designate how these plans and how other elements of decisions are made, regarding this plan would impact the value each individual property owner.

I also want to briefly say that I am not a developer, I am a neighbor and do not want to see any of the privately owned property diminish in value based on a plan that I believe is flawed and unconstitutional.

Ed Reidman said that Mr. Kirk has asked questions and the Board will not comment at this time, but I am sure that the staff and the consultants have noted the questions and when we get to a public hearing we will ask for the answers to the questions asked.

Victoria Simoneau near area of Dale Avenue, throughout this meeting I have become supportive of most of this project. I like that this plan will help the City of Westbrook aide the historical parts of the City and the economy for the City. I am very concerned about the map and how it may be misleading. I think the map should be removed. Most of the map does not consider the rights of private property owners.

Beth Paulsen – Olmstead said I want to correct a statement that Mike Shutts made earlier. Mike and I are on the same committee and it was mentioned that the committee voted by unanimous consent that the plan come to the Planning Board and it was not voted by unanimous consent to be brought to the Planning Board in the shape that it was in.

Ed Reidman asked what committee you are talking about.

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Beth Paulsen – Olmstead said Parks Open Space and Recreation Committee.

Ed Reidman said he does not think that Mr. Shutts was not talking about that committee; he was discussing the Recreation and Conservation Committee.

Beth Paulsen – Olmstead in that case, I apologize.

Rene Daniel moved to return to regular session.

2nd by Paul Emery

The vote was unanimous in favor 6-0

6. **Resume Regular Session**

7. **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*