



City of Westbrook

DEPARTMENT OF PLANNING

2 York St. Westbrook, Maine 04092 (207) 854-9105 Fax: (866) 559-0642

**WESTBROOK PLANNING BOARD
TUESDAY, JANUARY 6, 2009, 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), Anna Wrobel (Ward 4), Cory Fleming (At Large), Greg Blake (At Large), Michael Taylor (Alternate)

Absent: Scott Herrick (Alternate)

Staff: Molly Just, Richard Gouzie

Chairman Reidman called the Westbrook Planning Board meeting to order at 7:00 p.m. in Room 114 of the Westbrook High School. Chairman Reidman explained the purpose of a Public Hearing is to hear Public input.

Public Hearing – Comprehensive Plan Amendment - 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, 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.

Molly Just The primary strategies of the plan which is a City wide plan 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 I will described momentarily. 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.

Conclusion. Planning Staff requests that the Planning Board make a recommendation to the City Council to adopt the Recreation, Parks & Open Space Plan as a component of the Comprehensive Plan. The stake holder committee that worked with staff and our consultants throughout this Planning process voted to support the plan, one member voted against supporting the plan that was Beth Paulsen-Olmstead and I believe she is here to night to speak with you.

Ed Reidman any further staff comments?

No Comments

Ed Reidman at this point we will go to the Public Hearing. Anyone who wishes to speak, please come to the microphone, and state your name, address and any comments you might have.

Rita Lane 102 Saco Street, I have been in Westbrook for about twenty-six years. I am on the Recreation and Conservation Commission but I want to speak as a private citizen of the City.

I have done the questionnaire that was sent around for my terms of interest for Recreation and Open Space in the City and have heard repeated presentations of the plan and the map and have heard the importance of the word connectivity City wide, protection, maintenance, first ever long term... I think these are important words that Molly has used, so I would urge the Planning Board to recommend to City Council to support the Recreation Parks and Open Space Plan.

Beth Paulsen – Olmstead 245 Methodist Road in Westbrook and as Molly said I am on the Parks Recreation and Open Space committee and I am the person who voted against the plan as I did not particularly agree with aspects of it. Tonight I am here to reiterate why I do not think it should pass the way that it is.

One question I would like to make and Molly would be the one to answer this: on the last version of the Plan I have is dated November 18, 2008. It had been the intention to put the mission statement within the plan itself and I am wondering if there is a different iteration and the mission statement has been put in that.

The biggest reason that I am not endorsing this plan has to do with one of the bullets on the Mission Statement, that bullet is the fourth bullet that says:

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

Yet with that bullet in here and being part of the Mission Statement the key parts being voluntary land owner participation there are many, many areas within this plan that detail individual company or whatever properties who have not given their permission to be included in here therefore it already breaches the mission statement because permission has not been granted. Some of these places for examples have trails in here and is shown as proposed trails. A lot of these proposed trails are based on the fact that they are currently de facto trails and the thought is wouldn't it be nice if they were legitimized. Well they are de facto, they are owned by other individuals or by utilities or by companies or whatever yet they are shown on this map. They should not be unless the land owner has given permission. Instead where it is talking about turning de facto into legitimate, put it into the text. Put the fact that whatever is out there as we will talk to the landowners and see if they are interested into making it legitimate, do not show it on a map.

Places in the Duck Pond area, again highlighting specific owners, they have not given their permission to be in here. Smiling Hill Farm is mentioned, White Brothers is mentioned, all sorts of places are mentioned in this plan where you can use words to say, lets look at putting in more pathways along the river again turning de facto trails into legitimate trails. Looking at open spaces in whatever section but you do not pull out individual land owners without their permission. That is not right.

Another thing is there is a proposal in this plan for a zone change along the Methodist Road to keep the woodland areas. I do not think that this is another thing that belongs in this kind of plan. Again it affects people; they have not given their permission. It leads to another question of what I have been told that new developments within Westbrook are going to be associations. Well associations are private. Any parks within that association should also be private. It does not support the plan. Am I correct that there will not be anymore typical development within Westbrook? They are all going to be associations?

Getting back to the Methodist Road where you want to have the wooded park there. If that is a fifty foot setback does that constitute being a park? Who is going to maintain that land? I have been told that it is going to be the association's responsibility to maintain those forests. Well I do not know if that is appropriate for anybody to say that I am going to have a fifty foot set back and by the way you can not do anything with those trees, but when it comes time that the trees are old and come down it is your responsibility with the City of Westbrook saying I told you to set the land aside and you can not touch the trees.

The other thing that has always bothered me on this map is that we do have some deer wintering grounds. The proposal is that there is City land back there and perhaps put some trails through or what not use the deer wintering grounds to extend that. Again I want to bring up the fact that there is a choice to be made whether or not you want the deer wintering grounds or you want to use it for recreation because you certainly can not have both. The deer can not cohabitate that way. That is an issue to bring up. That is all my issues in that quite a bit of this the detail in the maps for anything that is not current does not have the permission of the land owners nor does it support the mission statement which says:

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

I do not care that this is a plan or actuality you show something that belongs to a company or a private individual, it should not be there.

Beth Paulsen-Olmstead read Mr. George Kirk e-mail into the record.

“Regrettably I will not be at the meeting tonight. I am appreciative that you will attend and thank you again for all your efforts in this matter.

If appropriate please pass along my previous concerns from the June 17th, 2008 meeting.

This proposed action by the City of Westbrook is in violation of the U.S. Constitution and specifically the Fifth Amendment: ***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.***

George’s questions: What does the City of Westbrook propose for “just compensation” in the taking of private property and how will it be determined?

Why are not all private property owners that are able to sub-divide their property not just those with ten acres or more subjected this confiscation?”

Let me interject here that Georges reference is that one of the earlier proposals was showing land owners with ten acres or more and at that point small parks and actually placed small parks within people’s land which has very nicely been taken out.

“How will taxes be adjusted from “Highest and best use” to compensate targeted property owners. Why not offer to purchase desired property from the land owners now.

Thanks again, George Kirk”

So again it comes down to interpretation of this voluntary land owner participation. By putting all these little details in here, the devils are in the details that have not been permission. This is George’s take on what this means. Again I believe you can take out the detail pictures on the maps and you can put text in there, for example talking about trails talk about de facto trails and check with land owners to see if any of them can be legitimized.

Kurt Brown 20 Timberland Drive, I think it is very important to have a Parks and Recreational Plan and I am glad to see that the City is putting one together. I realize that when you are starting from square one there are a lot of bumps and hurtles to go through. I

do have a couple of question though as I do have the plan that I believe is the latest edition of November 18, 2008.

There are several questions and pie charts here that concern me a little. On page 20 of the plan the question is in order to preserve open space, what do you think the City should do? Now if you take out the distribution of the pie chart then take the high and low out it is relatively evenly distributed amongst the other respondents. One of them being increase the use of planning and use of land regulation. In layman's terms it seems a little like telling the landowner to do when you increase land regulations and the use of planning for your land.

We have some acreage on Methodist Road and it is part of our plan for our; perhaps retirement as well as other vehicles that you try to plan later on in life. Whether it be just to have its timber to sell or whatever, it is nice to know that your long term plan is not going to get interrupted by increased land use and regulations later on. Just like the poor people that are planning to retire in the next few years and their 401 K plans have tanked due to Stock Market. So that is one of my concerns that it had such a high response as 13% to increase regulations.

I have never been a land developer and do not really plan on it but I do have a concern for land developers. I have watched this on television before and have heard people that come before you for land development; there usually is a requirement to set aside a certain amount of land for parks and open space. I may not have the correct term when it is in the subdivision process but one of my questions is on page 23 when it is mentioned that neighborhood parks will be in general one to three acres in size; is that in addition to any and all requirements already set forth in subdivision planning? I think that same thing is also brought up later on in the plan. It does say that people will be involved in planning of such parks and trails.

I was also curious and pleased to see recently in the local news paper that a snow mobile club seems to have a good handle on some trails. I do not know if they already have easements or not, but they seem to be going forward with clearing land, building bridges and I think if I am correct they are maintaining thirty miles of trails in the City of Westbrook. This seems like a great system to go into and I was wondering if the Planning Department had worked with them at all with the easements that they already had looking at the map online it seems that they have had easements on much of the land that this plan would like to have easements on as well.

On page #29 it says: it is recommended that the trail easements are gained and well marked trails are developed that the City develop a detail trail mark identifying trail map identifying trail heads, routes, length and proper conduct, which includes respect for private property. My question would be; respects for private property whether it is mine or someone else's; how does this become enforced? We have had trespassers on your property doing damages in the past 10 years. When we call the Police Department they say they can not respond to it because of inadequate and improper equipment. We did get the Maine Warden Service to take care of the issue. If there is damage to the property, who and what department makes it right? If this is a City based plan is it the responsibility and liability of the City?

If this plan comes to fruition as it is in this book, is this actual Zoning? Does this have teeth? Is this enforceable? The things that are called suggestions and concerns are they now enforceable? Such as tree buffers, not being able to cut a tree because it is on a

private development but becomes a public hazard do the private property owner and the private developer has to pay to have it taken down?

One thing I do not understand as I never heard this brought up. Is a Plan such as this required for possible State or Federal programs? Is there an underlying need for this so that public money can be had? If you are going to apply for a Federal or State Grant is this type of plan something you need to go with your application?

If a parcel of land is developed that does not abut an existing trail to provide connectivity to the trail system would an abutting parcel, that does abut the trail be required or put pressure on to sell, donate or otherwise establish a right of way to provide connectivity? If the answer is yes, what if it bisects that abutter's land that is not developing, now going back to my first question about planning for the future jeopardizing someone's future plans for the land, if this bisects the abutters land and it affects the value or future plans of the land, how does that work out? If there is a path going through the middle of the land and bisects four acres here and ten acres here and they are in tree growth that four acres would have to be taken out.

Ed Reidman anyone else?

No comments

Public Hearing Closed

Ed Reidman I think to start we will talk about the questions. As with anything that the City does the first thing you do is to start with a plan. The plan is your guideline to move forward. As we have done in the past redoing our Comprehensive Plan and it is later on in the agenda to pick up one of the small pieces of the Comprehensive Plan. Once you have a plan in place, you have a direction that you feel the City wants to go with and is then approved by the City Council. As the elected officials The Council provides the direction as to where the staff and City is going.

Again with a Plan, that dictates what you should be doing in order to create the Ordinances, in order to enable the plan, to encourage the Plan to happen. This plan will bring Ordinances coming to the City, to the Planning Board, to the Council in order to implement what is going to happen.

Some of the questions that you have already asked are already in place as the set aside for public land. That is part of the current Ordinances and has been part of the Ordinance as long as I have been with the City, back to 1973. There are a couple of ways you can deal with it like donating land or pay money in order to accomplish something else on someone else's land.

As I understand it and I will ask the Planner that this plan is a cooperative effort at this point.

Some of the questions are already in place – setting aside lands – donate land or money to accomplish – cooperative effort at this point.

The question with regard to the mission statement, is it part of 11-18-08 document?

Molly Just yes it is, it was intended to be part of the 11-18-08 we incorporated into the 11-18-08 and did a reprint.

Ed Reidman would you care to address the fourth bullet with regard to the voluntary participation?

Molly Just I do not feel there is a need because it is written throughout the plan but I am happy to reiterate in this plan other than the City using its own funds to purchase property couldn't happen without voluntary participation and even the zoning actions which would need to be taken as next step as a result of some of the recommendations in this plan will involve public hearing so there will be a process there as well.

Ed Reidman it would be my understanding that given State procedure and taking of land that we would be using the same general process where the value of the land is asessed and then the offer is made based on that.

Molly Just there would have to be a massive sea change in the environment in the City in order for us to do a taking.

Ed Reidman there was some discussions with development associations.

Molly Just as you are all aware with subdivision development these days there is a civic association created unless it is a rental property.

Ed Reidman there was some discussion in the Methodist Road area about 50 foot set backs and who had to maintain them and who didn't.

Molly Just there is a recommendation in the plan for an overlay district along Methodist Road to preserve the tree line along Methodist Road during the public process we heard time and time again that is a really nice view as you are going up Methodist Road and that is what is unique about certain portions of Methodist Road that it is tree lined and to help make that happen is with re-development is to preserve those trees and those trees would be part of the civic association and basically a buffer.

Ed Reidman this would also require Council action in order to change the zoning in that area.

Molly Just correct

Ed Reidman Mr. Gouzie, if there were a zoning change for the front yard set back to ensure that the first fifty feet off of the right of way if it were to stay in this tree growth area that would only encumber proposed developments, existing developments would be grandfathered?

Richard Gouzie existing developments would be grandfathered.

Ed Reidman in other words, if you owned a single lot on Methodist Road and had fifty acres, until someone came to develop it that would not affect that.

Richard Gouzie the Ordinance now calls for twenty five feet of buffering on the Methodist Road in that Rural District, as it is written now.

Ed Reidman I think we talked about just compensation and tax adjustments would be with regard to whatever the Assessor said to whatever adjustments had to be made. There was a discussion of the pie chart increasing of land regulations...

Molly Just that was public input.

Ed Reidman we spoke earlier about the set aside to public uses that is already part of our Ordinance. It may change with regard to the changing of the ordinances.

There was discussion of the snow mobile trails and I think that Mr. Brown said that he appreciated what they did. Trail enforcement at the present time I would assume too private agreements between the land owners and the snowmobile club. If it were to become a public situation there would be enforcement written into the regulations.

Molly Just that is correct and it would be written into the easement as a part of this process City Staff had an interdepartmental meeting to talk about some of these recommendations, if they were to get implemented, for example trails far, far off road and we talked about what kind of vehicles would be needed to get in and to get people out and just to police it if necessary and those commitments have been made.

Ed Reidman you do need the plan in order to get a grant?

Molly Just actually no, it is not a requirement from the State. This is an addition to the Comprehensive Plan which we are required to have. This might be helpful for some grants, but is not required.

Ed Reidman is there any further comments from the Planning Board?

Anna Wrobel I just want to clarify the question about the snowmobile trails. I think the question that Mr. Brown had was have we in any way worked with the snowmobile associations? I understand that they too have a voluntary participation with the land owners, but I think the question was have we had any association with these snowmobile associations in order to see if we could work with them in some way.

Molly Just not yet the snowmobile association is very new and they have just started to work with the recreation and Conservation Commission and City Council. Once this plan does get adopted in whatever shape or form it does get adopted, at that point we would. –

Ed Reidman is there anything else?

No Comments

Public Hearing - Final Site Plan, Final Subdivision and Special Exception – Terradyn Consultants LLC, on behalf of William Martin for construction of a triplex condominium building on an approximately 0.69-acre parcel with an existing duplex (to remain) located at 152 Central Street. Tax Map: 28, Lot: 302, Zone: RGA-1.

Jon Whitten Terradyn Consultants LLC, on behalf of William Martin presented aspects for a proposed construction of a triplex condominium building on an approximately 0.69-acre parcel with an existing duplex at 152 Central Street.

We were in front of you about a month ago discussing 152 Central Street that has an existing twenty-four foot wide driveway leading into the driveway to an existing two unit. We are proposing to put a new three unit apartment building. These will be a two story building with each apartment having two bedrooms with one and a half bath with a small deck at the rear of each unit. There will be two parking spaces for each unit on the property plus a couple of visitors parking spaces. We have provided a turn around area and a dumpster off to the front of the building, for the collection of the garbage. The driveway is proposed to be a full twenty-four feet wide with parallel parking on the north side. That is a little wider than the existing driveway due to having two-way traffic and for safety.

We do have some mature trees around site, mostly around the border of the site. The existing condition is a brushy area that has been cleared out for the building. The rear of the building has been selectively cleaned up. The large majority of mature trees is along the border and will be maintained. The only mature tree on the site that will be removed is a big evergreen on the corner to make the driveway safe for vehicular access.

We will have a sprinkler system in the building so that will have a separate two inch line from the main from Central Street and we will have a one and a half domestic water line to the new building. We will have to put in a new two inch connector, there is a water meter pit on the site now and Portland Water District has recommended that we upsize the connection from that meter pit to the main to service the five units instead of the two units.

As we discussed the last time we did request a waiver for overhead power but obviously that was denied. We have revised the plan to show underground power to all five units on the property.

The site is its own water shed drainage wise. The high point is basically the back yard where the building is going to be. We have put in a rain garden on back and side of the building. This will collect run-off from the roof area and from some of the pavement and the front of the unit. That will collect the first flush or about the first inch of rain from every storm. DEP recommends such units to slightly detain and treat water especially in urban areas. This rain garden is landscaped with a variety of plants and will be kind of a flower garden in the back yard. It is just a depressed ditch that will be vegetated and quite beautiful. That will just intermingle with the existing vegetation and the applicant will maintain the lawn area around the building and again will not be turning the set backs or the rear part of the lot into lawn that will just maintain the bushy growth and mature trees.

The drainage from the rest of the site with larger storm will go easterly to the paper street area and then to the natural flow as it does today.

The driveway is sloped at about six or seven percent down to Central Street from the building. We have proposed a two inch crown on the driveway so the middle of the driveway will be the highest point and you will have about a two percent slope on the sides

just to get the water to the edge of the pavement. Obviously once it gets to that edge it will be going to a six or seven percent grade to Central Street with direct runoff to the City owned drainage system. The City of Westbrook Engineer has reviewed this and has approved the plan as is.

The applicant has proposed a four foot stockade fence along the easterly property line to try and alleviate any headlight light getting to the neighbors and out of their windows.

The building will have a higher grade vinyl siding to match the existing building with some red decoration near the top of the eaves and at the top of the doorways of each unit with white trim and the roof will be a black asphalt shingle.

As discussed last time we do have proper density without counting the paper street that runs parallel to Central Street vacated a number of years ago.

Ed Reidman questions or comments from the Staff?

No Comments

Ed Reidman is there any public comments?

Carry Smith 146 Central Street and our property abuts 152 Central Street along the entire side of the proposed development project. We want to thank the Planning Board for opening this up for public comment we appreciate the opportunity to speak to you this evening and we also want to thank Mr. Martin the property owner for his willingness to discuss some of our concerns with him. Even though we have not come to any specific resolutions that we have we have found him quite willing to speak to us about them and are hoping to resolve some of the issues we bring forth tonight.

We have four primary concerns about the project. The first is the potential change of the drainage on to our property, the second is the screening between our side yard and the proposed parking area, the third is the location of the dumpster and the forth is we have a couple concerns about the trees along the property line that are on our property.

Regarding the drainage issue as you know Central Street is on a hill and our property sits down hill from the proposed development site. We own a three family home and live on the bottom floor and we rent out the other two units and having a dry basement is extremely important to us. We use it on a daily basis and we also offer our tenants limited storage space as well as full laundry facilities in the basement. So any change in the drainage that could result in a wet basement would be very difficult and would be a negative impact on our home. We are concerned that a significant amount of what is currently green space on the downward slope from 152 Central Street is going to be tarred over or built upon making it an impervious surface. We understand the rain garden is in the back, but we are more concerned about the rain flow that is not captured by the rain garden. We brought this issue of the differing slopes to the attention of Mr. Martin and Mr. Whitten and it was concluded that the water will flow more toward the street then our property but it is not that we do not believe that it is just that we are smart enough to know what we don't know and we would like something more specific that we can have in hand that proves to us that the drainage will not change. From looking at the topographical map that was in the public record it looks like the highest point is on the front right corner of the

building at four hundred and ninety-eight feet and the lowest point is four hundred and ninety-one which is on our property not on the road. We do not disagree; we just want more specific information on how that was figured.

Secondly is the screening between our side yard and parking area. As Mr. Whitten mentioned, the plan currently is in addition to increasing the driveway, there will be multiple parallel parking spaces along our property line.

We are very happy with the addition of the four foot fence and we think that will be a good barrier for things like parking and snow removal, but we are not sure that it will actually create a visual barrier to the parking lot. Our side yard gets a lot of use and would like to maintain a residential look and feel that our side yard has so we would like additional screening. We do not want a taller fence; because what we do not want to do is fortress ourselves in and especially do not want to fortress them in because it is a little narrow there. Our impression of the rain garden is that there are some smaller trees that are going to be planted in the rain garden. We would like something similar to those trees be planted at certain intervals along the fence to screen it and keeps the yard looking natural while blocking the parking area.

The third is the location of the dumpster; currently the dumpster is located on left side of the building on our property line. As you know the building is ten feet off our property line which conforms to the set backs and a permanent dumpster pad as well as the dumpster would be set out beyond that bringing it fairly close to that back of our property line. We have asked Mr. Martin if it is possible to move the dumpster to the other side of building so it does not sit on our property line.

Our last concern is about the trees. We have three trees that sit fairly close to the property line and we are concerned about their health during the construction phase. In front there is a lilac tree on the front corner of the property and then next to it there is a much larger oak tree. We imagine that there are some extensive root systems and we ask for some consideration when and if the construction happens that the trees are not damaged. Then half way back near the utility pole we have a large beech tree on the corner where Mr. Martin's property juts in and are very concerned for that tree as well. If we lost those trees it would severely impact how yard looks and our property values and also wish the trees stay healthy.

Thank you for the opportunity to express our concerns and we will continue working with you and Mr. Martin to resolve our issues.

Gene Berg 157 Brackett Street, directly to the east of the proposed building. I have two concerns. I think there has been a change as when this was originally proposed it was proposed as condos and now it may be proposed as rental apartments, I am not sure about that, but it influences my first concern. I am not sure if the Planning Board has control over part of this concern. The site plan list the owners address in Saco. My concern comes from me living in my house for over thirty years dealing with noise, litter and behavior of nearby buildings where the landlords do not live there. The houses that generate most Police calls and the houses that are the poorest maintained, are the houses where the owners are not there.

At the same time I want to say that I support Westbrook's commitment to allow small lot development and I just ask you would you have approved the building in RGA1

if the original application was for three additional rental units as opposed to a condo. If the answer is yes, I understand that it is not your job to determine where the land-lord lives.

My second concern involves run off. I talked to City Engineer, Eric Dudley about two run off worries and my first is the trees. My first is just plain water running off. We have a row of evergreens running along our property line across from the paper street and I have been told and know from experience that evergreens do not like wet feet, so that is a concern of mine.

The second one is not about plain water but what can water carry? My wife and I have a big garden full of lots of plants and we avoid using chemicals in our vegetable garden and we avoid them in our fruit trees and our lawn and we worry what run off can carry. Eric Dudley was reassuring that this submitted storm water plan looks sound and should be able to handle the runoff in most cases from the development. What he could not guarantee though was how carefully the storm water plan would be followed. The plan as submitted to you has five pages about storm water management and it includes the required maintenance schedule and it includes a two page inspection and maintenance log sheet that is going to be kept. I would like to read a couple sections from it as this is the plan that was submitted. "The owner will be responsible for maintenance of all storm water management structures... Records of all inspections and maintenance work accomplished must be kept on file for a minimum of a five year span." I take that to mean that the records have to be maintained for five years, not for after five years they can stop maintaining it. I trust that is correct. "...and the maintenance log will be made available upon DEP request. At a minimum the appropriate and relevant activities for each storm water management systems will be performed as prescribed in this schedule." That is reassuring to me if that happens. At the bottom of that page it says "a legal entity should be established with responsibility for inspecting and maintaining any under drain filter and the legal agreement establishing this entity should list specific maintenance responsibilities including time tables and provide for the funding to cover long term inspection and maintenance."

I think as long as this is a planned condominium that would have sailed smoothly and I think we could count on that happening and the owners association would have had to take that on. But if my understanding is correct that it is not going to be condominiums at least for awhile, it will be rental property.

Can the Planning Board ... does the Planning Board have the power to make sure that while the current owners own it that they maintain the system as their plan stated that it would be maintained. Can you make sure that if they do later sell it as condos, that legal entity will be formed in keeping with the submitted plan?

Finally, if it is never sold as condos and someday sell it as rental properties, can the deed include that obligation that they assumed when they submitted this plan? If you can require that and the owner says yes I can do all of that then I am very comfortable that this will protect the yard that we have worked on so hard for over thirty years. If the owner has a different plan then I ask that be submitted in writing to the Planning Board so you and I will know what is being voted on.

Public Hearing closed

Ed Reidman if it is a condo association all the units can be rented. There is nothing that says that a Condo Association can not have rentals, unless it is part of the documents that the Condo Association puts forward. We have run in to this before, when they have come before the Board and say they are going to put in a Condo Association, create the documents and then the original owner rents the property out, what is incurred on this one, I do not know.

Mr. Whitten you heard what Ms. Smith and her Husband's concerns were about drainage, screening, the dumpster and the trees on there own property. I know that you have absolutely no right to go on a neighbor's property without permission. Would you address those items starting with the drainage, because we have drainage concerns on both sides of the property?

Jon Whitten as I described in my initial presentation the fact that we have steep slopes going down to Central Street from this area encourages the water to go along the pavement down to Central Street. We feel the water will be going down the driveway hitting the City roadway and flowing down northerly along Central Street and that is the best approach for the water to take or the best direction as most of your homes are protected against roadway run off entering into the basement of the home or the front yard of the home. Unfortunately there is not a lot of room between the parking spaces and the property line and that is why we have to run our utilities there. We might be able to put that slight depression on that side to ensure that run off does not slip to the North and actually does go west, but it would be a shallow depression in there. Seeing the contours of the property we are directing the run off. Obviously with run off I can not guarantee... we say that we expect no significant impact in downstream areas and that is a fact. We do design projects to minimize any change in the natural flow of run off and we do try to protect neighboring properties as much as possible, obviously if we change the drainage then we become liable for that change. So we have prepared this plan and standby the statement that we do not expect a significant downstream impact because of this design. I personally was not present at the meeting between the Smiths and Mr. Martin, but I did respond to an e-mail and I understand the situation. I feel that Mr. Martin as a land owner and the land lord of this site that he will be available for any situations that do arise and will be liable for those situations. I believe that is a boiler plate responsibility of development, we may not necessarily need a specific note on the plan that says anything about that but that is a general liability of development.

The screening, we can obviously work with them to come up with some vegetation on the fence. I believe you would want the vegetation on their side of the fence and I do not know if it would be allowable to have us do a landscape plan encroaching a little on their property or not...

The applicant wants to make this project fit into the neighborhood and would agree to come up with a vegetation plan on the Smith's side of the fence.

The location of the dumpster, I think we can come up with an alternative plan for that. We can get the dumpster more in the central part of the property. Again, if that can be a condition, I think there is an alternative place for that.

The existing trees along the Smith's property line, (the beech tree represented on the plan) where the utilities are going and it may make sense to take our sprinkler line system and put that more southerly to get away from the root system of that Beech tree. I

am proposing that we move the Fire Service to the other side of the Domestic Service to try to avoid the root system.

Mr. Berg comments... when I first got involved with the project the applicant was trying to finance this project as a condominium, since then that has changed. Our official application to the City is for a three unit rental property and Mr. Martin will be the landlord of that property. Obviously he has the right to turn it into condominiums at a future date if he chose to that would be a legal recording of a condo association

The storm water management sheet that we put into the plan; that is directly from the DEP Storm water regulations manuals and that is put into most projects and that is made for the land owners or associations. Basically DEP and City's want an entity or a person that is directly related to the property to be responsible for the maintenance of Storm water. One of the first items in the Storm water plan is who is responsible and it is plainly put there that the applicant is responsible at this time and if an association is ever made that document would have to change to say that the new association is in control of the maintenance. I did want to mention that it does say that this project needs to report to the DEP every five years that is not true. This is not a DEP regulated project. That is a boiler plate paragraph from the DEP regulations. The city, certainly code enforcement can request a log if they want to.

Drainage from the back; we do have the rain garden; I do not know how to deal with any chemicals coming from the property. We do not have a plan in place nor have thought of a plan to limit the use of fertilizers or anything else in that rain garden to keep those plants alive. That might be a conversation with the applicant from the Berg's themselves. I am not sure if the City wants us to come up with a plan.

The applicant will not live on the site. He does reside in Saco and is employed by a business in Westbrook at his point. It may put you at ease that he works in Westbrook so he could visit the site frequently and deal with any situations that may arise on the property.

Ed Reidman how much frontage do you have on Central Street?

Jon Whitten 60 feet.

Ed Reidman you own in front of Ms. Smith's property?

Jon Whitten yes just a few feet.

Richard Eaton land surveyor on this project. There is about a two foot strip in front of a portion of the Smiths property. Back in 1985 there was a plan or project that never came about. A lot of times before the upgrade of the ordinances people used to do little tricks like that, such as spaghetti strips to make sure you had enough road frontage and of course nothing ever happened but it was conveyed many years ago. This is the result of what happened with that land swap the two foot strip in front of the Smiths.

Ed Reidman back to the question, outside of the two foot strip which is in front of the Smith/DeBree property... plus or minus.

Jon Whitten forty-three feet

Ed Reidman you need to put twenty-four feet of roadway in, given that you probably get by with twenty feet and use the extra four feet in order to create an additional capacity for the water not to go towards the Smith/DeBree property.

Jon Whitten we would entertain that. It would provide benefits both by reducing the impervious area that we are proposing and we would be able to put in a shallow ditch to make sure that the water hits Central Street and not the property.

Ed Reidman is there any further questions from the Board at this point?

Anna Wrobel I have a cleared understanding how this construction affects the Smith/DeBree property in terms of the slope and all the other things we have been talking about. I love the idea of a trench or a channel. I have less of a clear sense of how these buildings relate to the Berg Property in terms of... Does the Berg property also slope going down?

Jon Whitten I do not know about the Berg house, but we have a high point is where the building is going to be. That is a natural break in the water shed. It is relatively flat throughout this area. Anything from the front of the building is going to go over to the Berg direction then anything to the side will go to the Central Street / Smith/DeBree area. I would generally say that the Berg house is going to be down slope from the new proposed building.

Anna Wrobel I do understand that you have a stormwater drainage plan to prevent impacts on the Berg property, is there something in place to direct that water again away from...is it possible to do some trenching there as well to prevent any chemical and water run off?

Jon Whitten the only problem I see with that is the rain garden collects that one inch and lets that percolate into the ground and then in a larger storm that ditch fills up with water and then in a very thin layer flows over the natural vegetation, through the wooded paper street into their back yard. That is what happens today when it rains on the brushy part of the property; it gets absorbed by the leaves, that first inch or so then slows down. In a bigger storm it starts to build up and then slowly drains in a thin sheet to their property as it does now. So the rain garden best converts the quick concentrated flow of a building or pavement into a slower sheet flow natural vegetation flow that is there today. That best converts the urbanized run-off to a natural run off. That is exactly what DEP likes to see these things as a first option. The best option is to have just a wooded buffer or a natural field buffer that is long enough to naturally do this, but in a case where you have short distances these types of rain gardens and level spreaders and natural ditches best represent the natural flow

Anna Wrobel in theory the impact of a storm should be approximately the same as it is currently, in terms of how the water runs off?

Jon Whitten yes, how the water approaches their property is going to be very similar to what happens now. The timing of that water may change a little, but the actual way it flows through there is going to be the same. I do not anticipate any faster flow which would cause erosion. It will maintain the same speed as today but it is not going to re-direct the water away from the property.

Anna Wrobel if the practice does not turn out as the theory, let us say there is some impact, the developer will be liable for fixing that situation?

Jon Whitten yes the best way they can.

Cory Fleming if you are bring in a landscape architect to do some work with the Smith/DeBree property, could they consult with the Bergs to protect their tree line?

Jon Whitten there is a landscape architect that has worked o the rain garden; we could certainly look at that situation. I believe it is the way the flow is going to hit those trees rather than anything else, besides the chemicals. It is more of the speed and the flow of the water that is really concerning because that would derogate the actual soil around those trees. I do not believe that we are going to be introducing a lot more water to the situation to change the way the roots accept water or how much water is around those roots.

Molly Just if I could summarize... The applicant is obligated to do no net harm essentially. With the rain garden the net affect should be no net harm and from what Mr. Whitten said in his initial presentation in the last meeting is the initial spurt of rain is the dirtiest in terms of chemicals, it washes everything off the road and off the first layer of leaves, so given the rain garden is going to catch the initial spurt and given that every other inch of rain is really going to be filtered as it moves along land, there should really be no net increase in chemicals as well.

Ed Reidman anyone else?

No Comments

1. Call to Order

2. Approval of minutes

Rene Daniel moved to approve the minutes of November 18, 2008 as presented.

2nd by Anna Wrobel

The vote was unanimous in favor 7-0

Rene Daniel moved to approve the December 2, 2008 with one correction, on page ten Ida Douglas spoke and it should Ida Douglas.

2nd by Anna Wrobel

The vote was unanimous in favor 7-0

3. Chairman's Report – Calendar Year 2008

Rene Daniel moved to send the Chairman's Report to the Mayor and the City Council.

2nd by Dennis Isherwood

The vote was unanimous in favor 7-0

4. Election of Officers

Rene Daniel nominated Ed Reidman for Planning Board Chair

2nd by Anna Wrobel

The vote 6-0 in favor (Ed Reidman not voting)

Dennis Isherwood nominated Rene Daniel for Vice-Chair

2nd by Cory Fleming

The vote was 6-0 in favor (Rene Daniel not voting)

Continuing Business

5. Comprehensive Plan Amendment - 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, 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 Molly's memo dated December 29, 2008 explains the entire procedure. Are there any questions or comments?

Anna Wrobel I am trying to address Ms. Olmstead's concern, it seemed to me a lot of the concern was with the nature of language and the wording being used. If I understand correctly the desire was for language that was more general rather than specifically naming certain individuals or the land owned by certain individuals in so called proposed trails. I know that we do not have legal counsel here with us tonight but I would like to address

that concern. I understand that the proposed trails are not a done deal by any means what so ever. Can we speak to that? The specificity naming property owners before they have been addressed or contacted.

Molly Just I am trying to think of an instance where we named names, we might have named functions of the property, because in a plan you do make recommendations and recommendations for locations of the components of the plan, therefore you do need to reference them. I can not think of where we used actual names but this has been a public process and we have advertised meetings in the news paper through the Mayors message, on line, through e-mail distribution, basically we have gotten the word out. In terms of landowner participation it does say throughout the plan that it is voluntary and in fact at the end of the plan we do provide tools for land owners and for the City to utilize in order to make the plan happen, in terms of financial incentives or grant programs for example for fulfilling the plan on City property, tools that land owners could use if they would like to preserve their property. We do not want to be too general; I understand that there has been some desire not to have a map at all with the plan. I have never worked on a plan in my experience where you do not have a map. A map provides a frame of reference for people as it provides visual teeth to words on a page. A lot of people are not inclined to read an entire document; they look at a plan for reference. I support the plan as is. I support the evolution that it has taken; I do not think it is too specific, I think it is great as is.

Anna Wrobel a follow up question, I heard you say earlier that there would have to be some sort of an enormous fee change in the environment of Westbrook to even consider something like a taking. My own experience in the last few years would agree with that. I do not see any tendency in that direction. However, just as a theoretical on the issue of connectivity has come up as being an essential component. I was also part of this process and came to public hearings, public meetings etc., what if a land owner had land that is part of that connectivity and they really do not want to participate on any basis, grants, purchases, easements you name it, then what?

Molly Just then they wouldn't, you can not force the trail to go through their property.

Anna Wrobel so there would be a gap in that, or find another way to connect, is that the way?

Molly Just exactly

Paul Emery on page twenty-six I think this tends to cover the sensitivity, starting with number one #1 at top last sentence reads: *Or private land owners willing to work with the City to realize such Parks...* in the reverse cut one there is a specific land owner referenced here which is White Brothers. The words are used *work with* and reverse two says *recommended*, reverse three says *should be considered*, reverse four says *could be incorporated*, reverse five *take an active part*, reverse six *this is dependant on* (skip a section) *or the landowners willingness* and number seven *only if an easement*.

I think the Planning Department and the people who worked on this have in this section have set out a path and sent out a clear signal that this is the way the Planning

Department sees that it should go forward. I am supportive of this plan to go to Council as written.

Ed Reidman other questions or comments?

Paul Emery moved that the Planning Board recommend to the City Council that the proposal dated November 18, 2008 titled Recreation Park and Open Space Plan be recommended to the Council that it should be adopted.

2nd by **Cory Fleming**

The vote was unanimous in favor 8-0

6. **Final Site Plan, Final Subdivision and Special Exception – Terradyn Consultants LLC, on behalf of William Martin for construction of a triplex condominium building on an approximately 0.69-acre parcel with an existing duplex (to remain) located at 152 Central Street. Tax Map: 28, Lot: 302, Zone: RGA-1.**

Cory Fleming moved the Site Plan application for William Martin on Tax Map 28, Lot 302 is to be **approved with conditions** with the following findings of fact and conclusions.

FINDINGS OF FACT

Utilization of the Site

- The site is located in an urban condition close to downtown.
- All units would be accessed from a common driveway with parking for the new units along the driveway and as part of a grouping in front of the existing units.

Adequacy of Road System

- The proposed additional units would not place an unreasonable burden on the surrounding roadways.

Access to the Site

- Access to the site would be from the existing curb cut on Central Street.

Internal Vehicular Circulation

- There is adequate space for internal circulation.

Pedestrian and Other Modes of Transportation

- Adequate.

Stormwater Management

- The applicant proposes to build Rain Gardens behind the new building to provide best management practices in stormwater management.

Erosion Control

- Adequate.

Utilities

- The applicant proposes to underground only the utilities required by the new units. Our Subdivision and Site Plan provisions require undergrounding of all utilities. Given that the entire site is under Subdivision and Site Plan review the entire site is subject to these provisions. The applicant has requested a waiver of this requirement. Planning staff does not support this waiver request as undergrounded utilities enhance safety, resident convenience, neighborhood beautification and in the long term result in cost savings.

Hazardous, Special and Radioactive Materials

- N/A

Technical and Financial Capacity

- A letter of financial capacity has been provided.

Solid Waste

- Solid waste pick up would be by the municipal solid waste pick up program. Enclosed dumpsters would be provided on a supporting concrete pad.

Historic, Archaeological and Botanical Resources

- N/A

Landscape Plan

- Adequate.
- The applicant proposes to provide a fee in lieu of land in the amount of \$2,049.00 to fulfill the requirement of Section 502.6 A (Additional Requirements – Public Open Space) of the Land Use Ordinances.
 - *The Recreation and Conservation Commission recommends that the Planning Board accept a fee in lieu of land for fulfillment of this requirement and recommends the use of a more standard and hardy orange daylily in lieu of the Stella De Oro Daylily as depicted on the landscape plan in the area of the rain garden.*

CONCLUSIONS

1. The proposed site plan **will not** result in undue water or air pollution.
2. The proposed site plan **has** sufficient water available for the reasonably foreseeable needs of the site plan.
3. The proposed site plan **will not** cause an unreasonable burden on an existing water supply.

4. The proposed site plan **will not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
5. The proposed site plan **will not** cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed site plan **will** provide for adequate sewage waste disposal.
7. The proposed site plan **will not** cause an unreasonable burden on the municipality's ability to dispose of solid waste.
8. The proposed site plan **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed site plan **conforms** with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
10. The developer **has** adequate financial and technical capacity to meet the standards of this section.
11. The proposed site plan **is not** situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.
12. The proposed site plan **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The proposed site **is not** situated entirely or partially within a floodplain.
14. All freshwater wetlands **have** been shown on the site plan.
15. Any river, stream, or brook within or abutting the site plan **has** been identified on any maps submitted as part of the application.
16. The proposed site plan **will** provide for adequate storm water management.
17. The proposed plan **will not** negatively impact the ability of the City to provide public safety services.

CONDITIONS

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated October 14th and November 25, 2008, plans dated October 7, 2008 and revised to November 24, 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 issuance of the first Certificate of Occupancy the applicant shall supply to the City a letter from the Portland Water District showing proof of ability of the site to serve the needs of the proposed project.
3. Prior to final approval by the Planning Board, the applicant shall issue a check in the amount of \$2,049 as a fee in lieu of provision of land for the open space needs of the project in accordance with Section 502.6 A (Additional Requirements – Public Open Space).

4. Reduction of the current driveway width to 20 feet and add a channel for stormwater drainage.
5. Work with the abutting land owners (Smith/Debree property) on the development of a landscaping plan to provide a buffer zone between the two properties.
6. Relocate fire water service from the existing tree line.
7. Relocate the dumpster to the middle of the current property.

2nd by Paul Emery

The vote was unanimous in favor 8-0

Cory Fleming moved the Subdivision Plan application for William Martin on Tax Map 28, Lot 302 is to be **approved with conditions** with the following findings of fact and conclusions.

FINDINGS OF FACT

A. POLLUTION AND SEWERAGE DISPOSAL

- The municipal wastewater system would be utilized.

B. WATER

- The applicant must submit a letter from the Portland Water District indicating the ability to serve the proposed project.

C. SOIL EROSION

- Adequate.

D. TRAFFIC

- The proposed additional units would not place an unreasonable burden on the surrounding roadways.

E. SEWERAGE

- Sewerage would be via the municipal wastewater system.

F. SOLID WASTE

- The project would be served by the municipal solid waste collection service.

G. AESTHETICS

- Appearance Assessment:
 1. Project to Site – The additional units will be incorporated into an already developed site within an urban environment.
 2. Project to Surrounding Property – Buffering for surrounding properties would be provided.
 3. Landscape Design – Adequate.
 4. Lighting – Adequate.
 5. Signs – N/A.

H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- Comprehensive Plan – The project meets the recommendations of the RGA-1 Zoning District which state that this Zoning District is an appropriate location for infill housing due to the proximity of public utilities and services.
- Recreation & Open Space – The Recreation & Conservation Commission has not yet discussed this item.
- The applicant proposes to provide a fee in lieu of land in the amount of \$2,049.00 to fulfill the requirement of Section 502.6 A (Additional Requirements – Public Open Space) of the Land Use Ordinances.
 - *The Recreation and Conservation Commission recommends that the Planning Board accept a fee in lieu of land for fulfillment of this requirement and recommends the use of a more standard and hardy orange daylily in lieu of the Stella De Oro Daylily as depicted on the landscape plan in the area of the rain garden.*
- Fire Code (see attached memo from the Fire Inspector):
 - Not less than one (1) Fire Department key box be installed, final number, type and location(s) to be determined by the Fire Inspector upon submittal of building plans.
 - The proposed building shall be protected throughout by a fire sprinkler system in accordance with Westbrook Code of Ordinance 13-9.
 - The Fire Inspector shall approve all Fire Protection/ Life Safety systems, equipment and materials.
 - In accordance with E911 standards, the dwelling units shall be addressed as #152 Central Street, units 1, 2, 3, 4, and 5.

I. FINANCIAL AND TECHNICAL CAPACITY

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

J. RIVER, STREAM OR BROOK IMPACTS

- N/A.

CONCLUSIONS

1. The proposed site plan **will not** result in undue water or air pollution.
2. The proposed site plan **has** sufficient water available for the reasonably foreseeable needs of the site plan.
3. The proposed site plan **will not** cause an unreasonable burden on an existing water supply.
4. The proposed site plan **will not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

5. The proposed site plan **will not** cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed site **will** provide for adequate sewage waste disposal.
7. The proposed site plan **will not** cause an unreasonable burden on the municipality's ability to dispose of solid waste.
8. The proposed site plan **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed site plan **conforms** with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
10. The developer **has** adequate financial and technical capacity to meet the standards of this section.
11. The proposed site plan **is** situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.
12. The proposed site plan **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The proposed site **is** situated entirely or partially within a floodplain.
14. All freshwater wetlands **have** been shown on the site plan.
15. Any river, stream, or brook within or abutting the site plan **has** been identified on any maps submitted as part of the application.
16. The proposed site plan **will** provide for adequate storm water management.
17. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, or great pond as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision **have** a lot depth to shore frontage ratio greater than 5 to 1.
18. The long-term cumulative effects of the proposed subdivision **will not** unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
19. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision **will not** cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.
20. Timber on the parcel being subdivided **has not** been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14.
21. The proposed subdivision **will not** negatively impact the ability of the City to provide public safety services.

CONDITIONS

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated October 14th and November 25, 2008, plans dated October 7, 2008 and revised to November 24, 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 issuance of the first Certificate of Occupancy the applicant shall supply to the City a letter from the Portland Water District showing proof of ability of the site to serve the needs of the proposed project.
3. Prior to final approval by the Planning Board, the applicant shall issue a check in the amount of \$2,049 as a fee in lieu of provision of land for the open space needs of the project in accordance with Section 502.6 A (Additional Requirements – Public Open Space).
4. Reduction of the current driveway width to 20 feet and add a channel for stormwater drainage.
5. Work with the abutting land owners (Smith/Debree property) on the development of a landscaping plan to provide a buffer zone between the two properties.
6. Relocate fire water service from the existing tree line.
7. Relocate the dumpster to the middle of the current property.

2nd by Greg Blake

The vote was unanimous in favor 8-0

Cory Fleming moved the Special Exception application for William Martin on Tax Map: 28, Lot: 302 is to be **approved with conditions**:

- A. Certain Requirements Met. That the use requested meets the dimension, parking, loading, and sign requirements of this Ordinance. Otherwise, the applicant must also request an appropriate variance.
 - Requirement met.
- B. Value. That the use requested will not significantly devalue abutting property or property across public or private way. In making its determination, the Board shall take into consideration the type of structure proposed, the topography of the area, the market value of the surrounding real estate, the availability of utilities, traffic conditions, and other relevant factors.
 - Requirement met.
- C. Effects of Land Use. That the use granted will:
 - (1) Maintain safe and healthful conditions.
 - The project will be connected to the public water and sewer systems.
 - (2) Not cause water pollution, erosion, or sedimentation
 - Will not cause water pollution, erosion, or sedimentation.
 - (3) Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.
 - N/A
 - (4) Conserve shared tree cover and visual, as well as actual, access to water bodies.

- Will not unduly impact tree cover shared by adjoining residential properties. Will not affect shared physical or visual access to water bodies.
- (5) Not burden on-site septic or off-site waste disposal.
 - The project will not burden the existing off-site waste disposal system.
- (6) Not burden existing public ways.
 - The project will not burden existing public ways.
- D. Performance Standards. That the use granted is compatible with adjacent land uses and that it meets the following performance standards:
 - (2) Landscape Environment and Enhancement. The landscape must be preserved in its natural state insofar as practicable. It must be designed so as to stabilize the slopes and buffer the site, where necessary.
 - The landscaping will incorporate the existing side yard buffer, new landscaping and a rain garden to accommodate rain water and improve the condition of run off while also providing additional buffering and beautification.
 - (3) Surface Water Drainage. Surface water drainage must not have an adverse effect on surrounding properties, downstream water quality, soil stability, or the storm drainage system.
 - Will not have an adverse effect on surrounding properties, downstream water quality, soil stability, or the storm drainage system.
 - (4) Water, Air, Soil Pollution. The development will not cause unreasonable water, air, or soil pollution.
 - Will not cause unreasonable water, air, or soil pollution.
 - (5) Soil Integrity. The development will not cause unreasonable soil erosion or reduction in the capacity of the soil to hold water.
 - Will not cause unreasonable soil erosion or reduction in the capacity of the soil to hold the water.
 - (6) Natural Environment. The development must not have an unreasonably adverse effect on a historic site or irreplaceable natural areas.
 - N/A
 - (7) Nuisance Factor. The development must not cause unreasonable noise, odors, dust, gas, fumes, smoke, light or other annoying or dangerous emissions.
 - The development will produce the by-products associated with residential development.
 - (8) Special Features. Exposed storage areas, machinery installation, service and loading areas, and similar facilities must be set back, screened, or buffered so as to minimize any possible adverse effect on the surrounding uses.
 - N/A
 - (9) Vehicular Access. The site layout must provide for safe vehicular access and egress, including that for emergency vehicles.
 - Requirement met.
 - (10) Parking and Circulation. The layout of vehicular and pedestrian traffic patterns must provide for safe interior circulation, separation of pedestrian and vehicular traffic, and storage of plowed snow.
 - Adequate parking will be provided.

- (11) Public Services. The development must not impose an unreasonable burden on the water supply and sewage disposal systems, fire or police services, public ways, schools, recreational facilities, and other public services or facilities.
- Will not impose an unreasonable burden on public services.

Conditions:

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated October 14th and November 25, 2008, plans dated October 7, 2008 and revised to November 24, 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 issuance of the first Certificate of Occupancy the applicant shall supply to the City a letter from the Portland Water District showing proof of ability of the site to serve the needs of the proposed project.
3. Prior to final approval by the Planning Board, the applicant shall issue a check in the amount of \$2,049 as a fee in lieu of provision of land for the open space needs of the project in accordance with Section 502.6 A (Additional Requirements – Public Open Space).
4. Reduction of the current driveway width to 20 feet and add a channel for stormwater drainage.
5. Work with the abutting land owners (Smith/Debree property) on the development of a landscaping plan to provide a buffer zone between the two properties.
6. Relocate fire water service from the existing tree line.
7. Relocate the dumpster to the middle of the current property.

2nd by Greg Blake

The vote was unanimous in favor 8-0

7. **Land Use Ordinance – Section 404 - Sign Regulations in the City Center District – The intent is to create a more streamlined, yet comprehensive, and user friendly set of regulations for signage that acknowledges existing businesses downtown while recognizing the City’s goal for a more pedestrian oriented setting with a greater mix of uses to boost the overall success of downtown Westbrook.**

Molly Just during its review of the draft sign regulations the City Council recommended numerous changes to the draft. Based on the number and scope of recommended changes to the draft the City Council recommended that the Planning Board review, hold a public hearing and make a recommendation on the revised draft regulations for signs in the City Center District. The most significant changes include allowing modest “pylon” signs and electronic message boards. The attached table titled “Major Concepts” provides an overview of the proposed language.

Westbrook Planning Board Minutes
January 6, 2009

Overview. City staff is in the process of updating regulations for signage in the City Center Zoning District (generally downtown Westbrook) of Section 404 – Sign Regulations. Signage for other commercial districts will be addressed at a later time as necessary.

With this update our intent is to be content neutral and to streamline the sign regulations and fill in gaps that are missing from the current regulations. The existing regulations are not comprehensive enough to meet today’s needs given the advanced lighting, materials, and design technologies and the new businesses that are attracted to downtown Westbrook. Signage has a significant impact on the overall image and environment downtown where there is a greater amount of development and that development is more compact than in other areas of the City.

Background. The City Center District was established to return downtown Westbrook to a prominent regional service center and includes an overlay of design standards to encourage new development consistent with the goal to revitalize downtown. Consistent with the vision for the City Center District, our intent is to create a more streamlined, yet comprehensive, and user friendly set of regulations for signage that acknowledges existing signage while recognizing the City’s goal for a more pedestrian oriented setting with a greater mix of uses to boost the overall success of downtown Westbrook.

Our ultimate objective downtown is for visitors to park once while visiting a number of businesses and for downtown residents to walk to work, shopping, and entertainment destinations. Therefore we need to introduce sign types and sizes that are more scaled to the pedestrian such as awning, blade, and sandwich board (currently allowed) signs. Another part of increasing the use mix and attracting residential uses downtown will be reducing light pollution going forward. Residents will likely not want to experience light trespass from neighboring business signs. We are proposing a cut-off time for signs as well as introducing additional language regulating the brightness levels on-site and light trespass off-site.

Major Concepts

**** A sign permit is required for all sign types and each sign except for interior window signs. A fee shall be charged for all sign permits.**

City Center District Sign Types Allowed	Existing	Proposed	Parameters
Blade	No	Yes	Every 25 feet of linear frontage on a freestanding building.
Awning	No	Yes	Awnings shall not extend more than 4 feet into a public way and shall not extend into the street. Awnings shall cover the entire building frontage along a public way unless otherwise approved by the Board. Signs are allowed on awnings.
Freestanding “Pylon”	Yes	Yes	No more than 9 feet tall, including supports, and 18 square feet in size. May include multiple text.
Freestanding Ground Mounted	Yes	Yes	No more than 6 feet tall, including base, and 18 square feet in size. May include multiple text.
Sandwich Board	Yes	Yes	Every 25 feet of linear frontage of a freestanding building.

Westbrook Planning Board Minutes
January 6, 2009

Message Board	Yes	Yes	The total height of the message board portion of a sign may be no greater than 12-inches and no more than 2 lines of text. Such sign is included in the allowable sign area for a freestanding sign.
Information “Direction” Signs	Yes	Yes	No larger than 2 square feet. May only be placed at access points from public ways and in lots to provide directions to parking areas and building entrances only.
Time and Temperature	Yes	Yes	Yes – within parameters for message board.
Temporary Community Event/ Banners	Yes	Yes	As approved by the CEO
Building Mounted	Yes	Yes	Multiple signs allowed, covering up to 5% of wall facing a public way or parking lots.
Small Tenant Listing	Not called out	Yes	

Ed Reidman the purpose of having this item on the Agenda this evening is to schedule a Public Hearing.

Molly Just February 3rd

Ed Reidman are there any questions or comments in regards as to what has been presented to us tonight?

Cory Fleming moved to schedule a public hearing on February 3rd, 2009.

2nd by **Anna Wrobel**

The vote was unanimous in favor 8-0

8. Adjourn

*Respectfully submitted by Linda Gain PECE Administrative Assistant
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*