



City of Westbrook

DEPARTMENT OF PLANNING

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

**WESTBROOK PLANNING BOARD
TUESDAY, MARCH 17, 2009, 7:00 P.M.
WESTBROOK HIGH SCHOOL, ROOM 114
MINUTES**

Present: Ed Reidman, (Chair) (Ward 5), Rene Daniel (Vice-Chair) (Ward 1), Cory Fleming (At Large), Dennis Isherwood (Ward 2), Paul Emery (Ward 3), Anna Wrobel (Ward 4), Michael Taylor (Alternate)

Absent: Scott Herrick (Alternate), Greg Blake (At Large)

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.

1. Call to Order

2. Approval of Minutes

Rene Daniel moved to approve the minutes March 3, 2009 as presented.

2nd by Dennis Isherwood

The vote was unanimous in favor 7-0

Continuing Business

- 3. Site Plan Amendment - Site Plan Amendment – Casella Environmental Park – St. Germaine & Assoc., on behalf of Pine Tree Waste, for the construction of a municipal solid waste transfer facility and construction and demolition processing and transfer facility composed of a 47,475 S.F. (larger than originally approved) C&D processing building, a 9,000 S.F. MSW transfer building, and a residential recycling drop off area. The project is situated on a 71.73 acre parcel located at 594 County Road. Tax Map: 2, Lot: 24, Sub: D; Zone: IP.**

Background. Pine Tree Waste, Inc., a subsidiary of Casella Waste Systems, Inc., received a Site Plan approval in November 2000 for a solid waste management facility on 40-acres. In February 2005, Pine Tree obtained an amendment to the Site Plan in order to replace permitted facilities (office and hauling office/maintenance buildings)

with a building to process (sort/grind) construction & demolition (C&D) materials at the west end of the site. The DEP approval process took nearly 2 ½ years before the license was approved in April 2007. In the interim, Pine Tree obtained two one-year extensions of the February 2005 Site Plan approval. During the DEP approval process the location of the residential recycling drop-off was switched to meet DEP set-back requirements. At its February 5, 2008 meeting, the Planning Board approved a Site Plan Amendment consistent with the changes required by the DEP approval.

Update. At this time the applicant requests a Site Plan Amendment to increase the size of the C&D building from 27,500 square feet to 47,475 square feet and to add a truck turn around in the driveway which extends from the entrance at County Road. This should have no effect on the estimated traffic volumes.

Mark St. Germaine of St. Germaine & Assoc., on behalf of Pine Tree Waste, presented aspects for the construction of a municipal solid waste transfer facility and construction and demolition processing and transfer facility composed of a 47,475 S.F. (*larger than originally approved*) C&D processing building, a 9,000 S.F. MSW transfer building, and a residential recycling drop off area. The project is situated on a 71.73 acre parcel located at 594 County Road. Tax Map: 2, Lot: 24, Sub: D; Zone: IP.

Ed Reidman is the application complete?

Molly Just the application is complete.

Ed Reidman can I have a motion to that?

Anna Wrobel moved to find the application complete.

2nd by **Michael Taylor**

The vote was unanimous in favor 7-0

Ed Reidman for the change with the plan I think we have some options; does anyone want to take a site walk? Do you want to hold a public hearing? Seeing none are there any further questions or comments?

No comments

Cory Fleming moved the Site Plan Amendment application for the Casella Environmental Park on Tax Map 2, Lot 24D, is to be **approved with conditions** with the following findings of fact and conclusions.

FINDINGS OF FACT

Utilization of the Site

- According to the application information, the property is composed of a vacant overgrown dairy farm, wooded undeveloped areas and wetlands. Included in the wetlands is a vernal pool, which is noted for its environmental sensitivity.
- The plan proposes the construction of a construction and demolition (C&D) processing and transfer facility (47,475 sqf.), a solid waste transfer facility (MSW) (9,000 sqf.), a gatehouse (140 sqf.), scales, and a residential drop-off facility.
- The plan for development reflects the natural capabilities of the site to support development through the placement of buildings and activity centers on the available upland.
- The environmentally sensitive vernal pools have been buffered and protected through the delineation of a “vernal pool preservation area.”

Adequacy of Road System

- Gorrill-Palmer Consulting Engineers, Inc. listed five (5) criteria that must be completed in order for the street system to accommodate the additional traffic generated by the project. These criteria are a requirement of the MEDEP solid waste management permit. Once completed, the traffic engineer found that the road system could adequately handle the proposed traffic.
- The project has or will pay \$150,000 in fees to the MEDEP for improvements to the following:
 - \$50,000 for the intersection of Spring St. & County Rd.
 - \$50,000 for permanent improvements to County Rd.
 - \$50,000 for existing capacity deficiencies on County Rd.

Access to the Site

- Gorrill-Palmer Consulting Engineers have designed an ingress/egress. The design includes a left turn bypass lane from County Road and a three lane ingress/egress. The design will provide for safe and convenient access to the site.
- The applicant shall construct a left turn lane from County Road.

Internal Vehicular Circulation

- The project provides for safe passenger, service, and emergency vehicle movement within the site. A gatehouse and scales will manage the flow of traffic to and from the C&D and MSW facilities. Adequate stacking for vehicles waiting to pass the gatehouse and scales has been provided.
- The roadways have a maximum slope of 7%.

- The proximity of the residential drop-off area should minimize conflicts between passenger vehicles and commercial waste hauling equipment.

Pedestrian and Other Modes of Transportation

- Pedestrian activity by patrons of the facility will be mainly in the residential drop-off area. The location of the drop-off area, and its separation from the C&D and MSW facilities should provide for safe pedestrian movement.
- Trips to this facility will primarily be via automobile. Hence, provisions for pedestrian connections to the neighborhood should not be required.

Stormwater Management

- Adequate.

Erosion Control

- Adequate.

Utilities

- All utilities are underground.
- The Portland Water District confirmed its ability to serve the project in a letter from David W. Coffin, PLS, dated January 29, 2008.
- The City Engineer has confirmed that the City of Westbrook has adequate capacity within the wastewater collection and treatment system to accept 575 gallons per day from this development.
- The lighting plan demonstrates that lighting will consist of 1,000 watt high pressure sodium fixtures set on 30' high poles. The plan also demonstrates that glare from the fixtures will not spill onto abutting properties.
- Currently, there is no public sewer located within County Road to service this project. The City will construct public sewer to the property along County Road.

Hazardous, Special and Radioactive Materials

- The application materials note that the applicant worked with the MEDEP to clean up former dump sites used by the previous dairy farm operation.
- According to the application, the following items will not be accepted, "hazardous waste, free liquids or other materials prohibited by Federal, State of Maine and City of Westbrook regulations."

Technical and Financial Capacity

- Adequate.

Solid Waste

- Adequate.

Historic, Archaeological and Botanical Resources

- A vernal pool preservation area has been provided in the plans.
- A wetland preservation area has been provided in the plans.

Landscape Plan

- The landscape plan has been designed to provide screening of the three (3) main facilities.
- The applicant has demarcated a no-cut vegetative buffer (“proposed tree line”) along the periphery of the site and an additional tree buffer behind the C&D building.

Others

- The noise study performed by Epsilon Associates notes that under their “worst-case scenario,” the project will still meet the regulatory requirements of both the City of Westbrook and the MEDEP. This worst-case scenario took into account the location of the C&D facility and the presence of vehicle alarms and haul truck deliveries. The MEDEP standards, which are the more stringent than Westbrook’s, require that sound at the property line not exceed 70 dB (A) during daytime hours and 60 dB (A) during nighttime hours. The project will be in compliance with these standards.

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 plans 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. Prior to the certificate of occupancy, the applicant shall construct a left turn lane on County Road to provide access to the facility's main entrance. A performance guarantee shall be required.
2. No building permits shall be issued and no work shall occur on the site prior to the applicant showing proof of all required State permits.
3. If either any State permit or the host agreement with the City will result in changes to the approved site plan, the applicant shall return to the Planning Board for review and approval of such changes.
4. The applicant shall designate on the plans an uncut vegetative buffer in the area between the C&D Building and property known as 0 County Road - Tax Map 2 Lot 24E. In the event that the abutting residential uses are discontinued and changed to commercial or industrial uses, the applicant may request a modification of this condition, which may include a reduction of the buffer. If property within the designated buffer is transferred to the Nobles, the designated uncut vegetative buffer will thereby be amended to include only the remainder of the designated buffer on the Casella Environmental Park property.

2nd by Rene Daniel

Rene Daniel Molly, what if Kirk and Ruth Noble sell the property to the State of Massachusetts, isn't the reference usually to the address, instead of peoples names?

Molly Just that is an excellent point, this is a holdover from conditions with prior approvals for this project. What we can do is have that changed and it will be on the Mylar, the address, map and lot will be on the Mylar.

Ed Reidman any other questions or comments?

Dennis Isherwood would all conditions that apply to the February 8th approval still be in place?

Ed Reidman yes we are not negating the original approval.

Molly Just actually if I could, these conditions since the City and the applicant have entered into a host agreement some of the conditions have been resolved one way or the other. In the February conditions it talked about Sewer. The City is providing sewer to the site so we do not need to put that as a condition. The City and the applicant have negotiated that the applicant will construct a left turn lane on County Road that was up in the air at the time of the last approval so I believe that these conditions can go ahead and negate the prior conditions.

Ed Reidman if the agreements were not dealt with, those conditions would still be in place. Now they have been dealt with by the City and the applicant so therefore the conditions have been met.

The vote was unanimous in favor 7-0

4. Land Use Ordinances – Section 504 - Site Plan Review Requirements and General Provisions – The intent is to allow a modified approval process for minor changes to Site Plans approved since adoption of the current Ordinance (2/09/04).

Summary. This amendment seeks to enable a simplified review and approval for applicants seeking a minor change to an approved site plan. Currently, any change whatsoever to an approved site plan would require a site plan amendment which is no different than a new site plan, with the same level of detail to the plans and information submitted with the application form. The draft application and parameters (see attachment) lay out a series of criteria to ensure that changes that would result in an increased impact *would not* be reviewed under the simplified review.

An important component of the criteria is the requirement that the approved site plan was approved under the current ordinance, which includes stepped up site plan standards. This would ensure that the site plans that would be changed would have received the same level of review under the same performance standards, which should create a more level playing field for the applicants and peace of mind for staff and the Planning Board.

Update. At its March 3, 2009 meeting, the Planning Board requested that the proposed parameters be revised to limit the number of times an applicant can obtain an

administrative change approval and to refine the allowable increase in building size to be applicable to a wide range of building sizes. The requested revisions are reflected below and in the attached application form.

The applicant would have to meet all of the following criteria to receive the simplified review:

- a. The site plan was approved since adoption of this ordinance (adopted 2/9/2004) and no more than two administrative change approvals granted;
- b. The proposed change(s) would be located within existing structures, and there would be no demolitions, or building expansions other than those permitted by subsection c of this section;
- c. Any necessary building expansion would have an increased maximum gross density factor of no greater than 5%, no increase in the number of dwelling units and the proposed change(s) would require a minimal increase in paved surfaces;
- d. The proposed change(s) would not add curb cuts or driveways; would not disrupt the circulation and parking on-site; and would add no drive-thru services;
- e. The curbs and sidewalks adjacent to the lot shall meet minimum requirements and shall be in sound condition and sidewalks in good repair with uniform material and level surface and meet the accessibility requirements of the Americans with Disabilities Act;
- f. The proposed change(s) would not increase parking demands as determined by Section 505.1 or traffic generation as determined by the International Traffic Engineers Trip Generation Manual, latest edition and would result in no significant increase in hours of operation;
- g. The proposed change(s) would not increase stormwater impacts to the site or to adjoining properties;
- h. The proposed change(s) would not reduce screening from adjoining properties and would not reduce the amount, intent or quality of landscaping; and
- i. The proposed change(s) would not increase demand on public or private utilities and would pose no disturbance or require improvements within the public right-of-way.

The proposed criteria and provisions would become part of the site plan section of the ordinance and, therefore, must be approved by the City Council as a zoning ordinance amendment. The Planning Department seeks a positive recommendation from the Planning Board on this item following a public hearing.

Ed Reidman we are going to public hearing on this item, what date and time?

Molly Just the second meeting in April.

Rene Daniel moved to schedule a public hearing on April 21st, 2009.

2nd by **Anna Wrobel**

The vote was unanimous in favor 7-0

5. Land Use Ordinances – Section 401 – Shoreland Zoning - To update the Shoreland Zoning regulations to comply with the 2006 State of Maine Guidelines for Municipal Shoreland Zoning Ordinances.

Summary. This is a proposal to update the City's Shoreland Zoning provisions to comply with Chapter 1000 the 2006 State of Maine Guidelines for Municipal Shoreland Zoning Ordinances. The State does not require that municipalities adopt the guidelines verbatim nor does it require that municipalities create and adopt all available sub districts. The Planning Department worked with the City Attorney to develop the proposed changes. The proposed changes to the existing Shoreland Zoning provisions for Westbrook are intended to provide more clarification in the following areas: 1.) Intended uses within the Shoreland Zone; 2.) Expansion of non-conforming structures; 3.) Replacement of vegetation; 4.) Reconstruction or replacement of non-conforming structures; and 5.) Expiration of permits. The proposed changes do not affect the Shoreland Zoning map.

Ed Reidman again, we are agreed to move forward. We need to schedule a public hearing following the previous one on April 21st?

Rene Daniel moved to schedule the public hearing on April 21st, 2009

2nd by **Dennis Isherwood**

The vote was unanimous in favor 7-0

6. 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*