



# City of Westbrook

## DEPARTMENT OF PLANNING

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### WESTBROOK PLANNING BOARD TUESDAY, APRIL 6, 2010, 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), Cory Fleming (Ward 4), Robert Morrill (Alternate), Michael Taylor (At Large), Rebecca Dillon (Alternate)

Absent: Scott Herrick (Ward 3), 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 that Michael Taylor is an at large member of the Board and Rebecca Dillon is a newly appointed alternate member of the Board and Cory Fleming is now representing Ward 4.

#### 1. Call to Order

##### Continuing Business

2. **Site Plan, Subdivision and Village Review Overlay Zone – 917 Main Street – St. Germain & Associates, Inc. on behalf of Westbrook Housing for the construction of a 3-unit live/work condominium building on an approximately 0.11 acre site located at 917 Main Street. Tax Map: 32, Lot: 106, Zone: City Center District, General Development Shoreland Zone, Downtown Housing Overlay District and Village Review Overlay Zone.**

Summary Westbrook Housing proposes to construct a three-story, 3-unit live/work residential condominium on the same property that the Planning Board approved demolition of a building at their November 10, 2010 meeting. The Conditions of Approval that were established at that meeting will be superseded by new Conditions of Approval established to govern the redevelopment of the property. The building would be four stories, with one floor below grade serving as a basement. The remaining three stories would consist of an approximately 300 square foot commercial space and 1-car garage on the first floor, a living and kitchen area on the second floor and 2 bedrooms on the third floor. The building would incorporate many “green” technologies in order to reduce the operating costs to the owner and the impacts of the building on its surroundings.

Staff Comments None

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**Dick Begin** Westbrook Housing Authority. The last time we left off at the second meeting we had questions left in the air such as; decks, plaques and bicycle racks and things like that. At this point we have addressed all of those. I have with me, Brian Curly with PDT Architects and Peter Delphonso from Mark St. Germaine Associates. Guy Gagnon who spoke twice before could not attend tonight's meeting as well as Mark St. Germaine. Hopefully the back up team as we are called can answer any of your questions. At this point I am not sure of the formality as to addressing any questions the Board may still have or do you want us to move forward?

**Ed Reidman** give us a general presentation so the new members to the Board and the people in the audience will understand the project.

**Brian Curley** PDT Architects, I will show a slide show of the project. The units are set up as three individual units with a retail space below with a parting wall in between each unit. The work portion of this is basically shop space which is a minor portion for square footage. When the potential buyers purchase the unit, they buy the shop space on the first floor with a garage on the back side facing the river. There is a walk up on the back side with a living room and a kitchen on the second floor and the third floor has two bedrooms.

The unit plans show separate basement spaces and a garage on the back side and you can see the shop on the Main Street side. On the floor plans, it shows the stairs going up to the kitchen facing the river, a dining area and a living room here. Each individual unit has two bedrooms, one facing Main Street and one facing the river.

On the back we discussed the balconies. I am showing you the elevations from Main Street showing the individual entries into the work area with a store front adjacent to it and up above is the bay windows. Along the east elevation as you come around the corner by Dana Street is low plantings, with brown faced block and up above you have hardy plank siding with vinyl windows above. On the other side is a plaque that is mounted on the face of the building here and a bike rack mounted here. On the back side you can see the three individual decks and the three garage doors. These are the exterior elevations and how the building lays out.

\*Editors note\* Showed the movie plan of the project

**Peter Dalfonso** a civil Engineer from St Germaine Collins presented the site plan. The site is located on the corner of Main Street and Dana Street and is a very small lot about .1 acres. Originally this parcel had an old building that has been torn down and our new building has a considerable smaller footprint, about 600 square feet.

Utilities: water will come in from Dana Street and the rest of the utilities will come from Main Street. Drainage: the water run off before just ran off the roof and the parking areas towards the river to a couple of catch basins. We are going to pick up all that drainage either from the roof drain to a storm drain that runs into an existing 48" storm drain that runs into Dana Court. The rest of the run off from the parking areas will run overland to a tree box. We have an area added here, a little courtyard that was shown last time and we have added porous pavers to that and that will be under drained to the storm drain to Dana Street.

We had a couple of issues that we needed to cover at the last meeting: one being the Recreation and Conservation Commission had not had a chance to review the project. They since have done that and had a couple of minor issues, one of them was the request to add the porous pavers in the court yard and the Housing Authority was agreeable to that. They are requiring a fee and the Housing Authority is agreeable to that also. The last item is that we had some bearberry plants beside the road and they wanted to change that to an ornamental grass and the Housing Authority prefers not to do that for a couple of reasons. The

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bearberry is hardier in the situation where you will have a lot of salt and snows piled on top of it and were worried about a fire hazard with tall dried up grass all winter right next to their building. That is why they did not want to change that. The only other issue was a few minor issues with the sidewalks. Since that meeting Guy Gagnon and I met with Molly Just and staff and have met all the Street Scape requirements, added a bike rack and meet the ADA ramp requirements.

**Ed Reidman** refresh my memory, did we declare the application complete?

**Molly Just** I do not believe we did,

**Ed Reidman** in order to move forward the Board needs to declare the application complete. Do I hear a motion?

**Rene Daniel** move to declare the application complete.

**2<sup>nd</sup> Michael Taylor**

**The vote is unanimous in favor 6-0**

**Ed Reidman** Ms. Dillon is not voting tonight as she has not been sworn in yet, although she is able to participate. At this point, does anyone have questions of the Housing Authority, Architect or Engineer?

**Rene Daniel** I am employed by Westbrook Housing, however I do not believe it is a conflict as I will not get a promotion or a raise.

Question, can someone talk to me about the Bike Rack? The last condition that is stated at the end states whatever we see or what ever we hear or what ever you agree to verbally becomes written in stone. So for me to make sure that Mr. Gouzie has solid facts... The last time I saw that bike rack it was not there, it was where the two small bushes are on the left side of the building and now I see that the bike rack has been moved out front. Was there a logical reason for that?

**Peter Dalfonso** yes, we met with Molly a couple of weeks ago and we went over all the issues with the Street Scape and this was the preferred location by the City and we did not have a problem with that so we added that detail to the detail sheet.

**Rene Daniel** the decks, who wishes to deal with that? Yes, when you showed your movie... it looked like from the side view that the deck was framed out to be solid. When you went behind the building it looked like you can see through it. Is that going to something like glass?

**Brian Curley** something lighter, more transparent so the people can look out. Solid on the side so you do not see your neighbor grilling or standing there but transparent on the water side so you can look out into the water.

**Rene Daniel** Mr. Morrill last time asked a question that had to do with the doors. Are you going to have doors going out as I did not see them?

**Brian Curley** I do not know if you caught it on the floor plan, on the third floor it has sliding doors.

**Rene Daniel** dedication plaque, who wishes to discuss that one,

**Dick Begin** basically, Mike Sanphy the Westbrook Historical Society President has been contacted and has graciously said he will be putting something in writing as far as the plaque. Once the building is erected, the plaque will be made and installed as seen on the plans. Obviously it will be something that will reflect the Universalist Church. That is being taken care of by the Westbrook Historical Society for us.

**Rene Daniel** the lighting, I was somehow either told or heard at your last presentation that I thought there would be lighting in the front of the building, not poles but on the building itself.

**Brian Curley** it was on the movie, it showed the building mounted lights between each unit.

**Rene Daniel** is that going up and down or just down?

**Brian Curley** a pendant mounted light that shines down.

**Rene Daniel** I must have misunderstood that, I thought it was up and down.

**Brian Curley** there will be no light shining up. It will not shine in your face as you are looking out the window, it will be a pool of light shining on the sidewalk.

**Rene Daniel** just about the grass, dry grass can be taken care of by cutting it. So that is not a logical reason for me. The statement that said I do not want grass there because it is going to be dry and may catch fire, but I like the berries better so I will not fight that battle.

**Michael Taylor** I have some concerns and questions. I looked at your project and it is a very nice project for the street and I thank you for coming forward with the plan that makes a statement for the down town

I have some questions regarding Dana Street, how is it going to be handled? Are you going to restrict parking on Dana Street on their side? There is no sidewalk on that site.

**Molly Just** looking at the plan there is less public way then what appears to be a public way. It is actually on private property.

**Michael Taylor** are you going to restrict parking?

**Molly Just** there will be less room so the parking will be on the other side. If it becomes a problem we absolutely will.

**Michael Taylor** trash?

**Brian Curley** City pick up in the front of the building.

**Michael Taylor** you say you are going to have live, work, residential units. Please describe live, work, residential.

**Dick Begin** basically we are describing it more as a living arrangement. The work space itself will only be 300 square feet. The emphasis is more on living then working. It is a unique concept. These three condos because neighborhood stabilization funds that are being used and the Federal Government stimulus, we are going to have to sell... buyers that fall under 120% area income limit which is between \$60,000 for one person and \$72,000 for three people. Basically the condo is going to be emphasized then the work space.

**Michael Taylor** right now the City of Portland City Council has a project... the St Patrick condominiums that were done on Congress Street. They are going forward because they can not sell the condos \$60,000 each, I mean at the \$60,000 income right now.

**Dick Begin** you may not be aware of this but we have Westbrook Housing and Westbrook Development Corp is almost the same entity but has separate Boards and that is our development. I was before the Portland City Council last week as you may have seen that we were able to get five units rescinded.

**Ed Reidman** in order to move forward there are a series of proposed motions as provided by staff. Do I here any motions?

**Michael Taylor moved** The Subdivision Plan application for Westbrook Housing on Tax Map: 32, Lot: 106, is to be **approved with conditions** with the following findings of fact and conclusions.

***FINDINGS OF FACT***

**A. POLLUTION AND SEWERAGE DISPOSAL**

- Adequate.

**B. WATER**

- Adequate.

**C. SOIL EROSION**

- Adequate.

**D. TRAFFIC**

- The proposed project would have minimal impact on existing traffic around the subject property.

**E. SEWERAGE**

- Sewerage would be via the municipal wastewater system.

**F. SOLID WASTE**

- The residential units would be served by the City's trash and recycling service.

**G. AESTHETICS**

- Appearance Assessment:

1. Project to Site – The building is located on the small, 0.11 acre site, as best as could be expected while still providing the required off-street parking.

2. Project to Surrounding Property – The project would be accessed from Dana Street and the understated and modern and high quality architectural style will serve to “set the bar” for high quality materials and elements for other nearby properties as they redevelop.
3. Landscape Design – Adequate.
4. Lighting – Adequate.
5. Signs - Any project or individual commercial signage would require Village Review Overlay Zone approval, building permit approval and shall be consistent with the sign requirements of the City Center District.

#### H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- Comprehensive Plan – The subject property is located within the Downtown District of the Comprehensive Plan. The proposed use and density are allowed in this District.
- Downtown Streetscape Plan – This project is in conformance with the Downtown Streetscape Plan as the building meets the street and provides good visual access to the first floor commercial space, a wide sidewalk with street trees with metal grates and a bicycle rack in the amenity zone of the sidewalk.
- Recreation & Open Space – Pursuant to the requirements of Section 502.6 A (Additional Requirements – Public Open Space), the Recreation & Conservation Commission considered this project at their March 18<sup>th</sup> meeting. The Commission voted to recommend Planning Board approval of the project subject to the following considerations by the applicant:
  - Provision of a fee in lieu of open space in the amount of \$1,229 for the provision of off-site open space. *This will be provided by the applicant.*
  - The use of porous pavers in the common outdoor area on the west side of the building. *The applicant has depicted porous pavers on the updated plan set.*
  - Instead of Bearberry, a shade tolerant evergreen flowering plant, utilize Miscanthus, a perennial grass. *The applicant does not support this change and has provided sufficient evidence that Bearberry plantings are appropriate for this site.*
- Community facilities impact analysis – If required.

#### I. FINANCIAL AND TECHNICAL CAPACITY

- Adequate

#### 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.

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7. The proposed site plan **will not** cause an unreasonable burden on the municipality's ability to dispose of solid waste.
8. The proposed site plan **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed site plan **conforms** with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
10. The developer **has** adequate financial and technical capacity to meet the standards of this section.
11. The proposed site plan **is** 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** 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 February 19, 2010 and plans dated February 22, 2010 and revised to March 30, 2010 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 City Planner or Planning Board.
2. Prior to issuance of the first building permit for the project, a fee in the amount of two percent (2%) of the project's total site improvement costs shall be made payable to the City of Westbrook for site inspections made by the Code Enforcement Officer and/or other appropriate City staff. If the project requires both Site Plan and Subdivision approval, this fee shall only be paid once.

3. Prior to issuance of the first building permit for the project, a fee in the amount of \$1,229 shall be made payable to the City of Westbrook for the provision of off-site open space pursuant to section 502.6 A of the Land Use Ordinances.
4. Prior to the Planning Board signing the mylar, the applicant shall pay the cost of the required notice to abutters.

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

**The vote was 5-0 in favor (Cory Fleming abstain)**

**Cory Fleming** I am uncomfortable with the design for the historic downtown area and can not in good conscious vote for it however I understand the need for this housing project downtown and I will not vote against it, so I am abstaining.

**SITE PLAN REVIEW**

**Michael Taylor moved** the Site Plan application for Westbrook Housing on Tax Map 32, Lot 106 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 setting in the downtown.

**Adequacy of Road System**

- The proposed project would not place an undue burden on the road system.

**Access to the Site**

- Access to the new building would be from Dana Street.

**Internal Vehicular Circulation**

- Adequate.

**Pedestrian and Other Modes of Transportation**

- The sidewalk would be built in a manner consistent with the Downtown Streetscape Plan.

**Stormwater Management**

- While the site is not required to seek a Stormwater permit from the Maine DEP due to site size, the development will incorporate a tree box filter in the northwest corner of the property, where run off will be channeled. In addition, the building incorporates a flat roof design which will allow for the incorporation of a drain that will connect directly to the storm sewer system. These measures should eliminate a significant amount of the run off produced by the impervious areas of the site. *Staff supports these measures.*

**Erosion Control**

- Adequate.

**Utilities**

- Adequate.

**Hazardous, Special and Radioactive Materials**

- N/A

**Technical and Financial Capacity**

- Adequate.

**Solid Waste**

- The residential units would be served by the City's trash and recycling service.

**Historic, Archaeological and Botanical Resources**

- N/A

**Landscape Plan**

- Adequate.

**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 February 19, 2010 and plans dated February 22, 2010 and revised to March 30, 2010 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 City Planner or Planning Board.
- 2) Prior to Planning Board signature of the mylar, the applicant shall work with the City Engineer to ensure that the ramp at the eastern edge of the sidewalk is designed to be ADA compatible.
- 3) The applicant shall incorporate the following environmentally responsible components in the construction of the building:
  - a) Building Envelope
    - i) The building shall incorporate windows that open to the outside and that have an energy performance rating of Energy Star or better.
    - ii) The building shall incorporate an exterior air barrier system.
  - b) Systems
    - i) The building shall include occupancy sensors for lights.
    - ii) The building shall incorporate a solar powered exhaust ventilation system.
  - c) Finishings
    - i) In unit appliances shall be have energy ratings of Energy Star or better.
    - ii) Paint and flooring materials shall incorporate “Low VOC” (volatile organic compounds) materials.

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

**The vote was 5-0 (Cory Fleming abstaining)**

### VILLAGE REVIEW OVERLAY

**Michael Taylor moved** the Village Review application for Westbrook Housing on Tax Map: 32, Lot: 106 is to be **approved with conditions** with the following findings of fact:

- (1) Scale of the Building. The scale of the building depends on its overall size, it’s mass in relationship to the open space around it, and the size of its doors, windows, porches and balconies. The scale of a building must be compatible with its site and neighborhood.

- The scale of the proposed building is consistent and complimentary to those buildings surrounding it.
- (2) Height. Change in the building height can have a negative impact on how a street appears. While maintaining a particular height is not required, changes in height must be visually compatible with the streetscape and the neighborhood.
- The building height is consistent with that of surrounding buildings.
- (3) Rhythm of Front Facades. In reviewing any façade, the pattern of doors, windows and wall surface, their height and width, should be visually compatible with the neighboring structures.
- The rhythm of the facades is consistent with and complimentary to that of surrounding buildings.
- (4) Relationship of Façade Shapes and Materials. The relationship of façade shapes and materials should be considered in relation to the surrounding neighborhood. In particular, the rhythm of shapes, pitch, and orientation to the street on which the structure fronts should be maintained.
- The façade shapes, materials and colors are complimentary to that of the surrounding buildings and the neighborhood.

#### EXISTING CONDITIONS TO BE SUPERSEDED

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application submission package dated October 6, 2009 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. If no building permit has been filed within 8 months of demolition then the applicant shall clear the site and establish and maintain a grassy lawn on the site.

#### CONDITIONS

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application submission package dated March 5, 2010 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 City Planner or the Planning Board.
2. Prior to issuance of the first building permit for the project, the applicant shall pay the cost of the required notice to abutters.
3. Signage for the project or for commercial businesses requires building permits and also shall be reviewed and approved under the provisions of Section 403 Village Review Overlay Zone.

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

The vote was 5-0 in favor (Cory Fleming abstaining)

**3. Final Subdivision, Final Site Plan and Special Exception Approval Extension – Stroudwater Landing – Daniel J. Maguire, on behalf of Stroudwater Landing, LLC, for an 18-month extension of the Final Subdivision, Final Site Plan and Special Exception originally granted on May 1, 2007 for the creation of a 103 unit condominium project on a 65.3 acre parcel located on 449 Stroudwater Street and on a vacant parcel of land between 300 and 328 Spring Street. Tax Map: 9, Lot: 20 and Tax Map: 8, Lot: 3A, Zone: Residential Growth Area 1.**

This project received Final Subdivision, Final Site Plan and Special Exception approval on May 1, 2007. In accordance with Westbrook's Ordinance, this gave the applicant a one-year time period in which to commence the project. At its December 4, 2007 meeting, the Planning Board approved an extension of the approvals to May 1, 2009. At their February 3, 2010 meeting, the Planning Board approved an extension of the approvals to May 1, 2010. Due to the reasons explained in the applicant's letter (included in your packet) the applicant is requesting an eighteen month extension of the approval. Planning staff supports this request as it would enable the applicant to retain an existing approval while requesting an amendment to construct a more economically viable project in the current real estate market. The applicant will present a revised proposal for the property. Any change would require amended approvals by the Planning Board.

*If approved, the correct motion would be to extend the approval date to October 1, 2011.*

**Ed Reidman** if you look on page eight of the memo there is a description if we choose to make a motion.

**Daniel Maguire** Sandy River Health Systems and I appreciate coming before you again. As you may recall we were originally approved for a site plan in May of 2007 that included one hundred and three for sale retirement cottages. We have come back to the Board twice now, in 2008 and 2009 to extend those permits. We have done it primarily due to the economic climate did not allow for sale retirement community project or probably any project in the last couple of years.

Since we were here last year in May of 2009 a few things have happened; we have managed to extend our DEP Permits until 2011.

Second, we have gone back to the Animal Refuge League. Our project includes fifty-three acres that we have under option with the Animal Refuge League. One of the issues we had in terms of doing the project with phasing it was that we were required to buy the entire fifty-three acres. We have negotiated a deal that we can take it down in phases, which have helped us with the financing.

Third we are seeing signs of the economy improving, particularly on the senior housing front. One of the reasons why we are here today is that we would like to switch the project and move away from the for sale product to what I would call more of a needs driven retirement community that includes assisted living, memory care, independent living apartments and maintain some of the for sale cottages. What has happened is the capital markets are recognizing the need to get back up for the Senior Housing front as long as a need driven project and not a for sale real estate project.

The fourth thing that has happened is we have a project done. I am part of a group that is in partnership with a group that is out of Burlington Massachusetts and we have all the business planned to do about five or six memory care facilities.

The next piece in terms of financing is that HUD is still a viable option, particularly for these kinds of projects.

Nancy St Clair from Sebago Technics is with me today who has been revising our concept plans and figure out how we will phase this project. We have met with City Staff a couple of times since we met with you last. The intent is to do three phases instead of the original five phases on the project.

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**Nancy St Clair** with Sebago Technics and we have been working with Sandy River to look at some alternatives for their project. What I wanted to clarify tonight is what we are specifically here tonight to ask for an extension on the permits you have already granted for the project.

I would like to introduce some of the new ideas that we have and will be coming back to you as part of an amended plan process to present in further detail. I am here to give you a bit of an overview.

In your packets you have two 11x17 images, the first is the original plan approved for this project consisting of the one hundred and three for sale units, a mixture of single cottages, duplexes, triplexes and quads. There were a number of private streets that came off of Landing Road the interconnecting street between Spring Street and Stroudwater Street. Landing Road remains intact as part of this project. Some of the different phases of the project have been modified.

If you open up the 11 x 17 black and white plans I would like to review that first. In that plan the first phase of the project had twenty-one units, three of which were located immediately on the left of Landing Road as you came in off Spring Street and the remainder were on the southerly side, the right hand side of Landing Road in a small area where there were two roads, Hendrickson and Red Quill. It is this area that we would like to look at placing a memory care center that would be named Aveta Stroudwater. So the twenty one units that are in phase one would be replaced with the memory care center, centered essentially in the area of Red Quill and Hendrickson. The three units that were first off of Landing Road have been eliminated and the memory care unit would be in that first pod. That was the original phase one.

Phases 2 and 3 of the project were located on the northerly side of Landing Road, on the left. These roads were Catus and Hornberg. Hornberg and Catus would be eliminated as part of the second phase. The second phase if you recall from about a year ago, Daniel talked about an independent and assisted living facility in that area. That is shown on the plan as a double y shaped building on the northerly side of Landing Road. That will be a one hundred and twenty unit facility that is envisioned to be a three story building that will provide assisted and independent facilities for about one hundred and twenty folks that will be called the lodge and will be part of phase two. Phase three of the project is the original phase four from your approved project that is forty-four for sale units, in the area of Coachman, Hares and Cahill that is located on the southerly side of Landing Road in behind the new school.

As I mentioned we are looking to have the permits extended so they can remain valid while we design the different elements of the project and come back to you seeking an amended approval for the different phases. Our vision for that will be that we will come before you with a fully detail design plan for the memory care center, phase one. We would also at that time provide you an overview of the schematic information with regard to phase two, recognizing the full details of that building and the site plan of that would come closer to the construction of the second phase. The third phase remains as was originally designed and approved by the Board as part of the original project.

We would like to get your comments and thoughts. Hopefully this gives you a little bit of information of how we would like to proceed recognizing how the market changed greatly over the time period and we are hoping that with these new elements in the plan we can move forward with construction. The key of the project as reviewed by the minutes, designs and approvals for this is to fit the project harmoniously into the landscape. As part of our design we will respect the land form and work the project within that and try to replicate all the attributes of the original plan design, recognizing that we do need to move forward in the different economy that we have now.

**Daniel Maguire** again I want to stress that we are not here for sketch plan review. We are here to ask for patience and continued support and request to extend our existing permits for eighteen months. We would really like the City's permits to be extended to coincide with the DEP permits. We are graciously asking you to extend this one more time and help us get this done.

**Ed Reidman** I think technically the extension is for seventeen months since you already have approval until the first of May. The purpose in front of us tonight is to the request to extend the previous approvals form May 1<sup>st</sup>, 2010 to October 1<sup>st</sup>, 2011. Before we get to that are there any comments on the proposal just put before us?

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**Rene Daniel** I was extremely excited originally when you first came before us. I am even more excited on what has been presented. In my occupation I deal with seniors and near seniors and in the future I think this project is the only way to go. I think the need for my generation and others that will be living longer will need memory care facilities as in this project. This project is a gigantic asset for the citizens of Westbrook.

**Daniel Maguire** I wish to comment on Alzheimer's care quickly. There are only two facilities in the State of Maine that were designed for dementia care and Alzheimer's care from the ground up and this is the third facility. We look forward to the creation of a state of the art care facility and want to bring this to the community and appreciate your comments.

**Ed Reidman** other comments?

**Cory Fleming** I am going to echo Mr. Daniel's comments. I think this is a needed project given the changing demographics in our society. I am just a little concerned that we appear to be moving from a really well planned neighborhood for Westbrook to more of a campus setting. I think that the campus is needed but I guess I do not want to lose what I understand to be elements of the first plan as we move to the second plan. My recollection is there was to be trails planned in this area. I think there was discussion of a neighborhood community center and I think we had requested some other neighborhood facilities. When we get to hearing the design I would want to hear about those types of things.

**Daniel Maguire** by all means we intend to keep the elements of the first plan and are working closely with the Animal Refuge League in keeping the walking trails, so I appreciate that.

**Rebecca Dillon** I just have a few comments. I agree with Ms. Fleming on the whole feel of the campus because it is starting to feel like a campus now instead of older plan which looked like smaller neighborhood.

Also I get a little nervous when I see the reference to the memory care building and other facilities that you are working on... The only comment I have on that is to make sure the building is unique to Westbrook and not that building replicated here.

**Daniel Maguire** that will not happen, the one I referenced Massachusetts and we recognize that we are not in Massachusetts and that we are in a different community. We want to keep it the same type of flavor we had on the retirement community.

**Dennis Isherwood** I am not as excited about as everyone else is. I was here in 2007 and I was excited about it then. We believed in something that was going to start soon, and then in 2008 I sat here still with a promise that it was going to start in 2008 and 2009 the same thing. Now in 2010 you are asking for another year and a half. I really do not think it is going to start at all. I do not have the confidence that my Board members have. I am disappointed that we have not seen it sooner.

**Daniel Maguire** I can assure you that there is no one more disappointed than me. We did want that project to start on time. When we came before you it was during the down side of the real estate market. I am sorry that it did not start but I am thankful that we did not spend two million dollars building roads and infrastructure and be sitting out there not being able to sell those units. The capital markets are shifting in senior housing and starting to be favorable towards things like memory care.

I can not promise anything but I can say we are committed to the City of Westbrook. We are not asking you to vote on this plan, we are asking you to extend the permits already approved then work on this and work with you and City Staff to create something good for the City.

I understand and share your concern.

**Dennis Isherwood** I do not think it is fair to this Planning Board. There are probably half of us that were here when you first came in front of us in 2007 and they did not see the original project that was planned. It has changed enormously. It is quite a bit different.

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**Daniel Maguire** to be honest with you it started as this type of project and we changed it to for sale cottages right before coming to Board.

I am personally excited that we have gone back to our original plan in creating a full service retirement community that does include assisted living and memory care.

**Robert Morrill** I want to make sure I understand what the request is as I was not on the Board prior to. The project has already received subdivision, final site plan and special exception approvals?

**Molly Just** that is correct.

**Robert Morrill** this seems to be a fairly significant change from what was initially approved on May 1<sup>st</sup> of '07.

**Molly Just** the applicant is not request approval of changes tonight. The intent behind showing the vision that will come forward as series of amendments is that the applicant has come to the Planning Board more times then what is usually acceptable for the Planning Board extension of initial approvals. Given the change in the market the application, the applicant has found a project that will work better in this market and at this time does need to request another extension while these current approvals are existing, then come back to amend the prior approvals. The request is to extend the current approvals not to make any kind of request for a decision on the changes that have been discussed.

**Robert Morrill** we extend this for 17 months and they want to break ground tomorrow on what was previously approved they can do so?

**Molly Just** they can do so.

**Robert Morrill** with what is happening with the Comprehensive Plan and with those types of changes... we extend this out for 17 months is there conflicts with those plans? Are they subject to the new Comprehensive Plan requirements?

**Molly Just** I would be surprised if there are any conflicts with the Comprehensive Plan. The Comprehensive Plan is a series of recommendations and it is not a requirement. If anything I think this Comprehensive Plan will show a greater need then we saw ten years ago for this type of housing.

**Robert Morrill** I believe that is correct but we never know the thresholds that we will have to cross when we approve something from four years...I am a little nervous about giving an extension for eighteen months as Mr. Isherwood has mentioned that was approved on May 1<sup>st</sup> of 2007. I am concerned about what changes has taken place since then from the City's perspective.

**Molly Just** I would be happy to speak to that. I agree there is nothing to say that the project will come back to us for an amendment within the seventeen or eighteen months. There is no guarantee that the project will get built as approved. I would say that given the current market this is much more appropriate project. I would say if the project had started then I would be surprised if it would have been completed since the four years that it had been approved. I would say that the range of product type is more targeted to an identified audience whereas a number of cottages... It is quite apparent that single family housing is not doing so well right now in terms of sales, so I think we will see this project completed sooner then we would from the approved project. From a Staff perspective I fully support this request. I do not like to see this number of requests for extensions. If it were a different project I might not support a different type of project or use. I might not support the extension but given the nature of the proposal and this market in particular I fully support it.

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**Robert Morrill** recognizing that these are conceptual plans and the configuration of phase three has changed from the types of units that was there... the entire project has changed. From a layout it is nothing like the initial proposal in '07.

**Daniel Maguire** might I comment again we are asking you to extend the existing permits and our intent is to come back to the Planning Board to work with you to build something that is good for the community.

The other thing that is important to remember is that particularly on the memory care center that there is a huge need in greater Portland for that product and for that service. It is also going to create thirty to forty jobs for the community that does not exist now in Westbrook.

**Robert Morrill** I am agreeing with the project, my concern is that we have extend once, twice then we are extending it again and what is going to come back to us all be it a much better project it is a significantly different project that what we have final approval for and we are voting to extend the final approval on something that probably will not happen.

**Cory Fleming** I am guessing that having the permits current will be important in terms of HUD financing application?

**Daniel Maguire** we can not close with HUD without having current permits. Another point I would like to make is the people investing in the project will not do it without the extension of the current permits.

**Molly Just** something that has not been mentioned and is a significant component of the project when it was originally approved was the provision of a public street that would connect Spring and Stroudwater. In a lot of projects we get a public street that ends with a cul-de-sac. This project is good planning connecting two major streets. I would also argue that the demographics of this project has fewer single units and this population would be driving less so fewer cars on a new public street for the City connecting two major roads. Given the economy we should remember that the City is getting a new public street.

**Ed Reidman** the reason we are here today is to ask to have their approval for a final subdivision, final site plan and the special exception approvals to be extended from May 1<sup>st</sup>, 2010 to October 1<sup>st</sup>, 2011. That is what we are voting on tonight. The issue has been sort of clouded with the proposal to change the program. We have had the opportunity to offer comments on regard to that one and at this point I would like to ask for a motion to either extend the date to October 1<sup>st</sup> or not to extend the date.

**Michael Taylor** how many times can we extend this?

**Ed Reidman** as many as we want but generally I would say we extend twice maybe three times and then we say no you are really not ready, so...

**Michael Taylor** has there ever been a provision out there to say this is it?

**Ed Reidman** given that they have approval by DEP until October 1<sup>st</sup>, 2011 I suggest that would be the drop down date. I fully expect that they will come back to us with revised plans and we will look at the project again and again we will have the opportunity to vote the project up or down.

**Cory Fleming moved** to approve the extension of the final Site Plan, Subdivision and Special Exception approval for Stroudwater Landing located on a vacant parcel of land between 300 and 328 Spring Street. Tax Map: 9, Lot: 20 and Tax Map: 8, Lot: 3A, Zone: Residential Growth Area 1.

**2<sup>nd</sup> by Rene Daniel**

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**Rene Daniel** I have been on the Board for a long time and have very seldom voted more than twice. When they come back the third time I usually say no. But as I said earlier in the field that I am working in and the age that I am I think more of the topic we have been discussing this evening and it is a product the City is going to need. I am going to tell you that I am going to support this request, but I am going to give you the warning. I am going to vote yes but I am going to push you to get the good project done. I am going to stick my neck out and vote yes for this; make it happen Daniel.

**Ed Reidman** any other comments? The motion on the floor is to approve the extension.

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

New Business

4. **Special Exception – Home Daycare Provider** – Brenda Elaine Girardin for Special Exception approval for an 8-child Home Daycare Provider operation on property located at 36 Saco Street. Tax Map: 28, Lot: 86, Zone: Residential Growth Area 1.

**Project Description** – A Home Daycare Provider facility has been operating at 36 Saco Street and is seeking local approval in order to be in compliance with State requirements. The facility is staffed by one adult and provides daycare to eight children.

**Ed Reidman** we know it is a technicality that you need to come before the Planning Board and we know that it all goes back to the licensing, but would you tell us about your operation?

**Benda Elaine Girardin** 36 Saco Street I run a home day care and I have can have up to eight children and right now I have a lot of part time children due to the economy. I absolutely love doing it. My hours are 7:00 to 5:30.

Please ask any questions you might have.

**Ed Reidman** I will ask the Staff; are all requirements met and everything is all in line to go forward?

**Molly Just** the requirement that is not met and is part of the development condition is all of the out door play areas not screened from abutters and I spoke to the applicant when I met with her... so there is a requirement for evergreen trees or shrubs on the western or back lot line and the southern or side lot line. Then there are just standard requirements.

**Ed Reidman** questions of the Board?

**Cory Fleming moved** The Special Exception application for Brenda Elaine Girardin on Tax Map: 28, Lot 86 is to be **approved with conditions** based upon the following conclusions:

- A. A minimum of 50 S.F. of dedicated outdoor play area shall be required for each child, said play area shall not be placed in required yard setbacks.
  - The applicant has provided the back yard of 36 Saco Street as a dedicated outdoor play area, exceeding the 400 square feet required for 8 children.
- B. All play areas shall be enclosed by a minimum of four (4) foot fencing.
  - The subject outdoor play area is protected by a minimum of four (4) feet of fencing.

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- C. A combination of fencing with plantings, shall be installed such that the area is screened from abutting residential properties in terms of both sight and noise.
  - For the purposes of screening the outdoor play area, the applicant shall plant evergreen trees and/or shrubs such as boxwood shrubs and/or Arborvitae trees to provide a continuous and year round visual screen, to at least four (4) feet in height, along the western (back) and southern (side) property lines.
- D. One (1) off street parking space shall be provided for each employee or volunteer, and one (1) off street parking space for every 6 children shall be provided.
  - The subject property includes adequate space for the off street parking spaces required by the 8 children and one employee (3 spaces).
- E. The parking area shall be in a safe location, shall include an area for snow storage, and shall permit the parent to move directly to the entrance for the loading and unloading of children without affecting the movement of other vehicles.
  - Requirement met.
- F. That the proposed facility shall not burden on-site septic or offsite waste disposal.
  - The subject property is served by public water and sewer.
- G. All facilities shall demonstrate that they meet the requirements for licensing by the state and shall provide proof of state licensure prior to issuance of a Certificate of Occupancy and shall meet all sanitary, plumbing code, fire code, and building code requirements, as identified by the Code Enforcement Officer.
  - Requirement met.
- H. Based on location, area traffic, and neighboring uses, the Code Enforcement Officer or Planning Board may set the hours of operation.
  - The hours of operation should be limited to 7: 00 am to 6:00 pm Monday – Friday.
- I. If the operator of the facility is not the owner of the property on which the facility will be located, the operator shall provide evidence of the property owner’s consent to the facility.
  - The operator is the owner of the subject property.

CONDITIONS

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated March 11, 2010 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. For the purposes of screening the outdoor play area, the applicant shall plant evergreen trees and/or shrubs such as boxwood shrubs and/or Arborvitae trees to provide a continuous and year round visual screen, to at least four (4) feet in height, along the western (back) and southern (side) property lines.
3. Prior to issuance of a letter of approval, the applicant shall pay the cost of the required notice to abutters.
4. Prior to issuance of a letter of approval, the applicant shall prove to the Code Enforcement Officer that these requirements have been met.

**2<sup>nd</sup> Michael Taylor**

**The vote was 6-0 unanimous in favor**

**5. Special Exception – Home Daycare Provider – JoAnne Richardson for Special Exception approval for a 12-child Home Daycare Provider operation on property located at 343 East Bridge Street. Tax Map: 51, Lot: 6, Zone: Residential Growth Area 2.**

**Project Description** – A Home Daycare Provider facility has been operating at 343 East Bridge Street and is now seeking local approval of the facility in order to be re-permitted by the State. The facility provides daycare to twelve children and is staffed by two employees.

**JoAnne Richardson and Glen Richardson** 343 Bridge Street the hours of operation is 7 to 6 Monday through Friday.

**Ed Reidman** are there other questions from the Board? Staff is there anything unusual about this one?

**Molly Just** no

**Ed Reidman** no conditions other than the standard one.

**Molly Just** the site meets all the standard conditions.

**Ed Reidman** the Licenses are in place or will be in place?

**Molly Just** correct

**Cory Fleming** moved the Special Exception application for JoAnne Richardson on Tax Map: 51, Lot 6 is to be **approved with conditions** based upon the following conclusions:

- A. A minimum of 50 S.F. of dedicated outdoor play area shall be required for each child, said play area shall not be placed in required yard setbacks.
  - Requirement met for the 600 square feet required for 12 children.
- B. All play areas shall be enclosed by a minimum of four (4) foot fencing.
  - The subject outdoor play area is protected by a minimum of four (4) feet of fencing.
- C. A combination of fencing with plantings, shall be installed such that the area is screened from abutting residential properties in terms of both sight and noise.
  - The outdoor play area is currently screened by mature trees.
- D. One (1) off street parking space shall be provided for each employee or volunteer, and one (1) off street parking space for every 6 children shall be provided.
  - The subject property includes adequate space for the off street parking spaces required by the 12 children and two employees (4 spaces).
- E. The parking area shall be in a safe location, shall include an area for snow storage, and shall permit the parent to move directly to the entrance for the loading and unloading of children without affecting the movement of other vehicles.
  - Requirement met.
- F. That the proposed facility shall not burden on-site septic or offsite waste disposal.
  - The subject property is served by a private subsurface waste disposal system. The system is newer and should be adequate for the use.
- G. All facilities shall demonstrate that they meet the requirements for licensing by the state and shall provide proof of state licensure prior to issuance of a Certificate of Occupancy and shall meet all

sanitary, plumbing code, fire code, and building code requirements, as identified by the Code Enforcement Officer.

- Requirement met.
- H. Based on location, area traffic, and neighboring uses, the Code Enforcement Officer or Planning Board may set the hours of operation.
  - The hours of operation should be limited to 7: 00 am to 6:00 pm Monday – Friday.
- I. If the operator of the facility is not the owner of the property on which the facility will be located, the operator shall provide evidence of the property owner’s consent to the facility.
  - The operator is the owner of the subject property.

**CONDITIONS**

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated March 15, 2010 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. At all times the applicant shall provide continuous screening of the outdoor play area.
3. Prior to issuance of a letter of approval, the applicant shall pay the cost of the required notice to abutters.

**2<sup>nd</sup> Michael Taylor**

**The vote is unanimous in favor 6-0**

6. **Special Exception – Home Daycare Provider – Julia Collins for Special Exception approval for a 6-child Home Daycare Provider operation on property located at 570 Bridge Street. Tax Map: 48, Lot: 9, Zone: Residential Growth Area 2.**

**Project Description** – A Home Daycare Provider facility has been operating at 570 Bridge Street and is now seeking local approval of the facility in order to be re-permitted by the Sate. The facility provides daycare to six children and is staffed by two employees.

**Julia Collins** 570 Bridge Street I am also a home daycare provider and my hours of operation is 7:00 to 5:30 and I am here to ask for a letter of approval.

**Ed Reidman** any question? Any conditions that we should note?

**Molly Just** no

**Richard Gouzie** Rocky Hill School

**Cory Fleming** moved the Special Exception application for Julia Collins on Tax Map: 48, Lot 9 is to be **approved with conditions** based upon the following conclusions:

- A. A minimum of 50 S.F. of dedicated outdoor play area shall be required for each child, said play area shall not be placed in required yard setbacks.

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- The applicant has provided an outdoor play area that far exceeds the 300 square feet required for the 6 children.
- B. All play areas shall be enclosed by a minimum of four (4) foot fencing.
  - The subject outdoor play area is protected by a minimum of four (4) feet of fencing.
- C. A combination of fencing with plantings, shall be installed such that the area is screened from abutting residential properties in terms of both sight and noise.
  - The outdoor play area is screened from view from abutters by mature trees and shrubs.
- D. One (1) off street parking space shall be provided for each employee or volunteer, and one (1) off street parking space for every 6 children shall be provided.
  - The subject property includes adequate space for the off street parking spaces required by the 6 children and one employee (2 spaces).
- E. The parking area shall be in a safe location, shall include an area for snow storage, and shall permit the parent to move directly to the entrance for the loading and unloading of children without affecting the movement of other vehicles.
  - Requirement met.
- F. That the proposed facility shall not burden on-site septic or offsite waste disposal.
  - The subject property is served by public water and sewer.
- G. All facilities shall demonstrate that they meet the requirements for licensing by the state and shall provide proof of state licensure prior to issuance of a Certificate of Occupancy and shall meet all sanitary, plumbing code, fire code, and building code requirements, as identified by the Code Enforcement Officer.
  - Requirement met.
- H. Based on location, area traffic, and neighboring uses, the Code Enforcement Officer or Planning Board may set the hours of operation.
  - The hours of operation should be limited to 7: 00 am to 5:00 pm Monday – Friday.
- I. If the operator of the facility is not the owner of the property on which the facility will be located, the operator shall provide evidence of the property owner’s consent to the facility.
  - The operator is the owner of the subject property.

**CONDITIONS**

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated March 15, 2010 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. At all times the applicant shall provide continuous screening of the outdoor play area.
3. Prior to issuance of a letter of approval, the applicant shall pay the cost of the required notice to abutters.

**2<sup>nd</sup> by Rene Daniel**

**The Vote was unanimous in favor 6-0**

**7. 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*