



City of Westbrook

DEPARTMENT OF PLANNING

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

WESTBROOK PLANNING BOARD TUESDAY, OCTOBER 11, 2011, 7:00 P.M. WESTBROOK HIGH SCHOOL, ROOM 114 MINUTES

Present: Ed Reidman, (Chair) (Ward 5), Rene Daniel (Vice-Chair) (Ward 1), Scott Herrick (Ward 3), Dennis Isherwood (Ward 2), Rebecca Dillon (Alternate), Greg Blake (At Large), Cory Fleming (Ward 4), Robin Tannenbaum (Alternate)

Absent: Michael Taylor (At Large)

Staff: Molly Just

Chairman Reidman called the Westbrook Planning Board meeting to order at 7:00 p.m. in Room 114 of the Westbrook High School.

1. Call to Order

NEW BUSINESS

SITE PLAN – BILL DODGE AUTO GROUP DEALERSHIPS – Saunders Way – Sebago Technics, on behalf of Bill Dodge Auto Group Dealerships for review of prior site improvements and a proposed minor building addition and parking lot improvements. The Site Plan approval would be for all property on Saunders Way that is owned by Bill Dodge. Tax Map: 42B, Lots 101, 103, 108, 109 and 113.

Overview. The applicant requests approval of existing and proposed development on Lots 1-5 and 8-9 of Saunders Way, as depicted on Sheet 1 of 1. New development would consist of a small building addition on the front of the building located closest to Larrabee Road. The purpose of this addition is to expand the vehicle display and customer service areas. In addition, sidewalks, landscaping and vehicle parking would be reconfigured and enhanced in this area.

Background. In 2003, a paved parking lot for approximately 460 vehicles was designed and constructed on Lots 8 and 9 of Saunders Way. Necessary state approvals were granted at that time. In the mid-1990s, site work was completed on Lots 3, 4 and 5 of Saunders Way to create a gravel base surface in anticipation of future development. The applicant purchased the property in 1998 and soon after paved the gravel surface for vehicle parking. Local Site Plan approval was not sought for these projects but the applicant is now seeking approval as part of proposed site improvements. The applicant has provided the as-built conditions for all lots that they own on Saunders Way.

Staff Comments:

Westbrook Planning Board Minutes
September 16, 2011

Waiver: The applicant is requesting a waiver from Section 504.5.C.10.a Final Plan Submission Requirements – Supporting Documents – Portland Water District. *The Planning Department supports this waiver.*

1. Portland Water District Ability to Serve. The proposed building expansion is minor and should not place an increased demand on the water and sewer system.

Dustin Roma Sebago Technics, on behalf of Bill Dodge Auto Group Dealerships, I want to thank the Board for scheduling this special meeting to help move this project along.

What we are looking at here is a minor building addition to the existing building for the Cadillac, Buick and GMC building. We started working on this project earlier this year as they were going through a process with General Motors with their facility image program. What this aims at is the entrance to the facility, parking areas, landscaping, and things like that. They provided some recommendations and Bill Doge took those and put together some plans to improve the image of their facility. When they started looking at the building permit process, it was brought to their attention that work had been done on the site over the years that had not received the necessary site plan approvals from the City. It was news to them and it is understood that it was overlooked and we quickly looked at what needed to be done to bring the site into compliance and make sure that we addressed that with the proposal for the new building addition.

Just a little history on the project, Bill Dodge owns most of the sites in the Saunders Industrial Park. Sites 1, 2, and 3 are on the bottom right side of the plan and 4 & 5 show the main dealership building. The small building is on lot 3 and the parking lot area is to the rear of that. Lots 6 & 7 are the Cell Tower site. Lots 8 & 9 are the parking lot area that is on the top north corner of the plan. Lot 10 to the east is a vacant lot not owned by Bill Dodge. Lots 11, 12 and 13 are the Infinity, BMW, and Kia Dealerships.

The portion of the plan is to bring our site plan current specifically lots 8 & 9 which is a paved parking lot for approximately 460 vehicles built in 2003. Prior to constructing that parking area, it was a grassed in area and did not have development on it. They had engineering plans drawn up and had a design for a storm water detention pond that was constructed. The plans were presented to the MDEP and they received a site location permit for the development and also received a tier two wet land alteration permit, for wet land fill on the site. The Army Corp. and DEP both granted approvals for that and we have included that in your packets.

We have performed an as built survey of the parking lot area to show that it was built in general conformance with what the design plan showed. They did take some extensive care with the buffering requirements for that site. The DEP at the time looked at buffering on the site location permits and on the east side there is a substantial buffer, even the storm water pond which in the south east side of the parking lot is almost not visible from the road. On the north side of the parking lot is the rail road and they have left a stand of trees along the back line to provide some buffering.

The other piece of the site that we are asking for site plan approval to bring us into compliance that was previously constructed is on a portion of lots 4 & 5 which is on the west side of the General Motors building. That lot back in the mid 90's the previous owner had scraped down that lot, installed a gravel surface and tried to make it more marketable either to develop himself or sell it to someone who wished to develop the property. In 1998 Bill Dodge purchased the property with the gravel surface already installed and shortly after paved it for additional over flow vehicle parking for their facilities. There was some wet land fill done in compliance with the permits obtained for the overall subdivision, they did not need to get extra permits to do that work. Since it was considered a maintenance item from DEP paving a gravel surface they did not have to amend the site permits.

Westbrook Planning Board Minutes
September 16, 2011

Again the area shaded in green is a substantial wet land area and was not suitable for development and has grown up and acts as a buffer.

The Westbrook arterial runs along the south side of the property with the park and ride facility there.

The proposed activities that we are looking to get approvals for are the shaded dark brown area on that building that is about 1100 square feet, new building area. As you will see on the architectural plans we have provided that space is essentially an open area that can be utilized for indoor display area. There are also substantial improvements inside of the building that will be undertaken as part of the facility image program.

We did survey and locate all the existing street trees along Saunders Way and we are proposing fifteen additional trees to be planted down there to fill in some of the gaps that was left specifically in front of the BMW dealership and also around the cul-de-sac for the parking lot area that was for lots 8 and 9.

We have met with City Staff on their Monday Morning meetings to discuss the project and have taken into account the comments we received there, we have attempted to review all the site plan ordinances and it is a little different type of project as a lot of it is in place but we would like to take the Boards comments – and if there is any areas that we did not see or overlooked preparing our application we will be happy to add what is necessary.

Ed Reidman does anyone want to take a site walk, have a public hearing? Questions from the Board?

*Editors note – no comments to the questions asked

Ed Reidman this is fairly straight forward. Normally when we approve a site plan we sign a mylar with any corrections have been added or any conditions. Looking at the first sheet, I do not know how you are going to put a signing block on there.

Dustin Roma we will make room and we will find a spot.

Ed Reidman there is a waiver requested. The applicant is requesting a waiver from Section 504.5.C.10.a Final Plan Submission Requirements supporting documents, Portland Water District. It is only the Portland Water District that they are asking a waiver on for this submission?

Molly Just that is correct, they are requesting a waiver of the letter to the ability to serve central water facilities from the District.

Ed Reidman any questions on that? This is a minor building addition, everything else is there. The commercial buildings I am presuming are already sprinkled.

Can I have a motion to approve the waiver?

Scott Herrick moved to approve the waiver

2nd Robin Tannenbaum

The vote was unanimous in favor 7-0 (Robin Tannenbaum voting)

Westbrook Planning Board Minutes
September 16, 2011

Ed Reidman in the motion on page three under conclusion how can we say under conclusion, #2 The proposed site plan **has** sufficient water available for the reasonably foreseeable needs of the site plan.

How can we say under #3 The proposed site plan **will not** cause an unreasonable burden on an existing water supply?

Can we just mark waived on both those?

Molly Just I would contend that you would not need to change that conclusion at all. The proposal is not adding people to the site demand for services to the site.

Ed Reidman the other buildings that are there have had site approval?

Molly Just other than those requested this evening, that is correct.

Ed Reidman the addition is the only thing that is new and does not have approval, right?

Molly Just there are a couple of other properties that they have received the necessary state approvals and they meet all building codes at that time.

Ed Reidman I have no objection to approving it; it seems as if something is missing.

Molly Just for clarification, the unapproved portions do not include buildings.

Ed Reidman that clears it up. Are there any other questions?

Rene Daniel the eleven hundred square foot building that you are speaking of is the very first building on the left as you drive in.

Dustin Roma correct

Rene Daniel is there any correlation with the work that is being done now that is under construction and this request?

Dustin Roma yes the building addition itself was able to apply for a building permit for the building addition alone because it met the minimum requirements. The site work could not be started until we got approval by the Board. So they moved forward in good faith to try to stay with the construction schedule and that is what is proposed here.

Molly Just if I could add one clarification to that as well. That was negotiated in good faith with the applicant and the Code Enforcement Officer. There was a building permit conditionally approved based on bringing the unapproved portions and that minor building addition to the Planning Board, so they have met all of their requirements and if you approve this application this evening, the conditioned approval will no longer be conditioned and will have full site plan approvals.

Rene Daniel are we going to start doing this as a policy now?

Molly Just absolutely not, this was a very unique situation and we do try to stay open to unique situations.

Rene Daniel who was your consultant to your plantings?

Dustin Roma Landscape Architect from Sebago Technics.

Ed Reidman you have included a lot where Saunders Brothers used to be, a parking lot with plantings on it.

Dustin Roma that work was completed by Deluca Hoffman.

Ed Reidman that does not exist, does it?

Dustin Roma the stormwater pond and...

Ed Reidman does lots 8 & 9 exist now in the condition that we see on sheet that you have submitted to us?

Dustin Roma essentially that buffer area...I have not taken an exact inventory of plants to make sure that it was exactly done this way but it is very buffered in there. The goal of those plantings was to replant that slope so there is no disconnect from the edge of the pavement.

Rene Daniel so we are only talking about the first sheet, sheet 1 of 1 the top cover sheet?

Dustin Roma sheet 1 of 1 was prepared by Sebago Technics.

Ed Reidman the plantings that are shown on there are what you intend to plant?

John Malia sheet two exists.

Rene Daniel is there going to be additional plantings on the new entrance?

Dustin Roma yes, the large scale drawing on the board and was included as sheet L 102. That details the main entrance to building, parking lot areas and the plantings will be done for that main entrance to the building. Currently that large landscaped island in the middle is an additional paved parking surface. So we are giving up some parking areas in thereto add in that landscaped bed with the additional landscaping around it.

If you look at sheet L 101 that has an inset in it and gives a pretty good sense of before and after of the two sites, in the top right hand corner of L 101 it shows the current conditions of the plan and you can see where there is kind of a double stacked row of parking. Today they are going to take those five spaces closest to the building and make it a landscaped island.

John Malia L 101, this whole section is to be landscaped also.

Cory Fleming I just want to clarify, I am looking at the plant schedule. It talks about four trees, then drops down to shrubs but I thought I heard you earlier that you would be planting fifteen new trees?

Dustin Roma the fifteen new trees are in addition to the four shown on this plan. This is an insert to the entrance; the fifteen trees will be planted along Saunders Way.

Cory Fleming in addition to the fifteen new trees we have this planting schedule right outside the building.

Dustin Roam correct

Robin Tannenbaum Cory, I just wanted to say that when I look at sheet 1 of 1 I think I am seeing those fifteen trees on the top side of the road; they are the larger ones, dispersed throughout that entryway.

Ed Reidman anymore questions or comments. I do not want you to think that we do not like your project this is totally unique then what we have ever seen before. On lots 8 and 9 that has actually been developed?

John Malia it has been paved.

Dustin Roma yes and paved.

Ed Reidman If there are no other comments, would someone care to make a motion?

Scott Herrick moved the Site Plan application for Bill Dodge Auto Group Dealerships on Tax Map: 42B, Lots 101, 103, 108, 109 and 113, is to be **approved with conditions** with the following findings of fact and conclusions.

FINDINGS OF FACT

Utilization of the Site

- New construction would be completed within existing developed areas.
- The project would provide a significant amount of additional landscaping.

Adequacy of Road System

- Adequate.

Access to the Site

- Adequate.
- No new curb cuts are proposed and the applicant owns all but two parcels on Saunders Way.

Internal Vehicular Circulation

- Adequate.

Pedestrian and Other Modes of Transportation

- The project has been designed to provide improved pedestrian access.
- Adequate site lighting is provided.

Stormwater Management

- Adequate.

Erosion Control

- Adequate.

Utilities

- All utilities are to be located underground.

Hazardous, Special and Radioactive Materials

- No issues.

Technical and Financial Capacity

- The applicant has the financial and technical capacity to complete this project.

Solid Waste

- Disposal of solid waste is the responsibility of the applicant.

Historic, Archaeological and Botanical Resources

- No issues.

Landscape Plan

- The property would be enhanced by additional landscaped beds and street trees.

Others

- Comprehensive Plan – The proposed project is consistent with the recommendations of the City of Westbrook Comprehensive Plan.

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.

Westbrook Planning Board Minutes
September 16, 2011

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 September 19, 2011, plans submitted for prior improvements, plans for proposed improvements dated July and September of 2011, 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 the Planning Board signing the mylar, the applicant shall pay the cost of the notices to abutters.
3. Prior to Planning Board signature of the mylar, the applicant shall pay a fee in the amount of \$1,500.00, which equals 2%, of the project's site improvement costs for the purpose of site inspections performed by the Code Enforcement Officer and/or other appropriate City staff.
4. The applicant shall comply with Chapter 37, the local Post Construction Stormwater Management Ordinance.

2nd by Greg Blake

Rebecca Dillon I wanted to mention that I will not be voting tonight as I work for the Architecture firm working on the project.

The vote was unanimous in favor 7-0 (Robin Tannenbaum voting)

2. Adjourn

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