



## City of Westbrook

### DEPARTMENT OF PLANNING

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

### WESTBROOK PLANNING BOARD TUESDAY, DECEMBER 6, 2011, 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), Rebecca Dillon (Alternate), Cory Fleming (Ward 4), Greg Blake (At Large), Scott Herrick (Ward 3, Michael Taylor (At Large)

Absent: Robin Tannenbaumn (Alternate)

Staff: Molly Just, Richard Gouzie

Chairman Ed 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

##### Continuing Business

2. Site Plan Amendment and Special Exception Amendment – Springbrook Nursing Home – Westbrook Operations, LLC., for a 9,385 square foot addition to an existing nursing home. The addition would add bedrooms, but not increase the total available beds/patient count, and a physical therapy facility on an approximately 6.63 acre site located at 300 Spring Street. Tax Map: 8, Lot: 3. Zone: RGA-1.

Background. The subject property consists of a 3-story, 60 room, funeral home facility of approximately 45,000 square feet on approximately 6.5 acres. The existing facility is outdated as to current market demands for nursing home facilities as the facility includes two and three patients per room. At the time of Planning Board approval of the existing Site Plan for the project, the Planning Board also approved a Conditional Use Permit (now referred to as a Special Exception) for the nursing home use. The requested approvals include a Special Exception Amendment to revise the current approval for the nursing home use.

**Overview.** The proposed amendment would include construction of a 1-story building addition of approximately 10,000 square feet to the existing nursing home use on the property. There would be no increase in patient count but there would be a reduced concentration of patients with the addition of 13 single-patient rooms and one double-patient room. The addition would also include a dining facility and physical and occupational therapy space.

As part of the approval for the Stroudwater Landing project, to the south of the subject property, the landowner formally agreed to close the entrance on Spring Street with construction of access to the Stroudwater Landing project (the first phase) on Spring Street. The applicant has agreed to remove, loam, seed and landscape the existing Spring Street entrance within 6 months of construction of the entrance on Spring Street for the first phase of the Stroudwater Landing project. See Sheets 3 and 7 of 7 for more details.

*Staff Comments:*

Waiver: The applicant is requesting waivers from Section 505.1 Site Plan Review Design and Performance Standards – Parking and Circulation. The applicant provided justification for the waiver in a letter dated November 16, 2011. *The Planning and Engineering Departments support this waiver.*

Design of Off-Street Parking. The applicant requests a reduction of the drive aisle width from 26 feet to 24 feet. The City Engineer supports this reduction, as required by Section 505.1B

**Norman Hill** licensed civil Engineer with the Design Firm of Land Planning. With me tonight is Ray Mead from Genesis Health Care and Richard Jordan from Boyle Associates, they are the environmental consultants on this project.

Tonight I would like to present to you seven slides at various level of detail, and I will answer any questions you may have. I will be showing you an existing conditions plan, the floor plan of the addition, the site plan and the architectural elevation of front of the building. We will show you an areal view of the neighborhood so you will get an appreciation of the neighbors of the property.

Slide 1: This is a picture of proposed site plan and this is the existing skilled nursing facility which has sixty (60) beds and seventy-two (72) employees. There is an existing garage where they store various items here and an existing small building for utilities, a sewer pump station in that building for example. The main parking area is here but additional parking here (shown on the map). What you see in blue is wet lands and is not a brook or a pond. There is a slight seasonal brook hear that goes to the detention area at this point. I wanted to show you that these line here are a proposed future driveway for an abutting project on a neighboring land to the south, that may happen some time in the future and when it does this driveway will be eliminated.

Slide 2: This is an areal view of the neighborhood. This is the property to the south that is now vacant, across the street this house and farm and land that is mostly vacant. To the north is a subdivision and out back is a river that goes through here to the east, so that is vacant land as well. We have overlaid the proposed addition in this area and you will notice that it is currently all lawn. In building the addition it will not be necessary to take down any trees.

The second thing we are doing is enlarging this parking lot. This project consists mainly of this addition and enlarging this parking lot. Currently there are ninety-six (96) spaces on site. Based on the number of patients and bedrooms it requires ninety-two (92) spaces, we are going to be adding eighteen (18) spaces to have a total of one hundred and fourteen (114). If you look at the number that is required by zoning these and the patient level staying the same but increasing the number of bedrooms, we need to

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increase the number of parking spaces by nine (9); two additional employees and fourteen (14) additional beds that requires one parking space for every three bedrooms. That will allow more than enough parking with this parking lot addition.

Slide 3: this is an existing conditions plan which locates the wetlands, shows the topography, property lines and all the existing trees on site. You will notice the existing screening here for the neighbors that consists of two types of trees, pine trees that give you good screening up higher as well as lower bushes as well. There is no construction proposed in this area. On the existing plan, we surveyed the existing lawn area that has a line that runs along the edge of existing lawn which confirms the addition and expanded parking will be in an area that is not currently wooded as shown on this plan.

Slide 4: here is a copy of our site plan that shows the existing building. There will be a connecting ramp to a building that will be built about ten (10) inches higher than the existing building. The current grade...the lot appears to be flat but from the front of the development area to the rear of the development area actually drops about eight (8) feet in elevation, so this building is going to be built ten (10) inches higher than this building. All of the utilities will be connected through that ramp into the existing building, so the sewer, water and gas will be connected to the existing building, so there will be no need to do any digging around existing building.

All of the drainage from the site finds its way into this ditch that runs to the existing detention pond. What we propose with all the run off from the roof will be piped to an under parking detention area and all the water from the expanded parking lot will be cleaned by a storm sceptor and also piped to this underground detention area so there will be no increase in the rate of runoff to this swale.

Slide 5: this is our architects plan showing the front view of the building. The siding will be cement board with some brick facing to mix it up and it will be a one story building.

Slide 6: here is a copy of the floor plan again if I start over by the ramp from the existing building will come into a receiving waiting area and down here is a physical therapy area and here we have fourteen bedrooms. These bedrooms will be used for several purposes, one is to eliminate double and triples that they have in the existing facility, so there will be no increase in the number of patients it will simply eliminate fourteen (14) doubles in the existing facility. The addition will be used as a rehab facility.

Slide 7: this is a copy of our landscape plan which shows trees, flowering shrubs, bushes and plants that need to be planted. Molly had requested additional screening along this side of the parking lot along Spring Street which is shown on the landscape plan.

That is all the slides I wanted to show you tonight and I have one other item that I want to bring to your attention and that is the request for a waiver, in regards to the width of this isle that goes through this parking lot. We have designed this as 24 feet between parking spaces and your regulation asks for 26 feet. If you would be kind enough to grant that waiver we could add four (4) feet of landscaping here and four (4) feet of buffing will be allowed here.

**Ed Reidman** any questions?

**Rene Daniel** is the parking related to the beds or the bedrooms?

**Richard Gouzie** beds.

**Rene Daniel** if they are not increasing the number of beds why are they increasing the number of parking lots, other than for staff.

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**Molly Just** if the total number of beds are not increased, it is not a requirement for additional parking spaces. This did not raise a red flag for concern so that was not actually something we discussed.

**Rene Daniel** on your Staff Recommendation, the first paragraph, first sentence, four to the last word, is that a type-o?

**Molly Just** absolutely

**Rene Daniel** on your landscaping plan is there any reason why no one thought to provide seating areas outside?

**Norman Hill** I did not mention that. Do you see this sidewalk along backside of the building? There is a sidewalk along the backside of the building that will have seating areas, between the sidewalk and the building that will have benches there.

**Ray Mead**, Director for Construction with Genesis Healthcare the facility we plan on building here it is what we call a... it is not considered a rehab facility but it is for rehabilitation for people with hips, knees, shoulders or something like that. They go into the hospital and something a lot of this stuff is day surgery but they still require rehabilitation services.

What we do in these situations is the walkways that go around the building, incorporated into those walkways are different surfaces. There is a gravel surface, brick pavers, some type of stone surface and usually a stair and ramp surface. The patients that go into these facilities will only be there for five (5) to seven (7) days. The goal is to make sure they are rehabilitated within the five (5) to seven (7) days and then get out. They do not spend thirty (30) or ninety (90) days in rehab any longer in these facilities.

Incorporated into the sidewalks are seating areas, are steps, different surfaces so they can learn to learn to go back into their houses. In the existing building there are training toilets, training tubs, showers all so you can get used to going back home and rehabilitate.

The nursing homes are changing, we do not even call them nursing homes, they are skilled nursing facilities or something like that; it is a different name for them. We want residents to come into our facilities and we want to get them better and send them home.

**Rene Daniel** I understand and I understand anything in the walkway is part of their therapy. All I am saying is I would think that if I went on vacation for five days and there was a landscape like that, I certainly would take the opportunity to take time and observe how beautiful it is. I think the time and care that was put into that, facing the marsh area is a beautiful place just for a member of the family to spend ½ an hour. It is a beautiful area and I thought it would be advantageous to add that part of it.

**Ray Mead** around the existing building if you follow this sidewalk all the way around there are seating areas, there are benches and you can walk all around this building. The retention pond in the back...the landscape right now is beautiful and we hope to make it better around this building.

**Ed Reidman** other questions or comments?

With regard to the waiver, was it recommended by the City Engineer?

**Molly Just** that is correct.

**Cory Fleming** is there a recreational path that is coming over from Stroudwater to this approximate area?

**Molly Just** no

**Ed Reidman** down by the river farther towards South Portland part of the Portland Trails system.

**Dennis Isherwood** I have a question on the parking, on the twenty-four foot isle. If this parking is not required why are you putting in that extra because we are supposed to have twenty-six feet and that is what we have requested from other applicants putting in parking lots, the twenty-six feet. I guess.., why wouldn't you leave out half the parking spaces and put in a larger road?

**Ray Mead** all of our facilities have minimal parking. That is probable because the Zoning or Planning Laws at the time that these facilities were built were very minimal on how many spaces were required per bed. The issues that we run into are at shift changes and also with the younger... the age of the people who are in the facilities, get a lot more visitors, so lunch time, dinner time, there are a lot more visitors. So the more spaces we can provide for our residents and guests, that is what we try and do. We are adding parking in all of our facilities because they are so minimal.

If you ever went over there at noon tome and tried to get a parking space... the parking is horrendous. People end up parking in fire lanes and that is not what we want, they end up blocking people who need to drop a person off that is the reason we want more parking.

**Ed Reidman** is there anything else Dennis?

**Dennis Isherwood** if this was employee parking I would be fine with the twenty-four feet. Where it isn't...it is public parking where we require twenty-six feet, I will have an issue with that. I will not go for a waiver on that.

**Ray Mead** we can label that... more then likely that will be employee parking, we just have not designated that because it is further away from the building. Most of the parking up here is for the residents and the resident's family is closer to entrances. The employee parking...I do not have a problem designating that employee parking, it can be out there, that is not a problem.

**Norman Hill** I should have pointed that out; the main entrance to the addition is here (shown on map) and the Main entrance to the existing facility is here (shown on the map); this is just for employee parking here.

**Dennis Isherwood** are you telling me that will be designated as employee parking?

**Ray Mead** again, we have not designated that as employee parking but if that is the will of the Board, I do not have a problem with that at all.

**Dennis Isherwood** this would be a condition for me, this one member.

**Ed Reidman** there are a few Conditions on Molly's Memo on page four and we can add an extra one to that.

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**Mike Taylor** I have a question... I know that Stroudwater Landing is in the future and it is shown on this map, connecting into that parking lot. Now they are talking about making one entrance instead of two, is that going to reconfigure that parking lot if they do that?

**Molly Just** that parking lot itself will not be reconfigured. If you look at the graphic on the screen, you will see only the entrance from Spring Street, the northern entrance on the site will be closed. That should not affect parking or circulation there.

**Mike Taylor** what I am saying is if they are going to get traffic going into that, they will have to re-designate parking spots to, because you are only going to have twenty-four feet between parking spots, they are going to have to basically eliminate that parking lot, is that correct? I would think so, because you are going to have too many cars and too much traffic going into that parking lot and then trying to make the turn, make a right into that... I hate to see them create a nice landscaped parking lot; I do not know the time frame on Stroudwater Landing is. It is just a thought looking ahead and I would hate to see them spend thousands of dollars on a parking lot to have them tear it all up and make another entrance.

**Molly Just** that is a very good point.

**Dennis Isherwood** when that road is created, that would be the main entrance into the facility and the exit from the facility, so they would be narrowed down to a twenty-four foot narrow road.

**Ray Mead** now if it is the will of the Board that once Stroudwater Landing gets put in and... I do not have a timeframe on that as I am not involved on that, that this area be redesigned or parking spaces eliminated? I do not have a problem coming back along with the people from Stroudwater to redesign that entrance. I do not want to tie my project to somebody else's project when my project can be approved and theirs is not on the Board yet. If that is the will of the Board that you would like to put a stipulation in there that a possible re-design that once the Stroudwater Landing project goes through... again it is not something I have a problem with, I am not sure that can be done...

**Molly Just** that can be done what would ideally happen is that this project will come back for the second December meeting that would have a re-design shown on a separate sheet because once you eliminate parking you will have to come back for a site plan amendment and you will already be open. That gets pretty awkward, so what I would suggest is that the Planning Board table the decision on this item tonight to the second December meeting. Then you could work to put together a more refined alternative for the Stroudwater Landing connection.

**Ray Mead** or could that be done when the Stroudwater Landing project comes before the Board?

**Molly Just** I do not recommend that. That will be late in the game and the parking lot will already be in operation, we need to have something on the books that we have reviewed in advance.

**Ed Reidman** I am a little confused. The parking layout you are going to do in front of garage does not change to when you tie into Stroudwater Landing.

**Ray Mead** correct

**Ed Reidman** the only thing that changes is there are additional parking spaces added on the City side.

**Ray Mead** correct

**Ed Reidman** you have already said that you are going to tie in. The typical traffic lane is twelve feet and you have that with the roadway, the isle between the two, twenty-four feet, you can go both ways.

If it is concern of the Board and you want to come back and say that you will make that one way when you open up that other entrance, one of the driveways in and one of the driveways out that is a simple thing of signing and paint.

I personally do not have a problem with the twenty-four feet because I have worked in several States as a Civil Engineer and they vary, twenty-six is conservative. I will vote for the waiver.

**Scott Herrick** the only other thing I would like to point out is the existing drive that they are using is currently between twenty-two and twenty and a half... anyway, I understand there is no turn lane but certainly if you made the connection with a promise to make the driveway a one-way loop so you do not have traffic going both ways that would eliminate a lot of my concerns.

**Greg Blake** I am inline with you that was my interpretation without seeing an arrow layout for the circulation. Based on the radius, the left hand radius of the proposed drive that was my interpretation of hoe cars would come out of the parking lot. It is a logical one way circulation pattern. I am fine with the twenty-four feet as well. I will support that waiver.

**Ed Reidman** I am sure that the Fire Department has reviewed these plans as well as Police, Public Services, Code Enforcement, Planner, etc.

We have to deal with the waiver. The applicant has requested the reduction of the drive isle from twenty-six to twenty-four feet; the City Engineer supports this reduction as required.

May I have a motion to either approve the waiver or to deny the request for the waiver?

**Cory Fleming** moved to approve waiver.

**2<sup>nd</sup> by Greg Blake**

**Rebecca Dillon** I have a question in regards to employee parking. They are showing their handicapped parking there and I am not sure that they can designate that as employee spaces as it is a public accessibility issue there?

I am not opposed to reducing the width to twenty-four feet but I am not so sure that the one way is going to work. If it is not a natural progression of a one way exit, people are just going to go out where they came in and I think it might cause more confusion.

**Ed Reidman** which sheet are you on?

**Rebecca Dillon** sheet 7 of 7 which I think is where the discussion heard about people after they are exiting...

**Ed Reidman** this is after.

**Rebecca Dillon** yes, you are turning that corner and you are not going to take another right turn and then come back around that is not a natural progression in the parking lot. Also knowing with skilled nursing

facilities there is a lot of elderly people driving there and could get confused very easily. I just wanted to point that out.

I am not opposed to the twenty-four foot reduction. I think the one way will cause your visitors more confusion.

**Ed Reidman** all set? Any other questions or comments on the motion?

**The vote was 5-2 in favor (Rene Daniel and Dennis Isherwood opposed)**

**Ed Reidman** does anyone want to take a site walk or have a public hearing?

\*Editors note\* None requested

**Michael Taylor** moved the Site Plan application for Westbrook Operations, LLC on Tax Map 8, Lot 3, is to be **approved with conditions** with the following findings of fact and conclusions.

### ***FINDINGS OF FACT***

#### **Utilization of the Site**

- The majority of the work would be completed within existing developed areas. There would be approximately 0.93 acres of net new impervious area created by the work.
- The project would provide a significant amount of additional and varied landscaping.

#### **Adequacy of Road System**

- Adequate. As indicated by the applicant, the project would add two employees and no new patients.

#### **Access to the Site**

- The existing curb cut along Spring Street would be utilized until no later than six months of the completion of the entrance from Spring Street for the first phase of the Stroudwater Landing project.

#### **Internal Vehicular Circulation**

- Adequate.

#### **Pedestrian and Other Modes of Transportation**

- A sidewalk would be constructed to connect a new parking lot to the building addition.

#### **Stormwater Management**

- Adequate.

#### **Erosion Control**

- Adequate.

#### **Utilities**

- All new utilities are to be located underground.
- The Portland Water District has confirmed its conditional ability to serve the project.

### **Hazardous, Special and Radioactive Materials**

- No issues.

### **Technical and Financial Capacity**

- The applicant has provided adequate proof of the financial and technical capacity to complete this project.

### **Solid Waste**

- Disposal of solid waste would be the responsibility of the applicant.

### **Historic, Archaeological and Botanical Resources**

- No issues identified.

### **Landscape Plan**

- The property would be enhanced by a wide variety of landscaping (see Sheets L1 – L4).

### **Others**

- Comprehensive Plan – The proposed project is consistent with the vision for this area as outlined in 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.
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.

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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 and plans dated June 24, 2011, as amended to November 16, 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 signature of the mylar, the applicant shall pay the cost of the required notice to abutters and any outstanding costs incurred by the Planning Department to facilitate approval of the subject project.
3. Prior to Planning Board signature of the mylar, the applicant shall submit a performance guarantee for completion of necessary site improvements. This amount shall be approved by the City Engineer.
4. Prior to Planning Board signature of the mylar, the applicant shall pay a fee in the amount of \$8,000.00, 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.
5. Final building elevations shall be consistent with the building elevations depicted on Sheet A-3.0 of the plans.
6. The Spring Street entrance to the property shall be removed, loamed, seeded and landscaped within 6 months of completion of the connection to the Spring Street entrance to the first phase of the Stroudwater Landing project. The property would then be accessed by a connection to the entrance for the Stroudwater Landing project.
7. Prior to Planning Board signature of the mylar, the applicant shall submit three copies (reductions) of the plans with the following revisions and the subject revisions shall be incorporated onto the mylar:
  - Replace the State of Massachusetts engineering stamp on Sheets 4 and 6 with a State of Maine engineering stamp.
  - Repaginate plan sheets.
  - The landscape plan sheets shall be signed and stamped by the landscape architect.
  - The landscape plan sheets shall be revised to note that changes to the plans must be approved by the City Planner or the Planning Board (see Condition 1 above).
  - New wall mounted lights and pole mounted lights shall be of an ornamental variety, to be coordinated with the City Planner, and a detail of the wall mounted and pole mounted lights shall be depicted on the plans.
8. The parking lot shall be designated employee parking with the exception of the handicapped slots.

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

**The vote was 7-0**

**3. Adjourn**

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*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*