



City of Westbrook

DEPARTMENT OF PLANNING

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

**WESTBROOK PLANNING BOARD
TUESDAY, APRIL 5, 2011, 7:00 P.M.
WESTBROOK HIGH SCHOOL, ROOM 114
MINUTES**

Present: Ed Reidman, (Chair) (Ward 5), Rene Daniel (Vice-Chair) (Ward 1), Greg Blake (At Large), Scott Herrick (Ward 3), Michael Taylor (At Large) Rebecca Dillon (Alternate)

Absent: Cory Fleming (Ward 4), Dennis Isherwood (Ward 2),

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.

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.

1. Call to Order
2. Approval of Minutes

Rene Daniel moved to accept the minutes, March 15, 2011 as written

2nd by Michael Taylor

The vote was unanimous in favor 6-0

NEW BUSINESS

3. **Site Plan – Cumberland Mills Fishway Project** – Barry Stemm, Engineering Manager for S.D. Warren Co., on behalf of S.D. Warren Co., d/b/a Sappi Fine Paper North America, for the phased construction, by mid-2014, of a fish passageway in the Cumberland Mills area of the Presumpscot River. This project does not require site plan approval however the applicant has opted to apply for approval given the significance of the Sappi Fine Paper property and company in the community. This amendment does not include new buildings or the subdivision of property located at 89 Cumberland Street. Tax Map: 45, Lot: 1. Zone: Industrial Park District.

Staff Comments:

1. Context: The level of construction associated with this project does not trigger Site Plan approval under our Land Use Ordinance. However, Sappi seeks formal Site Plan approval

Westbrook Planning Board Minutes
April 5, 2011

given the historical and geographical prominence of the company and property in the community. Sappi requests approval of a phasing plan for the project so that the approval does not expire under the timeline provided by our Land Use Ordinance, one year after approval if construction has not begun and two years after approval if the project is not complete. *An appropriate motion has been provided below.*

2. Waiver: The applicant is requesting a waiver of Section 504.5 Final Plan Submission Requirements, B. Map Requirements, as the project does not include new buildings or substantive site improvements. *Note: The Department of Planning supports this waiver request.*

Barry Stemm Engineering Manager for S.D. Warren Co. gave a power point presentation showing aspects of the proposed fish passageway in the Cumberland Mills area of the Presumpscot River.

Presentation Content

SD Warren (d.b.a. Sappi Fine Paper - NA)

By: BL Stemm

Cumberland Mills Dam – Fishway

City of Westbrook – Planning Board Review

April 5, 2011

Slide 1 - Executive Summary

In October 2006 a petition was filed requesting the Maine Dept. of Inland Fisheries and Wildlife initiate proceedings under Maine 12 M.R.S.A. § 12760(4) to require Sappi to construct a fishway at the Cumberland Mills Dam.

Warren has worked with petitioners on the design drawings for the major fishway project items, and jointly submitted in the May 12, 2010 Finding of Fact and Conclusion of Law.

The major design elements for the fishway have been accepted by the Commissioner of MDIFW upon issuance of the final order and cannot be changed.

Fish Passage will be operational at the Cumberland Mills Dam by May 1, 2013

Slide 2 – Site Background

The Cumberland Mills Dam is actually a series of different structures that join together to form a dam of the Presumpscot River.

Consisting of:

Several granite block retaining walls

Two granite block spillways (each with wooden flashboards),

Poured concrete building foundations

A multi-gate sluice gate structure

Combination wood crib and granite crib earthen walls

A gravity fed process water intake structure

A pier supported truck runway.

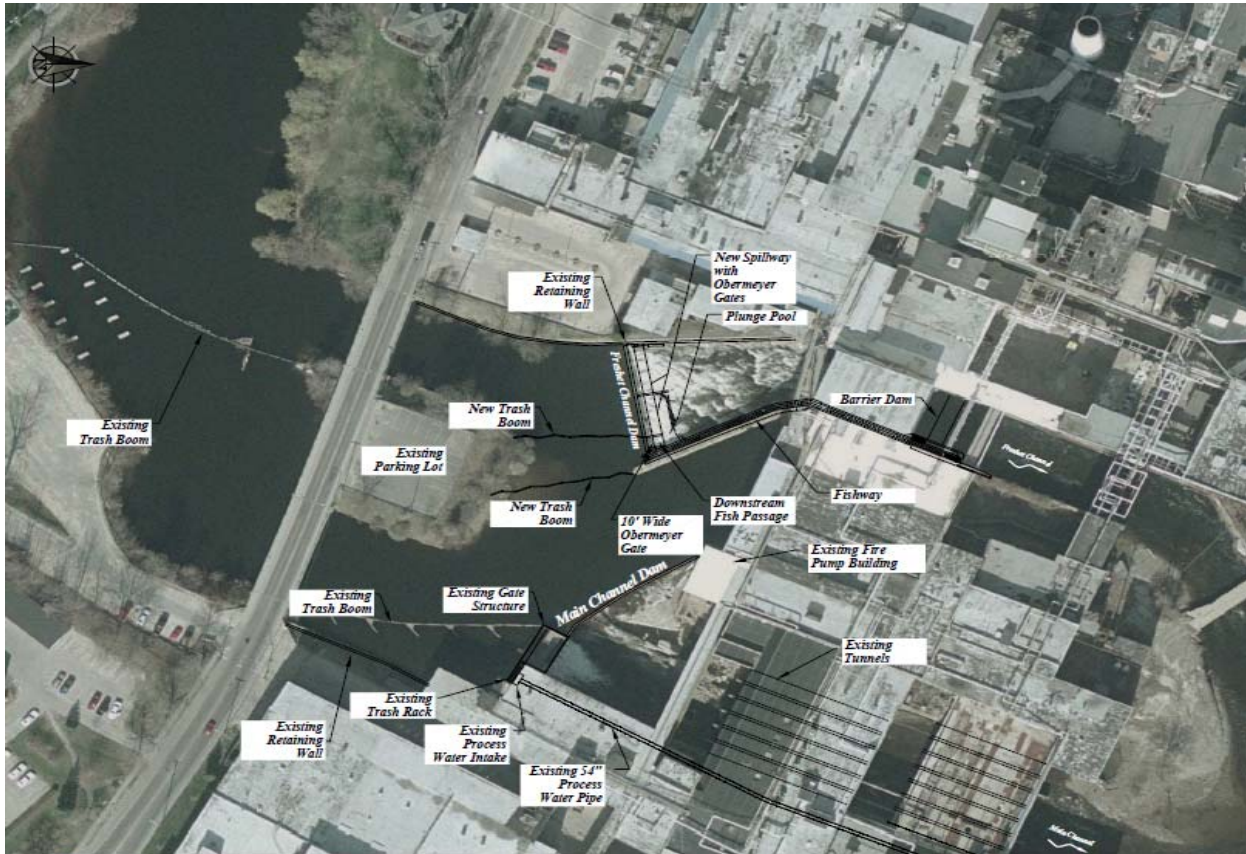
Slide -3 Site Background

The complicated dam structures are the result of a long history of early water power use and industrial development at the site dating back over 150 years.

The existing buildings and structural elements of the dam result in a split of the river into two distinct channels immediately downstream of the dam:

Main Channel
Freshet Channel

Slide -4 Aerial View of Cumberland Mills (with proposed Fishway items shown in the Freshet Channel)



Slide -5 Project Major Elements

Provide fish passage at the Cumberland Mills Dam consistent with the following major elements:

Construction of a Denil fishway in the Freshet Channel.

Construction of a barrier dam in the Freshet Channel.

Installation of upstream eel passage facilities in both the Main Channel and Freshet Channel.

Replacement of the existing wooden spillway and flashboards in the Freshet Channel with a new spillway and a mechanical flashboard system and plunge pool.

Repair of the existing sluice gates and stop log bays in the Main Channel spillway.

Repair and/or maintenance of the Main Channel spillway flashboards.

Installation of additional upstream trash booms.

Once the project is completed, Sappi will operate and maintain the fishway and associated equipment.

Slide -6 Phase 1 Rebuild Gate Structure

Phase 1 – Main Channel Work (Summer of 2011)

Major Activity of Phase 1 will rebuild the deep sluice gate structure.

Required to eliminate attraction flow in the Main Channel.

Attraction flow is considered anything greater than 30 CFS (cubic feet/second).

Slide -7 Phase 1 Main Channel Gate Structure

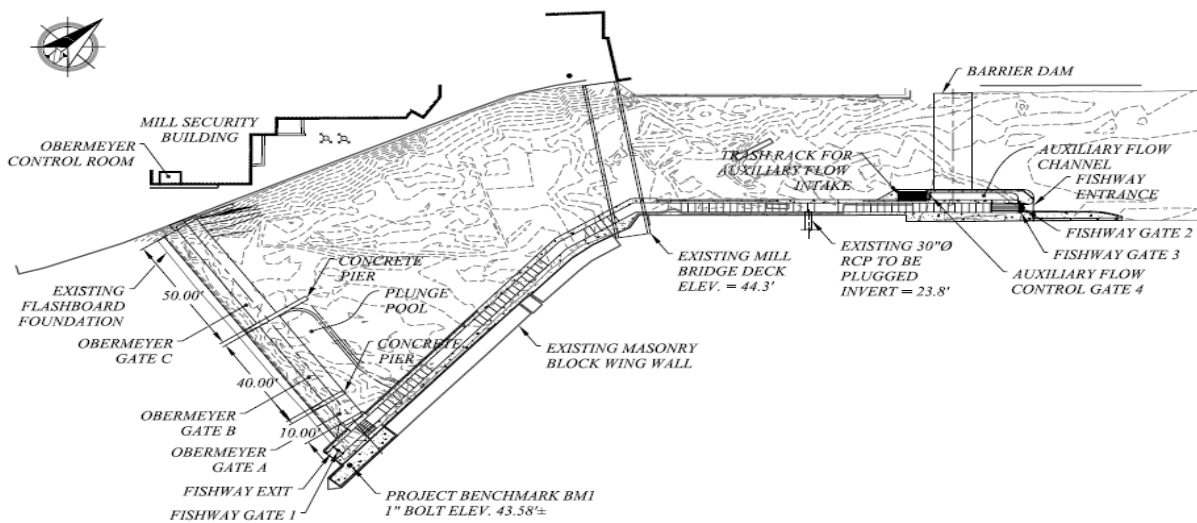
Depicted View Looking Downstream at the Main Channel Sluice Gate Structure



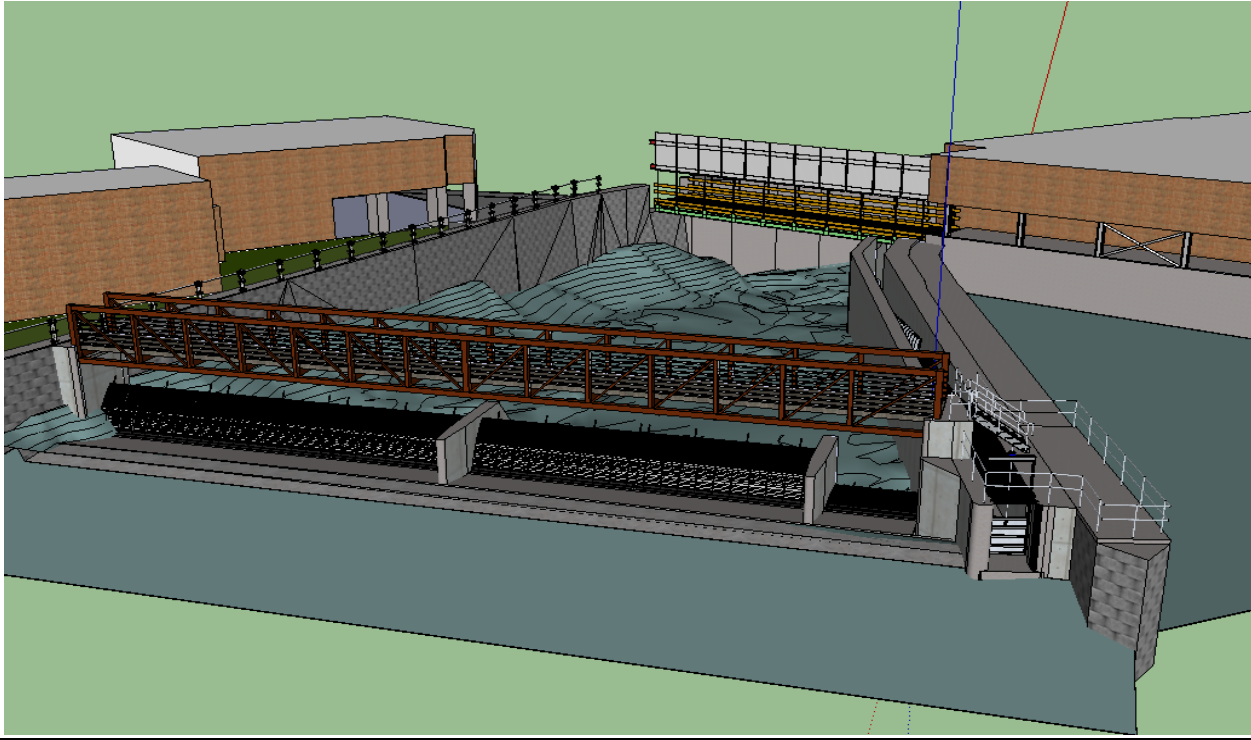
Slide -8 Phase 2 Freshet Channel Work
Phase 2 – Freshet Channel Work (Summer of 2012)
Install One Denil Fishway with a lift of 22.5 feet and is ~ 298 feet long
New Barrier Dam
New Spillway Base
Obermeyer Automated Flashboard System
Access Platform

Slide -9 Phase 2 Freshet Channel

Proposed Freshet Channel Fishway – Plan View



Slide -10 Phase 2 Freshet Channel
Depicted View Depicted Looking Downstream at the Freshet Dam
(Mechanical Flashboards, Access Platform & Denil Fishway Exit)



Slide -11 Obermeyer (Mechanical) Flashboards

Details of the Mechanical Flashboards System

Will contain 3 distinct sections: 1-50 foot section, 1-40 foot section, and 1-10 foot section.

The system will be manufactured by Obermeyer Hydro, Inc. located in Fort Collins, Colorado, U.S.A.

Obermeyer spillway system works with inflatable bladders to raise and lower individual steel gate panels

An Obermeyer spillway system was specified because of its gate-like ability to control pond level.

Pond level control is key to insuring water is directed down the Freshet Channel and away from the Main Channel during fish migration periods.

Slide -12 Obermeyer Flashboards



Slide -13 Phase 2 Freshet Channel
Depicted View Looking Upstream in the Freshet Channel
(Denil Fishway Entrance, Attraction Flow Intake and Barrier Dam)



Westbrook Planning Board Minutes
April 5, 2011

Slide -14 Project Schedule

Description		Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11	Oct-11	Nov-11	Dec-11
PRELIM ENGINEERING													
DEVELOP CAPEX & PPC													
SFPNA BOARD APPROVAL													
SUMMER OF 2011	SUBSTEPS												
PHASE - 1 SLUICE GATES REBUILD													
	Phase-1 Engineering												
	Order New Gates												
	Gates On-Site												
	Gate Work RFP												
	RFP Evaluation												
	Award Bid												
	Contractor Mob												
	Coffer Dam												
	Gate Structural												
	New Gates Installed												
	Contractor De-Mob												
Phase-2 FRESHET ENGINEERING													
SUMMER OF 2012	SUBSTEPS	Jan-12	Feb-12	Mar-12	Apr-12	May-12	Jun-12	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12
PHASE - 2 FRESHET CHANNEL													
	Phase-2 Engineering												
	Freshet RFP												
	RFP Evaluation												
	Award Bid												
	Flashboards on Site												
	Contractor Mob												
	Reconfigure Wood F.B.'s												
	Coffer Dam												
	Freshet In-Water Work												
	Major Freshet Comp												
	Contractor De-Mob												

Ed Reidman does anyone need more clarification, a site walk or a public hearing?

None

Ed Reidman the applicant is requesting a waiver of Section 504.5 Final Plan Submission Requirements, B. Map Requirements, as the project does not include new buildings or substantive site improvements and the Planning Department recommends a waiver. Do I hear a motion?

Michael Taylor moved to grant the waiver of Section 504.5

2nd by Greg Blake

The vote was unanimous in favor 6-0

Michael Taylor moved the Site Plan application for S.D. Warren Company on Tax Map 45, Lot 1, is to be **approved with conditions** based on a phased construction schedule with completion by December 2014 with the following findings of fact and conclusions.

FINDINGS OF FACT

Utilization of the Site

- Adequate.

Adequacy of Road System

- N/A.

Access to the Site

- N/A.

Internal Vehicular Circulation

- N/A.

Pedestrian and Other Modes of Transportation

- N/A.

Stormwater Management

- N/A.

Erosion Control

- Adequate.

Utilities

- N/A.

Hazardous, Special and Radioactive Materials

- N/A.

Technical and Financial Capacity

- Adequate.

Solid Waste

- N/A.

Historic, Archaeological and Botanical Resources

- N/A.

Landscape Plan

- N/A.

Others

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.

Westbrook Planning Board Minutes
April 5, 2011

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 OF APPROVAL

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated March 4, 2011 and plans dated September 21, 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. The applicant shall be the required notice of abutters within 45 days of Planning Board approval.

2nd by Scott Herrick

The vote was unanimous in favor 6-0

4. **Land Use Ordinance Amendments** – Section 201 Definitions, Section 204 Special Exception, Section 301 City Center District, Section 302 Residential Growth Area 1, Section 303 Residential Growth Area 2, Section 304 Residential Growth Area 3, Section 305 Prides Corner Smart Growth Area, Section 306 Rural District, Section 307 Highway Services District, Section 308 Business Professional Office District, Section 309 Gateway Commercial District, Section 310 Industrial Park District, Section 311 Manufacturing District. The proposed changes are primarily for “housekeeping” purposes. The changes include treating traffic impacts for changed or expanded uses uniformly across

Westbrook Planning Board Minutes
April 5, 2011

zoning districts. In addition, the changes address “assembly” uses, such as churches and theaters. Such uses were special exception uses in the prior ordinance and are allowed “by-right” in the current ordinance. It is common practice for uses that may generate increased traffic in “bursts” and/or that may have hours of operation that are outside the norm for a neighborhood to be allowed by special exception approval. The special exception approval process allows such conflicts to be managed while still allowing the use.

Summary. The proposed amendments to the Land Use Ordinances (“Ordinance”) involve performance standards and uses that are currently included in the Ordinance but that are not addressed appropriately in all zones. The changes include treating traffic impacts for changed or expanded uses uniformly across zoning districts. In addition, the changes address “assembly” uses, such as churches and theaters. Such uses were special exception uses in the prior ordinance and are allowed “by-right” in the current ordinance. It is common practice for uses that may generate increased traffic in “bursts” and/or that may have hours of operation that are outside the norm for a neighborhood to be allowed by special exception approval. The special exception approval process allows such conflicts to be managed while still allowing the use. *The Planning Board should schedule a public hearing on this item and make a formal recommendation to the City Council to approve the proposed changes or adopt them with changes.*

Ed Reidman as I read through this I found it very repetitive. We took certain things saying you can have them but now you are going to go to a special exception.

I also noticed that you added a new definition for theater. Do we have definitions for churches and community centers which seem to be the other two that we are moving?

Molly Just that is correct, we are trying to treat all assembly uses the same. We found that we do not have a definition for theater but have definition for the other uses.

Ed Reidman I read the definition of a theater in which you say: a building or part of a building used to show motion pictures or drama, musicals and other performances. The question I wrote down was place of assembly, could a theater be used for a public gathering. Say it is an election year and the City caucuses are now used at the schools, could a theater be used for a caucus and if so will it fit the definition that you are proposing?

Molly Just I would say that is a temporary part time use not unlike using the school for the same thing.

Ed Reidman what we have to do if we agree with staff is schedule a public hearing and it has been suggested that it be on the nineteenth of April at 7:00 pm.

Any Board members have any questions?

No questions

Rene Daniel moved to schedule a Public Hearing on April 19, 2011.

2nd by Michal Taylor

The vote was unanimous in favor 6-0

5. Adjourn

Respectfully submitted by Linda Gain PECE Administrative Assistant
THANK YOU