



# City of Westbrook

## DEPARTMENT OF PLANNING

### WESTBROOK PLANNING BOARD TUESDAY, JANUARY 17, 2012, 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), Robin Tannenbaum (Alternate), Cory Fleming (Ward 4), Greg Blake (At Large), Michael Taylor (At Large)

Absent: Staff: Richard Gouzie, Eric Dudley

Legal: Natalie Burns

**Chairman Ed 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.

**Ed Reidman** the way we run a public hearing is we ask the proponent to make a presentation then I ask the staff if they have any comments and then I open up the public hearing. We ask the people who want to make comments to come to the podium, state their name and address. I will listen for comments and questions. If there are any questions, I will note the questions then I will ask the question to the developer after the public hearing is over.

**Public Hearing - Review of Paper Street Development – Essex Street – Survey, Inc., on behalf of Christopher Wilson, for the extension of Essex Street (a paper street) to provide access to three lots of record for the construction of three single-family homes. This development is consistent with the provisions of Sec. 406 Review of Paper Street Development. Tax Map: 43 Lot: Portion of 47 (Existing Lots 23, 26 and 27). Zone: RGA-1.**

**Jason Farthing** with Survey Inc., I am representing Christopher Wilson, here this evening requesting an approval of a private way approximately three hundred feet in length, accessed off of Cumberland Street. The purpose of the private way is to gain access of frontage for three lots of record.

The project proposed on the plans and documentation provided to you has been fully engineered and meets or exceeds requirements set forth by the City of Westbrook Zoning Ordinance. We have fully engineered the stormwater system, using BH2M Engineers out of Gorham. A retention pond and a level spreader device at the end of the private way as shown.

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We were here at the last meeting and had a site walk on Saturday, January 7th. A couple of questions came up. Generally the first and largest question was “what is the developer going to do with the rest of the land?” He has no plans at this point for any further development. If and when the owner of that property decides to do something else he will be subject to planning review as we have done here and any future approvals will have to come to the Planning Board. At this point this is all he proposes to do. He does not know what the future holds and does not know if he is going to do anything with it or not at this time.

Another question arose to the road surfacing. The requirement per the City’s Ordinance is for three inch gravel type A top surface. The developer proposes to use three inches of reclaimed asphalt pavement. The theory there is that it is lower maintenance, less dust and less pot holing upgrade from standard gravel.

There was a question as to the curb cut along Cumberland Street. There is no curbing on Cumberland Street and the access that is shown there is a fifty foot wide paper street as it exists used intermittently to access the property. The curb cut is already there. There will not be any cutting into the street as the sewer and water have already been stubbed out to the property.

That is all and we will entertain any questions the Board or Public presents.

**Ed Reidman** any comments from the staff at this time?

**Richard Gouzie** no comments

**Ed Reidman** I do not think we will get to it but the Board does not start items after 10:00 pm. Our agenda is a little longer then what we generally have and I do not expect to be here at 10:00 pm.

**Public Hearing open**

**Jenifer Mains** 442 Cumberland Street \*\*Editor’s Note – See attached page - statement as provided for the record.

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### Mains' Family Concerns

#### Abutting neighbors for Cumberland Heights Proposal and development of Essex Street

Good Evening. My name is Jennifer Mains. I am here with my husband, Robert, with some comments, questions and concerns about the proposed development on Essex Street. We originally purchased our home at 442 Cumberland Street in 2001 so we could be near Bob's grandparents, Ernie and Florence Mains, and help them as needed. Thank you to Molly Just, Linda Gain, Rick Gouzie, Planning Board members, Chris Wilson, and Jason Farthing who have answered our questions and/or directed us to the necessary information. We were able to have a few conversations with Chris Wilson our new neighbor. We want to be welcoming neighbors while doing what is reasonable to protect our family life, property, home, and its future resale value. In our conversations with Chris, he has been willing to give details and has seemed reasonable in many respects. He will be taking down some trees that are on the property line as well as some that we want taken down as their root system will be disrupted. He has also stated his willingness to work around our fruit trees and their root systems in the back yard. They are currently on the property line and he has requested some pruning of his side of the pear trees.

Having reviewed the file at city hall, it is comforting to see the Inland Fisheries and Wildlife review that there are no endangered species in the immediate development area, however there are many types of wildlife who make this area home. There was a statement included within the IF&W review that read something to the effect of protecting as much of the natural habitat as possible. This would be our desire as well as the desire of the Mains' other 27 grandchildren. The privilege of being able to grow up in and around this well preserved and protected piece of land with a majestic farmhouse and barn cannot be understated. This significant piece of land is a little slice of heaven on earth and the place the Mains' called home for 57 years.

*2012 12 20 site walk*

Grampy has the original plan of Cumberland Heights dated September 16-20, 1920 upon which there is a notation that there is ledge present on much of the land. He has dealt with the frustrations that in some places it is between 2-4 feet underground leaving little room to work. He tells of the painstaking process it took to break up the rock in his basement. Times have changed along with equipment. Our questions are what type of rock is this and what equipment might be required to break through it if needed? Our concern is that Chris and the contractors will or may encounter ledge and we want to know his plan to remove it, whether he plans to construct the homes on a slab or not, and whether he anticipates having to blast to construct the private way, the homes, or for any of the underground infrastructure. If he needs to blast or use other equipment that could damage our foundation or home or those of our neighbors, in any way, what are our protections against it? We are also wondering how deep he anticipates needing to dig to construct the private way and the homes?

For the planning board, are there any ordinances that state how close to a home, equipment used to break up rock or blasting can be used? What is the process that one would be expected to follow to notify abutters and get the property inspected to note the current condition of the home before the equipment is used or blasting occurs? Who is responsible for the expense of an inspection? We also want it on the record that we have a dry, unfinished basement. When our home was inspected 10 years ago, there were no signs of damage to our foundation or walls.

I am a bit confused about what lots are being developed according to the maps I was given by Molly Just on the January 7<sup>th</sup>, 2012 site walk. We were not able to attend the December 20<sup>th</sup>, 2011 meeting of the planning board, but I did watch a recording of it. During this meeting, Ed Reidman stated that the proposed development would be for lots 23, 26 and 27 which are further down Essex Street and away from our home, but closer to other abutters. The noted lots are also the ones that are shaded in gray on the development map. Some of these maps appear to have been revised per request or after meetings with none of the revisions dating past December 7,

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2011 which was before the December 20<sup>th</sup> meeting. However on one map, the three lots with the most detail and with the looks of immediate development are the ones marked lots 20,21 and 22 directly behind our home. These are further renamed to be lots 1, 2, and 3 with lot 4 being the one upon which the granite monument will be placed. It seems this last renaming was for simplicity sake only.

Our questions are why have the proposed lots for immediate building been changed since the initial meeting? Are there additional revisions we have not seen? It seems that this change may have been for the placement of the level spreader and other necessary drainage, but it can be confusing.

I understand that it is Chris Wilson plan to construct a home that is 28 feet wide next to us, which I believe will be within the 10 feet of a property line that is allowed on lots of record. Will the homes be centrally located on the lot(s) as much as possible to allow for the 15' in the front and the back as well?

*It seems that the drainage in the area around the private way and abutting properties has been taken into account and should show some improvements for one neighbor. Can you explain the system in place and where drainage will be routed? We have a dry basement and have never dealt with excess water. We anticipate that the safeguards put in place will also protect our home and land from excess water.*

Question for the planning board: How far apart do the home of an abutter and a private way need to be placed? How close to the property line of an abutter is a private way allowed? Are the figures given for lots of record or for general construction throughout the city? Is that expectation being followed in this situation that the recommended distance from our home and property line is being respected in the construction of Essex Street?

Does Chris have any plans to provide a <sup>15' feet</sup> buffer between the private way and our home? Right now the pine trees and the property line are about 10 feet from our home. With three homes on the private way, it may not seem necessary, but should there be further development and the streets are connected, we may be requesting some sort of buffer between our property and the roadway.

We understand that we will be notified if there is to be further development of these lots that are now owned by Chris Wilson. Assuming development progresses and the private ways are somehow connected in the future, there would be further concerns of traffic, exhaust of cars waiting to enter Cumberland Street, noise and lights.

As stated before we need to protect the setting of our home, the quality of living we have now and in the future, and the future resale value of our home. We are very torn between requesting a fence or other boundary line between us and this new development. How do we balance the need and desire for privacy, the caged in feeling of fencing around our property and the reality that people will likely pass through our yard as the quickest way to the street or to school? Should there be further development, we would hope there would be a plan in place for people to use walkways or pathways and to provide a clear boundary line between our property and the neighbors.

We want to be good neighbors and we believe Chris and his team do as well. We are hoping we can work together to make this a win/win situation for all of us.

**Ed Reidman** are there any other comments?

**Jim Giguere** 15 Amy Lane and I am a fairly new resident of Westbrook, just the past couple of years however I have worked with Chris and his family over the past several years as a contractor and in other ventures.

I think it would benefit the City of Westbrook and this neighborhood to have Chris and the Wilson family and companies develop this property.

Knowing Chris and his family the way that I do I have no doubts in my mind that they are going to take the precautions to protect the neighborhood and be good neighbors and do the things that are required to get this development done. This is not something that is new to Chris and his family; they have been doing this for quite sometime.

As a former contractor I know that they will take the precautions and the right steps to bring this project forward in the correct way while working with the town and neighboring properties.

**Ed Reidman** anyone else?

**Public Hearing closed**

**Ed Reidman** Mr. Dudley do you know what type of rock is in that area?

**Eric Dudley** no, I do not.

**Ed Reidman** Mr. Farthing, would you care to answer the question of the drainage, how it works and where it goes?

**Jason Farthing** the applicant would like to speak to some of the questions.

**Chris Wilson** I am the potential developer of the project. There is ledge present on the property, towards the rear. When we have excavated for a house, two houses over that was broken off the Mains property that has frontage on Cumberland Street and encountered ledge and we used a hoe ram on the excavator to break it up and remove it to get the sewer and water in. When we dug the foundation we ran into ledge but was able to dig the ledge and it was shale and soft enough to rip out with the excavator with just a normal bucket.

When we brought the sewer and water in to the property at the Essex Street entrance we did not encounter any ledge. I anticipate when we get further back it will start to creep up. The deepest we will have to go, to answer Jen's question is five feet for water and the sewer will be shallower than that. The foundation will be five to six feet in the ground. We anticipate the house right directly behind the Main's house will not have any ledge, but I anticipate as the houses go farther the ledge will start to climb up.

As far as precautions for ledge removal if we are unable to remove the ledge with an excavator or with a hoe ram the next step after that would be to blast. There are major precautions set up for blasting....

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**Ed Reidman** Mr. Gouzie, blasting regulations in the City of Westbrook? What does he have to do other than to come to see you?

**Richard Gouzie** there is quite a bit he would have to do. As far as the permit there is... he would need to have the names and addresses of the blaster, the property owner, the general contractor, the location of the proposed blasting, number of cubic yards material to be removed by blasting, start and end date, planned number of blasts, description of the project which the blasting is being undertaken, evidence of insurance. We ask for three million liability insurance on that. We ask for the qualifications of the person doing the blasting and evidence of certification. He will have to notify people within five hundred feet five days in advance and those residents will have the option of having their house inspected before the blast and there is also the clean up...

**Ed Reidman** the developer will pay for the City inspections?

**Richard Gouzie** that cost is on the developer.

**Ed Reidman** there was a question on the lot numbers, as I read it 23, 26 and 27. Now they show 1, 2, and 3 on the plan, is there some confusion?

**Jason Farthing** she is correct, for the simplicity of this plan we just called them 1, 2 and 3. The lots are a portion of Tax Map: 43, Lot: 47.

**Ed Reidman** the numbers shown are just for the plan. These lots are 50' by 100', those are small lots. Mr. Gouzie, what are the set backs in that zone?

**Richard Gouzie** then (10') feet

**Ed Reidman** all around?

**Richard Gouzie** on the side and fifteen (15) front and rear.

**Ed Reidman** that means the house needs to fit in an envelope fifteen (15) feet back from the existing right of way line, fifteen (15) feet back from the back property line and ten (10) feet on either side. So with your house the new house will not be any closer than ten (10) feet from the property line. You already have property that abuts the road right of way.

Mr. Farthing, tell me about the roadway cross section again. Are you proposing the reclaimed or is there something below the reclaim?

**Jason Farthing** the three (3") inches of wearing surface will be three (3") inches of reclaimed asphalt, then below that is eighteen (18") inches of gravel.

**Ed Reidman** there was a question as to the dates on the revisions.

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**Jason Farthing** that was referring to the lot numbering and I am sorry, I do not have the plan that is prior to this set. I am not sure why they changed numbers.

To answer you question Jenn, the lots to be developed are immediately behind your home. As we mentioned at the site walk, all of them are to the left side of the proposed road.

**Ed Reidman** with Mr. Dudley and Ms. Burns here... What I have questions about is the Paper Street. The Paper Street is proposed to stay a private way and they plan to put sanitary sewer in the street and they plan to put water and I assume that the other overhead utilities to service the property, or underground but utilities will be in there. Once someone goes in and buys a lot with a house on it what protects them for something happening in the street. Will Mr. Wilson still own the street or will there be rights of way in the street in the deed?

**Natalie Burns** first of all there is different levels of ownership of the street as the Board knows. The fee ownership will go with whoever gets it in the deed so if the deed goes to each individual lot includes the grant of the underlying fee then the individual lot owners will own the underlying fee. It is possible for someone who owns the underlying fee not to deed that out at the same time. However everyone how lives in the subdivision does have a right of way and that includes all normal rights which you would normally use a street. So that will include the right to pass over it, the right to improve it to allow passing over and it would also include the right to install utilities.

So whether someone owns the fee or owns a lot in the subdivision they do have those rights to utilize the street for those purposes.

**Ed Reidman** I will ask the Board if they have any questions at this point.

No questions

**Ed Reidman** how is the road going to be maintained?

**Jason Farthing** we are going to utilize a road maintenance agreement for the three homeowners.

**Ed Reidman** now should the Mains want to put a driveway on the street, is that possible?

**Natalie Burns** it is legally possible and anyone who owns a lot on the street has that right to utilize it.

**Ed Reidman** anyone else have any questions at this point?

**Jason Farthing** Chairman, you wanted me to touch on the drainage scheme. It has been engineered here to... you folks probably know when you get heavy rains in the area currently it puddles across from you on the neighbors land. There is a very bad problem with the puddling and ponding behind their home.

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The way that this is proposed is all of the surface drainage from the street will sheet off into vegetated grass lined ditches that all pitch to the back of the property and will be retained in a small retention pond where the turn around is, then the stormwater will come out and be level spread so not to produce any water flowing down hill.

It should be an improvement in the surface water then it is now. It is engineered to catch all of that surface run-off. So your basement should stay nice and dry.

**Ed Reidman** at this time we will take up the second Public Hearing.

**Public Hearing - Site Plan and Subdivision – 211 Longfellow Street – Terradyn Consultants, LLC, on behalf of Longfellow Development, LLC, for a 12-unit, 6-building duplex rental residential development on an approximately 1.42 acre parcel located at 211 Longfellow Street. Tax Map: 27, Lot: 116, Zone: RGA-1.**

**Jon Whitten** with Terradyn Consultants on behalf of Longfellow Development, LLC, Chris and CJ Lefere are in the audience if you have questions directly for them.

This property is on 211 Longfellow Street as mentioned. The applicants bought the property this summer and split off a single family lot in this area for their grandfather who will build a single family home on that. The remainder of the lot has a six (6) duplex rental unit development on it for a total of twelve (12) rental units. Each unit will be on two floors with three bedrooms with a garage attached for the use of the tenants.

The proposed development will be accessed by a single private driveway into the property. Each unit will have a space within the garage for parking a space outside of the garage and we are proposing six (6) visitors spaces for the twelve units total so that comes out to 2 ½ parking spaces per unit.

The site will have public sewer, public water and underground electricity, cable lines as well as gas service. Stormwater, we are just trying to capture everything over land, we have a ditch towards the rear of the property and this is our main outlet here where riprap level spreader will be positioned to direct water in a sheet flow manner to the abutting wetland area. That wetland area is currently drained by a dual thirty-six (36”) inch culverts that go into Longfellow Street. Those culverts currently drain a watershed area of approximately one hundred and seventy-five (175) acres. The theory on this property as we are right next to those culverts the best way to ensure that we are not increasing or increasing the potential of flooding in that area is to get the water to those culverts and through those culverts before the major peak of that one hundred and seventy-five (175) comes behind it. Our stormwater plan has been reviewed by the staff and approved with that design.

The project will have a dumpster for the site at the end of the access way. Most of the units will have stone patio in back. These two units, the four units up front, we are proposing wooded decks due to the topography. That is a better fit for those particular buildings. We were in front of the Board in late December and it was discussed that these decks might want to be moved to the sides of the buildings to give them a little more privacy for those tenants. We talked to the City Planner after that meeting, the developers and myself and we decided that we would do an on site evaluation of those decks. Once the foundations are in we could determine what would be best suited for the decks on the

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side or the back. If they do change from this plan we could just have an administrative approval to make sure that we have an updated mylar for the City.

There is a pretty extensive landscaping plan for this site and during the site walk on the seventh it was brought up by one of the neighbors that maybe we should add some screening to the back of the property. We have ten (10) Norway spruce trees more of an evergreen tree which is a little different then the scheme of a landscaping development but will off more of a screening for neighbors. That proposal was e-mailed to the neighbors and we received positive feed back. During the site walk it was discussed that there were some mature pine trees along the property line that were left as single trees. The possibility of taking them down is a safety concern and since the site walk the developers walked the site with some neighbors and have marked the majority of those pines to come down with the agreement of those neighbors. There are also groupings of pines and hardwoods down here a couple of hardwoods along that line that will remain. Just so you know a few more trees are proposed to come down. Those trees are marked and people can go look and see if you agree or disagree and if pertinent.

Otherwise, we have worked with the City quite a bit, the City Staff on the layout of this to try and keep the feel of Longfellow, the feel that it is a home based neighborhood, homes should be closer to the road and parallel to the road. That is why the first three (3) duplexes are closer to the road and trying to keep that appeal or neighborhood feel to the project.

Another item that was discussed and the developers are willing to install a crosswalk from the private drive across to the existing sidewalk on Longfellow. The developers are willing to propose that and would be happy if that was a condition of approval.

That is the project in a nutshell and I will leave it up to questions.

**Ed Reidman** any comments from the Staff?

No Comments

### **Public Hearing Open**

**Jim Giguere** 15 Amy Lane which is just off of this map. Amy Lane is a fairly new development in Grayce Estates; currently there are seven (7) homes with one lot left to be developed. It comes off of Longfellow and comes in behind Digbys Variety. From my deck and from the front of my house I can see this lot especially this time of year.

Some of the concerns I have is the increase in traffic. Amy Lane is now owned and maintained by the City of Westbrook. There are no speed limits on Amy Lane, yet there are two families with small children and the street is used quite often by people to cut through from Longfellow over to New Gorham Road without having to go through the lights. My concern is possibly increasing traffic on that road by twelve plus cars at any given time during the day. I have a young two year old daughter and I like to get outside to play with her. We feel right now that the neighborhood is fairly safe as far as traffic wise. My concern is that increase of traffic on that street, being a public roadway, there is no limit to anyone using that street. That is my main concern the increase in traffic in that

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area. If the project was individual homes it would not be as bad but with multiple tenants I feel the traffic will increase.

**Ed Reidman** anyone else?

**Public Hearing Closed**

**Ed Reidman** Mr. Whitten can you address the traffic issue?

**Jon Whitten** basically there is a potential with twelve (12) units possibly two cars per unit will have twenty-four cars that will come into the neighborhood. This is in an urban area and is within the development requirements of the zone. I do believe that rental properties have a lower trip rate than single family homes. I know that single family homes have a trip generation of ten (10) per home. I do not have the reports with me but I believe that rental properties are in the seven (7) to eight (8) ranges for trips.

We are coming from a private drive to a public street... I feel for you, I have a two and a four year old as well but we expect families in this neighborhood and there will be some increased traffic to the neighborhood on Longfellow Street. I think it is up to the City Patrols to make sure that people drive in a responsible manner.

**Ed Reidman** There was one submission on paper that was dated January 3<sup>rd</sup>

\*\*Editors Note See next page for letter.

Jan. 3-2012

To whom it may concern:

I live at 186 Longfellow St. across from 211. for 54 years. Here's what I think you should consider.

When Gracia Estates was built, a sidewalk was put in from Janson Dr. to the entrance of Gracia Estates. Continue the sidewalk up to 711 and let the builders of 6 houses for 12 families and Bob and Theresa Chamard's planned new house, put a sidewalk along all that property. Wilson has the cats to do the job.

There will be children in these apartments. I would hate to see one of them get hit by a car because they had to walk on the road to go to the store or try to cross the road in such a heavily traveled road. Please think about it. How would we feel if something like that happened.

Rhoda M. Lewis

As at 86 yrs old  
I'm trying to save a life. (12 more cars  
or more on  
our road)

**Regular agenda**

1. Call to Order
2. Chairman's Report – Calendar Year 2011

**City of Westbrook**  
**WESTBROOK PLANNING BOARD**  
**EDWARD REIDMAN, CHAIRMAN**

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**WESTBROOK PLANNING BOARD**  
**CHAIRMAN'S REPORT 2011**

During 2011 the Planning Board conducted (5) Workshop, (4) Sketch Plan, (4) Site Plans, (3) Site Plan Amendment, (1) Subdivision, (3) Subdivision Amendments, (2) Special Exceptions, (1) Special Exception Amendment, (6) Public Hearings, (2) Comprehensive Plan Update, (1) Rezoning Request, (1) Paper Street Review, (1) Consent Agenda, (3) Land Use Ordinance Amendment recommendations to City Council

**Below is a list of activities of the Planning Board during 2011:**

**Development Plans**

1. **Subdivision Amendment – Westbrook Estates/Miles Lane** – SJR Engineering, Inc on behalf of Fortin Construction, Inc to amend lots 4 and 5, the approved landscaping and private drive. The developer respectfully requests a reconsideration of the motion to deny the subject amendment. Tax Map: 8, Lots: 604 and 605, Zone: Residential Growth Area 1 **01-04-2011**
2. **Site Plan Amendment – One Thomas Drive** – Terrence J. DeWan & Associates, on behalf of The Cumberland County Soil & Water Conservation District, for floodplain restoration in the Long Creek Watershed. This amendment includes no new on property located at 1 Thomas Drive. Tax Map: 3, Lot: 125. Zone: Industrial Park District. **03-15-2011**
3. **Site Plan Amendment – Fifteen Thomas Drive** – Terrence J. DeWan & Associates, on behalf of The Cumberland County Soil & Water Conservation District, for floodplain restoration in the Long Creek Watershed. This amendment includes no new construction on property located at. Tax Map: 3, Lot: 124. Zone: Industrial Park District **03-15-2011**

- 4. 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. **04-05-2011**
- 5. Special Exception – 32 Wilson Drive** - June Holman for approval of a 12-child Home Day Care Provider operation on an approximately 0.22-acre parcel located at 32 Wilson Drive. Tax Map: 43, Lot 205, Zone: RGA-1. **06-07-2011**
- 6. Rezoning – 102 Cumberland Street** – Scott Balfour for a rezoning from Residential Growth Area-1 to City Center District. This change is not accompanied by a plan for redevelopment but is intended to enable more commercial uses in an historic building in the Cumberland Mills neighborhood abutting the City Center District. Tax Map: 40, Lot: 206. Zone: RGA-1. **06-07-2011**
- 7. Sketch Plan – Longfellow Street – Sebago Technics** on behalf of STT Investments, LLC, for review of a 15-unit residential development. The units would be separated into 4 buildings and each unit would have one garage parking space and an additional parking space in the common parking lot. There would be extra parking for guests. The project is proposed to be located at 211 Longfellow Street. Tax Map: 27, Lot: 116. Zone: RGA-1. **06-07-2011**
- 8. Sketch Plan – Stroudwater Landing – 449 Stroudwater Street** – Daniel J. Maguire, on behalf of Sandy River Company for a 3-phase project to include a 50-bed memory care center, a 120-unit independent and assisted living facility and 44 for sale age restricted units in duplexes, triplexes and quads. This project would require an amendment to the approved Subdivision, Site Plan and Special Exception approved by the Planning Board on May 1, 2007. This project would be located on an approximately 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. **06-21-2011**
- 9. Public Hearing - Rezoning – 102 Cumberland Street** – Scott Balfour for a rezoning from Residential Growth Area-1 to City Center District. This change is not accompanied by a plan for redevelopment but is intended to enable more commercial uses in an historic building in the Cumberland Mills neighborhood abutting the City Center District. Tax Map: 40, Lot: 206. Zone: RGA-1, Village Review Overlay District and General Development Shoreland Zone. **07-05-2011 & 07-19-2011**

- 10. Rezoning – 102 Cumberland Street** – Scott Balfour for a rezoning from Residential Growth Area-1 to City Center District. This change is not accompanied by a plan for redevelopment but is intended to enable more commercial uses in an historic building in the Cumberland Mills neighborhood abutting the City Center District. Tax Map: 40, Lot: 206. Zone: RGA-1, Village Review Overlay District and General Development Shoreland Zone. **07-05-2011 & 07-19-2011**
- 11. Sketch Plan – Idexx Laboratories – One Idexx Drive – DeLuca-Hoffman, Assoc.,** on behalf of Idexx Laboratories for review of a 107,000 square foot administrative office building. The project is proposed to be located along with the existing buildings at One Idexx Drive. Tax Map: 5B, Lot 5. **07-19-2011**
- 12. Site Plan - Idexx Laboratories – One Idexx Drive – DeLuca-Hoffman, Assoc.,** on behalf of Idexx Laboratories for review of a 107,000 square foot administrative office building. The project is proposed to be located along with the existing buildings at One Idexx Drive. Tax Map: 5B, Lot 5 **08-16-2011 & 09-06-2011**
- 13. Public Hearing - Site Plan – Idexx Laboratories – One Idexx Drive – DeLuca-Hoffman, Assoc.,** on behalf of Idexx Laboratories for review of a 107,000 square foot administrative office building. The project is proposed to be located along with the existing buildings at One Idexx Drive. Tax Map: 5B, Lot 5 **09-06-2011**
- 14. Subdivision Amendment – 917 Main Street** – Westbrook Housing for the amendment of a previously approved 3-unit condominium live/work building on an approximately 0.11 acre site located at 917 Main Street. This amendment is to clarify that the units are part of a condominium, meaning that the individual units are owned in fee simple and the land is owned in common. The approved Site Plan and Village Review application are not altered by this request. Tax Map: 32, Lot: 106, Zone: City Center District, General Development Shoreland Zone, Downtown Housing Overlay District and Village Review Overlay Zone **09-06-2011**
- 15. Sketch Plan – Warren Avenue Industrial Condominium – 84 & 84A Warren Avenue** – St. Germain Collins, on behalf of Selden Von Herten for review of a 10-unit condominium. The proposal would separate existing structures with their associated land into condominium units, but not subdivide the land. The condominium project is proposed to be located along with the existing buildings at 84 and 84A Warren Avenue. Tax Map: 46, Lots 19 and 18. **09-06-2011**
- 16. 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. **10-11-2011**

- 17. Subdivision Amendment – Vacation and Termination of Subdivision on Mayberry Road** – Scott Proctor for vacation and termination of an approved subdivision which includes 6 residential units in 3 duplex buildings on an approximately 0.77 acre site located at Mayberry Road, generally across from Emery Street. Tax Map: 38, Lot: 154B. Zone: RGA-1. **11-01-2011**
- 18. Special Exception – Home Daycare Provider** – Danielle Hodgkins for Special Exception approval for a 12-child Home Daycare Provider operation on property located at 662 East Bridge Street. Tax Map: 13, Lot: 10, Zone: Residential Growth Area 2. **11-01-2011**
- 19. 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. **12-06-2011**
- 20. Site Plan and Subdivision – 211 Longfellow Street** – Terradyn Consultants, LLC, on behalf of Longfellow Development, LLC, for a 12-unit, 6-building duplex rental residential development on an approximately 1.42 acre parcel located at 211 Longfellow Street. Tax Map: 27, Lot: 116, Zone: RGA-1. **12-20-2011**
- 21. Review of Paper Street Development – Essex Street** – Survey, Inc., on behalf of Christopher Wilson, for the extension of Essex Street (a paper street) to provide access to three lots of record for the construction of three single-family homes. This development is consistent with the provisions of Sec. 406 Review of Paper Street Development. Tax Map: 43 Lot: Portion of 47 (Existing Lots 23, 26 and 27). Zone: RGA-1. **12-20-2011**

### **Long Range Planning**

- 1. Adoption of Vision Statements – Comprehensive Plan Update** - On behalf of the Westbrook Comprehensive Plan Update Task Force, the Department of Planning requests a Planning Board recommendation of approval for City Council adoption of proposed vision statements for individual areas of Westbrook and citywide which will serve as a guide to the Task Force as they write the update of the Comprehensive Plan as required by the State Planning Office **03-01-2011**
- 2. Public Hearing – Adoption of Vision Statements – Comprehensive Plan Update** - On behalf of the Westbrook Comprehensive Plan Update Task Force, the Department of Planning requests a Planning Board recommendation of approval for City Council adoption of proposed vision statements for individual areas of Westbrook and citywide which will serve as a guide to the Task Force as they write the update of the Comprehensive Plan as required by the State Planning Office. **03-15-2011**

- 3. Adoption of Vision Statements – Comprehensive Plan Update** - On behalf of the Westbrook Comprehensive Plan Update Task Force, the Department of Planning requests a Planning Board recommendation of approval for City Council adoption of proposed vision statements for individual areas of Westbrook and citywide which will serve as a guide to the Task Force as they write the update of the Comprehensive Plan as required by the State Planning Office. **03-15-2011**

### **City Initiated Zoning Amendments**

- 1. 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 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. **04-05-2011 & 04-19-2011**
- 2. Public Hearing – 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 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. **04-19-2011**
- 3. 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 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. **04-19-2011**

**4. Public Hearing – 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 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. **05-17-2011**

**5. 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 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.

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The special exception approval process allows such conflicts to be managed while still allowing the use. **05-17-2011**

Sincerely,

Edward Reidman,  
Westbrook Planning Board

Cc: Mayor Colleen Hilton  
Members of the City Council  
Jerre Bryant, City Administrator  
Planning Department

**Ed Reidman** may I have a motion?

**Cory Fleming** I move to forward the Chairman's Report to the City Council.

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

**The vote was unanimous in favor 7-0**

3. Election of Officers

**Rene Daniel** I nominate Ed Reidman for Chair.

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

**The vote was unanimous in favor of nomination 7-0 (Ed Reidman abstaining)**

**Ed Reidman** I need a nomination for Vice-Chairman

**Michael Taylor** I nominate Rene Daniel for Vice-Chair.

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

**The vote was unanimous in favor 7-0 (Rene Daniel abstaining)**

4. Approval of Minutes

**Rene Daniel** I move to approve June 21, 2011, July 5, 2011, July 19, 2011, August 16, 2011 and December 20, 2011 minutes as written.

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

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**The vote was unanimous in favor 7-0**

Consent Agenda: Note – Public comment will be accepted for this item.

5. **Review of Paper Street Development – Essex Street** – Survey, Inc., on behalf of Christopher Wilson, for the extension of Essex Street (a paper street) to provide access to three lots of record for the construction of three single-family homes. This development is consistent with the provisions of Sec. 406 Review of Paper Street Development. Tax Map: 43 Lot: Portion of 47 (Existing Lots 23, 26 and 27). Zone: RGA-1.

Review of Paper Street Development. The construction of existing lots on pre-platted subdivisions was introduced into the Land Use Ordinances as a means to achieve the Smart Growth goal of infill housing. Infill housing is seen as a means to allow growth in traditional urban centers. This helps to support urban centers, and increase the efficiency of existing utility infrastructure. At the same time, this new housing contributes to the stock of housing that is located in neighborhoods within walking and bicycling distance of services.

Per Section 406 – Review of Paper Street Development, if the proposed development meets the Code requirements for development on paper streets and the applicant proposes no changes to the lot size or configuration then a project may be approved administratively. Section 406 requires that property owners within a 500 foot radius of the proposed street construction be notified about the project. If a property owner within this radius requests Planning Board review of the subject project then the project is sent to the Planning Board for review. Property owners within the 500 foot radius were notified regarding the application for development of a paper street and there was a formal request for Planning Board review.

Project Description. The applicant proposes to construct approximately 328 feet of the approved but unimproved Essex Street, which connects with Cumberland Street, near its intersection with Pierce Street. Along with construction of a portion of Essex Street, the applicant proposes to develop 3 lots of record that exist along the street. The street would be constructed as a private drive and would consist of gravel, not paved, surface.

The subject property is approximately 3.68 acres in size and includes 18 lots, with 3 to be developed at this time. The subject property also includes the unimproved Whitney Avenue, which extends to Pierce Street. Whitney Avenue is not proposed for development at this time. This development must conform to Section 203.7.1 of the Land Use Ordinances. This section requires that infill lots such as these be developed in keeping with surrounding development.

Update. On January 7<sup>th</sup>, the Planning Board conducted a site walk of the subject property. The applicant described the project and one abutter attended the meeting. The following notes from the meeting are not verbatim minutes, but a summary of the dialogue.

Question & Answer:

Q: How many units will you build now?

A: 3 right now and subsurface drainage would be necessary with future development.

Q: Why is the project entrance being constructed off of Cumberland and Not Pierce?

A: There are no lots on Pierce Street.

Q: Will there be any fencing around the lots?

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A: There will be landscape screening, such as Arborvitae, to screen the nearest home.

E-mailed Statement: If there are additional lots that could be developed at a later date, then the roadway should be built to city standards. Gravel roads are not accepted and plowed by the City and this could be a safety issue. While a 4 inch water main should serve the 3 lots as proposed, additional lots would likely require cutting into Cumberland Street again to service the larger project. There should be at least 55 feet of lot frontage for the lots. Are there other substandard lots in the area?

Statement: The Planning Board Chair does not support development off of an unpaved drive here and so may not support the project. The subject property is located in an urban condition and a roadway accessing residential lots should be paved.

**Ed Reidman** we have had a site walk and a public hearing on this project and you will find that there are two motions with regard to this project.

Questions or comments with regard to the project?

Ms. Burns under both the motions and all the motions that we turn out there is a paragraph at the end that says:

“Approval is dependant upon, and limited to, the proposals and plans contained in the application dated November 21, 2011, plans dated November 18, 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 Planning Board.”

The conditions imposed by the Planning Board... As I said before, I have a conflict with the Ordinance that says the road can be less then a paved road. Could if the Planning Board chose to put the paving of that stretch of road as a condition?

**Natalie Burns** the Planning Board can impose a condition if it feels a condition is necessary to meet the standards in the Ordinance. If the Board felt pavement was necessary for example to meet the stormwater requirements, then it could impose a condition.

What the Board can not do generally is impose conditions that require things that the Ordinance does not say or if the Board disagrees with what the Ordinance says, or in that case the Board can recommend to the Council that it adopt a change to the Ordinance to be the way that the Board feels it should be.

I did want to clarify one thing, the Chair said this was being reviewed under Paper Street and subdivision; this is only being reviewed under the Paper Street. The subdivision you were looking at is the next application. This is already an approved subdivision as you know.

**Ed Reidman** I read the motion wrong, I apologize.

I still have a problem with it. I certainly will recommend to the staff to approach the Council to change the Ordinance. I think this is the right time to do it while we are working on the Comprehensive Plan to eliminate that. I will let others speak to what they feel. I feel a street in an urban area should be paved. I have seen in other areas that promises have been made to pave sometime in the future and they have not come forward. I think it is a cost that developers have to bear in order to provide safe access to properties that they are going to build on.

Any comments?

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**Greg Blake** first off, I will concur with your comment. In an urban infill development like this I certainly expect a paved road.

My initial question is, unless I am missing it, are there any kind of elevation drawings or architectural renderings for these units? I believe with these infill types... a question for staff, I believe that we have standards that the units match the surrounding architecture of the neighborhood?

**Richard Gouzie** we do have design standards that they need to follow. I will have to look at six (6) houses up the street and three (3) to the left and the right to meet what is in the neighborhood. If the neighborhood has porches, they will have porches. They will have a tree buffering between each other. We do have more standards than what we had in the beginning of the lots of record being constructed.

**Greg Blake** and these will apply as well?

**Richard Gouzie** yes

**Greg Blake** I will compliment the ones that I have seen going up have done an excellent job blending in to the surrounding neighborhoods.

**Dennis Isherwood** I agree with the Chairman on the paved street.

A question for Mr. Gouzie, you will be looking at lots on either side of the street up and down. On the lot sizes, I know we have changed that to fifty-five (55) by one hundred (100), I believe, fifty-five (55) frontages? Will these be grandfathered under the old...?

**Richard Gouzie** these are lots of record, we have not changed the lots of record. They require fifty (50) foot frontage. In this zone if you were to create a new lot, you would need sixty-five (65) feet of frontage.

**Dennis Isherwood** how many lots are there in this area?

**Jason Farthing** the outline in green shows the 1920 subdivision

\*\*Editors Note comments inaudible.

**Dennis Isherwood** Whitney Avenue, is that a Paper Street also? Mr. Wilson owns the three lots there also?

\*\*Editors Note comments inaudible.

**Dennis Isherwood** the only access to these lots would be from Essex Street?

**Jason Farthing** Whitney comes out on Pierce Street.

**Dennis Isherwood** eventually in 10 or 20 years there is a potential in to put a public street?

\*\*Editors Note comments inaudible.

**Ed Reidman** please use your microphone.

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**Jason Farthing** any future development would require the entire parcel will be looked at. If a Public Street was put in a different drainage system would need to be revised to take care of the water.

**Greg Blake** currently the planned retention pond is in the middle of Whitney Avenue.

**Dennis Isherwood** so the potential for this street would be a thoroughfare to Whitney –and eventually to Pierce, between Cumberland.

**Jason Farthing** it is a possibility.

**Dennis Isherwood** there are no tree farms on this property are there?

**Jason Farthing** no

**Cory Fleming** given that there are no plans to develop Whitney Avenue, has this been before Public Safety in terms of access for emergency vehicles?

**Eric Dudley** yes it has, it meets the standards with hammer head that is proposed. The Public Safety equipment can enter from Cumberland Street and can safely turn a fire truck around and that is the largest apparatus that they would have so they could head back out to Cumberland Street.

**Rene Daniel** I will concur with everyone that has spoken so far about the tarring of the street. I think it is a perfect time, since we are working on the Comprehensive Plan is to propose to the City Council to change it. I agree with fellow Planning Board members that it is urban and can not see putting a none paved private way in that area.

I need to speak to the “hypothetically” possible development now. People are buying every inch of property in this area, is one of them and he Mr. Wilson does do a good job. But hypothetically, these houses will be bought and sold and Whitney, I think Mr. Isherwood is right, Whitney will be a through street, whether Mr. Wilson does it or not. It is coming.

I think the quicker we can have the staff put forward with the possibility of working with the Comprehensive Plan to recommend to the City Council the better off it is going to be. This is Westbrook and the City looking is looking darn good in late. As much as I would like you to put in sidewalks, there is not enough room... You know my feelings.

**Ed Reidman** you have a private way, you have three houses. The City will not go in to pick up trash on that Street, right?

**Richard Gouzie** that is correct.

**Ed Reidman** that means the people will either truck it to the curb on Cumberland?

**Natalie Burns** or have it privately hauled.

**Ed Reidman** if there are no more comments, do I hear a motion?

**Greg Blake moved** The Review of Paper Street Development application for Christopher Wilson on a portion of Tax Map: 43, Lot: 47, is to be **approved with conditions** with the following findings of fact and conclusions.

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- A. Storm water. Adequate provision shall be made to collect, treat and dispose of stormwater such that the rate of flow onto properties in the area does not exceed those existing prior to the construction or improvement of the paper street.
- B. Street Construction Standards. The proposed extension of Essex Street meets the requirements of Sec. 502.5C (Design Standards for Private Rights of Way). This is an existing paper street that was approved under a prior Ordinance and will be built as a gravel private way and therefore shall not receive City services such as snow plowing and curbside trash pick-up.
- C. Erosion Control. The proposed project shall incorporate the best management practices for erosion control and shall not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
- D. Lot Development. The project shall include at least 6 street trees distributed along the frontage of the lots.
- E. Provision of Open Space. In order to meet the requirements of Section 406.11 E, the applicant shall pay a fee in the amount of \$5,340.00 for the provision of off-site open space.
- F. Water and Sewer Capacity. The project shall be served by public water and sewer. The applicant has verified that there is adequate water supply and the City Engineer has verified that there is adequate sewer capacity.
- G. Traffic. The proposed paper street shall not cause unreasonable highway or public road congestion or unsafe conditions.

CONDITIONS

1. Construction of the subject portion of the unimproved Essex Street (a "paper street") is dependant upon, and limited to, the written narrative dated November 17, 2011 and updated to December 5, 2011, supporting application materials and plans dated August 15, 2011 and revised to December 7, 2011 and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board.
2. Prior to issuance of the formal letter of approval of the project and, therefore, prior to issuance of the first building permit for the project, a fee in the amount of \$5,340.00 shall be shall be made payable to the City of Westbrook for the provision of off-site open space pursuant to section 406.11 E of the Land Use Ordinances.
3. Provision of City services such as snow plowing are the responsibility of the landowners and are not provided by the City as the applicant is constructed as a private way. Private ways are not built to public street standards and are not accepted by the City.
4. Prior to the commencement of any construction related to the paper street development or the issuance of any building permits associated with the subject development, the applicant shall file a performance guarantee with the City, consistent with Section 406.12.
5. Development of the subject property must be consistent with the design standards for substandard lots of record found in Section 203.7.1 of the Land Use Ordinances.

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6. Prior to issuance of the formal letter of approval of the project, the applicant shall pay the cost of the required notice to abutters.

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

**Ed Reidman** is there any questions on the motion?

No questions

**Michael Taylor** where do we stand with the condition of paving? Are we adding that as a condition or are we sending that to the Council?

**Ed Reidman** at the Site Walk, I said that I would not vote for this project unless the surface was paved. I have softened my approach and have considered our Attorneys response to that matter. I think the way to go is through the Council. I will vote for the project but am not happy about it and if it comes that we get another Paper Street before the period of change I will ask the Council to place a moratorium on it.

**Greg Blake** Mr. Chair, to address that, the reason I went ahead with the motion is that I am encouraged by Chris's usage of the paving grinds for the three (3") inch up there and is almost as good as a top layer and is certainly better than gravel.

**The vote was 6-1 (Dennis Isherwood Opposed)**

Continuing Business

6. **Site Plan and Subdivision – 211 Longfellow Street** – Terradyn Consultants, LLC, on behalf of Longfellow Development, LLC, for a 12-unit, 6-building duplex rental residential development on an approximately 1.42 acre parcel located at 211 Longfellow Street. Tax Map: 27, Lot: 116, Zone: RGA-1.

Summary. The proposed project would be located on an approximately 1.42-acre site located at 211 Longfellow Street. The project would include a 12-unit, 6-building duplex rental residential development. Each unit would be allocated the required 2 parking spaces – one in an attached parking garage and the other in the driveway for the duplex. There would be 6 guest parking spaces. The property is surrounded by multi-family condominiums and single-family homes.

Update. On January 7<sup>th</sup>, the Planning Board conducted a site walk of the subject property. The applicant described the project and two abutters attended the meeting. The following notes from the meeting are not verbatim minutes, but a summary of the dialogue.

Question & Answer:

Q: Please describe the drainage along the northern and eastern boundaries of the property.

A: Water will be directed to a landscaped swale, similar to but not exactly a rain garden, which is intended to accommodate and filter through the first rush of a rain event. There will also be a low berm along the eastern boundary to help direct water on that side of the property to a ditch with level spreader.

Statement: In a letter to the Planning Department, an abutter requests that the sidewalk on this side of Longfellow Street be extended from the nearby Grayce Estates subdivision.

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Statement: The City Planner requested that, in lieu of extending the sidewalk on this side of the road, the applicant construct a crosswalk to the existing sidewalk that runs the length of Longfellow Street but on the other side of the street.

Q: What provisions are made for a play area for children who will live here?

A: There is space around the buildings for play.

Statement: An abutter requested that a planted buffer be installed around the non-street sides of the project, in order to provide a visual and noise buffer for neighbors.

Statement: Please replace the remaining pine trees at the edge of the property with a hardwood tree buffer. The pines have shallow root systems and are susceptible to falling down in significant weather events.

**Ed Reidman** we have had a site walk and a public hearing for this project. We have a motion for both the Subdivision and the Site Plan. When we are ready to make the motion there has to be a condition added to both motions regarding the crosswalk opposite the street.

Questions or comments from the Board?

**Cory Fleming** in terms of the condition for the crosswalk; will that also include signage in both directions so it is visible given that this neighborhood has young children? Can we require that as part of the condition?

**Eric Dudley** in terms of the signage it will also be ADA compliant.

**Ed Reidman** other questions or comments?

**Michael Taylor** I looked at the plans at home and I have a concern I do not like having things on the front of the house on the two building you have right there at the beginning of Longfellow Street, the decks. It concerns me that when people are driving by and I do not like seeing clutter. People can have a party and I do not like clutter, I like things that look nice when driving by. You would think that you would put those things on the side. It attracts bad things when you have something on the front of the house with a deck, especially with rental units. I think you are asking for trouble if you are going to have decks on front. I do not know what type of people you will be renting to, are you renting to people of a certain age, like over forty (40) or are they going to be a twenty (20) to thirty (30) group? It concerns me that we will be seeing these properties with deck on the front, driving by and people are... I see them; it does not look pretty on them. I would like to see them off to the side and make the neighborhood look nice. I do not want it to be a property that creates a lot of phone calls to the Police Department. Those are the concerns I see when this type of units go up.

**Jon Whitten** these units will be owned and maintained by Chris and CJ. They will monitor the land and the homes. Bob Chamard their Grandfather will be living here and he will have an eye on the neighborhood as well.

As I said in my initial presentation, we will look at trying to put the decks on the side and try to buffer from the street. If they did not work there, the developer did not want to be stuck if it does not work physically. They are definitely going to look at putting them on the side and if you would like the plan show them on the side and we get administrative approval to move them back

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to the original position. That would be fine with the developer, if that would put the Board more at ease.

As far as rental I can not say what people are going to be renting but the developer has told me they are looking at around about a \$1200.00 dollar rent a month for each unit and they do expect to accept families to the neighborhood. It is certainly not a fifty-five (55) and older neighborhood. I do not expect that you will be looking at Animal House either.

**Ed Reidman** thank you, any other questions from the Board?

**Rebecca Dillon** I had made the same comment at the last meeting. I appreciate how you pushed the buildings up to the street trying to retain that pattern along Longfellow. I agree once you put that deck there it says the back of the house, not the front of the house. Although I understand while you are under construction something may prohibit that but it would be nice if the effort was there to push them to the side.

**Rene Daniel** I think originally, two meetings ago; I got the impression that we can move them, definitely. Then each time we have had a conversation about this it has gotten softer and softer and now we are going to wait and we are going to move it administratively. I feel the same way Mike does, it is just when you go up that street, not many people will realize that is the back of the house. People will assume that is the front of the house.

I would hate to see a property that I think is going to look awesome have two building that will look like two sore thumbs. Just take that into consideration. I am not saying that I am going to vote against it because of that but it is just the last few times we have and this conversation it has gotten softer and softer, like no, maybe and maybe not, well we will talk about it later.

**Jon Whitten** I am sorry that perception has been put out there. At the December 20<sup>th</sup> meeting it was first brought up to us and the developer said they would look into it. We immediately talked to Molly after that meeting and that is when we discussed with her that the position could be dealt with at the foundation time and if it was a change it could be an administrative sign off.

As I just suggested, if we move those to the side, that is the way we intend to do it and then we have to get some sort of approval to move it back to the front, if that makes the Board more comfortable I think the developers would be in agreement to do that. If you would like to add a condition that units 9, 10, 11 and 12 have their decks on the side of the buildings it will be fine with us.

**Cory Fleming** what are the landscape plans for those two particular units? Are you putting any trees or decorative bushes back there?

**Jon Whitten** there will be four (4) Crab trees in the front along with two (2) existing hardwoods.

**Cory Fleming** you are saying front, are we talking about the front of the house or the street front?

\*\*Editors Note Jon Whitten pointed out the location and type of the landscaping on the map.

**Ed Reidman** other questions or comments?

**Michael Taylor** on the conditions, is there a way we can add the porches... an administrative approval, I do not want them to come back and...

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**Ed Reidman** as I understand this situation, administration has certain levels of approvals and if they are uncomfortable approving it, they can come back to the Planning Board. That is already in the Ordinance.

If you propose a motion, I would add a condition that the porches, decks that face Longfellow Street will be transferred to the side of the building instead of the rear of the buildings.

**Jon Whitten** the developers are willing to say that they will put them on the side as part of this approval and then if they do not physically work for some reason, they can work through staff to get it to the front toward Longfellow with the energy put to the side.

**Cory Fleming** Mr. Chair, I want to clarify that goes with the Subdivision verses the Site Plan?

**Natalie Burns** that one goes with Site Plan.

**Cory Fleming** and what about the crosswalk?

**Natalie Burns** that can go with either. I do have proposed language for the crosswalk if you do not have some ready.

**Cory Fleming moved** the Subdivision Plan application for Chris LeFevre, LLC, on Tax Map: 27, Lot: 116, 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

- Adequate.

E. SEWERAGE

- Sewerage would be via the municipal wastewater system.

F. SOLID WASTE

- Solid waste and snow plowing and removal are the responsibility of the landowner.

G. AESTHETICS

- Appearance Assessment:
  1. Project to Site – The subject buildings are laid out along a driveway extending from Longfellow Street. The applicant has provided elevations of the proposed buildings that depict a high level of architectural detail.
  2. Project to Surrounding Property – The buildings are located so that the back of units face the back of units on surrounding property. The units facing Longfellow Street are set back

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from Longfellow Street in a location that continues the somewhat consistent building line that has been established along Longfellow Street.

3. Landscape Design – A substantial landscape plan would be provided.
4. Lighting – Adequate.
5. Signs - Any project signage would require building permit approval.

H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- Comprehensive Plan – The proposal is in conformance with the Comprehensive Plan.
- 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 December 15<sup>th</sup> meeting. The Commission voted to recommend Planning Board approval of the project subject to the provision of a fee in lieu of open space in the amount of \$2,785.00, for the provision of off-site open space.
- Community facilities impact analysis – If required.

I. FINANCIAL AND TECHNICAL CAPACITY

- Adequate

J. RIVER, STREAM OR BROOK IMPACTS

- N/A

CONCLUSIONS

1. The proposed subdivision plan **will not** result in undue water or air pollution.
2. The proposed subdivision plan **has** sufficient water available for the reasonably foreseeable needs of the site plan.
3. The proposed subdivision plan **will not** cause an unreasonable burden on an existing water supply.
4. The proposed subdivision 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 subdivision 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 subdivision **will** provide for adequate sewage waste disposal.
7. The proposed subdivision plan **will not** cause an unreasonable burden on the municipality's ability to dispose of solid waste.
8. The proposed subdivision 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 subdivision plan **conforms** with a duly adopted comprehensive plan. However, the proposed subdivision plan is in violation of its original approval.
10. The developer **has** adequate financial and technical capacity to meet the standards of this section.
11. The proposed subdivision 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.

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12. The proposed subdivision plan **will not** alone or in conjunction with existing activities, adversely impact 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 subdivision plan.
15. Any river, stream, or brook within or abutting the subdivision plan **has** been identified on any maps submitted as part of the application.
16. The proposed subdivision plan **will** provide for adequate storm water management.
17. The proposed subdivision 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 November 21, 2011, plans dated November 18, 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 Planning Board.
2. Prior to the Planning Board signing the mylar, the applicant shall file a performance guarantee with the City of Westbrook. The amount of the guarantee shall be agreed upon in advance with the City of Westbrook and shall be of an amount to ensure completion of all on- and off-site improvements necessary to support the proposed project.
3. Prior to issuance of the Street Opening Permit, or the first permit required for the project, a fee in the amount of \$1,060.00 shall be made payable to the City of Westbrook for inspection of site improvements made by the Code Enforcement Officer and/or other appropriate City staff. This fee is required per Section 500.8 of the Land Use Ordinances in order to cover the inspection of site improvements. If the project requires both Site Plan and Subdivision approval, this fee shall only be paid once.
4. Prior to the Planning Board signing the mylar, the applicant shall pay a fee in the amount of \$2,785.00 to the City of Westbrook for the provision of off-site open space pursuant to section 502.6 A of the Land Use Ordinances.
5. Prior to issuance of the first Certificate of Occupancy for the project, the applicant shall have constructed a crosswalk to connect the property with the existing sidewalk on the opposite side of Longfellow Street. This work shall be coordinated with the City of Westbrook and shall meet ADA requirements and include all signage required by the City Engineer.
6. Prior to the Planning Board signing the mylar, the applicant shall pay the cost of the required notice to abutters.

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

**The Vote was 7-0 (Rebecca Dillon voting – Robin Tannenbaum abstaining)**

**Cory Fleming moved** the Site Plan application for Chris LeFevre, LLC, on Tax Map 27, Lot 116 is to be **approved with conditions** with the following findings of fact and conclusions.

## ***FINDINGS OF FACT***

### **Utilization of the Site**

- Adequate.

### **Adequacy of Road System**

- Adequate.

### **Access to the Site**

- Access to the new buildings would be from a driveway extended from Longfellow Street.

### **Internal Vehicular Circulation**

- Adequate.

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

- The project should connect to the existing sidewalk, across Longfellow Street, via a sidewalk to be constructed by the applicant, in coordination with the City.

### **Stormwater Management**

- Adequate.

### **Erosion Control**

- Adequate.

### **Utilities**

- Adequate.

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

- N/A

### **Technical and Financial Capacity**

- Adequate.

### **Solid Waste**

- Trash pickup and snow plowing would be the responsibility of the landowner as the units would not be located along a street built to City standards for a public street.

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

- N/A

### **Landscape Plan**

- The landscape plan depicts a mix of trees, shrubs and plants for the benefit of the project.

## **CONCLUSIONS**

1. The proposed site plan **will not** result in undue water or air pollution.

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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 November 21, 2011, plans dated November 18, 2011, attached building elevations 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 comply with Chapter 37, the local Post Construction Stormwater Management Ordinance.
- 3) For buildings with a façade (front or side) along Longfellow Street, the façade along Longfellow Street shall include at least one window per finished floor.
- 4) The units facing Longfellow Street will have the decks on the side, vs. the Longfellow Street side.

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

**The vote was unanimous in favor 7-0 (Rebecca Dillon voting)**

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New Business

7. **Site Plan – Gateway Condominiums** - Land Use Consultants, on behalf of Steven A. Rich, for the construction of eight (8) condominium units on a 0.91 acre parcel located at 243 Conant Street. Tax Map: 31, Lot: 34, Units: 1-8, Zone: City Center.

Summary. At their April 4 2006 meeting, the Planning Board approved a subdivision and site plan application for construction of 12 condominium units in 3 individual buildings at 243 Conant Street. One building with 4 units was constructed, along with its associated site infrastructure. The remainder of the project was not constructed within the time limits allowed by the Land Use Ordinances, which requires that construction begin within 1 year and the project be completed within 2 years. Subdivision approvals do not expire but site plan approvals do expire. The property was recently sold and the new owner has filed for site plan approval for the ability to construct the remaining 8 condominium units in 2 buildings.

SITE PLAN REVIEW

**Staff Comments**

- Waiver – The applicant has requested a waiver of the parking area aisle width requirements. The proposed aisle is 20' wide as compared to the requirement for aisles of 26'. Staff supports this waiver request. In addition, the waiver was granted with the original approval in 2006.

**Ed Reidman** some of the Board Members remember this project coming to us before. In the notes the Site Plan, Subdivision Plan had expired as only one of the units was built within the time frame. They are coming back to us to ask to build the second two (2) units.

**Steve Rich** we are looking to develop the last two buildings, eight units, and the remaining site work landscape plan. We are going to be the owners and builders of this project. Tom Emery is here and will answer all the technical questions but if you have any questions for us, we are available to answer those.

**Ed Reidman** you have asked for a waiver?

**Steve Rich** that is correct

**Ed Reidman** explain it to the Board?

**Tom Emery** you are partly correct, this project was prepared by Land Use Consultants previously and I was part of Land Use Consultants, we were acquired by Stantec in 2007, so officially we are Stantec Consulting.

The issue of the waiver was part of the original approval because of the configuration of the parking layout. From here we narrow to twenty feet in this area at the rear of the property and as part of that accommodation we made the parking spaces wider in that area so that the maneuvering would still be fairly simple and that waiver was granted in the original approval.

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**Ed Reidman** I know that Rene, Greg and I were there and went on a site walk of the parcel. Was there anyone else? It is basically a re-approval of what it is. The site is partially developed at this point.

The first thing we need to deal with is to either grant or deny the waiver. By way of information, I am in favor of the waiver.

**Greg Blake** Mr. Chair, having discussed this before, I am also in favor of the waiver.

**Ed Reidman** will you make a motion to approve the waiver?

**Greg Blake** I move for the waiver for the proposed isle width of twenty (20) feet as compared to the apartments above, in front of Unit C as described by the applicant.

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

The vote was 6-1 in favor (**Dennis Isherwood** opposed)

**Ed Reidman** does anyone want to have a Site Walk or have a Public Hearing on this one?

None requested

**Ed Reidman** there is a motion on page nine of Molly's memo that runs through page eleven.

**Greg Blake** Mr. Chair, I have a question. Basically we are picking up where we left off on this plan?

**Ed Reidman** we had a full review the first time around, there are no changes to the plan.

**Tom Emery** that you for asking, there are not proposed changes to the plan, except the issue of the dumpster enclosure as pointed out and we are in agreement to provide a dumpster enclosure. I think when Mr. Vance proposed the project he was going to have separate trash bins and maybe was think of hauling it, but since then Steve will be placing the dumpster at the very rear and we will shift that to the left a little and put an enclosure around it and we will provide a full detail of that.

**Robin Tannenbaum** when looking back at the last approval number three of the Conditions

- 3) For buildings with a façade (front or side) along Longfellow Street, the façade along Longfellow Street shall include at least one window per finished floor.

Was that required?

**Ed Reidman** that was a staff recommendation for the last project.

**Robin Tannenbaum** agreed, but... I do not know if we have say over this, it occurred to me while looking at these plans also, the south facing walls of these plans do not have windows and they are on the main street.

**Ed Reidman** if you look at the map, Route 25 is out here and the buildings face the properties next to them from the roadway area.

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**Robin Tannenbaum** I am looking at the side that faces Conant Street of Unit One and Five, are they not south facing?

**Tom Emery** the concept was that we were creating a cluster of units and are typical town house units and I believe as part of a gesture to the neighborhood we added bay windows to each one of the first floor units.

The issue with windows facing Conant Street, I do not recall ever being raised. There is a picture of Unit C in the middle of the upper panel that does not have any windows in it. I think there are a couple of things that are quite different then what you just discussed on Longfellow Street, this is a different situation, there are fairly large farm houses near by and traffic is going thirty-five and up and it is commuting traffic going both ways, so we have set the buildings back from Route 25 and there are street trees and under story planting.

There are street trees all along Conant Street and under story shrub plants and then along the easterly property line there is some existing material that will not be removed and there is also both Canadian Hemlock and Spruce trees in additions to over story hard woods lining the parking lot.

**Robin Tannenbaum** thank you, I would make a comment that even though it is a busy street it seems to be a lost opportunity for cross ventilation and natural light from a southern exposure. I guess that is outside of our scope, but I would like to go on record commenting on that.

**Rene Daniel** did you indicate that the trees there now or on the plan?

**Tom Emery** let me describe the plan a little. The area in white on the map is what exists now in base coursed pavement. The area that is grayed above here is where the parking will be expanded to and was not constructed in the original phase of the site. The full build out will be all of this area here, with all the plantings and all the remaining buildings.

**Rene Daniel** so the planting is not there.

**Steve Rich** some of it is but most of it is not.

**Greg Blake** the sidewalk in front of the subdivision?

**Steve Rich** yes I believe that has to be constructed as part of the plan.

**Rebecca Dillon** just a comment, your architectural plans are stamped in 2006 and you are planning on using those, and just wanted to point out that our codes have changed recently and I noticed specifically the energy code the building does not meet that now. I just wanted to point that out.

**Steve Rich** the company that prepared the plan has been contacted and is aware that they need to bring them up to current code.

**Michael Taylor moved** the Site Plan application for Steven A. Rich on Tax Map 31, Lot 34, is to be **approved with conditions** with the following findings of fact and conclusions.

## ***FINDINGS OF FACT***

### **Utilization of the Site**

- The development takes into account the shape of the parcel and the existing drainage patterns.

### **Adequacy of Road System**

- Adequate

### **Access to the Site**

- Adequate and adequate sight distance exists at the site.

### **Internal Vehicular Circulation**

- The applicant has requested a waiver of the 26 foot parking aisle standard. Staff supports this request.

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

- Adequate.

### **Stormwater Management**

- Adequate.

### **Erosion Control**

- Adequate.

### **Utilities**

- Adequate.

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

- None have been identified in the application.

### **Technical and Financial Capacity**

- The applicant has submitted adequate proof of financial capacity to complete the application.
- A performance guarantee will be required via the subdivision review, above. The guarantee, as provided is inadequate and shall be revised.

### **Solid Waste**

- Solid waste will be the responsibility of the property owner.

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

- None identified.

### **Landscape Plan**

- Adequate.

### **Others**

- None.

## 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 December 12, 2011, plans dated December 13, 2005 and updated to December 12, 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 issuance of the Street Opening Permit, or the first permit required for the project, a fee in the amount of \$2,000.00 shall be made payable to the City of Westbrook for inspection of site improvements made by the Code Enforcement Officer and/or other appropriate City staff. This fee is required per Section 500.8 of the Land Use Ordinances in order to cover the inspection of site improvements.

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3. Prior to the Planning Board signing the mylar, the applicant shall pay the cost of the required notice to abutters.
4. Prior to the Planning Board signing the mylar, the applicant shall depict the required dumpster and dumpster pad on the site plan. The mylar shall include a detail for the dumpster and the pad on which it will sit.

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

**The vote was unanimous in favor 7-0**

**8. Adjourn**

*Respectfully submitted by Linda Gain PECE Administrative Assistant  
THANK YOU*