



City of Westbrook

DEPARTMENT OF PLANNING

WESTBROOK PLANNING BOARD TUESDAY, MARCH 20TH, 2012, 7:00 P.M. WESTBROOK HIGH SCHOOL, ROOM 114 MINUTES

Present: Rene Daniel (Vice-Chair) (Ward 1), Dennis Isherwood (Ward 2), Rebecca Dillon (Alternate), Robin Tannenbaum (Alternate), Cory Fleming (Ward 4)

Absent: Michael Taylor (At Large), Ed Reidman, (Chair) (Ward 5), Greg Blake (At Large)

Staff: Brooks More, Richard Gouzie, Eric Dudley

Vice-Chairman Rene Daniel 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.

Public Hearing - Stroudwater Landing – Special Exception Amendment, Subdivision Amendment & Site Plan Amendment - 449 Stroudwater Street – Daniel J. Maguire, on behalf of Sandy River Company for a 3-phase project to include a 60-bed memory care center, a 120-unit assisted living facility and 44 for-sale age restricted units in duplexes, triplexes and quads. 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.

Background. In April and May of 2007 the Planning Board approved development of 103 residential units in the form of duplexes, triplexes and quads on the subject property. The approved residential units would be age-restricted and the project would include the construction of a new public street, Landing Road, connecting Spring and Stroudwater Streets. The applicant received a zone change from the City Council for a large portion of the property currently owned by the Animal Refuge League at 449 Stroudwater Street. The applicant received the zone change from Rural to RGA1 to increase the allowable density for this project. Construction of the project did not get underway within the time period required by the Land Use Ordinances, one year, and the applicant has since obtained a series of extensions for the approvals.

Update. The applicant is requesting an amendment of the current approvals for the property. The subject proposal includes development in three phases as follows:

Phase I: A 60-room memory care center (these will not be full residential units). Phase I will commence within one year of Planning Board approval. Phase I will be accessed by a driveway with sidewalk. Maintenance of the driveway is the responsibility of the landowner. From initial

construction of the project, the access from Spring Street will include adequate right-of-way for a public street, Landing Road, between Spring Street and Stroudwater Street.

Phase II: A 120-room assisted living facility (these will not be full residential units). Phase II will commence construction within three years of a certificate of occupancy for Phase I. Prior to issuance of a certificate of occupancy for any portion of the development after Phase I, the applicant shall complete construction of Landing Road.

Phase III. Construction of the 44 retirement cottages would be completed within three years of a certificate of occupancy for the 120-room assisted living facility (Phase II).

Daniel Maguire from Sandy River Company that is based in Portland Maine and we operate Senior Care facilities in about a dozen communities around the State of Maine. We are here tonight to amend existing approvals and create an age restricted senior care campus next to Springbrook Nursing Care on Spring Street. I consider Springbrook Nursing Care the anchor to the campus. For those that do not know we have been operating Springbrook for about twenty years now. It is a hundred twenty three bed facility and one hundred nursing home beds and twenty three assisted living or residential care beds.

Stroudwater Landing is the name of the campus and is a natural expansion of senior care services for the community of Westbrook. Included in amended proposal is a sixty unit memory care building as shown here. Springbrook Nursing Care sits on Spring Street and Phase I will be a 60-room memory care center. Phase II would be a 120-room assisted living facility. Phase III continues to be the same phase in our previous approvals which is 44 for sale retirement cottages. This project will be phased over a number of years and we do have our financing in place to do Phase I with TD Bank. We are working diligently to close in May so we may begin construction in late May early June.

Allied Cook Construction Company is the general contractor on our job and did build Springbrook Nursing Care all those years ago. Sebago Technics is the Engineering firm that is located in Westbrook and has done a great job with the plans.

A little more about Phase I, it is a Memory Care Center and will be called Aveta Stroudwater and Aveta means to attract life or for life. Alzheimer's disease is a very difficult disease as some people in this room may be aware of and have had experience with that. Roughly one out of eight people over the age of sixty-five has Alzheimer's disease. Every seventy seconds someone is diagnosed with Alzheimer's disease which is a very critical issue in the senior care world throughout the Country.

I think it is somewhat telling that there are not a lot of neighbors here tonight. The reason for that I believe is we take neighbors very seriously. In all the communities we have worked in over almost thirty years is the first thing we do is have a neighborhood meeting. We invite people to come talk to us instead of waiting for them to have an issue.

In the case of this project we have had a lot of neighborhood meetings. I am on a first name basis with most of the neighbors on this project. They e-mail whenever they would like something. We put balloons over the tops of buildings where you can see them from. By enlarge this first phase, the people that were concerned was the Miles neighborhood. With the leaves off the trees you can barely see the building, if at all, so they were please to learn that.

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The other building is probably more of a focus from Laffin Drive and comments were; what am I going to see from that side it is a three story building. When we put the balloons up you could not see them at all. There will be a good sweeping buffer of trees behind the building.

The other thing we did was listening carefully to neighbors and their concern was how the building was oriented at one time. We have turned it around and pushed it away from that neighborhood as much as we can, as far as we can actually to address their concerns. The bottom line is we care about neighbors; families and the community and this will be something the Planning Board will be proud of and say that we have done a good job.

I recognize that there are no neighbors here but usually they ask, when is this going to happen and how am I going to travel around this. In terms of when, we want to break ground on Phase I the Memory Care Center this Spring that will take a year to build and will open sometime mid 2013. Phase Two is another assisted living, but not targeted towards memory care. We have asked for a development phasing schedule which calls for three years from the time we open this up. Also with that phasing is the phasing of Landing Road which we are going to build as far as the sewer pump station and we have made an agreement with the City to complete that road to City standards before we started Phase II or Phase III.

Phase III is a little more challenging as it is a sale of homes and means that someone has to sell their home before buying a home here. So we are still caught up in the whirl-wind of the Real Estate market, which I hope is turning around. So I conceive building one unit at the end of this road. The first one is a model and will pre-sell it and see how that goes.

One thing that does change in the Miles neighborhood is the road coming in. We met with the neighbors on their back decks and we have agreed to put in a fence that makes sense. On the other side the lady has asked that we keep a row of pine trees as a buffer for her. Through and through we have listened to the neighbors and have made sure to address their concerns and what their needs are.

In terms of traveling; a never ending conversation in itself is road do not generate traffic that I have been told by my Engineer on a Site Walk. This project is not going to generate a lot of traffic, not much more then the previous project we are amending that is shown in the revised traffic study. We do not generate traffic; we are dispersing traffic in a different way. I do not think it will impact neighbors.

At first I did not like the road being there but now I like it and the reason is this will be the fastest way to get to the hospital. This functionally makes sense to the retirement community.

The other thing I want to mention is the Animal Refuge League on the other side is our partner on this project and we have an option agreement to buy their land in the phases as we develop it and I am very thankful to have them on board and working with them.

Community benefits I want to talk about a little is the services we are creating for seniors that the community does not have currently.

I would be delighted if we could get a positive vote from the Planning Board tonight on this project so we may keep with our schedule with the bank and move this along.

Rene Daniel is there anyone in the audience that would have any questions about this project?

**Editors note – no questions

Rene Daniel any questions from the Board?

Dennis Isherwood concerning the traffic, I was here when we originally started the project. We did a traffic study then and do not wish to start one now but it is a big complex and there will be a lot of people coming and going. I have lived near by and can see the Nursing Home from my house and have seen what Spring Street has grown into over the years. I have lived there for over 35 years so I know how it is getting worse every year. I want to be assured that your people and the people that use Spring Street are safe.

I would like to know maybe five years down the road after you have completed Phase I , if we need a traffic light in that position that you would be the person to put it in.

Daniel Maguire that is a good question and we are concerned about the traffic as well. As we develop the road we will make sure to create calming devices in a place that traffic will slow down. I can not be responsible necessarily for the increased traffic along Spring Street. I will say, three years, four years from now when we are doing Phase I... I do not know if I am authorized to say if we could do a traffic light. It is not in the realm of my responsibility, but I am open to that conversation. I do not know how to integrate that in the process right now.

I do not know how to answer your question but am willing to listen to other people's comments.

Dennis Isherwood this is what I would like to know now, that the people of Westbrook would not have to pay for a traffic light that may have to go in because of your development. I can see eventually and more then likely we will have to have a traffic light there just because of the traffic, if you want to get your people in and out safely...

Daniel Maguire the road has been an interesting conversation for a long time. I did point out a reason for a part of it that we support. The other part of it was it was imposed upon us to build the road all the way out when we get to Phase II. In doing so it is adding a million or two to the overall project that Phase II is supporting. It is also a road that benefits not just our project but also the City and we have been asked by the City as part of our approval process to pay for the cost of that road. So now we are paying a million dollars or whatever it is for that road.

If a traffic light is needed it is being generated by traffic that is cutting through then to what our project is generating. Logically speaking I would say why should we have to pay for a traffic light or road that we did not want or ask for to cut through that is to benefit the City. That is the logic I have tonight. On the other side of that, we want your support and would be willing, three years or five years from now to participate in that conversation.

Cory Fleming from auto traffic to foot traffic, in our notes it says in Phase I that will be accessed by a driveway with a sidewalk and I do not see any mention of sidewalks on either Phase I or Phase III. What are you plans for pedestrian walking as this is an age restrictive community, assuming that there will be walkers.

Will Conway with Sebago Technics, the answer is that sidewalks will be extended in Phase II all the way to Stroudwater. There will be a sidewalk continuously from Spring to Stroudwater. Also within the project there are connections to each of the buildings to these walkways for pedestrian activity. Thirdly in the open space areas, in between Phase I and Phase III there is a series of walking trails in the area.

Rene Daniel anyone else?

Public Hearing closed

Public Hearing - Fairlane 500 Industrial Drive - Site Plan - 84 Warren Avenue – St. Germain Collins, on behalf of Selden Von Herten, for approval of a commercial condominium consisting of 13 condominium units (land areas with improvements). Most of the condominium units have been developed. The Site Plan approval is also for approval of a ready mix concrete plant to be owned and operated by Hissong Ready Mix & Aggregates on Unit I of the commercial condominium. The subject property is an approximately 20 acre parcel located at 84 and 84A Warren Avenue. Tax Map: 46, Lots: 17 18 & 19 and Tax Map 47, Lots: 202, 204 & 205, Zone: Industrial Park District and Gateway Commercial.

Overview. The proposed project would be located on an approximately 18-acre site located at 84 and 84A Warren Avenue. The proposal is to 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. The property is surrounded by commercial buildings an unbuilt portion of the Deer Hill subdivision.

The condominium units will be accessed by an existing driveway, by way of Warren Avenue and Chabot Street. Chabot Street and Delta Drive are currently not in a condition to accept the type of traffic, industrial, associated with the development. The applicant has entered into a cost-sharing agreement with the City of Westbrook to improve Chabot Street and Delta Drive. Please see the Conditions of Approval for the amount to be paid by the applicant.

The Site Plan approval includes a concrete ready-mix plant, to be constructed on Unit I. The batch plant and truck loading area would be enclosed within the proposed building. The existing junkyard, located in Unit I, would be relocated to Unit J

Mark St. Germain, St Germain Collins I am here tonight to talk about that Industrial Condominium project it exists on three plans in front of me. The one in front of me is the location between Chabot and Delta Street near exit 48 and Warren Avenue. Here is the site plan and the one below is the Hissong Ready Mix Concrete Site Plan.

The owner of Fairlane 500 Industrial Drive, LLC Selden Von Herten is looking for your approval for this Industrial Condominium. This is an existing commercial use that has eight buildings and a radio tower on the property now that has various commercial uses and some of the tenants are here tonight. They are part of the cause of this as they wanted to stay in this town and want to invest in the building a little more and want to purchase their property and would not be able to do this as the property could not be subdivided due to the limited access. This property has been changed to condominiums to make them salable units. When this project is done, there will be the eight buildings as well as the Hissong Ready Mix Plant with three additional properties where three additional building could be constructed. In addition Hissong and Atlantic will purchase their units and become part of the condominium association.

On the site plan, these units are all existing buildings and this is where Hissong will be located at Unit I. Units J, K and L will be for future use. Down in the corner is where the Tower is near Chabot Street, which is a cul-de-sac at the end. We would be proposing to put a road, a private driveway that is part of the condominium association through from Warren Avenue to Chabot Street. There will be some common elements of the association one is the driveway, some landscaping that I will speak about later and a number of stormwater features, primarily three storm water ponds which will treat all of the storm water from the site.

We have been through the presentation earlier and I would like to talk about Hissong a little more if I may. He intends to put up a fifty-five hundred square foot building that needs to be a garage for their trucks not a maintenance facility, just a storage facility as they need to keep the truck warm especially in the colder months. There will be a silo and an internal mixing plant. Ready mix is the concrete and the aggregates that they mix together. The concrete does come in a powdered form that is internal to the silo and when it comes out there is a dust collecting system that is internal. There will be a small boiler for the office for the dispatcher and so forth, with no heating of materials on this site.

So part of that facility they have the building, the aggregate storage, the aggregate loading area with truck coming out of the garage, then load up in the aggregate loading area, go to the wash bay (recycling wash bay) which the design is in the application, that cleans off anything on the truck if they needed. The truck will leave, and then come back. If they have extra materials they pour it into blocks in a designated area and they sell the blocks later. They wash the inside of the truck in the wash bay that has a series of recycling settling ponds that uses the same recycled water to wash the trucks.

The facility has a number of aggregate bins that stores various sized aggregates and an above ground double walled storage tank which is under a cover, a petroleum storage tank for fueling the trucks.

All utilities exist near the site. They do have to run water to the site and all have ample capacity. There is no gas on the property currently and we will be running gas to the Hissong project and I believe there are other tenants that are interested in having gas on their site.

We have done a traffic analysis as we are going through the other lane, with a lot of the traffic already exists of course. You have morning and evening peak on both ends of the project and Hissong's traffic, very little of it hits the peak as they leave so early in the morning and when they return the nighttime peak is already gone. Gorrill Palmer did the traffic analysis and Tom Gorrill is here this evening to speak about the traffic analysis if you would like.

We have proposed some landscaping. There was a comment at the last meeting on the nature of the landscaping. I will take responsibility for our figure as it shows all the landscaping in bloom and it is hard to depict perennials or shrubs as they bloom at different times and is not well depicted in the figures. There was a point made about local vegetation and actually much of it is actually local vegetation if you look closely, it just does not look like it in the picture. We have taken care to improve both entrances. When you are coming in you see a hill that will have landscaping that will improve the look of the project as you come in from Warren Avenue. Up here are a couple of big trees, then you go around the corner that will be lined with trees and vegetation. Coming in from the Chabot Street location there is a curve that will be landscaped with good screening from the facilities build out.

In terms of neighbors, there is the Westbrook Housing here and then a residential area that is the back portion of Deer Hill that is far from where the development is. Then the

remainder has commercial properties all the rest of the way around it. White Brothers is across the street.

In summary I would like to say that the real intention here is to improve the site by developing the site further for additional uses, basically get the Site Plan updated to allow for that to happen, keep tenants in Westbrook and attract new tenants and would appreciate project approval tonight if possible. Construction would be starting post haste on the Hissong project as they would like to be in operation this summer.

Any questions?

Rene Daniel anyone have questions or comments on this project from the audience?

Mike White from White Brothers on Warren Avenue. I have come tonight to speak in support of Selden's project. I have known Selden since I was ten years old and I do not know if I know anyone who has worked as hard as Selden and I think that this proposal brings... he has a tough piece of land there. I think that this proposal is the highest and best use that can be done with that property. It has a lot of existing conditions that has to be dealt with. So we corporately are in support of the project and think it will be an asset to the City of Westbrook and personally as a citizen of Westbrook I support it. I think the Hissong Concrete Plant is a good addition, I think it is like our plant, it is in the right place, it is zoned for it, there is not anyone's houses sitting on top of it. As Mark said it is a little less of an issue then what we do as it is so dry and is very quiet.

We are excited to see this project move forward. Selden has been in the City for a long time and has worked hard in the City and I would like to see him get this approved and get to work.

Rene Daniel anyone else?

**Editors Not No comments

Rene Daniel members form the Board?

Public Hearing closed

1. **Call to Order**
2. **Approval of Minutes**

Dennis Isherwood I move to approve the minutes as written.

2nd by Cory Fleming

The vote was unanimous in favor 5-0

Continuing Business

3. **Stroudwater Landing – Special Exception Amendment, Subdivision Amendment & Site Plan Amendment - 449 Stroudwater Street – Daniel J. Maguire, on behalf of Sandy River Company for a 3-phase project to include a 60-bed memory care center, a 120-unit assisted living facility and 44 for-sale age restricted units in duplexes, triplexes and quads. 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.**

Rene Daniel any discussion or any motion?

Rebecca Dillon I just wanted to mention that I am recusing myself.

Rene Daniel is there a quorum on this?

Natalie Burns four members constitute – vote requirement – four votes to recommend change in zoning – a majority **Editors Note complete comments inaudible.

Rene Daniel we have been discussing this project for a number of years, is someone willing to make a motion?

Cory Fleming I move the Special Exception application for Stroudwater Landing on Tax Map: 9, Lot: 20 and Tax Map: 8, Lot: 3A is to be **approved with conditions** based upon the following conclusions:

- A. Certain Requirements Met. That the use requested meets the dimension, parking, loading, and sign requirements of this Ordinance. Otherwise, the applicant must also request an appropriate variance.
- The applicant requests a waiver of the parking lot drive aisle requirement. The City Engineer supports this request.
 - The sign provisions of the Land Use Ordinances must be met and sign permits must be approved for individual signs.
- B. Value. That the use requested will not significantly devalue abutting property or property across public or private way. In making its determination, the Board shall take into consideration the type of structure proposed, the topography of the area, the market value of the surrounding real estate, the availability of utilities, traffic conditions, and other relevant factors.
- Adequate.
- C. Effects of Land Use. That the use granted will:
- (1) Maintain safe and healthful conditions,
 - Adequate.
 - (2) Not cause water pollution, erosion, or sedimentation

- Adequate.
- (3) Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat,
- Adequate.
- (4) Conserve shared tree cover and visual, as well as actual, access to water bodies,
- Adequate.
- (5) Not burden on-site septic or off-site waste disposal,
- Adequate.
- (6) Not burden existing public ways.
- Adequate.
- D. Performance Standards. That the use granted is compatible with adjacent land uses and that it meets the following performance standards:
- (1) Landscape Environment and Enhancement. The landscape must be preserved in its natural state insofar as practicable. It must be designed so as to stabilize the slopes and buffer the site, where necessary,
- Adequate.
- (2) Surface Water Drainage. Surface water drainage must not have an adverse effect on surrounding properties, downstream water quality, soil stability, or the storm drainage system,
- Adequate.
- (3) Water, Air, Soil Pollution. The development will not cause unreasonable water, air, or soil pollution,
- Adequate.
- (4) Soil Integrity. The development will not cause unreasonable soil erosion or reduction in the capacity of the soil to hold water,
- Adequate.
- (5) Natural Environment. The development must not have an unreasonably adverse effect on a historic site or irreplaceable natural areas,
- Adequate.
- (6) Nuisance Factor. The development must not cause unreasonable noise, odors, dust, gas, fumes, smoke, light or other annoying or dangerous emissions,
- Adequate.
- (7) Special Features. Exposed storage areas, machinery installation, service and loading areas, and similar facilities must be set back, screened, or buffered so as to minimize any possible adverse effect on the surrounding uses,
- Adequate.

- (8) Vehicular Access. The site layout must provide for safe vehicular access and egress, including that for emergency vehicles,
- Adequate.
- (9) Parking and Circulation. The layout of vehicular and pedestrian traffic patterns must provide for safe interior circulation, separation of pedestrian and vehicular traffic, and storage of plowed snow,
- Adequate.
- (10) Public Services. The development must not impose an unreasonable burden on the water supply and sewage disposal systems, fire or police services, public ways, schools, recreational facilities, and other public services or facilities.
- Adequate.

CONDITIONS

Approval is dependant upon, and limited to, the proposals and plans contained in the application dated January 31, 2012 and plans dated July 26, 2011 and revised to March 15, 2012, 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.

2nd by Robin Tannenbaum

Dennis Isherwood I want to feel right about this, the traffic. I do hope that this is not a cut through street. Can I ask staff how to address this concern and still pass this through?

Eric Dudley I think I can also add some history to the project with the discussion of the through road from Spring Street to Stroudwater.

I believe it was in 2004 when we initially discussed the project with Sandy River. We were fresh off the adoption of a new zoning ordinance and they came in with the concept and have seen several iterations of the concept, basically the same idea and one of the things they needed at the time was a change in the zone in order to allow the density for the development that they are proposing today.

At the time we did not have contract zoning language in our Ordinance as it had been removed. What we did do as Staff through discussions is one of the ways we could support the zone change to Council on the property to allow this type of development as there is a public need that this kind of development provides. The other opportunity we saw very early on was for the ability to make that roadway connection between a minor arterial Spring Street and a major type which is Stroudwater Street.

It is intended for this road to be utilized by the traveling public as another option to get from west of Spring Street and those neighborhoods, Union, Maple, Middle Street maybe even Eisenhower Drive over to the Stroudwater Street side.

As Dennis is aware, Anderson, Glenwood, Monroe are plagued by traffic coming from Spring Street to Stroudwater Street. The City has over the years tried to mitigate those issues. There is some of that demand that exists to utilize this proposed through road.

As staff we see it as an opportunity rather than a negative point of the project. We have asked for this. It is not often that this opportunity is presented to us where we can work a situation like this out. Imagine if we had better connections from Methodist to Cumberland Street for instance. Right now there is none. You get on Methodist Road and get to Bridge Street or Route 302 that is it. By creating these connectors, these connections throughout the community provide opportunity for the traveling public, people in the neighborhoods while providing a greater level of public safety. There are more alternatives to use this as an access for people to get where they need to go in those situations. I think there are a lot of positive aspects to the roadway that is proposed.

I will discuss the traffic study some. The traffic study contemplates the through road which right now would not be built under Phase I it would be a private driveway built to City standards. Once Phase II started that is when the connection would be made. Kevin Hooper does a lot of work for the PACTS Region and has what is called a gravity model, trips. His model is able to assign trips from the surrounding area to a specific point. So what has been done is an analysis of a model of what those trips would be created on this new roadway. What it shows in the result section is that a traffic signal would not be warranted. That includes all the trips from the proposed development from Phase I, II and III in addition to the traffic that is already in existence in the area that would divert to this roadway.

To give an example, Eisenhower and Spring that is very close to this location, very busy intersection, more traffic then what we are looking at on this proposed roadway and that just meats warrants where it needs a traffic signal. Another example, on the other end at Saco Street does not.

I do not have major concerns of the type of impact that this through road would have both at Spring Street and Stroudwater Street.

We have had a lot of discussions on the road and if in the future there is a need for a traffic signal at either end of the project... we do not know what the growth of traffic necessarily is going to be in this area, it will go up over time I imagine. At that time if it does meet warrants I see that as a public obligation not as a private developer obligation but a public obligation that we would be responsible for the construction of a traffic signal at either one of those locations and we would certainly seek either Federal, State or both funding along with Local funding for that project.

Dennis Isherwood thank you Mr. Dudley well put.

The vote was unanimous in favor 4-0 (Rebecca Dillon abstaining)

Cory Fleming I move the Subdivision application for Stroudwater Landing on Tax Map: 9, Lot: 20 and Tax Map: 8, Lot: 3A is to be **approved with conditions** with the following findings of fact and conclusions.

A. POLLUTION AND SEWERAGE DISPOSAL

- The municipal wastewater system will be utilized.

- A full set of drawings for the pump station must be reviewed and approved by the City Engineer prior to the commencement of construction.
- B. WATER
- The Portland Water District has provided the conditions under which it will serve the project.
- C. SOIL EROSION
- Adequate.
- D. TRAFFIC
- Adequate
- E. SEWERAGE
- Adequate
- F. SOLID WASTE
- Solid waste will be the responsibility of property owners and condominium association.
- G. AESTHETICS
- Appearance Assessment:
 - (1) Project to Site – The plan appropriately takes into account the shape and topography of the parcel.
 - (2) Project to Surrounding Property – Overall, the plan provides adequate buffer to abutting properties.
 - (3) Landscape Design – The applicant has submitted a detailed landscape plan on sheets 11 to 15
 - (4) Lighting – Adequate.
 - (5) Signage – Signage requires individual building permits.
- H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES
- Comprehensive Plan:
 - Adequate.
 - Land Use Ordinances – Adequate.
 - Recreation & Open Space – The Recreation & Conservation Commission has reviewed the plans and recommends approval of the project.
 - Community facilities impact analysis – Adequate.
 - Fire Code

- The project must meet Fire Code requirements.
- Others: N/A

I. FINANCIAL AND TECHNICAL CAPACITY

- The applicant has submitted proof of financial capacity and a performance guarantee will be required. The amount of the performance guarantee will be determined by the City Engineer.

J. RIVER, STREAM OR BROOK IMPACTS

- Adequate.

CONCLUSIONS

1. The proposed site plan **will not** result in undue water or air pollution.
2. The proposed site plan **has** sufficient water available for the reasonably foreseeable needs of the site plan.
3. The proposed site plan **will not** cause an unreasonable burden on an existing water supply.
4. The proposed site plan **will not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
5. The proposed site plan **will not** cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed site **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** 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** situated entirely or partially within a floodplain.
14. All freshwater wetlands **have** been shown on the site plan.

15. Any river, stream, or brook within or abutting the site plan **has** been identified on any maps submitted as part of the application.
16. The proposed site plan **will** provide for adequate storm water management.
17. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, or great pond as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision **have** a lot depth to shore frontage ratio greater than 5 to 1.
18. The long-term cumulative effects of the proposed subdivision **will not** unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
19. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision **will not** cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.
20. Timber on the parcel being subdivided **has not** been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14.
21. The proposed subdivision **will not** negatively impact the ability of the City to provide public safety services.

CONDITIONS

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated January 31, 2012 and plans dated July 26, 2011 and revised to March 15, 2012, 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 pay the cost of the notices to abutters.
3. Prior to the Planning Board signing the mylar, the applicant shall pay a performance guarantee in an amount to be established by the City Engineer.
4. Prior to the Planning Board signing the mylar, the applicant shall pay the excess fees necessary for City Planner and City Engineer review of the application, as allowed under Section 500.8.D.
5. The City of Westbrook Wastewater Division shall approve the design of the necessary pump station prior to issuance of the first occupancy permit.
6. Prior to issuance of the first occupancy permit, the City of Westbrook shall accept an easement for access and maintenance of the pump station. This easement shall be in a form acceptable to the City Engineer and the Wastewater Division.
7. Prior to Planning Board signature of the mylar, the applicant shall pay a fee equal to 2%, of the project's site improvement costs for the purpose of site inspections performed by the Code Enforcement Officer and/or other appropriate City staff.
8. Before occupancy of any portion of any phase, beyond Phase I, Landing Road must be built to City standards and in a form acceptable to the City Engineer and Department of Public Services. Landing Road shall be constructed to the road standards in place at the time of this Planning Board approval.
9. The applicant shall comply with Chapter 37, the local Post Construction Stormwater Management Ordinance.

2nd by Dennis Isherwood

The vote was unanimous in favor 4-0 (Rebecca Dillon abstaining)

Staff Comments:

Waiver: Design of Off-Street Parking. The applicant requests a reduction of the drive aisle width to 24 feet in the employee parking areas. Visitor parking will include 26 foot drive aisles. The City Engineer supports this reduction, as required by Section 505.1B.

Cory Fleming I move the Site Plan application for Stroudwater Landing on Tax Map: 9, Lot: 20 and Tax Map: 8, Lot: 3A 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

- Adequate.

Internal Vehicular Circulation

- Adequate.

Pedestrian and Other Modes of Transportation

- A sidewalk has been included on the entire length of Landing Road.

Stormwater Management

- Adequate.

Erosion Control

- Adequate.

Utilities

- All utilities are to be located underground.

Hazardous, Special and Radioactive Materials

- Adequate.

Technical and Financial Capacity

- Adequate.

Solid Waste

- Solid Waste will be the responsibility of the property owner and condominium association.

Historic, Archaeological and Botanical Resources

- No resources have been identified.

Landscape Plan

- Adequate.

Others

- N/A

CONCLUSIONS

1. The proposed site plan **will not** result in undue water or air pollution.
2. The proposed site plan **has** sufficient water available for the reasonably foreseeable needs of the site plan.
3. The proposed site plan **will not** cause an unreasonable burden on an existing water supply.
4. The proposed site plan **will not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
5. The proposed site plan **will not** cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed site 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 January 31, 2012 and plans dated July 26, 2011 and revised to March 15, 2012, 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.

2nd by Robin Tannenbaum

The vote was unanimous in favor 4-0 (Rebecca Dillon abstaining)

4. **Fairlane 500 Industrial Drive - Site Plan – 84 Warren Avenue – St. Germain Collins, on behalf of Selden Von Herten, for approval of a commercial condominium consisting of 13 condominium units (land areas with improvements). Most of the condominium units have been developed. The Site Plan approval is also for approval of a ready mix concrete plant to be owned and operated by Hissong Ready Mix & Aggregates on Unit I of the commercial condominium. The subject property is an approximately 20 acre parcel located at 84 and 84A Warren Avenue. Tax Map: 46, Lots: 17 18 & 19 and Tax Map 47, Lots: 202, 204 & 205, Zone: Industrial Park District and Gateway Commercial.**

Robin Tannenbaum I move the Site Plan application for **Fairlane 500 Industrial Drive** on Tax Map 46, Lots: 17, 18 & 19 and Map 47, Lots 202, 204 & 205 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

- The condominium units will be accessed by an existing driveway, by way of Warren Avenue and Chabot Street. Chabot Street and Delta Drive are currently not in a condition to accept the type of traffic, industrial, associated with the development. The applicant has entered into a cost-sharing agreement with the City of Westbrook to improve Chabot Street and Delta Drive. Please see the Conditions of Approval for the amount to be paid by the applicant.

Access to the Site

- Access would be from Warren Avenue and Chabot Street.

Internal Vehicular Circulation

- Adequate.

Pedestrian and Other Modes of Transportation

- None proposed.

Stormwater Management

- Adequate.

Erosion Control

- Adequate.

Utilities

- All utilities must be located underground.
- The Portland Water District has confirmed the conditions in which it will serve the project.

Hazardous, Special and Radioactive Materials

- No issues.

Technical and Financial Capacity

- The applicant has submitted documentation of financial and technical capacity to complete this project.

Solid Waste

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

Historic, Archaeological and Botanical Resources

- No issues identified.

Landscape Plan

- Adequate.

Others

- Parking - Adequate.
- Fire – The project must meet Fire Code requirements.
- Comprehensive Plan – Adequate.

CONCLUSIONS

1. The proposed site plan **will not** result in undue water or air pollution.
2. The proposed site plan **has** sufficient water available for the reasonably foreseeable needs of the site plan.
3. The proposed site plan **will not** cause an unreasonable burden on an existing water supply.

4. The proposed site plan **will not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
5. The proposed site plan **will not** cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed site plan **will** provide for adequate sewage waste disposal.
7. The proposed site plan **will not** cause an unreasonable burden on the municipality's ability to dispose of solid waste.
8. The proposed site plan **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed site plan **conforms** with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
10. The developer **has** adequate financial and technical capacity to meet the standards of this section.
11. The proposed site plan **is not** situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.
12. The proposed site plan **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The proposed site **is not** situated entirely or partially within a floodplain.
14. All freshwater wetlands **have** been shown on the site plan.
15. Any river, stream, or brook within or abutting the site plan **has** been identified on any maps submitted as part of the application.
16. The proposed site plan **will** provide for adequate storm water management.
17. The proposed plan **will not** negatively impact the ability of the City to provide public safety services.

CONDITIONS

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application December 13, 2011, plans dated December 9, 2011 and amended to February 9, 2012, and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the City Planner or the Planning Board.
2. Prior to the Planning Board signing the mylar, the applicant shall pay the cost of the notices to abutters. Prior to the Planning Board signing the mylar, the applicant shall pay a performance guarantee in an amount to be established by the City Engineer.
3. Prior to the Planning Board signing the mylar, the applicant shall pay the excess fees necessary for City Planner and City Engineer review of the application, as allowed under Section 500.8.D.

4. Prior to the approval of the next permit on the property, the applicant shall pay a fee in the amount of \$50,000 for the improvements needed for Chabot Street and Delta Drive, as identified by the Department of Public Services and the City Engineer.
5. Prior to issuance of a permit for the structure proposed on Unit I, the applicant shall provide a report from a structural engineer to satisfy the City Engineer that Unit I has a sufficient base layer to support the proposed structure.
6. Prior to the Planning Board signing the mylar, the applicant shall pay a performance guarantee in an amount to be established by the City Engineer.
7. Prior to Planning Board signature of the mylar, the applicant shall pay a fee in the amount of 2%, of the project's site improvement costs for site inspections performed by the Code Enforcement Officer and/or other appropriate City staff.
8. The applicant shall comply with Chapter 37, the local Post Construction Stormwater Management Ordinance.
9. Signage requires building permits and shall be approved separately.
10. Prior to issuance of the next permit on the property, the applicant shall provide a copy of the recorded easement from Map 46, Lot 15 (Gagne & Son Concrete Blocks, Inc.) for the purposes of enabling the applicant to meet the lot requirements. More specifically, this easement is required in order to meet the setback requirements on this lot line.
Prior to the Planning Board signing the mylar, the applicant shall revise the plan to depict the location of all easements required by the Portland Water District.

2nd by Cory Fleming

The vote was unanimous in favor 5-0

New Business

5. **Land Use Ordinance Amendment – Paper Street Construction Standards – Sections 201.76 and 502.5. The proposed changes will require the pavement of private ways, including paper streets that are used to provide access for substandard lots of record permitted in accordance with Section 203.7 of the Land Use Ordinance.**

Natalie Burns in the absence of Ms. Just I volunteered to address the Planning Board about an issue brought up the last time I was at a meeting, concerning the requirement of the paving of paper streets. You will recall that you had an application before you and there was some concern from several of the Board Members that perhaps it was not appropriate to have an Ordinance that allowed graveled roads within an urban area.

What staff has put together for you that is in your packet is a series of amendments and all of those are located within the Private Way column in Section 502.5. What they do is set forth the paving requirements for private ways and under the Paper Street Ordinance, paper streets have to meet the Private Street standards for construction. That is how you get at both of those things that are set forth to the amendment to the Private Right of Way, a private way amendment. The paving standard would be much the same as to the local street. The only difference between a local street and a private way is that not in this proposal that your requirement that a sidewalk be installed on these private ways.

I will be happy to answer any questions but it is really that basic.

Rene Daniel what would you like the Board to do, is it just for information?

Natalie Burns this will require a public hearing on it and then send it forward to the Council if you have a recommendation on it. This is an item that the Planning Board asked us to draft some information on.

Rene Daniel so we want to set a Public Hearing date.

Natalie Burns that is correct.

Rene Daniel what would be the first time we will be able to do this?

Brooks More April 17th

Rene Daniel do I hear a motion to schedule this Public Hearing?

Dennis Isherwood I move to schedule a Public Hearing on April 17th

Rene Daniel is there a second?

2nd by Cory Fleming

Rene Daniel any conversation?

Cory Fleming I have a question for Staff; I am not seeing where curbing is mentioned. That is not part of private ways?

Eric Dudley correct, private ways do not require curbing.

Cory Fleming so in addition of the lack of a sidewalk requirement, there are no requirements for curbing on a private way?

Eric Dudley that would be correct, open swales, gravel shoulder...

Robin Tannenbaum is this the time to ask questions about the content of this or should I wait until the Public Hearing?

Natalie Burns now is good because if you wanted to make any changes to the text we would have to do that before the notice is done.

Robin Tannenbaum paper streets fall under private ways and that is why this addresses private ways.

Natalie Burns if you look at the Paper Street provision in the Ordinance which says it has to meet the construction standard for Private Ways. That is not proposed to be changed so you do not have that in front of you.

Robin Tannenbaum I guess the Paper Street conversation at the last meeting triggered this and we are going above and beyond by extending it to all private ways.

Eric Dudley I would say because I was at the site walk and was involved in discussions that day and have been following it that the Chair of the Planning Board especially is interested in all private ways being paved.

Robin Tannenbaum so this would be for the entire City not just for certain zones closer to the urban center. This would be across the board.

Eric Dudley one thing that is somewhat unique to Westbrook is that almost the entire community is within the urban compact zone as defined by the Census. There is just a small part along Duck Pond Road, outer 302 that is outside of the urban compact and then on the south side I think it is a little section of – Stroudwater Street. For the most part the community is within or should be considered urban.

Cory Fleming so if there were more than three lots serviced there are different standards or higher standards?

Eric Dudley any street constructed to service more than three units has to be a public street. So the paper street standard basically says that or basically calls out our street standards for compliance with the development so if I am developing a paper street and I am servicing four lots, I am required to put a public street in. That is paving, granite curbing that is sidewalks. If I am under that like in Essex Street that is three lots I have the option to go with a private road or a public street.

Cory Fleming so with the Essex Street project, if they decide to build out more of those lots they would have to bring their street up to....

Eric Dudley not that street because Essex Street, they are building out the entirety of Essex Street and only service three lots.

Cory Fleming and the others are serviced by another paper street.

Eric Dudley there is a perpendicular street that runs from Pierce Street, past Essex

Cory Fleming it is based on the street not the whole area of the development?

Eric Dudley that is correct.

Rene Daniel any other question?

The vote was unanimous in favor 5-0

- 6. Land Use Ordinance Amendment – Consumer Fireworks – Section 309 Gateway Commercial District. The proposed standards will govern the sale of consumer fireworks in the City of Westbrook and establish the locations where such sales will be allowed.**

Natalie Burns this one is a referral from the City Council and as you may know the City Council passes a City Licensing Ordinance. The City decided when the State Law changed to allow the sale and use of consumer fire works to allow both of those things to occur within the City of Westbrook but wanted to require a local permit not a local license that is required for sales and municipalities can require a local permit and Westbrook has elected to do that and as part of the City Council asked Staff and the Planning Board work on associated zoning amendments that would indicate where the sales are allowed to take place and under what conditions. That is what these amendments do.

The City Planner had a meeting with key city staff on these issues and came up with a series of controls and regulations and asked that I draft those up to present to the Planning Board.

You will see that the proposed zoning district for this will be the Gateway Commercial District, although there would be a limitation within that district that sales not be allowed to occur within a certain distance from the Main Street.

The map shows that there is a significant area particularly along Larrabee Road where sales would be allowed. There are a lot of restrictions in State Law as to building code requirements so we did not repeat all of those here as anyone who wants to sell these would have to comply with those State requirements as well in order to get their State License.

The proposal is straight forward. They state showing up under subsection Q and you will see a list of standards that will apply to the sale of consumer fireworks including that they have to have the permit from the City, the License from the State. There will be a limitation on the hours of sales that is 8:00 am to 10:00 pm. And consumer fireworks has to be the principle use of the establishment, that really follow State Law that says there are several things that can not be done in that type of establishment as consumer fireworks sales. Then there are some sign restrictions that you might want to spend a little time on that as it is something that the City Planner did develop and relate to the signage requirements for this district but I think there are some additional restrictions for this specific use. This makes it clear that these are the sign standards that apply for this use not if there is a less strict standard in the signage provisions; this is the standard that will be applied. Again another restriction that does not apply to other uses is that there would not be signage for an establishment selling consumer fireworks within 500 feet of Main Street. I think that covers the major provisions of the proposal. I would be happy to answer any questions.

Rene Daniel any other questions?

**Editors note – no questions.

Rene Daniel Natalie I assume that we need a Public Hearing on this?

Natalie Burns yes

Rene Daniel I would entertain a motion?

Cory Fleming I move to schedule a Public Hearing on April 17th to immediately follow the other Public Hearing.

2nd by Dennis Isherwood

Rebecca Dillon I have a question on the time limits on the 8:00 am to 10:00 pm if that is typical?

Natalie Burns do you mean for sale of consumer fireworks? I can tell you that I work for several municipalities and this is the only municipality that is allowing the sale of consumer fireworks. I take that back a few are allowing it but are not creating a local Ordinance; they are doing it pursuant to State Law. One municipality is not allowing the sales but is allowing the use only for four or five days out of the year but that is an entirely different thing.

As far as an hour restriction as to sales I do not think there is anything in the State Law about that but I think in some municipalities they might be looking at that but others do not. I think the City Planner thought that the 8:00 am 10:00 pm was beyond what normal businesses in Westbrook are actually open. There are not a lot of 24 hour businesses and I think she thought there was not a need for 24 hour business. But it is seven days a week so there are no days that they would not be open.

Rebecca Dillon I know you can not regulate stupidity but the later in the day there can be more of a dangerous situation that people might tend to get them selves into if the hours were to be 8:00 am to 5:00 pm instead. I am just throwing it out there.

Cory Fleming as I read this Ordinance they would only be sold in permanent building facilities? It is not like anyone could come in with a cart and sell...

Natalie Burns right and I think under State Law it would be impossible to do that as there are so many Code requirements that it needs to be a free standing building, so if you had something in a shopping mall as I read the State Law you can not utilize that.

Robin Tannenbaum I know that this is not our responsibility but are there any limits to where you can set them off?

Natalie Burns yes there are some limits in State Law, you can set them off on your own property, you can set them off where you have permission. I am not sure; I do not think you can set them off on Public property.

Robin Tannenbaum so people can not just go and buy them and stand in the parking lot and set them off.

Natalie Burns I do not think they can but I will look at State Law requirements before the Public Hearing as those are questions that the Public may have as well. I will take a quick look at those and will be able to answer that at the Public Hearing.

Robin Tannenbaum would we have any say to that thinking about proximity to schools?

Brooks More we can provide in your packet a copy of the State Laws.

Natalie Burns there are a lot of regulations in the State Law as to the sales of consumer fireworks and a few as to use but... and the other thing to remember is consumer fireworks is difficult to get your arms around it as the State Law refers to a Federal Law which really says they are not. But they are not what some of us remember the illegal fireworks being as they are not cherry bombs they are not those big rockets the M-80's that you could get those are not consumer fireworks. They are supposed to be the less dangerous types of fireworks.

Rene Daniel any other questions?

The vote was unanimous in favor 5-0

7. **Adjourn**