



City of Westbrook

DEPARTMENT OF PLANNING

WESTBROOK PLANNING BOARD TUESDAY, April 3rd, 2012, 7:00 P.M. WESTBROOK HIGH SCHOOL, ROOM 114 MINUTES

Present: Ed Reidman, (Chair) (Ward 5), Rene Daniel (Vice-Chair) (Ward 1), Rebecca Dillon (Alternate), Cory Fleming (Ward 4), Robin Tannenbaum (Alternate), Michael Taylor (At Large)

Absent: Greg Blake (At Large), Dennis Isherwood (Ward 2)

Staff: Brooks More, Richard Gouzie, Eric Dudley

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.

1. Call to Order

Cory Fleming I move to recess to workshop

2nd by Rene Daniel

The vote was unanimous in favor 4-0

New Business

2. **Sketch Plan – Amended Subdivision and Site Plan – Fertile Valley Subdivision Office Building – Sebago Technics, on behalf of Chase Custom Homes, for the construction of a 3-Unit Office Condominium in a single 8,748 S.F. building. The property is located on Bridgton Road between Pride Street and Bridge Street. Tax Map: 58, Lot: 10, Zone: Highway Services.**

Project Description. Chase Custom Homes & Finance, Inc. proposes to develop property located on Lot 2 of the Fertile Valley Subdivision. Fertile Valley is located on Bridgton Road, generally along its frontage with the Brydon Farm Contract Zone (condominium project). The project will involve an amendment of the original subdivision plan, which was approved on September 9th, 2009, and a Site Plan approval for the new 8,748 s.f. office building.

Shawn Frank Sebago Technics, on behalf of Chase Custom Homes, this is a project that the Board is familiar with, the Fertile Valley Subdivision that was approved back in 2009. This was approved for the Dentist office and part of that the driveway has been constructed, utilities

extended. The plan is shown here on the map, lot one is here, lot two and lot three which is now the Skvorak's Dentist office and lot four is the undeveloped lot.

We are looking at lot two. The proposal is to construct an office building and the footprint will be just under three thousand square feet. Access will be utilized from the existing curb cut that services the Dentist Office off of Bridgton Road. That will be extended in accordance with the approved plan, extended to a parking lot to the rear of the building. The parking lot is proposed to have thirty-two parking spaces. We do understand that we should be closer to the forty-three range based on the office space and certainly I will work with my client and staff in terms of requesting a waiver or try to find additional spacing.

We are proposing this as a three unit condominium, basically to relocate existing businesses from Windham to Westbrook, so we do know the specific uses at this time and it is their wish instead of leasing to own that portion of the buildings. Looking at the building itself, the idea itself is to have one building with three separate offices connected, three separate entryways at the front. We are proposing a stick built construction, peaked roof, colonial style which has been part of the discussion on the overall subdivision and the overall development.

The site falls away Bridgton Road and proposal is to have two stories visible from the street and three stories visible from the parking lot.

As part of the overall plan, sanitary sewer service was extended along the roadway frontage to service the Dentist Office and we will be connecting into that. Water is available within the curb line on Bridgton Road and will be extended to service the proposed building. The overall stormwater consisted of building a new detention / treatment pond down in this corner here that is to service both lot one and lot two. Obviously we will be constructing that as part of our overall development. We will actually be installing a couple of catch basins, picking up the existing run-off coming off the road, directing that down to the proposed pond.

The dumpster will be located here in a fenced area. We are proposing one pole mounted light in the back of the parking lot in accordance with the overall approval. As part of this we are proposing a vigorous landscaping plan, specifically between the building itself and Route 302.

Looking at the building it will run parallel to Route 302 with parking to the rear and we will be proposing one pylon sign near the entrance.

With that we would like to discuss with the Board to amend the subdivision to allow a three unit condominium. We have discussed that with staff and they did not see any issue and we wish to get the Boards' comments. Also since the Board saw this in 2009, we hope to preclude a potential Site Walk and a Public Hearing associated with that.

That concludes my Sketch Plan presentation and would be happy to answer any questions that the Board has.

Ed Reidman one of the things with a Sketch Plan is for the Board to give input to the developer.

What is the material, I know it shows red, but I know that does not mean brick...

**Editors Note Michael Taylor arrives

Shawn Frank it is not brick, it will be stick built and we anticipate clapboard siding.

Rene Daniel I am assuming that this building will complement the Medical Office building that is there now.

Shawn Frank yes

Rene Daniel you will present us a landscaping plan at a future date?

Shawn Frank absolutely, actually we have prepared a landscaping plan that has been submitted to staff and will be reviewed prior to the next Board meeting.

Rene Daniel I am pleased that your client is going with a three story building. It is large enough and is open enough and will fit well.

Shawn Frank it does fit in well, coming from the sidewalk you will come up a little to the front of the building, then drop back down to the parking lot. So I think it will have a nice esthetic appearance associated with it.

Rene Daniel I was pleased when the Doctor proposed this site in 2009.

Shawn Frank it is a nice location and is very open out through there, an un-forested field with wonderful visibility, the fact the driveway is already there that takes off a big impact from our standpoint and actually my client is very excited about his relocation to Westbrook.

Rene Daniel I am glad as this is near the Brydon Farm which is a beautiful building.

Ed Reidman I will note that in the memo the City Engineer has found that the proposed development will not generate enough trips to warrant a separate turn lane on Route 302.

Shawn Frank that is a good point Mr. Chair, as right now it will be a dead end parking lot which... from my land planners that say no, no, no but with the development of lot one in the future, it will actually swing back out and have the two access points and two entrances on Bridgton Road, in accordance with the original subdivision approval.

Robin Tannenbaum just a comments and I know this is just a sketch plan but you have a tricky situation where you have two fronts, a street front and dysfunctional front where you are entering on the ground level at the lobby. I just want to point out that you still show a grand entrance on the 302 side, but your site plan does not show a walkway to get anybody there. I recognize that is not going to be used a lot but...

Shawn Frank you are right, we are actually coming up from the road to it so, your maximum slopes that you can have on sidewalks and those types of things, so that is something I need to deal with. We have additional steps associated with that, or maybe direct everyone to the rear we will certainly show it so there is access.

Robin Tannenbaum is you show an entrance there... and I understand why you would not but if you are going to, you should have a way to get there.

Shawn Frank I appreciate the comment.

Ed Reidman was your concern the sidewalk from Bridgton Road 302 or was it the sidewalk from the parking lot in the rear around to the front of the building? Or both?

Robin Tannenbaum is there a sidewalk there on 302?

Ed Reidman yes there is

Robin Tannenbaum then all the more reason to strengthen my concerns. As I said, it is a tricky situation when you have one of these formal fronts and real fronts. If there is a sidewalk then I would expect pedestrian access from the parking lot and the side walks to the entry on 302.

Shawn Frank as I said, I had it on there at first, then I started to look at the slope... I just need to make it work from a handicapped accessibility standpoint. We will make it work.

Cory Fleming I guess I will second her comments and suggest perhaps in the landscaping plan, even though it is not the functional entrance to the building perhaps, the landscaping could reflect outdoor seating or something like that for employees of the building.

Rebecca Dillon I actually have the same comment on making a decision on how you are going to treat the front and whether it is connected to both 302 and the parking. The other comment I was going to make as I am picturing myself driving up to the building, the first thing I see is the dumpster.

Shawn Frank you are right, but I think it is common

Rebecca Dillon it does not make it right.

Shawn Frank I appreciate that. Obviously that will be fenced, so you will see a stockade fence. I will take another look at that. I do not know if I can promise relocating that, but I will look at that.

Robin Tannenbaum I would second my colleagues comment. A stockade fence that everyone knows what is in back of it...

Shawn Frank it will be a beautiful fence.

Ed Reidman does everyone know where the site is? Everyone has ridden by, so they have seen it so we do not need to take a Site Walk? Does anyone anticipate having a Public Hearing?

** Editors note: no comments to the Site Walk or Public Hearing

Ed Reidman the adjacent neighbor is a law office or a CPA and across the street is empty land and the neighbors in back are Brydon Farm that is divided off by Pine Trees. They are tucked back in a ways.

Shawn Frank I was not here in 2009 for the original presentation, but I heard it was relatively straight forward.

Ed Reidman I will not guarantee that we will not have a Public Hearing, but will make that decision later, but we will definitely not have a Site Walk.

Michael Taylor I move to go back to regular session.

2nd by Rene Daniel

The vote was unanimous 6-0

3. Subdivision Amendment and Site Plan Amendment – 4 Ledgeview Drive – St. Clair Associates, on behalf of New Age Media, LLC, for the creation of a ground lease, creation of an access easement, and relocation of an existing underground cable. The project is located at 4 Ledgeview Drive, Tax Map: 2, Lot: 102, Zone: Industrial Park District.

Project Description. New Age Media of Maine, LLC is proposing to amend the Ledgeview Subdivision approval and amend the 4 Ledgeview Drive Site Plan Review approval.

The Planning Board approved the Ledgeview Subdivision on May 10th, 1988 (plan signed on May 24th, 1988). The Planning Board approved the Site Plan application for the Pegasus Corporation's project at 4 Ledgeview Drive on August 3rd, 1999.

Enclosed with this memo is a copy of the minutes for the Planning Board's 1988 Subdivision approval and 1999 Site Plan Review approval. As part of this review, an updated Findings of Fact has been produced for both the Subdivision Amendment and the Site Plan Review Amendment.

Nancy St. Clair St. Clair Associates, on behalf of New Age Media, LLC, that are the owners of the property of 4 Ledgeview Drive which is off of County Road. This is actually lot 2 on the Ledgeview Subdivision that was approved back in 1988. It is a commercial subdivision and this property as shown on the rendering, the green outline is the subdivision itself with the number of lots in it and the darker green area here is the lot in question.

We are here tonight to talk about an amended subdivision and an amended site plan. The changes associated with the site plan would carry over into the minor amendment in the subdivision. The need for the amendments is in the association of the sale of the property. The property has on it now an existing building, it has an office area and a studio area and several communications equipment. There are several satellite dishes and a tower on the site as well. The property as I mentioned is in the process of being sold. The interested purchaser of the property does not have an interest in the tower. However there is a second buyer that is interested in the equipment associated with the tower.

If you look at the plan you see a yellow colored building, the tower area is the triangular shape behind the building that is a darker brown and you will see a few lighter brown boxes that

are the cabinets that are associated with the tower. Off to the northwest side of the building is an existing equipment shed that is on the property as well.

The purchase of the equipment and the tower would need to have a ground lease associated with it. They are buying the equipment and the tower but need a ground lease to support the equipment on the property. In addition they need to have an access easement in order to reach that equipment. So as shown in blue on the plan are the two ground lease areas. The shaded area through the parking area is the access point from Ledgeview drive up to the ground leases and along the back edge in dark green to reach the area of the tower.

There are no physical changes proposed to the site, no changes to the building, no changes to the parking, etc but the creation of the ground leasing and the access easement requires that we have an amended site plan approval as well as an amendment to the subdivision for the creation of the ground lease areas.

In our application materials we did note that as part of the transaction there is a cable that runs through the existing building that gets over to the tower area. As part of the purchase of the tower and equipment, they need to remove that cable from within the building and are proposing to run a new cable underground around this side of the building to the tower. This is the reason that the ground lease hooks around the side of the building.

Those are the proposed changes we are here to talk to you about tonight and I am here to answer any questions you may have.

Ed Reidman when you divide property you have to have a subdivision approval and the ground lease does qualify for that. Any questions or comments?

Cory Fleming I just want to clarify, so the blue area that forms roughly an "L" is the new parcel and then there is an easement from the parking lot through that parking lot, correct?

Nancy St Clair that is correct, there is a second blue area

Cory Fleming they are not joined together?

Nancy St Clair the one on the side of the building is for the shed that I mentioned and the "L" shape is where the tower and the cabinets are and to access them there is that shaded area that comes from Ledgeview all the way up to both of those ground leases.

Cory Fleming so there are actually three parcels there now?

Nancy St Clair the parent parcel and two ground leases, yes.

Michael Taylor the current occupier of the land; are they going out of business or are they moving? What is going on with the TV station up there?

Nancy St Clair the current owner occupies the building and actually do not use much of the tower, they use more of the satellites.

Michael Taylor is the tower basically transmittal for TV and not for cellular?

Nancy St Clair it is primarily cellular.

Michael Taylor is that Verizon, or US Cellular?

Nancy St Clair I believe there are a number of carriers.

Michael Taylor Smiling Hill has no problem with the ground lease?

Nancy St Clair I have not had any conversations with them, but I know as part of the process they would have been notified as an abutter.

Ed Reidman does anyone want to take a Site Walk or hold a Public Hearing?

** Editors Note - None

Cory Fleming I move the Site Plan Review Amendment for 4 Ledgeview Drive on Tax Map: 2, Lot: 102, is to be **approved with conditions** with the following findings of fact and conclusions:

FINDINGS OF FACT

Utilization of the Site

- The site is currently occupied by an existing building, communications tower and related parking areas.
- The proposed Site Plan application proposes to re-route an existing underground telecommunications conduit.

Adequacy of Road System

- The proposed Site Plan Amendment will not result in the generation of any additional traffic.

Access to the Site

- Access to the site, and ground lease for the telecommunications tower, will be via the existing driveway connected to Ledgeview Drive.

Internal Vehicular Circulation

- The layout provides for safe movement of passenger, service and emergency vehicles within the site.

Pedestrian and Other Modes of Transportation

- A bituminous sidewalk is provided along the front of the building and a ramp for the physically disabled is provided.

Stormwater Management

- The proposed Site Plan Review amendment will not result in the creation of additional stormwater runoff.

Erosion Control

- The proposed Site Plan Review amendment will not result in the creation of any additional soil erosion.

Utilities

- The amended Site Plan Review application proposes to re-route an existing telecommunications conduit on the East corner of the property.

Hazardous, Special and Radioactive Materials

- Any hazardous materials generated by the proposed office building will be disposed of as required by law.

Technical and Financial Capacity

- The applicant has retained St. Clair Associates to conduct the survey and engineering of the project.

Solid Waste

- Solid waste pick up will be the responsibility of the landowner.

Historic, Archaeological and Botanical Resources

- No historic, archaeological or botanical resources have been identified on the site.

Landscape Plan

- The Site Plan amendment does not propose any additions or changes to the existing landscaping on the property.

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 OF APPROVAL

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated March 12, 2012 and plans dated March 5, 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.

2nd by Michael Taylor

The vote was unanimous in favor 6-0

Michael Taylor I move the Subdivision Plan Amendment application for Ledgeview Subdivision on Tax Map: 2, Lots: 29A, 101, 102, 103, 104, is to be **approved with conditions** with the following findings of fact and conclusions.

FINDINGS OF FACT

A. POLLUTION AND SEWERAGE DISPOSAL

- The subdivision is connected to the public sewer system. As a result, it will not result in undue water pollution.
- The proposed subdivision amendment will not result in undue air pollution.

B. WATER

- The subdivision is served by the Portland Water District.
- The proposed amendment will not require additional water resources on the property.

C. SOIL EROSION

- The proposed subdivision amendment will not cause unreasonable soil erosion.

D. TRAFFIC

- The proposed subdivision amendment will not generate additional traffic on Ledgeview Drive or County Road.

E. SEWERAGE

- The subdivision is connected to the public sewer system.
- The proposed subdivision amendment will not increase the amount of sewerage generated by the property.

F. SOLID WASTE

- Solid waste removal is the responsibility of the property owners within the subdivision.

G. AESTHETICS

- Appearance Assessment:
 1. Project to Site – No changes.
 2. Project to Surrounding Property – No changes.
 3. Landscape Design – No changes.
 4. Lighting – No changes.
 5. Signs – No changes.

H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- Comprehensive plan – The project is located in the Industrial District.
- Community facilities impact analysis – Not applicable.

I. FINANCIAL AND TECHNICAL CAPACITY

- A statement of financial capacity is not required to complete the proposed legal amendments to the subdivision.
- The subdivision amendment application has been prepared and stamped by David St. Clair, PLS #2317 and Nancy St. Clair, PE #6877.

J. RIVER, STREAM OR BROOK IMPACTS

- 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 **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 OF APPROVAL

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated March 12, 2012 and plans dated March 5, 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.

2nd by Rene Daniel

The vote was unanimous in favor 6-0

Ed Reidman in our packet there was documentation with regard to fireworks and a piece of the law was that just an extra piece of information for us?

Brooks More at the last meeting when we discussed consumer fireworks, there were question about what the State regulates and what they cover, so it was on my mind I out it in the packet this week to give the Board extra time to look at it prior to the next meeting.

Ed Reidman thank you very much, I was not here so that is why I did not understand. I will remind the Board that as of the meeting that you had two weeks ago that you scheduled Public Hearings to be held on the next Planning Board meeting on the 17th.

4. Adjourn

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