



# City of Westbrook

DEPARTMENT OF PLANNING

**WESTBROOK PLANNING BOARD  
TUESDAY, June 5<sup>th</sup>, 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), Greg Blake (At Large), Rebecca Dillon (Alternate), Michael Taylor (At Large), Joseph Marden (Ward 3), Cory Fleming (Ward 4)

Absent: Robin Tannenbaum (Alternate)

Staff: Molly Just, Richard Gouzie,

**Chairman Ed Reidman called the Westbrook Planning Board meeting to order at 7:00 p.m. in Room 114 of the Westbrook High School.**

MINUTES MAY NOT BE TRANSCRIBED VERBATIM. SECTIONS MAY BE PARAPHRASED FOR CLARITY. A COMPLETE RECORDING MAY BE OBTAINED BY CONTACTING ENGINEERING, PLANNING AND CODE ENFORCEMENT at 207-854-9105 ext. 220 and lgain@westbrook.me.us.

**1. Call to Order**

**2. Approval of Minutes: May 1<sup>st</sup>, 2012**

**Rene Daniel moved to approve the minutes as presented.**

**2<sup>nd</sup> by Cory Fleming**

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

New Business

**3. Site Plan – Casella Environmental Park – St. Germaine & Assoc., on behalf of Pine Tree Waste, for the construction of a solid waste transfer facility comprised of an approximately 13,000 square foot municipal solid waste transfer building, a gatehouse, a residential drop-off area, scales and associated on- and off-site improvements. The project is situated on a 71.73 acre parcel located at 594 County Road. Tax Map: 2, Lot: 24D; Zone: Industrial Park District.**

**Background.** Casella, known as Pine Tree Waste, received approval of a waste collection and processing facility on November 7<sup>th</sup>, 2000 and then for a modified project on February 15<sup>th</sup>, 2005. Since then the project has received approval of additional modifications. The most recent approval, in March 17, 2009, has expired. The 2009 approval included a main access road, a gate house, a residential drop-off area, a municipal solid waste transfer building, a construction and demolition debris materials processing facility, and areas for vehicle parking. Construction commenced but the project was not completed.

Overview. The purpose of this application is to seek approval to complete the project with modifications. The modifications include a slightly larger solid waste transfer building and removal of the waste processing facility and associated driveway and parking. Construction should begin this fall on the following:

- Improvements to County Road;
- Completion of the access road, residential drop-off area, gate house and scales; and
- The transfer building.

**Scott Collins** with St Germaine Collins, also here tonight is representatives from Pine Tree Waste for any questions that I am unable to answer.

Back in March of 2009 Pine Tree Waste received approval for this project and the project included a main access road, a gate house a residential drop off area, Municipal solid waste transfer building, an enclosed C&D processing facility and areas for vehicle trailer parking.

The construction started in 2009 and for various reasons did not get completed. We submitted a plan set to the Planning Board that is plans of the facility originally proposed back in 2009. We have showed through a series of notes the features that were constructed in 2009 and 2010 and what features were not constructed. I would like to go through those briefly for the Board.

Everything in the Site Plan that is approved in March of 2009 was constructed with the exception of the following: the construction - demolition processing building, the MSW transfer building, the storm water management pond number 5 which is adjacent to the transfer building, the parking area south of access road B, installation of base gravel including striping, installation of the scales, installation of the gate house, residential drop off area attendant building, installation of the concrete pads at the residential drop off area, electrical service, the reconstruction of the front entrance, some landscaping and improvements to County Road.

**Ed Reidman** MSW is an acronym that I know what it is, but can you explain that to the public?

**Scott Collins** MSW is Municipal Solid Waste

Just to go back a little, the entire property owned by Pine Tree Waste is one hundred and four (104) acres, split in three towns, the majority is in Westbrook and the entire facility is in the Westbrook portion and access to the property is through an easement off of County Road. In the application package we have provided copies of all the deeds and easements.

The Planning Board approval in 2009 has expired which is why we are here today to seek approval to complete the project which includes the access road, the residential drop off area and the gatehouse and scales. We are also here to seek approval to construct the transfer building as modified and to complete the improvements to County Road.

The C & D processing building as we discussed in the application package, parking area south of access road B is not going to be constructed at this time and Pine Tree Waste is evaluating their options for this area and will come back to the Planning Board at a later date.

The facility will general comprise of the transfer of Municipal Solid Waste (MSW), C 7 D materials and zero (0) sort recyclables, from collection trailers to large trailers for recycling, processing and disposal off site. That will all be accomplished inside the transfer building. The second main operation will be the residential drop off area where transfer of residential quantities, C&D materials, bulky items, recycle materials will be dropped off their from residents of Westbrook and surrounding neighbors.

The Transfer Building is the brown building in the center of the drawing. It is proposed to be ninety (90) by one hundred and thirty five (135) feet with is twelve thousand, nine hundred and fifty (12,950) square feet. The original design that was approved by the Planning Board in 2009 was nine thousand (9,000) square feet, so we are increasing the size roughly three thousand (3,000) square feet. The rest of the building is more or less the same whether it is a tipping floor (where vehicles can deposit materials on the floor) and the loading bay where trailers will be situated. There will be push walls on the tipping floor that allow for collection of the material to make it easy for deposit into the trailers. There will be a series of catch basins on the tipping floor, on the loading bay to collect liquids. Those liquids will go through a separator and be discharged to the Municipal Sewer system.

The original design had a small room inside the building; we have chosen to take that room outside the building and are now showing a 20 x 40 foot addition single story that will house a parts room, break room a rest room and a utility closet.

There is also a trailer staging area to the northeast. That is where trailers will be staged both empty and on occasion full trailers. There is a five hundred (500) diesel storage tank shown on the building for fueling equipment onsite. There will be no processing in this building, all just transfer.

There is no change to the residential drop off area. There will be an upper level for residents to drop off materials and a lower level for Pine Tree access only for their trailers and where containers will be stored. There will be an attendant there when the facility is open and materials accepted at this facility will be construction-demolition materials, MSW (Municipal Solid Waste), asphalt roofing, metal, tires, leaf and yard waste, white goods, electronic waste and household recyclables.

The final area is the scale and gate house again no change to the 2009 approved plan. There will be two seventy-five (75) foot scales; there will be a gate, a truck turn around and a gate house. The gate house is slightly larger then what was proposed in 2009 which will allow for a rest room and an office area.

As far as traffic goes there will really be no change in traffic, in fact there will be less traffic without having the processing building there. Access will continue to come from County Road, collection vehicles will weigh at the scales and residents will proceed directly to the residential drop off area. There will be a lot of signs on the property showing folks where they go, whether it is commercial or residential vehicles. All routes will be from County Road coming from the east for the most part.

The off site improvements that were presented and discussed in 2009 will remain the same. Pine Tree Waste is responsible for a left turn bypass lane and also an advanced warning traffic signal on County Road approximately one thousand (1000) feet west of the entrance. Those plans were submitted to DOT and were approved then and we learned this morning that they have approved the same plans. Pine Tree Waste retained Gorrill Palmer to review the traffic today and had evaluated the traffic counts in May and concluded that the street system can accommodate the proposed traffic for the facility and a copy of the report is in your application package.

As far as the Storm Water ponds 1 through 4 in 2009 were constructed as designed as well as the culverts and the rest of the stormwater facilities. The only pond no constructed was pond number five (#5) which is East of the transfer building. That pond shown on top right has been re-designed to meet the new storm water standards.

The hours of operation are the same as what was proposed in 2009. The hours of operation will be Monday through Saturday from 6:00 am to 6:00 pm. and after 6:00 pm when necessary for loading or off loading or maintenance activities. The residential drop off area will be open two days per week and Saturday from 8:00 am to 4:30 pm, that was the same as proposed in 2009. There will be signage at the facility indicating the hours of operation.

As far as construction scheduling goes Pine Tree Waste is hoping to start the off site improvements in August of this year and then work to complete the access road, the residential drop off area, and the gatehouse and scales and then finish with the transfer building. Work will start in August of this year, work through the winter and be completed in the spring of next year.

As far as other approvals go, we currently have a Solid Waste permit with the Maine DEP and that permit is valid but we are submitting an application for a minor revision and hope to receive that approval in the next four (4) to six (6) weeks. As I mentioned earlier the Maine DOT have approved the plans also.

I would be happy to answer any questions from the Board.

**Ed Reidman** before we start asking questions, does anyone from the Board wish to take a site walk?

Seeing none... I will ask about the Public Hearing later on. Are there any questions of the developer or Mr. Collins?

**Dennis Isherwood** it was not completed for various reasons, can you elaborate on that?

**Scott Collins** my understanding is that there were some changes in the regulations in 2009/ 2010 that made the project as proposed not feasible.

**Dennis Isherwood** on the ponds, you say that the four ponds have been completed but number five (#5) has not and number five (#5) has been brought up to current standards. Are the other four ponds going to be brought up to current standards too?

**Scott Collins** no they were built to the current standards at that time in 2009. The rule changed I think in 2010 or 2011, chapter 500 so we knew we were going back to DEOP for a minor revision and we felt that it was prudent to modify that pond to meet the current standards.

**Dennis Isherwood** do the other four meet current standards?

**Scott Collins** the other four meet the standards when they were constructed. They would not meet the standards today.

**Dennis Isherwood** today is when we are looking at this project. Am I wrong in saying that? When you came before the Planning Board before the project was not complete.

**Scott Collins** in 2009?

**Dennis Isherwood** right, now you are before us again and seeing the project was not completed back then are we starting this again completely from ground up? So should everything meet current standards?

**Scott Collins** we know that the DEP has not asked us to do that and it is their regulation. They do not ask people to re-do ponds that have already been constructed to meet current standards.

**Greg Blake** are they somewhat grandfathered?

**Scott Collins** yes they were constructed as designed and permitted at that time.

**Cory Fleming** just one follow up question, what is the time line expected until this facility will reach its capacity and have to be expanded upon again? Are we talking a ten (10) year, twenty (20) year?

**Scott Collins** to reach its capacity?

**Cory Fleming** admittedly we are currently on an economic slump, but at some point things will pick up again and obviously, you know...

**Scott Collins** the permit with the Maine DEP allows up to one thousand (1,000) tons of material per day. If the forecast would exceed that projection then Pine Tree Waste would have to go back to DEP to modify the permit for that tonnage. I do not know what this design would allow... to say the capacity I do not know.

**Mike Taylor** what municipalities are you going to be receiving trash from?

**Scott Collins** at the residential or commercial?

**Mike Taylor** both

**Scott Collins** I am not sure that the host agreement states what residential communities can also use the transfer station? I know it is Westbrook and neighboring communities, I just do not know how far geographically that extends.

**Mike Taylor** are you going to receive trash form out of state? What about from Biddeford?

**Scott Collins** from Biddeford yes.

**Mike Taylor** I know that we have an agreement in Westbrook for picking up trash, are the residents going to receive any discounts?

**Tony Paine** a Regional Engineer with Casella Waste, the parent company of Pine Tree Waste. We have a current host agreement with the City of Westbrook which is not affected by the construction of this facility although it makes our operations more efficient.

**Mike Taylor** so what you are saying is citizens of Westbrook... are we going to receive... right now we have to go over to Riverside, now we will be able to go to your facility, is that correct?

**Tony Paine** Yes

**Mike Taylor** are you going to be offering residents any discounts? We are hosting your facility and as a citizen we currently have to go somewhere else, will you be offering any discounts for residents?

**Tony Paine** we provide curb side pick up.

**Mike Taylor** I know that we have an agreement, I do not remember how many years ago when this whole thing started...

**Molly Just** as part of the host agreement Pine Tree Waste – Casella, the City is able to offer to its resident's free curb-side recycling.

If you recall back in the 2007 time frame there was a lot of debate about how to provide curbside recycling to residents instead of residents having to take recycling to drop sites throughout the City. This agreement resulted in free curbside recycling to residents. It is very unusual to have free curbside recycling in the State of Maine and not have pay for bag, trash pick up. That is the benefit to residents. There is not an additional reduction bulky waste drop off as part of this. The benefit is the trash pick-up.

**Mike Taylor** are you going to be receiving any hazardous waste?

**Tony Paine** no

**Mike Taylor** what about the waste that was over in Gorham? Are you going to be doing any of that kind of thing that Gorham had a big fiasco over?

**Tony Paine** we are not proposing to process at this time.

**Ed Reidman** any questions? In our memo from Molly Just dated May 30<sup>th</sup>, 2012 there is a proposed motion that starts on page two (2), and runs through page five (5).

Does anyone want to hold a Public Hearing?

\*\*Editors Note - None

**Rene Daniel** Molly, were any notices sent out about tonight's meeting?

**Molly Just** notices were sent to abutters within five hundred (500) feet and notices were sent to Cities abutting this project, the City of South Portland and the Town of Scarborough.

**Rene Daniel** how many people are here to know what is going on because you are abutters?

Four?

**Ed Reidman** when projects cross Municipal Boundaries which this one does not, but the land does, will it trigger the multi Board hearing?

**Molly Just** this one did not the actual development is all in the City of Westbrook.

**Ed Reidman** but if they chose to expand their site into either the City of South Portland or the Town of Scarborough then it would require a joint meeting between our Board and theirs?

**Molly Just** there would absolutely have to have some joint review but how it would actually work we would have to figure that out at that time.

**Ed Reidman** I think the law says you have to have it unless one of the two defer.  
Any other question? A motion?

**Molly Just** may I interject for a moment. There is a condition of approval that will be unfamiliar to the Planning Board that is a requirement that is in our Code of Land Use Ordinances.

**Ed Reidman** number?

**Molly Just** number two (#2) on page four (4) and the applicant receives the Planning Board memo the Friday before the meeting and the applicant has the memo in advance and it is in their best interest to read the memo and the conditions of approval in advance of the meeting. This condition number two (#2) on page four (4) is in the Land Use Ordinance so it is a requirement but we have been encountering questions about whether mylars are required and when they are due. This does clarify that mylars are required within ninety (90) days of Planning Board approval and no building permits shall be issued without Site Plan approval. So this condition will be included on this project and anything going forward. Just to be clear so everyone is aware.

**Ed Reidman** Did you write the verbiage or did Mr. Gouzie?

**Molly Just** the language has been in the Ordinance for quite some time.

**Ed Reidman** you had a chance Mr. Collins to review the conditions and are comfortable with them?

**Scott Collins** yes we did.

**Michael Taylor** moved the Site Plan application for the Casella Environmental Park on Tax Map 2, Lot 24D, is to be **approved with conditions** with the following findings of fact and conclusions.

#### FINDINGS OF FACT

##### Utilization of the Site

- The plan for development reflects the natural capabilities of the site to support development through the placement of buildings and activity centers on the available upland.

##### Adequacy of Road System

- Gorrill-Palmer Consulting Engineers, Inc. listed five (5) criteria that must be completed in order for the street system to accommodate the additional traffic generated by the project. These criteria are a requirement of the MEDEP solid waste management permit. Once completed, the traffic engineer found that the road system can adequately handle the proposed traffic. From a day-to-day traffic management perspective, the applicant must construct a left turn lane for the benefit of westbound traffic passing the subject property. In addition, the applicant must install an advance warning sign approximately 1,000 feet west of the project entrance that warns vehicles on eastbound County Road that there are trucks entering County Road ahead.

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

- Gorrill-Palmer Consulting Engineers have designed an ingress/egress. The design includes a left turn bypass lane from County Road and a three lane ingress/egress. The design will provide for safe and convenient access to the site.

#### **Internal Vehicular Circulation**

- According to Figure 4, "Traffic Circulation Plan," the project provides for safe passenger, service and emergency vehicle movement within the site. A gatehouse and scales will manage the flow of traffic and adequate stacking for vehicles waiting to pass the gatehouse and scales has been provided.
- The roadways have a maximum slope of 7%.
- The proximity of the residential drop-off area to the facility's entrance should minimize conflicts between passenger vehicles and commercial waste hauling equipment.

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

- Pedestrian activity by patrons of the facility will be mainly in the residential drop-off area. The location of the drop-off area, and its separation from the commercial facilities should provide for safe pedestrian movement.
- Trips to this regional facility will be via automobile. Hence, provisions for pedestrian connections to the neighborhood should not be required.

#### **Stormwater Management**

- Adequate.

#### **Erosion Control**

- Adequate.

#### **Utilities**

- Utilities shall be provided underground.
- Water: Adequate.
- Wastewater collection: The City has adequate capacity.
- The lighting plan demonstrates that lighting will consist of 1,000 watt high pressure sodium fixtures set on 30' high poles. The plan also demonstrates that glare from the fixtures will not spill onto abutting properties.

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

- According to Section 8 of the applicant’s submission “Hazardous and Special Waste Handling and Exclusion Plan,” the following items will not be accepted, “hazardous waste, free liquids or other materials prohibited by Federal, State of Maine and City of Westbrook regulations.”

### **Technical and Financial Capacity**

- Adequate.

### **Solid Waste**

- To be managed by the landowner.

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

- A vernal pool preservation area has been provided in the plans.
- A wetland preservation area has been provided in the plans.

### **Landscape Plan**

- The landscape plan includes a landscape feature at the property entrance, in the area of the proposed sign.
- The landscape plan has been designed to provide screening of the two (2) main facilities.
- The applicant has depicted the area of tree save around the developed areas of the property, which includes tree save in the area of the Noble property, Map 2, Lot 24E.
- Signage must be approved separately, but the sign depicted on Figure 1 in the applicant’s submission is generally consistent with Section 404 of the City’s Land Use Ordinances.

### *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 plans **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 May 22, 2012, plans dated May 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 the Planning Board.
2. No building permits without site plan approval; required mylar submission. Consistent with Section 504.3, the Code Enforcement Officer shall not issue any permits until a site plan has been approved by the Planning Board and a mylar signed by the Planning Board. *Mylars must be submitted to the City within 90 days of Planning Board approval or the approval shall be null and void.*
3. 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.
4. Prior to issuance of the Street Opening Permit, or the first permit required for the project, a fee in the amount of \$31,000.00, 2% of the site improvement costs, 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. (Per Section 9 of the applicant's project description, site improvement costs = \$1,550,000.00. Site improvement costs x 2% = \$31,000.00)
5. Prior to the Planning Board signing the mylar, the applicant shall pay the cost of the required notice to abutters.
6. This approval is for the project components described herein. Additional development, such as Phase 3 depicted on the plan set, or changes to approved development require City approval.

7. Prior to the first certificate of occupancy, a left turn lane must be constructed on County Road to provide access to the facilities main entrance.
8. Prior to issuance of the first certificate of occupancy, the applicant shall install an advance warning sign approximately 1,000 feet west of the project entrance that warns vehicles on eastbound County Road that there are trucks entering County Road ahead. The sign shall incorporate flashing beacons that would be actuated by a vehicle exiting the entrance. The final design and location shall be coordinated with the City Engineer. The sign would not flash continually, only when any vehicle is exiting the driveway.
9. The uncut vegetative buffer depicted on the plans, near the Noble property (Map 2, Lot 24E) shall remain. In the event that the abutting residential uses are discontinued and changed to commercial or industrial uses, the applicant may request a modification of this condition, which may include a reduction of the buffer. If property within the designated buffer is transferred to the Nobles, the designated uncut vegetative buffer will thereby be amended to include only the remainder of the designated buffer on the Casella Environmental Park property.
10. The applicant shall comply with Code of Ordinances Chapter 37, the local Post Construction Stormwater Management Ordinance.

**Ed Reidman** can we look at condition number two (#2), it says no building permit without site plan approval, shouldn't that read with Site Plan Approval?

**Molly Just** no if it read no building permit with Site Plan approval, to my ear it would mean that because you have a Site Plan you can not get a building permit.

**Ed Reidman** you are going to have site plan approval, in order to have the Mylar submission  
If you do not have Site Plan approval, you do not have anything.

**Rick Gouzie** without site plan approval you will not get a building permit.

**Ed Reidman** that is true.

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

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

#### **4. Adjourn**

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