

WESTBROOK PLANNING BOARD
TUESDAY, MAY 7, 2019
MINUTES

Present: Ed Reidman, (Chair) (Ward 5), Rene Daniel (Vice-Chair) (At Large), Rebecca Dillon (Ward 1), Dennis Isherwood (Ward 2), Joseph Marden (Ward 3), Robyn Tannenbaum (Ward 4), Nancy Litrocapes (Alternate), Kim Fickett (Alternate)

Absent: John Turcotte (At Large)

Staff: Jennie Franceschi

MINUTES MAY NOT BE TRANSCRIBED VERBATIM. SECTIONS MAY BE PARAPHRASED FOR CLARITY. A COMPLETE RECORDING MAY BE OBTAINED BY CONTACTING PLANNING AND CODE ENFORCEMENT at 207-854-0638 ext. 1220 and lgain@westbrook.me.us.

Ed Reidman explained the procedure for a Public Hearing.

PUBLIC HEARING

1. **2018.48 – Site Plan, Subdivision & Conditional Use - Cumberland Woods – Graiver Family Holdings, LLC - The applicant is proposing to develop a 72-unit multifamily subdivision on an existing vacant lot located at 425 Cumberland Street. Tax Map: 010 Lot: 028B Zone: Residential Growth Area 1**

Tax Map 010 Lots 028B

Zone: Residential Growth Area 1

Project Description

The applicant is proposing to develop a 72-unit multifamily subdivision on an existing vacant lot located at 425 Cumberland Street.

Project History

November 1, 2018 – Neighborhood Meeting

November 6, 2018 – Planning Board Workshop

December 1, 2018 – Site Walk

May 7, 2019 – Public Hearing

Staff Comments

1. Construction within the Cumberland Street ROW
 - a. When closing single lane – hours limited to 9a – 3p
 - b. Where closing both lanes – night work required
 - c. Coordination required with other projects within the Cumberland St ROW
 - d. Concern there may be ledge within the ROW. Blasting req
 - e. Replace with full pavement depth
2. Net Residential Density
 - a. Remove wetlands and revise land transference to demonstrate accurate density
3. Provide pre/post watershed maps
4. Show public easements on site plan
 - a. Provide draft easement language for legal review

5. Provide an open space plan and description of items contained in the plan to demonstrate consistency with R&C recommendation
 - a. Demonstrate access to the dog park as the current plan does not do that.
6. Dumpster enclosures – vinyl wrapped chain link with privacy slats
7. Provide a performance guarantee cost estimate for all site work
8. No fence is proposed along the LeDue property line – provide documentation to Planning Office the abutter prefers no fence be provided
9. Staff recommends a diversified color palate for the buildings.
10. If the pond is determined to be a VP, verify the proximity of the dog park is acceptable
11. One Knox box on each building to be located next to the mechanical room
12. Verify unit numbering with Linda. Provide 3 options for driveway name prior to addressing
13. Fire hydrant maintenance the responsibility of the property owner. (Condition of approval)
14. Landscaping – provide a stamped landscaping plan. Possibility of diversifying species of plants proposed?
15. Add a Signature block to the cover sheet
16. Sh. 2 survey & Sh. 3 subdivision plan - Add owner name to Parcel 10-28 and call that out as a lot in this subdivision plan.
 - a. Will need to state lots 1 and 2.
17. Error on labeling of Parcel 10-28
18. Show drip edge detail on landscaping plans.
19. Sheet S-1 – Street sign needed
 - a. Sidewalk to shoulder transition into Cumberland Street.
20. Width of driveway and sidewalk too narrow – sidewalks 5' 2-way access 24' wide
21. Electrical plan showing all lighting with Electrical engineer's stamp and photometrics.
 - a. Provide cutsheets on the lighting
22. Snow storage areas need to be shown
23. Along sidewalk around buildings, round corners of the pavement edges vs square edge to assist with maintenance and ability to plow. Corner edges are beat up, trampled, and end up delaying release of a performance guarantee for grass growth.
24. In reviewing the grading, are more of the units actually decks vs patios as the contours do not appear to provide a patio unless stairs are being added. Please clarify.
25. Post Office review of the gang mail box – have they been notified?
26. Note for conditions – forebays shown with concrete sumps.
27. Define accessways to front door of dwelling units and clubhouse.
 - a. Building A – place pedestrian access way in line with the access point on the east side.
 - b. Building C – North side provide access way
 - c. Building F- Provide better direct pedestrian access to the southern entrance
28. Western most HP spots by building E – Relocate 1 HP space with a ½ spot striped direct access to the Building E front door.
 - a. Eliminate one HP Spot.
 - b. Shift the other ½ spot of the striped access to the far left to provide access to the trail.
 - c. Extend curb line in front of all the parking spaces to avoid cars driving over steep slope.
29. Add an access path from the northern part of the parking lot to the tip down sidewalk to access building D.

Board Action

Receive comment from the public during the hearing.

Provide the applicant feedback on the application and plan set. Board members can ask additional questions as it relates to the comments provided by Staff.

Due to the fact that the applicant does not have their DEP Stormwater permit at this time, the applicant is waiving their rights to a decision from the Board within 30 days of the public hearing date as they requested the public hearing move forward in advance of final DEP approval.

No formal action is required of the Board at this meeting.

Dustin Roma, D M Roma Consulting Engineers presented aspects of the project on 425 Cumberland Street.

The applicant is Graver Homes LLC and the proposal is for seventy-two (72) residential dwellings in six (6) buildings on a nine acre parcel off of Cumberland Street.

The board was able to conduct a site walk on this property a few months ago. The surrounding properties are predominately forested now with some areas of shallow ledge thought out the site. There is some great topography as you come into the drive and come up a hill and where the units are proposed at the top is a fairly flat Plato area.

We do abut the City forest property to the north and is residential area on the Cumberland Street side down to the south.

We have some storm water ponds proposed on the east side of the entrance coming in.

Editor's note - Showed field area and wooded area locations on screen.

We have some storm water on the side and all of the storm water is collected through a storm drain system throughout the project and is conveyed down to the basins. There are no stormwater outlets on the dark green area shown in the plans.

There has been a lot of concern from neighbors about drainage on that side of the site. The drainage issues that they are currently having from the water down off of the hill and the stream that runs off the side of the property. What we have done is intercepted a lot of that water from the hill and have provided some water treatment and send it down to the ponds where we are mitigating the peak flows and putting into the City's collection system. We do not feel we will be exacerbating any of those conditions through this plan.

We did meet with the Recreation Commission on this project and the specific recreation components that we are proposing here is a paved sidewalk connection from Cumberland Street along the long stretch of road where there are no buildings connecting to the internal sidewalk. In addition to that we have a clubhouse building with an outdoor basketball court adjacent to it and a

network of trails that will be developed shown as the dashed area on the plans. We are utilizing the natural trail that will connect to the City's property.

We have agreed to convey a permanent easement for public access through this property from Cumberland Street to the City's wooded parcel. A big recreation opportunity there on the City forest, where there is no legal connection at this point, so I believe it will be a good public benefit that we are certainly willing to work with the City on to convey as a condition of approval on this project.

We also discussed the existing pond area and incorporating two (2) picnic tables down in the area for some seating. There is already an area that is already cleared out with a couple of big trees around it so we do not necessarily need to clear any area there but we will put a couple of picnic tables there.

We have incorporated bike racks near the club house building and also some additional outdoor lawn area space around the club house.

We have opportunity to create onsite recreational features and being adjacent to the City's Forest that has existing trail networks that we will be tying into.

The Commission seemed pleased with our proposal and did vote to accept it as meeting the Ordinance requirements for open space of the project.

We have been working diligently with Portland Water District and the Westbrook Fire Department on the design of the water both domestic and fire protection system for the project. Due to some elevation concerns we had to go through an extra level of design efforts to ensure we are providing the right levels of the water protection. We did go through that effort and everyone is satisfied with the pressures and the volume of water that will be supplied through the hydrants. There will be two (2) new private hydrants that will be installed at the top of the hill in addition to the fire connection and the sprinkler systems that will be in each of the buildings. We will be installing a single pump station that will boost water pressures just for the sprinkler systems inside the building. That is due to the three (3) story elevation of those buildings and the differences in pressures as you get to the top floors and the attic space. We have gone through that design and have incorporated it into the building plans.

The project will connect to the City sewer system and working with the City on the design and the acceptance of that. We have submitted for our DEP Stormwater permit for the project and in addition to that we have been evaluating the existing pond on the site and are evaluating the possible existence of a vernal pool. We did find activity on our first visit and the project manager from the DEP has been onsite to look at it and we have been documenting the egg mass counts. We are currently going through the process with DEP to determine the significance of the vernal pool but at this time we are treating it as a significant vernal pool for purposes of this application and with the DEP. What they have asked us to do is to provide additional buffering space around the

pond so what this shows is different from your packet. We have actually widened out the buffer and are proposing a retaining wall to help retain the natural trees with the forest cover around the pool. In anticipation of potential significance to this pool they have asked us to do that which is shown on this plan. We are continuing to work with them going through this process to regulate the area.

We did consult with a Landscape Architect and have added them to the design team and have assisted us with some site modifications around some of the buildings and also the development of the landscaping portion of the site plan that has been submitted.

Another item that has been discussed is the house that Richard Ledue owns in this area and the proximity of the house has concerns about buffering. We have had quite a few discussions with Mr. Ledue and is satisfied with the development and does not want a fence or additional landscaping. He was not able to make the meeting tonight, but I did talk to him again today just to make sure he continues to be satisfied as these plans develop and he assured me that he is. I did want to make the Board aware and that he has been part of the process and is not looking to have additional buffering in that area.

Due to the timeline we are looking at with DEP and potential approvals we understand that there is an Ordinance requirement for a decision from the planning Board within 30 days from the public hearing, I want to say for the record we understand that our obligation to provide the permit may take longer than that and we are willing to go longer than the thirty days if necessary for a final vote on this project from tonight's Public Hearing.

**Editor's Note showed four elevations of the buildings all four sides.

One item that you do not see on these plans that will be included on the final drawings are some black shutters basically on all the windows and are working to revise the drawings to include that feature to it. Now the buildings are all white and will be proposing contrast there with the black shutters on the buildings. We also accentuated the entrances nearest to the parking areas.

** Editor's note showed the maintenance mechanical rooms

In some instances, we do have a couple of buildings that have decks to have some grade changes around the base of the buildings. We will have decks there instead of patios.

These plans do not show the extent of the landscaping that we have proposed on the site plans. We do have a robust landscaping plan that is proposed around all sides of the buildings to dress that up. We have also added some street trees along the driveway coming into the site.

With that I will turn it over to the Board and will be happy to answer any questions.

Ed Reidman Staff?

Jennie Franceschi as the applicant has stated there are some outstanding items. That is why we do not have this item on for final approval tonight however we do have it for Public Hearing. We have provided the applicant with our item list which we feel we need to have addressed in advance of the final approval. A few of the items that were discussed were the elevation views. Staff has recommended that the applicant provide differing palates on different buildings versus being all the exact same color. We would welcome the Boards thoughts on the comments as to whether or not that is something the Board would like to provide as concurrence or whether they concur with the applicant of their recommendations of their palate.

As it has been stated an open space plan will be provided in the next application which will delineate all the public access easements as well as the amenities.

Outside of that we would recommend that the Board hear comments from the public and provide the applicant feedback.

Ed Reidman we are at the point where we are going into the Public Hearing portion of it. I have an e-mail that came from Jerry Studebaker with regard to this project.

**Editor's Note e-mail on file

Anyone care to speak?

Andrew Warren 517 Cumberland Street which puts me below the activity of the vernal pond and I still have some concerns about drainage on that side of the development, especially if there is going to be a buffer around that pond area. It still feels that there is an awful lot... right now it is forest and we are going to pave it and put a lot of impermeable ground up there. I am worried about the three or four properties on that edge of the development, including my own as well as the integrity of Cumberland Street. All of the water drains right now into a stream that drains into a culvert underneath Cumberland Street across the road to our neighbor's lot which absorbs all of the run off.

Right now, it is barely contained with all the trees up there. To cut down all those trees and replace them with pavement and roofs, I understand that there will be storm and runoff drainage headed down the hill but on this end, I do not see what is going to happen there except for the already problems will be very much exacerbated. I would be very interested to hear what the solution to that is given that there is a lot of vernal activity in that pond. It is a wildlife spot for sure.

Ed Reidman would anyone else care to speak?

No comments

Public Hearing closed

Ed Reidman Mr. Roma would you care to address the drainage issues? I assume you have read the e-mail.

Dustin Roma I was given it when I came to the meeting and read the e-mail and what I understood the concerns were from the written memo that focused around drainage and the existing pond areas that you see up there. If you were to walk around the site in the springtime you get areas of collected water and you do not see them other times of the year but certainly they are there now.

Basically, right now this whole area drains down the hill, so I am not surprised that there are periods of higher levels of run off and drainage and everything coming down the hill where you have all the houses at the bottom. What we are doing to mitigate that is we have catch basins located in the parking lot, here at the end of this parking lot as well as picking it up here and here, so what happens is it drains down these parking lot areas and collected in the catch basins and it gets piped all the way down the road and down a ditch line under the road into these ponds. All the water from the paved areas all gets collected in the catch basin and gets piped down to the other side. So it doesn't actually run off all these paved areas. So that is how we are reducing the flow all along that side even though we are cutting the trees, adding the pavement, adding the buildings, we are collecting it all and moving it underground through a pipe network all the way to Cumberland Street. After it gets detained in these two rather large ponds and the additional third pond here in this location, it is all a detention area at the bottom that basically overflows filters through the ground, gets collected and goes out to Cumberland Street. That is the drainage scheme for all this.

Ed Reidman did anyone else hear any questions?

Robin Tannenbaum in the letter there is a question because there are a lot of mosquitos, as comes with standing water. Do the builders plan on using chemical pesticides, harmful, do they plan to use chemicals on a regular basis?

Dustin Roma to be honest I cannot answer that question exactly for the amount of chemicals that they would use as that comes up. I suspect it would be year to year. The DEP will be looking at this and they may very well put restrictions on it as we cannot be impacting the ecological system of that vernal pool. It is under the DEP jurisdiction and will work with the DEP on that. I am not aware that we are planning to blanket the site with any long-term pesticide control.

Robin Tannenbaum it is helpful when you explain the drainage piece as Mr. Warren has consistently expressing his concern about drainage and it is a real concern and sounds like it is a bad situation right now, so I completely appreciate your concerns.

I have a question for Jennie, what recourse do these folks have if they feel that the level of water gets worse?

Jennie Franceschi what we typically we do as a project is under construction and is getting close to construction we will monitor how the site is functioning and typically this happens over a long period of time. They do not build these sites out so fast that we can't monitor how stormwater is going to function on a job site and ultimately what an as built construction will be. Typically, the

construction time frame will be the worst time frame that we will view what the site will actually do. Once the stormwater features are constructed and it diverts the water around the site into ponds and will hold water back.

When we look at sites that have water breaking through and causing erosion to occur, those would be things that we would be looking at and addressing even before we provide the applicant back his performance guarantee. As we are going through the construction and trying to wrap up a project, we typically are able to see if there are any issues that are being created by the construction and before we give up the performance guarantee component.

There are some instances that we have been dealing with projects where the weather as we have seen it recently is a lot wetter than it has been then before. When people are talking about drainage this year and I can hear the sigh from my Code Enforcement Officer as to the number of sites that he has needed to check drainage this year. There are times year to year things do have a tendency to look worse than they ever did before and maybe a project was right there so it may look like the project was the impact and sometimes it is technically the weather and how we may have had an odd winter. But, we would be monitoring and watching the site under construction and making sure the if we are seeing water flow off in a direction that was not intended by the design, we would address that before the project would be wrapped up.

Robin Tannenbaum Mr. Roma, help me out with grading 101 if you will. It is amazing that you are brining everything under the road and into the City's system I am looking at some of the parking on the southwest side and I guess you are dealing with existing grades, but I am wondering why it is not basically graded towards the center of the road? Help me understand how water grains when it hits that pavement and it just doesn't head down the hill instead heads towards a catch basin or someplace that will carry it away.

Dustin Roma help me orient if you are between a couple of buildings?

Robin Tannenbaum to the left of building C.

Jennie Franceschi I think you need to be looking at GU-2.

Robin Tannenbaum that is the actual grading sheet, thank you are grading into the catch basin and then sending it to the center. I am good, thank you.

Nancy Litrocapes along with the idea of adding more colors to the buildings which I think it desperately needs. They are so similar in design and the color will make them differentiate. I would like to add that different colored doors on each building would be a really nice pop of color.

Joe Marden Mr. Roma, I have a couple questions. I see on the memo from the Planner comments on the calculation net residential density and the wetlands and it looks on the plan that you are close

to the seventy-two (72) unit threshold, so would the deduction of the vernal pool with the wetlands and the stream, are you going to reduce the units?

Dustin Roma there was an area here that was proposed to be conveyed to this property, so we are no longer doing that and that gets us back to where we need to be.

Joe Marden I need a clarification on GU-3 on the catch basins located on the parking lot, on the corner near the dumpster pad, it does not look like there is curbing extended in that area, I think it would force water into the structure, rather than going over the embankment towards the vernal pool.

Dustin Roma one of the things we have done to address that on the revised plan, it looks like it looks differently. We have this larger swooping radius that comes into that last parking lot that will help address that issue. We will grade back towards that basin and will address it through the new design.

Rebecca Dillon I would also support the staff comment on different colors to give it more of a neighborhood feel. Could you walk me through the open space plan? I know you went through it but I was not quite clear on what the requirements are as far as where it is a benefit to the community. Is there signage required that indicates other people that do not live there can have access to the property?

Dustin Roma so the way I understand the open space requirements is that it can be something that benefits the project itself or it benefits the community as a whole. It is not explicit as to who need to benefit or what level of a benefit. What we tried to do here is to create a blend of private amenities and amenities that can be used by the public.

**Editor's Note: showed open space areas on the screen and explained the open space area.

Rene Daniel let's start with the sidewalk, on Cumberland Street. Are you somehow going to create something so the individuals who are walking can cross the street safely?

Dustin Roma I do not see based on the traffic level counts here, that we would get an approved DOT walk crossing situation here. So, all we are going to provide is a tip down with a warning at the street. We are not going to provide a formal cross walk. This does not look like an area that DOT would allow that to happen. We did bring this up at the Staff meeting and the Staff indicated that they would not support a cross walk at this location.

Rene Daniel Jennie if we are going to require them to put a sidewalk in for activities, how do we get people to walk up the sidewalk if they come to a dead end?

Jennie Franceschi there is an extended paved shoulder on that side of Cumberland Street. It is not a sidewalk but there is an extensive shoulder. That is where if folks walking on that side of the road they would be walking along the paved shoulder.

Rene Daniel next question deals with traffic. The last time you were before us and we had the site walk, it was sixty (60) units now it is seventy-two (72). I am assuming it is two and three bedrooms or just two bedrooms?

Dustin Roma it is a mixture of one and two bedrooms.

Rene Daniel so we will have children and I am glad you have added amenities for children. Hopefully you will consider in the winter to use the pond as skating. I think all of that is positive.

I just worry about the traffic. I travel that road every day and am quite aware of the traffic. I also agree that putting a crosswalk there could be dangerous since you are coming to the crest of the hill and you cannot see over the hill. People do not realize that the speed limit is not 55 miles an hour.

I agree with the other Board members and the Staff that colors are needed on the buildings.

On the landscaping, is there a particular reason you chose to end the trees at the bottom of the pathways?

Dustin Roma what we have in the area referring to the grading plan you see substantial fill that occurs in that area in order to get the right slopes to get safely up that hill. Due to that large amount of fill on the slopes, it is difficult to plant trees that will stay. The street trees that are proposed along the property there are helping to buffer to the next residents on the north side.

Rene Daniel how much slope is there going to be? How much grading is there going to be?

Dustin Roma three (3) horizontal to one (1) foot vertical slope, so it is flat enough that you can walk on it and mow it. It is not excessive in that way but to create a shelf to allow a street tree it would be close to the road and it probably would get plow damage and would push the fill extension quite a way out. As you are aware it is densely forested on the backside as you are coming up the hill. Once you make the corner it will be forested on both sides that will have a wider road section to account for those fill slopes and swales that run to the pond but will not be cut wide open.

Nancy Litrocapes how many parking spaces are there?

Dustin Roma one hundred and eight (108)

Nancy Litrocapes and you have one- and two-bedroom apartments? Is there a figure for how many parking spaces are required?

Jennie Franceschi yes

Nancy Litrocapes and that meets the requirements?

Jennie Franceschi yes

Ed Reidman anymore questions for the developer at this point?

No questions

2. **2019.05 – Ordinance Amendment – Chapter V Subdivision and Site Plan Review: The proposed amendment re-organizes and clarifies the subdivision and site plan submission requirements and review process.**

Jennie Franceschi presented the proposed amendment criteria

Ordinance Description:

The proposed amendment re-organizes and clarifies the subdivision and site plan submission requirements and review process.

Ordinance History:

March 5, 2019 – Planning Board Workshop

April 2, 2019 – Planning Board Workshop

May 7, 2019 – Public Hearing

Staff Comments

The proposed amendment accomplishes 3 goals to the Subdivision and Site Plan Review chapter of the Land Use Code.

- 1) The initial intent of the proposed amendment was to introduce a requirement that larger subdivisions, defined as subdivisions of 5 or more lots/units, incorporate a landscape architect to assist with the design of the subdivision layout. This proposal was brought to Staff by a member of the Planning Board and is utilized in other municipalities throughout the State. Based on feedback received during the workshops, Staff have revised the requirement to stated, “For subdivisions of 5 or more (lots or) units, a multidisciplinary design team comprising of a landscape architect, surveyor, and engineer is required for the design of the project layout”.
- 2) While drafting this requirement, Staff reviewed the submission requirements for sketch and final site/subdivision submission and found several inconsistencies between required and supplemental submittal materials. Therefore, the proposed amendment revises the submission requirements to more accurately reflect what is truly required and what may be required, depending on the project site and proposed development. This revision does not remove any submission requirements, but rather places those requirements at the appropriate process step, while still allowing the Planning Board the ability to request any additional information, if necessary.

- 3) Lastly, the existing Chapter V is disorganized and difficult to interpret. Staff is proposing a reorganization and rewording of the Chapter to consolidate all subdivision and site plan standards together in adjoining sections rather than dispersed throughout the Chapter. This revision does not remove any subdivision or site plan standards, but rather organizes them. There are some sections that were based upon old legislation that have been removed/updated to be in compliance with State Laws.
 - a) In a final review of the document by our City Solicitor, there were further recommendations to update our findings of fact, standards and conclusion to comply with State Subdivision requirements as well as minor adjustments to improve the clarity of our ordinance.

Jennie Franceschi we are looking for feedback from the Board that we are in the right place and have the right wording and then turned it over to legal and then legal added components that they have been holding for years which has to do with our findings and fact and conclusions. We have incorporated the legal comments within the document that you have before you and and would like to hear any feedback.

Ed Reidman it is not complicated, it is a lot of verbiage that has been brought up to speed and we have had a workshop on it. Does anyone have any question?

No questions

Ed Reidman any questions from the public?

Andrew Warren 517 Cumberland this seems that this is adding requirements to the permitting process.

Ed Reidman designed to clear up the existing Ordinance, so it is easier for the staff and the applicants to put it together before they get to the Board?

Public Hearing closed

Ed Reidman any comments from the Board at this point?

Robin Tannenbaum is the piece about the impact fees new?

Jennie Franceschi No, a lot of the items were shifted from other locations within the document to place it in the document that read more sequentially.

Rebecca Dillon I noticed this and had not noticed this before, the development impact fees. I am wondering as the Planning Board how does it get demonstrated that the proposed development will result a negative impact and how would the Planning Board assess it and impose impact fees?

Jennie Franceschi the statement that currently exists within the Ordinance is a provision that you must have in order to implement an impact fee system. Currently we do not have that. We cannot arbitrarily ask for an impact fee for items unless you have an impact fee ordinance. But the

language should reside within our Ordinance if in the future we create an impact fee system. The language is held there as a placeholder. The City does not currently have an impact fee system.

Rebecca Dillon so will this create confusion with residents that might be upset with a development next to their home and coming before us and demanding that we require impact fees on that specific project. To me that will confuse people.

Jennie Franceschi it could create confusion and we would address it and explain to them that provision is only there if the City adopts an impact fee system. We did talk to legal and she did advise that we keep that language in there until the City decides to move forward on an impact system.

Ed Reidman any additional comments?

No comments

REGULAR MEETING

3. Call to Order.

4. Approval of Minutes.

Rene Daniel moved to approve the March 5th, 2019 minutes as presented.

2nd by Dennis Isherwood

The vote is unanimous in favor 7-0

Ed Reidman before we move forward; since the Board has no approvals that can be voted on tonight for the Cumberland Woods application, the Board excuses the applicant.

UNFINISHED BUSINESS

5. ITEM ON THE TABLE - 2018.59 – Subdivision Plan – 138 Hardy Road – Michael Pednault: The applicant is proposing a 7-lot subdivision located at 138 Hardy Road. Tax Map: 020 Lot: 005 Zone: Rural District

THIS ITEM IS CURRENTLY ON THE TABLE. *No discussion can occur without a motion to remove the item from the Table. If no motion is made, the item will be continued to the next available meeting of the Board.*

The applicant is currently scheduled to appear before the Rec & Con commission on May 16th with an updated open space plan for their review and recommendation. Where there was no formal vote on the waiver of the open space plan by the Planning Board, this has created confusion for the applicant, however staff has provided guidance to the applicant to proceed to the Rec & Con to address the open space plan requirement. If the Board wished to provide the formal vote on the open space waiver provision for the record, it could do so at this meeting. See “Action for the Board’s consideration” for the proposed series of motions that could be

made by the Board. Additionally, below is the background on the open space waiver previously provided to you in last month's staff memo.

Dennis Isherwood move to remove this item from the table.

2nd by Rene Daniel

The vote is unanimous in favor 7-0

Project Description:

The applicant is proposing a 7-lot subdivision located at 138 Hardy Road. The land is part of two-family trusts with the Gowan Family. The first plan shows the entire limits of the land and the subsequent plans show the two trust parcels separately. The two trust parcels had previously cut off 1 lot from each parcel within the last five years and are proposing to cut each of the remain trust lands into 3 parcels thus we are reviewing this project as required by state law as a subdivision.

Project History:

- January 15, 2019 – Planning Board Workshop
- February 28, 2019 – Recreation and Conservation Commission
- April 2, 2019 – Public Hearing
- May 7, 2019 – Item on the Table

Staff Comments

1. During the April 2, 2019 Public Hearing, the applicant requested a waiver from the Public Open Space requirement. After a discussion, the Planning Board voted 7-0 to place the item on the table, however a formal vote of the applicant's waiver request was not made. Staff is recommending the Board remove the item from the table to formally vote on the waiver request in order to provide clear guidance to the applicant.

The following are comments from Staff and the Recreation and Conservation Commission regarding the waiver request as presented to the Planning Board in the Staff Memo dated 3/29/2019.

Open Space – The applicant is requesting a waiver of the Public Open Space requirement. Per the most revised plans dated March 2019, the applicant is required to provide approximately 27,300 square feet of open space or pay an in-lieu-of fee in the amount of \$45,750. See applicant's attached letter for justification.

- a. **Staff Comment:** Staff does not support the waiver of the open space requirement for the following reasons:
 - i. Although the intended recipients of the subdivided parcels are family members of the trust beneficiary, the proposed dividing of the land meets the state definition of subdivision and is therefore not exempt from subdivision review.
 - ii. The two lots to be subdivided total over 32 acres of vacant, forested land. Although the applicant is not maximizing the density of these lots and has

expressed an interest in the subdivided lots remaining forested, Staff does not find this meets the intent of the Open Space requirement for “reservation of land for parks, playgrounds or conservation areas”. Further, there is no mechanism to prevent these lands from being developed further in the future.

- iii. Staff has no knowledge of any previous subdivisions where a waiver was granted for the open space / in-lieu-of fee requirement.
- b. During the January 15th, 2019 workshop, the Planning Board instructed the applicant to present their request to the Recreation and Conservation Commission. The applicant met with the Commission on February 28th. **The Commission voted unanimously against the waiver and has provided Staff with the following comments:**
 - i. The Recreation and Conservation Commission, upon evaluation of the request to waive the public open space requirement for the 138 Hardy Road Subdivision proposal, voted unanimously against recommending the waiver to the Planning Board.

In considering the waiver request, Commission Members reviewed (1) the letter from the applicant requesting the waiver, (2) a plan view of the subdivision, and (3) a memo from the Planning Department in response to the waiver request. Additionally, Rec/Con Members reviewed and discussed relevant provisions of the City’s Ordinances and Comprehensive Plan and provided the following commentary to the Board:

It is the position of the Commission that there is no basis upon which to grant an open space waiver.

First, the relevant provisions of the Comprehensive Plan and City Ordinances indicate that the two applicable zones (Rural District and RGA-3) are the only two in the City providing cluster density incentives, which are designed to preserve more open space as an environmental protection measure; large-lot development is the antithesis to cluster development and one of the most environmentally impactful ways to build out the remaining portions of the City.

Next, no conservation or recreation measures of any kind have been proposed for the area by the applicant; therefore, not only would a waiver constitute a public giveaway disproportionately benefitting one landowner, but there is nothing in place to protect any part of the forested area the applicant is claiming to intend to preserve.

Finally, a waiver could incentivize other owners of large plots to take a similar approach in subdividing, with the potential result that these zones would not be built out as intended in both the Comprehensive Plan and ordinances; a result of substantial non-conformance with the same.

Unless further information is provided that constitutes a basis upon which to grant a waiver, the Recreation and Conservation Commission has concluded

that it is in the best interests of the citizens of Westbrook **that the requested waiver not be granted.**

Actions for the Board's consideration:

1. Motion to remove from the table the application for the Gowen Subdivision located at 138 Hardy Road.
2. Motion to grant a waiver of the Public Open Space standard in Section 502 Subdivision Authority - Additional Requirements A. Public Open Space.

As the application is not complete to be able to take any further action at this time, Staff recommends laying the item back on the table until the applicant provides a complete application and returns with their recommendation from the Recreation and Conservation Commission.

3. Motion to lay on the table the application for the Gowen subdivision located at 138 Hardy Road

Joe Marden if we vote to not grant the waiver, that is not a rejection of the application, it is just a rejection of the waiver and it would go back to you to talk to the applicant.

Jennie Franceschi correct

Ed Reidman explained the removal of this item off the table and I will take a motion to grant the waiver for the open space standard that should be a positive motion.

Jennie Franceschi it should be a positive motion and if the results is negative, then the motion fails, and we will contact the applicant so he is clear on the direction that will he need to go forward with the Recreation and Conservation Commission.

Rene Daniel move to grant a waiver of the Public Open Space standard in Section 502 Subdivision Authority - Additional Requirements A. Public Open Space.

2nd by Ed Reidman

Joe Marden if we vote in favor do we need reasons, and will it create precedents?

Jennie Franceschi the reason that Staff and the Recreation and Conservation provided you with a negative recommendation is that we were concerned about setting precedents. To this date for any subdivision that has moved forward, we have not waived the open space standard requirement.

The vote is unanimous against 0-7 opposed

Rene Daniel I move to table this item.

2nd by Dennis Isherwood

The vote is unanimous in favor 7-0

NEW BUSINESS

6. ~~2018.48 — Site Plan, Subdivision & Conditional Use — Cumberland Woods — Graiver Family Holdings, LLC — The applicant is proposing to develop a 72 unit multifamily subdivision on an existing vacant lot located at 425 Cumberland Street. Tax Map: 010 Lot: 028B Zone: Residential Growth Area 1~~

Ed Reidman as no action can happen tonight, the applicant was excused.

7. 2019.05 – Ordinance Amendment – Chapter V Subdivision and Site Plan Review: The proposed amendment re-organizes and clarifies the subdivision and site plan submission requirements and review process.

Rene Daniel I move to recommend the adoption of the Ordinance Amendment to the City Council

2nd by Dennis Isherwood

The vote is unanimous in favor 7-0

Rene Daniel I move to go into workshop

2nd by Dennis Isherwood

The vote is unanimous in favor 7-0

Ed Reidman explained the reason for workshop that allows public input, otherwise there is no public comments unless it goes into a Public Hearing.

WORKSHOP

8. 2019.08 – Site Plan, Subdivision, Village Review – 50 Pleasant Street – RMC Properties LLC: The applicant is proposing a lot split and a new 3-unit multi-family with associated parking and site improvements. Tax Map: 033 Lot: 097 Zone: City Center District, Village Review Overlay Zone

Part of Tax Map 033 Lots 097 (Lot Split)

Zone: City Center District, Village Review Overlay Zone

Project Description

The applicant has purchased a lot that was split off of Map 33 Lot 97 and is proposing a new 3-unit multi-family structure with associated parking and site improvements. Thus, the lot split with the 3 unit multifamily requires subdivision review.

Project History

March 13, 2019- Village Review Overlay Committee

April 9, 2019 – Village Review Overlay Committee

May 1, 2019 – Neighborhood Meeting

May 7, 2019 – Planning Board Workshop

Staff Comments:

1. Provide Cost Estimate (attached) and Letter of Financial Capacity with final application submission
2. Neighborhood meeting is required prior to the workshop with the Planning Board. Provide documentation in the form of a copy of the notice, attendance sheet and meeting minutes to the Planning Office
3. Letter of Capacity for water and sewer with final application submission
4. Utilities – the multiple trenches are too close and will be challenging from a maintenance standpoint. Applicant should mill & fill the entire area in Pleasant St
5. Staff will provide detail on Pleasant St and pavement depth
6. Notification required prior to the connection between sewer and the catch basin in Pleasant ST
7. Revise plan to state correct minimum lot size (7,500, rather than N/A)
8. Due to the size constrictions of the site, snow removal plan required
9. Explore additional landscaping opportunities (additional locations or diversifying what is proposed along the front of the house)
10. Include all requested waivers and a signature block on final plan
11. Final application fee due - \$1,200
12. Verify minimum 10' separation between structures (abutter)
13. Will there be a gate for the access to William Clarke Dr or will this be open?
14. Snouts included in CBs
15. A concern was raised by the VROZ committee on the lack of a landing for the back access, however this is not a code requirement. If the dimension from ground to the sill of the house is greater than 30", railings will be required along the stairs.
16. Provide a drip strip along the eave lines or show gutters and location for downspout discharge.
17. Please provide clarification on areas included in the sub catchment calculations for stormwater.

Board Action:

- Collect public comment during the workshop on this application
- Site Walk –Or Virtual Site can be made available at this meeting
- Public Hearing

Todd Gammon Blais Civil Engineers presented aspects of the project. The applicant has purchased a lot that was split off Map 33 Lot 97 and is proposing a new 3-unit multi-family structure with associated parking and site improvements, called Pleasant Street Town Homes.

The building is 1800 square feet that is boarded in the back by William Clarke Drive, across the street from Sargent Street to give you some bearings.

On 52 Pleasant Street we had Eaton Land Surveyors survey the property and carve off a parcel so we meet the subdivision criteria and Village Review. We have a 7511 square foot parcel that meets the density in the City Center District.

We have three town homes and have had three meetings, two Village Review meetings and also a neighborhood meeting.

**Editor's note showed the architectural drawings on the screen

During the two Village Review meetings it was mentioned to have more of a house look bordering along Pleasant Street. One long porch in front with the access with a gable in front and made changes to the back and they seemed pleased at the second meeting to keep the house feel along Pleasant Street.

In terms of the site layout it is a minimal footprint. It is only 1800 square feet with six parking spaces out back with a little room for snow storage and abutting William Clarke Drive there is discussion on a fence. We are looking at placing a six (6) foot white vinyl fence.

It was a successful neighborhood meeting and they mentioned on 52 Pleasant Street, our lot will be 50 Pleasant that was carved off, she is going to put in a white vinyl fence so they have decided to match the two and bring it up to the back of her building.

The other comment is we have some shrubs in the front to provide a little buffering up to their garage, likely some arborvitae and have some shrubs in front of the porch. It is a smaller footprint but we are trying to take advantage of some of the landscaping opportunities. We will have a brick paver patio in the back with some bulkheads. We will have a sidewalk with six (6) parking spaces trying to minimize the footprint and are asking for two waiver requests, one down from 18 1/2 to 18 on the parking stall and the other is the width of the two way drive from 24 to 20 to try to minimize that footprint a little.

**Editor's note showed grading plan

We are going to be removing the existing grass and shrubs install granite curbing out front and got input from Public Works Department and have utility tie-ins with the sewer with three separate water services with 1/2 inch connections with sprinklers. It will all be underground connections for the electric.

It was mentioned to have a micro berm here, so any overland flow goes back to Pleasant Street. We will have a small stormwater treatment. We have added roof gutters with a down spout that goes back to an underground soil filter with an overflow and exists back into the City storm drain system. No drainage off of the property at all.

We have two catch basins and a manhole with a horizontal change in the direction to the existing storm drain so we are able to provide quantity and quality control on that portion of it.

Snowplowing we have six or seven feet to here so they will be able to come right in if there is ever an issue we can have the snow hauled off.

We had input from the Fire Department that asked for ten foot separation in the structure and we picked the drive on this side. Both the abutting neighbors came to the meeting and like the architectural layout and were encouraged and had nothing but good things to say.

I can open it for any questions or comments from the Board.

We are hoping to resubmit this week, go for a public hearing and a potential final in the June meeting.

Ed Reidman questions or comments? Any feedback from the Board?

Rene Daniel what page is the landscaping on?

Todd Gammon C 101 and explained the landscaping and will be adding more for the resubmission.

Rene Daniel in your submission I want a list of all the plants.

Todd Gammon it is on the re-submission plan.

Rene Daniel what is the reason for the walkway to William Clarke Drive?

Todd Gammon the City asked us to provide the connectivity to William Clarke Drive to the sidewalk.

Rene Daniel Jen, the logic?

Jennie Franceschi the purpose is twofold, one it affords the tenants access William Clarke Drive and walk to Hannaford with a quicker connection to the sidewalk system and the second point is also that from a fire safety access standpoint they could set up either on Pleasant Street or on William Clarke Drive and give access to the properties.

Rene Daniel did anyone consider a good crossing to the high school?

Jennie Franceschi as far as private people walking through there? They might and one question we had is if they are going to have a gate on their side?

Rene Daniel I think they should have a gate. I am not in favor of fences, shrubs, bushes, grasses, I am in favor of.

I like the final picture of the project. In the rear closest to William Clarke drive will there be any patios?

Todd Gammon yes patios.

Rene Daniel I think it will be a good addition to the area.

Rebecca Dillon I like the building as well and I think it will fit in nicely in that neighborhood. You mentioned that you are asking for two waivers?

Todd Gammon yes, the parking stall length from 18 ½ to 18 and the two-way turnaround from 24 to 20

Rebecca Dillon I have no issue with the waiver request, less pavement to me is better. Typically, I am not a fence person either but where it is next to William Clarke Drive, if I lived there I would actually want one.

Todd Gammon the abutters have fences and the closest neighbor is installing a fence and discussed having a matching six-foot white vinyl fence.

Rebecca Dillon that is it, nice job on the building.

Robin Tannenbaum nice project. I would like to see more robust landscaping when it comes back to us. I do not know what the setbacks are here, but I really like the street presence.

Ed Reidman questions or suggestions?

Site walk or virtual site walk?

**Editor's note Virtual site walk shown to the board.

Rene Daniel I have no problem with the type of fence as you can see through it.

Todd Gammon we are going to continue the six-foot fence.

Ed Reidman questions or comments from the Board?

No comments

- 9. 2019.10 – Site Plan – 2 Eisenhower Drive – 2 Eisenhower Drive, LLC: The applicant is proposing a 16,060 sf expansion to an existing 30,000sf commercial building to include new walkways, loading docks and an amended parking layout. Tax Map 05B Lot: 001 Zone: Manufacturing**

Part of Tax Map 033 Lots 097 (Lot Split)

Zone: City Center District, Village Review Overlay Zone

Project Description

The applicant has purchased a lot that was split off of Map 33 Lot 97 and is proposing a new 3-unit multi-family structure with associated parking and site improvements. Thus, the lot split with the 3 unit multifamily requires subdivision review.

Project History

March 13, 2019- Village Review Overlay Committee

April 9, 2019 – Village Review Overlay Committee

May 1, 2019 – Neighborhood Meeting

May 7, 2019 – Planning Board Workshop

Staff Comments:

18. Provide Cost Estimate (attached) and Letter of Financial Capacity with final application submission
19. Neighborhood meeting is required prior to the workshop with the Planning Board. Provide documentation in the form of a copy of the notice, attendance sheet and meeting minutes to the Planning Office
20. Letter of Capacity for water and sewer with final application submission
21. Utilities – the multiple trenches are too close and will be challenging from a maintenance standpoint. Applicant should mill & fill the entire area in Pleasant St
22. Staff will provide detail on Pleasant St and pavement depth
23. Notification required prior to the connection between sewer and the catch basin in Pleasant ST
24. Revise plan to state correct minimum lot size (7,500, rather than N/A)
25. Due to the size constrictions of the site, snow removal plan required
26. Explore additional landscaping opportunities (additional locations or diversifying what is proposed along the front of the house)
27. Include all requested waivers and a signature block on final plan
28. Final application fee due - \$1,200
29. Verify minimum 10' separation between structures (abutter)
30. Will there be a gate for the access to William Clarke Dr or will this be open?
31. Snouts included in CBs
32. A concern was raised by the VROZ committee on the lack of a landing for the back access, however this is not a code requirement. If the dimension from ground to the sill of the house is greater than 30", railings will be required along the stairs.
33. Provide a drip strip along the eave lines or show gutters and location for downspout discharge.
34. Please provide clarification on areas included in the sub catchment calculations for stormwater.

Board Action:

- Collect public comment during the workshop on this application
- Site Walk –Or Virtual Site can be made available at this meeting
Public Hearing

Craig Burgess with Sebago Technics presented aspects of the expansion of an existing industrial facility. The building was actually 30,000 square feet when it was originally constructed in 1977. However back in 2016 shortly after receiving approvals from the City, the building was expanded 7,450 square feet. This is an additional 16,060 square feet on top of that. Other site improvements will include walkways to new entries, restriping of the parking area. No new utility extensions proposed as part of this project.

What is proposed as part of the project is new stormwater infrastructure to treat detain stormwater runoff from areas that will be disturbed, to the east and west for the expansion of the building areas as well as some regrading and repaving of some existing pavement.

Currently there are approximately forty (40) employees at this building and that is not expected to change with the expansions. The expansions are to accommodate business growth and new cleaning equipment to increase efficiency.

Also, to the east where the loading docks are, the number of deliveries will not change but it is also to increase efficiency.

With this project we do not anticipate the traffic will change significantly. Our transportation traffic engineers have reviewed it and based on the change on the size of the building there will be some traffic assigned to that but will not be significant to warrant and traffic study.

The stormwater will be treated to the east and west with two soil filters. The soil filters will be sized within Maine DEP standards but does not qualify for a DEP permit. The reason is the overall project creates less than three acres overall impervious area. Therefore, it does not qualify for the site law permit.

Because it was constructed in 1977 and the Stormwater Law was enacted in 2005 the project has not created a change of impervious area of more than an acre since 2005. After considering the building changes and the additional pavement area that will be created for this project the additional paved area will be in the loading dock area. That is to accommodate the turnaround for the box trucks.

That is what I have tonight and am here to answer any questions you may have and receive any feedback form what you would like to see on the next submission.

I would ice to mention that we went through Planners comments and have no issues with any of the comments and we will have one of our Landscape Architect s look at this project and come up with a landscape plan that will be included with the next submission.

Ed Reidman are you creating new drive on Saco Street?

Craig Burgess no that is existing, we are just repaving and minor regrading.

Ed Reidman questions or comments from the Board?

Rene Daniel I like the comment on the landscaping that gives you a great opportunity of your business onto Eisenhower Drive and with the guidance of a Landscaping Architect you can be a showstopper in the Industrial Park. Make it classy and see you next time?

Ed Reidman questions or comments from the board?

Nancy Litrocapes is this an opportunity to take the big white box and painting it other colors to add some interest by adding color to what is a big white box now.

Craig Burgess the face that you are looking at now will be broken up by the expansion. I will discuss the coloring with the Architect.

Nancy Litrocapes color would make it interesting for the community.

Ed Reidman any public comments? Question or Comments from the Board.

Rebecca Dillon I think Nancy brings up a great point about color and I think if you look at the Mast Landing Brewery on William Clarke Drive it is amazing what that color did for the building. It was done simply, classy and makes a huge difference.

Craig Burgess would you be looking for a change in color that is different from the existing building now or just a different color? How would you like to see that?

Rebecca Dillon I do not know who you have doing the design of the additions but maybe they could just be creative with it and make some recommendations for some color.

Craig Burgess Patco Construction will be doing the plans, and this is a metal building so we will them explore different colors.

Ed Reidman questions or comments?

Jennie Franceschi we would like to see more in the areal views as far as a site walk that would be assistance to the Board.

Ed Reidman actual site walk or virtual site walk?

**Editor's Note showed virtual site walk

Dennis Isherwood are they preparing to signalize the intersection?

Jennie Franceschi yes as part of DOT project.

**Editor's note: Traveled the virtual site

Jennie Franceschi what we saw was more enhancement on the Spring Street side.

Craig Burgess I would like to add a note that we had a neighborhood meeting, and no one attended.

Ed Reidman questions or comments?

No comments

Ed Reidman we had our virtual tour, when you are ready we will see you for a Public Hearing.

10. City Planner Items

Jennie Franceschi 477 Saco Street the subdivision of L Maple and at the end of the meeting we forgot to get a formal decision to have a Site Walk on a thirty-six-lot subdivision that is in the vicinity of Idexx. We wanted to make sure that we were clear on the Boards direction as to whether or not you wanted to hold a Site Walk on that particular parcel.

Dennis Isherwood I want a Site Walk.

Rene Daniel I think an actual Site Walk would be nice to see that.

Ed Reidman Site Walk when appropriate.

Rebecca Dillon are you trying to pick a date?

Rene Daniel when are they coming before us?

Jennie Franceschi I do not know if they are going to come to the June meeting or not May 18th or June 1st if to submit for June?

Editor's Note: discussion of schedules amongst the Board Members

Jennie Franceschi June 8th a better option?

Would 10:00 am be okay?

Board affirmed the June 8th @ 10:00 am Site Walk

Adjourn

THANK YOU, respectfully submitted by Linda Gain lgain@westbrook.me.us