



# City of Westbrook

DEPARTMENT OF PLANNING, ENGINEERING AND  
CODE ENFORCEMENT

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## WESTBROOK PLANNING BOARD MINUTES TUESDAY, MAY 16<sup>th</sup>, 2006, 7:00 P.M.

Present: Ed Reidman, (Chair), Rene Daniel (Vice-Chair), Greg Blake, Anna Wrobel, Brian Beatti, Luc Bergeron (At-Large), Paul Niehoff (Alternate), Dennis Isherwood

Absent: Corey Fleming,

Staff: Rick Gouzie, Brooks More

Chairman Reidman called the Westbrook Planning Board meeting to order at 7:00 p.m. in Room 114 of the Westbrook High School. Mr. Reidman informed the audience of the purpose for the public hearing, and asked everyone who would speak to do so at the podium, being certain to speak clearly and provide the Board with their name and address. Mr. Reidman stated that the Board would hear a presentation accept any additional Staff comments, and then receive questions and commentary from the public. Mr. Reidman noted that any questions received by the Board would be answered at the end of the public presentation. Mr. Reidman explained that any action taken at this meeting would be dependant upon time constraints.

**Public Hearing - Final Subdivision Plan - Railway Subdivision - Pinkham & Greer, on behalf of ECM Properties, for the creation of a 12 lot subdivision on a combined 3.8 acre parcel located at 99 Tolman Street and 101 Tolman Street. Tax Map: 41, Lots: 24 & 25, Zone: RGA1.**

**Jeff Reed** with Pinkham & Greer on behalf of ECM Properties presented to the Board all aspects of the construction of twelve (12) lot subdivision on a combined 3.8 acre parcel located at 99 Tolman Street and 101 Tolman Street. Tax Map: 41, Lots: 24 & 25, Zone: RGA1.

**Bill Childs** spoke in opposition to this project. Some of the reasons were as follows:

1. Conformity to area neighborhoods

2. Traffic
3. Storm water Management, who will responsible for the run off in their back yards?
4. Deed a no cut area thirty (30) feet on both sides of the property
5. Alternative connection to Melcher Court should be considered.
  - A. Reduce the number of Lots
  - B. Traffic Study should be completed before the acceptance of this project.
  - C. \$3,000.00 cost for stop signs is too high a cost; need to install a guard rail.
  - D. Storm water Management hold a Bond
  - E. Explore Alternative access

**Rick Nelson** 105 Tolman Street - spoke in opposition of the project due to cutting the trees on lots nine (9) & ten (10), will further crack his foundation, the wildlife will be displaced and the neighborhood will be closer to SAPPI.

1. Requests an impact and traffic analysis for the area.

**Eric Jenkins** 98 Tolman Street spoke in opposition to this project. A few concerns were the street site distance; the lots do not conform to the neighborhood with garages being added due to the lot sizes.

**Steve Carmichael** 100 Tolman Street spoke in opposition of this project and referenced the lots is not in conformity to the neighborhood and is concerned about the drainage and traffic to Tolman Street. He requests a denial for this project.

**Tammy Munson** 123 Tolman Street spoke in opposition to the project. Her major concerns are that the run off will increase and the distance between the intersections as defined by DOT standards.

**Steve Ramo** 109 Tolman Street asked the Board to take all the comments into consideration before making a decision.

### **Public Hearing Closed**

**Jeff Reed** with Pinkham & Greer on behalf of ECM Properties answered all questions that the Public asked; to the satisfaction of the Planning Board.

**Ed Reidman** requested that the site distances be placed on the plan.

**Public Hearing - Amended Subdivision and Site Plan - Stagecoach Station - Sebago Technics, on behalf of Vance Land Development, for the replacement**

**of the 10,000 S.F. commercial building with two (2) duplex buildings and a 2,000 S.F. enlargement of the commercial building on the southeast side of the property located at 781 Bridgton Road. Tax Map: 18, Lot: 15, Zone: PCSG.**

Dustin Roma with Sebago Technics on behalf of Vance Land Development presented to the Board all aspects of the replacement of the 10,000 S.F. commercial building with two (2) duplex buildings and a 2,000 S.F. enlargement of the commercial building on the southeast side of the property located at 781 Bridgton Road on a previously approved project. Tax Map: 18, Lot: 15, Zone: PCSG.

Rebecca Jacques 745 Bridgton Road supports the changes.

**Public Hearing Closed**

**1. Approval of Minutes: April 18<sup>th</sup>, 2006; May 2<sup>nd</sup>, 2006**

Rene Daniel moved to approve the Planning Board Minutes dated April 18<sup>th</sup>, 2006.

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

The vote was unanimous in favor 7- 0

Luc Bergeron moved to approve the minutes dated May 2<sup>nd</sup>, 2006.

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

The vote was 6-0 in favor with Rene Daniel and Brian Beattie abstaining

**Continuing Business**

**2. Final Subdivision Plan - Railway Subdivision - Pinkham & Greer, on behalf of ECM Properties, for the creation of a 12 lot subdivision on a combined 3.8 acre parcel located at 99 Tolman Street and 101 Tolman Street. Tax Map: 41, Lots: 24 & 25, Zone: RGA1.**

Rene Daniel requested clarification of the lack of street lights and the installation of sidewalks.

Anna Wrobel stated her concerns about the site distance and the traffic.

Greg Blake moved the Subdivision application for Railway Subdivision on Tax Map: 41, Lot: 24 & 25 is to be approved with conditions with the following findings of fact and conclusions.

#### **POLLUTION AND SEWERAGE DISPOSAL**

- The project will be connected to the public sewer system. Thus, it will not have an adverse impact on subsurface water quality.

#### **B. WATER**

- The Portland Water District has confirmed its ability to serve the project in a letter dated January 17, 2006.
- An 8" water main has been provided.

#### **C. SOIL EROSION**

- The City Engineer has approved the erosion control plan.
- The City Engineer has approved the storm water management plan's ability to not reduce the land's capacity to hold water so that a dangerous or unhealthy condition results.

#### **D. TRAFFIC**

- Adequate sight distance exists at the entrance to the property.
- The twelve homes will not produce the volume of traffic to significantly affect the level of service on Tolman Street.

#### **E. SEWERAGE**

- There is adequate capacity in the sewer system to accommodate the project.
- An 8" sewer main has been provided.
- The City Engineer has confirmed that the sewer system will provide for adequate sewage waste disposal and that it will not cause an unreasonable burden on municipal services.

#### **F. SOLID WASTE**

- Solid waste will be collected by the City of Westbrook.

## G. AESTHETICS

- A statement from the Maine Department of Conservation sent on January 23, 2006 confirms that no rare botanical features have been documented on the project site.
- A statement from the Maine IF&W sent on February 13, 2006 confirms that no significant wildlife habitat exists on the property.
- Appearance Assessment:
  - (1) Project to Site - The plan appropriately takes into account the shape and topography of the parcel.
  - (2) Project to Surrounding Property - The proposed single-family homes are the same use as the adjoining residential properties. The plans have been revised to demonstrate the areas in which trees should be retained.
  - (3) Landscape Design - A landscape plan has not been designed. The site plan has been revised to include street trees along the new street.
  - (4) Lighting - Interior street lights have not been proposed.
  - (5) Signs - A project sign has not been proposed. It should be noted that the sign standards in the Land Use Ordinances limit the size of subdivision advertisement signs.

## H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- Comprehensive Plan:
  - The project meets the goals of the Residential Growth Area 1. As stated in the Comprehensive Plan, "The principle focus of this growth area is to infill the few remaining vacant residential parcels that have immediate access to existing public services and pose little expense to the City." (p. 12-3)
- Land Use Ordinances - The plan meets the setback and net residential density standards of the zoning ordinance.
- Recreation & Open Space - The Recreation & Conservation Commission reviewed the project at the April 24<sup>th</sup>, 2006 meeting and recommended that a fee-in-lieu of land be assessed per Section 502.6A(2) of the Westbrook Land Use Ordinance. The amount of the fee should be set at \$14,760.
- Community facilities impact analysis - An analysis may be requested by the Board.
- Fire Code

- No comments.

- Others
- None.

#### **I. FINANCIAL AND TECHNICAL CAPACITY**

- The applicant has submitted documents of financial capacity.
- A performance guarantee in the amount of \$201,000 must be established and submitted to the City of Westbrook prior to the commencement of any site work.

#### **J. RIVER, STREAM OR BROOK IMPACTS**

- None identified.

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

#### CONDITIONS

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated March 14, 2006, as amended May 11, 2006, and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the Planning Board.
2. Per Section 502.6A(2) of the Westbrook Land Use Ordinance the applicant shall pay a fee in lieu of land in the amount of \$14,760 prior to the commencement of any site work.

3. A performance guarantee in the amount of \$201,000 must be established and submitted to the City of Westbrook prior to the commencement of any site work.

2<sup>nd</sup> by Ed Reidman

Rene Daniel moved to table this item until a traffic study for this area has been performed.

2<sup>nd</sup> by Brian Beattie

The vote was 5-2 in favor, Ed Reidman and Greg Blake opposed

Motion tabled

3. Amended Final Subdivision and Site Plan - Stagecoach Station - Sebago Technics, on behalf of Vance Land Development, for the replacement of the 10,000 S.F. commercial building with two (2) duplex buildings and a 2,000 S.F. enlargement of the commercial building on the southeast side of the property. Tax Map: 18, Lot: 15, Zone: PCSG.

Luc Bergeron moved the subdivision application for Stagecoach Station on Tax Map 18, Lot 15 is to be approved with conditions with the following findings of fact and conclusions.

#### Findings of Fact and Conclusions

#### POLLUTION AND SEWERAGE DISPOSAL

- Due to its scope, this project will not produce undue amounts of air pollution.

#### B. WATER

- The subdivision will be served by the public water system.

#### C. SOIL EROSION

- A stabilized construction entrance has been provided.



- Silt fence has been proposed along the wetlands on the South side of the parcel. Staff recommends that erosion control measures also be installed to protect the pond on the North side of the parcel.
- Erosion control notes have been included in the plan.

**D. TRAFFIC**

- No traffic study has been completed. The Board may request that a study be undertaken.

**E. SEWERAGE**

- Sewage disposal will be via a 4,000 gallon on-site septic tank and leach field. The system has been engineered and must receive authorization from the Maine Department of Human Services.
- The subsurface wastewater disposal application was revised on March 16, 2006 to take into account the replace of the commercial building by the two duplex buildings.

**F. SOLID WASTE**

- Solid waste will be the responsibility the Condominium Association.

**G. AESTHETICS**

- Relationship of project to the site - The project proposes to leave the majority of the wetland areas as open space.
- Relationship of project to surrounding property - The project provides for an 85' foot buffer between the Jacques property and the main driveway. The project also appears to leave the vegetation that runs along the North parcel line in place. The applicant is designing a buffer between the septic leach field and the Jacques property line.
- Relationship of landscape design - The project is well designed to reduce the amount of existing vegetation that will have to be removed.
- Relationship of lighting to project - Street lighting is provided from a single pole-mounted fixture along the driveway.
- Relationship of sign to the project - The existing sign will be replaced with a more residential design.

**H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES**

- **Comprehensive Plan - The Pride's Corner District was not developed as part of the 2000 Plan. Rather, it is in accordance with the Pride's Corner Smart Growth Plan developed in June 2001 by City Staff and Orcutt Associates through a grant from the State Planning Office.**

The Stagecoach Station plan conforms to the Pride's Corner Plan through the location of its entry drive (which is across from a proposed entrance on the other side of Route 302) and the provision of a 50' buffer between the buildings and Route 302. This buffer is the proposed location of a service road that will serve the area in the event the plan reaches an appropriate level of build-out.

In accordance with the Pride's Corner Plan, the applicant will provide easements for future road and utility connections to the east of the parcel.

- **Zoning Ordinance - The project meets the standards of the Prides Corner Smart Growth district.**
  - **Recreation & Open Space - The Recreation and Conservation Commission voted at their October 21<sup>st</sup>, 2004 meeting to recommend that a fee in-lieu of land in the amount of \$2,484 be made a condition of approval. This fee will be used for improvements that benefit the residents of the subdivision.**

#### **I. FINANCIAL AND TECHNICAL CAPACITY**

- **The applicant has submitted a letter from Gorham Savings Bank dated June 15, 2004 stating the applicant's financial capacity.**

#### **J. RIVER, STREAM OR BROOK IMPACTS**

- **The applicant received a storm water permit from the Department of Environmental Protection.**
- **The applicant received a NRPA Tier 1 permit to fill 8,020 S.F. of forested wetland.**

#### **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 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. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, or great pond as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1.
18. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
19. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or

- unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.
20. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14.
  21. The proposed subdivision will not negatively impact the ability of the City to provide public safety services.

CONDITIONS

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated February 14, 2006, as amended March 9<sup>th</sup>, 2006, and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the Planning Board.
2. The applicant will pay a fee in lieu of land, in the amount of \$2,484, prior to the issuance of the first residential building permit.

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

The vote was unanimous in favor 7-0

New Business

4. Final Site Plan & Village Review - Maine Medical Office Building - Sebago Technics, on behalf of Maine Medical Partners, for the construction of a 17,000 S.F. medical Office building on a combined 1.68 acre parcel located at 1 Harnois Avenue and 70 Cumberland Street. Tax Map: 40, Lots: 203 and 205, Zone: City Center.

Rene Daniel moved to table this item

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

The vote was unanimous in favor 6-0 (Anna Wrobel absent)

Rene Daniel moved to adjourn to Executive Session under the provisions of 1 M.R.S.A. § 405(6)(E) in order to consult with its attorney concerning the Board's legal rights and duties concerning the action on the remand by the

Superior Court of the Clearwater Bend development application by Reed Street Neighborhood Housing, LP.

2<sup>nd</sup> by Luc Bergeron

The vote was unanimous in favor 7-0

5. Adjourn to Executive Session

Executive Session - The Board will consider a motion to go into Executive Session under the provisions of 1 M.R.S.A. § 405(6)(E) in order to consult with its attorney concerning the Board's legal rights and duties concerning the action on the remand by the Superior Court of the Clearwater Bend development application by Reed Street Neighborhood Housing, LP.

Luc Bergeron moved to return to the regular session

2<sup>nd</sup> by Anna Wrobel

The vote was unanimous in favor 7-0

6. Adjourn to regular session

7. Final Subdivision Plan, Final Site Plan, & Special Exception - Clearwater Bend - Mitchell & Assoc., on behalf of Reed Street Neighborhood Housing LP, for the creation of 23 dwelling units and community building on a 7.07 acre site located at 27 Reed Street. Tax Map: 56, Lot: 42, Zone: RGA2.

Luc Bergeron moved to post pone this item until May 30<sup>th</sup> 2006 at 7:00 P. M.

The Board requests copies of the prior motion, the traffic study, minutes of that meeting and a transcript of the Public Comment.

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

The vote was unanimous in favor 7-0

Ed Reidman explained that the Planning Board will not take any new submissions or comments as instructed by the Judge who had reviewed this case.

8. Adjourn

*Respectfully submitted by Linda Gain PECE Secretary*

**Westbrook Planning Board Minutes**

**May 16<sup>th</sup>, 2006**

**Approved June 20, 2006**

*MINUTES MAY NOT BE TRANSCRIBED VERBATIM. SECTIONS MAY BE PARAPHRASED FOR CLARITY. A COMPLETE RECORDING MAY BE OBTAINED BY CONTACTING THE ENGINEERING, PLANNING AND CODE ENFORCEMENT DEPARTMENT. THANK YOU*