



# City of Westbrook

DEPARTMENT OF PLANNING, ENGINEERING AND  
CODE ENFORCEMENT

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## WESTBROOK PLANNING BOARD TUESDAY, AUGUST 21ST, 2007, 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), Anna Wrobel (Ward 4), Greg Blake (At Large), Cory Fleming (At Large), Michael Taylor (Alternate)

Absent: Scott Herrick (Alternate)

Staff: Erik Carson, Eric Dudley, Rick Gouzie, Molly Just

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 Review – Terradyn Consultants LLC, on behalf of Crockett & Sons Homebuilders, LLC, for the development of a three (3) lot subdivision on .62 acres located on Hawthorne Lane. Tax Map: 007 Lot: 021 Zone: Residential Growth Area 1.**

**Jon Whitten** Terradyn Consultants LLC, on behalf of Crockett & Sons Homebuilders, LLC, presented to the Planning Board aspects of the development of a three (3) lot subdivision on .62 acres located on Hawthorne Lane. Tax Map: 007 Lot: 021 Zone: Residential Growth Area 1.

**Tom Crockett** 64 Hawthorne Lane, South Portland Crockett & Sons Homebuilders, LLC, presented examples of buildings that he would like to build on the three (3) lots.

**Eric Dudley** read his memo into the record.

“Subject: Saco Street/Hawthorne Lane Trench Cap

I have met with Tom Eldridge, Director of Public Services in regard to the trench cap concern at the intersection of Hawthorne Lane and Saco Street. During our visit, we found that the cap is from the installation of the water main into the Riverwoods Subdivision performed by Gorham Sand and Gravel. Although the cap has held up quite well over the past 6 years when large, empty trucks drive over the repair there is a considerable amount of noise created on the road where the water main was installed. Since Public Services is located on Saco Street, there is a large percentage of trucks that travel over the cap on a daily basis. Tom has agreed that a new repair should be made to the area to alleviate the banging of truck bodies. The work will be scheduled by Public Services but may not be completed until next year.”

Eric Dudley added that Tom Eldridge had confirmed the repair may be before winter of this year, or by the spring of next year.

**Darren Thayer** 24 Hawthorne Lane expressed his concern as to maintaining the integrity of a neighborhood with the sizeable lots, paved driveways and similar landscaping as the neighborhood has currently. Mr. Thayer would also like to have the road rebuilt appropriately after the street openings have been made, not just patched.

**David Roy** 62 Hawthorne Lane spoke in opposition of this project. His concern is his perception of cluster housing built at the end of the road which is not a reflection of the existing neighborhood.

There is a dispute on the ownership of a strip of land; that Darren Thayer has maintained for seven (7) years. The trees (that are going to be removed) on that strip of land were planted by Darren Thayer.

Mr. Roy asked for confirmation of the ownership of the strip of land.

**Mike Gately** 25 Hawthorne Lane located diagonal across from the proposed subdivision spoke against the project and mentioned some safety issues due to traffic flow as well as site distance, due to large arborvitaes.

**Heidi Cavallaro** 51 Hawthorne Lane expressed her concerns as to the cookie cutter type of house. She also asked if garages would be added. The landscaping should be in keeping with the surrounding neighborhood.

Ms. Cavallaro also asked if the utilities could be cut in from Saco Street, not through Hawthorne Lane, instead of digging up Hawthorne Lane.

**Patty Murchie** 34 Hawthorne Lane expressed concerns with Lot 2 as to the sixty-five (65) foot frontage so they have cut the building envelope down. You would only be able to build to the left of the lot, so it would put the driveway near

the stop sign, which seems like a safety hazard. Also has a concern about the digging up of the road.

### **Public Hearing Closed**

**Ed Reidman** asked the applicant about the deeded interest on the strip of land in dispute.

**Richard Eaton** I am the land surveyor that surveyed the land. The land in question is a strip of land that was accepted by the City of Westbrook after the development was done. There are no other notes on the plan of record.

**Ed Reidman** asked Mr. Crockett if he intended to add garages with the houses.

**Tom Crockett** said our proposal shows 1500 to 2000 square foot capes or colonials with two (2) car garages.

**Ed Reidman** asked if the plans include farmers' porches.

**Tom Crockett** said he had not drawn any plans, but would consider farmers' porches being added as this would be a nice touch.

**Ed Reidman** asked the price range of the new homes.

**Tom Crockett** deferred to Joe Paconni with Paconni Realty said around \$250,000.00 and up.

**Michael Taylor** asked if the utilities could be added from Saco Street.

**Jon Whitten** said they looked at utilities off Saco Street, but found the street repair would be costlier on Saco than off Hawthorne Lane. The access off Saco Street was not looked at, due to the experience with the City of Westbrook requiring entrances off a lower traffic road, such as Hawthorne Lane.

**Anna Wrobel** asked if the driveways will be paved.

**Tom Crockett** said that the driveways would be paved with two (2) car garages.

**Public Hearing - Land Use Ordinances Amendment – 404 Sign Regulations – Request from the Administration for amendments to allow and regulate the placement of political signs within the public right-of-way.**

***4. Land Use Ordinances Amendment, 404 Sign Regulations***

Overview - On July 2, 2007, the City Council referred to the Planning Board to review the current sign ordinance standards in relation to the installation of political signs in the public right-of-way. When the previous Land Use Ordinance was replaced by the current Ordinance, political signs were not addressed. The Mayor and Council would like this issue to be addressed in the current ordinance as it was before with an additional requirement that all signs placed in the ROW include contact information of the entity that paid for the sign for administrative purposes. Specifically, if a sign is improperly installed, the City will have someone to contact to take care of the issue.

Enclosed in your original packet were a memo from Jerre Bryant, City Administrator, proposed ordinance language, and the State Statute regarding political signs.

Update - At its August 7, 2007 meeting the Planning Board voted to hold a public hearing on this item and recommended language clarifying the time limit for signs in the public right-of-way only. The original and revised language follows.

Original

404.9 **Political Signs.** Signs of a temporary nature relating to political candidates, election issues, or similar matters may be placed for a period of not more than thirty-two (32) days prior to the election. Such signs shall be removed within two (2) days following the elections. There is no time limit on the placement of such signs on private property. Political signs shall be allowed in all zoning districts. All political signs placed within the public right-of-way shall include contact information on at least one side of the sign that identifies who paid for and authorized the sign.

Revised

404.9 **Political Signs.** Signs of a temporary nature relating to political candidates, election issues, or similar matters may be placed within the public right-of-way for a period of not more than thirty-two (32) days prior to the election. Such signs shall be removed within two (2) days following the elections. There is no time limit on the placement of such signs on private property. Political signs shall be allowed in all zoning districts. All political signs placed within the public right-of-way shall include contact information on at least one side of the sign that identifies who paid for and authorized the sign.

**Public Hearing Closed**

**1. Call to Order**

**2. Approval of Minutes – August 7th, 2007**

Not included in packet. Carry over to the next meeting.

**Continuing Business**

**3. Final Subdivision Review – Terradyn Consultants LLC, on behalf of Crockett & Sons Homebuilders, LLC, for the development of a three (3) lot subdivision on .62 acres located on Hawthorne Lane. Tax Map: 007 Lot: 021 Zone: Residential Growth Area 1.**

**Ed Reidman** asked if we have heard anything from the Recreation, Conservation Commission Committee.

**Eric Dudley** no information

**Ed Reidman** mentioned that two trees per lot in a subdivision is required.

**Rene Daniel** asked staff for clarity on the information required by the Recreation, Conservation Commission Committee.

**Eric Dudley** explained that the Recreation, Conservation Commission Committee has not had the opportunity to review the project. The minimum standard by the committee would be a fee in lieu of land for a sub division approval.

**Rene Daniel** asked the builder to clarify the type of homes he will be constructing.

**Ed Reidman** cautioned the builder and read the boiler plate condition as part of the motion that holds the applicant responsible to carry through with the project as communicated at this meeting.

**Tom Crockett** said that the photos were examples of the quality of work. My plan is to construct a 1500 or 2000 square foot homes, Cape or Colonial with an attached two (2) car garage.

**Rene Daniel** expressed concerns about the landscaping

**Michael Taylor** expressed concerns of the building envelope on lot three (3) and lot two (2).

**Jon Whitten** said he had placed an example of the building on the grading and utility plan with no garages. Jon further explained the set backs and placement of the house on the lots.

**Ed Reidman** asked Diana Brown if the driveway could be placed with in the set back.

**Diana Brown** said the Code of Ordinances allows for driveways to be placed with in the set backs.

**Anna Wrobel** asked on lot three (3) that the two (2) car garage that faces Hawthorne Lane, will that be an attached or detached garage?

**Jon Whitten** envisioned the two car garage facing the Hawthorne Lane with a Colonial setting back behind the garage.

**Ed Reidman** asked staff when the homes are sold, does the new owner have the right to cut the trees, on the side of the road.

**Diana Brown** said that if they are the owner of record, they have the right to cut the trees down.

**Rene Daniel** asked staff if the Planning Board has ever approved a project prior to the Conservation Recreation Committee's review and recommendations.

**Ed Reidman** said he did not believe that any project has been approved prior to the Committee's review. The alternative would be to table this item.

**Anna Wrobel** said a number of residents requested a utility connection from Saco Street. The contractor said the expense would be greater on Saco Street than on Hawthorne. What is the difference in cost?

**Jon Whitten** said that his firm was told that connecting the sewer connection from Saco Street also needed to grind down pavement, about 60 linear feet from curb to curb and repave that area on Saco Street. Extending the sewer from Hawthorne is about \$15,000.00 dollars and the contractor would not even quote him a price for the sewer connection off Saco Street.

**Anna Wrobel** asked staff what standards of repair would be made to Hawthorne Lane.

**Eric Dudley** said they would have to apply for a street opening permit, then they would have to restore the street to "like new" conditions, with three (3) inches of pavement, 21" inches of gravel, trench fully compacted, with no requirement of a curb to curb repaving. They would be responsible for the trench for a period of

two (2) years for any repairs or removal of any sediment. If the pavement were to settle or break down they would have to make the repairs. Beyond the two (2) years, it would be the responsibility of the City of Westbrook.

**Greg Blake** asked if the contractor is going to tie off the existing underground utility connection.

**Jon Whitten** said that they have not had any conversations with Central Maine Power, but their intentions are to use the existing underground connections.

**Cory Fleming** moved to table this item until the Recreation and Conservation Committee has a chance to review this project.

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

The vote was unanimous in favor 7-0

**4. Land Use Ordinances Amendment – 404 Sign Regulations – Request from the Administration for amendments to allow and regulate the placement of political signs within the public right-of-way.**

**Rene Daniel** moved to recommend to the City Council of the revised language on:

404.9 **Political Signs.** Signs of a temporary nature relating to political candidates, election issues, or similar matters may be placed within the public right-of-way for a period of not more than thirty-two (32) days prior to the election. Such signs shall be removed within two (2) days following the elections. There is no time limit on the placement of such signs on private property. Political signs shall be allowed in all zoning districts. All political signs placed within the public right-of-way shall include contact information on at least one side of the sign that identifies who paid for and authorized the sign

2<sup>nd</sup> by Michael Taylor

The vote was unanimous in favor 7-0

**5. Adjourn**

*Respectfully submitted by Linda Gain PECE Secretary  
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*