



City of Westbrook

DEPARTMENT OF PLANNING, ENGINEERING AND
CODE ENFORCEMENT

2 York Street Westbrook, Maine 04092 (207) 854-0638 Fax: (866) 559-0642

WESTBROOK PLANNING BOARD TUESDAY, SEPTEMBER 4TH, 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), Cory Fleming (At Large), Scott Herrick (Alternate)

Absent: Greg Blake (At Large), Michael Taylor (Alternate)

Staff: Molly Just, Diana Brown, Erik Carson

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.

1. Call to Order

2. Approval of Minutes – August 7th and August 21st, 2007

Rene Daniel moved to approve the minutes with spelling corrections for Cory Fleming

2nd by Anna Wrobel

The vote was unanimous in favor 6-0

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.

Anna Wrobel moved to remove this item from the table

2nd by Scott Herrick

The vote was unanimous in favor 6-0

The following information is an excerpt from the Planning Board memo, provided to the Planning Board by the City Planner:

3. Final Subdivision Review – Hawthorne Lane Subdivision

Overview – Crockett & Sons Homebuilders, LLC is proposing a three lot subdivision on Hawthorne Lane for the addition of two single family house lots. The site currently consists of one, single family home. The two new lots will have their frontage on Hawthorne Lane while the existing house will access Saco Street as it does today. A short public sewer main extension will be required to service the new lots but no roadways construction will be required.

Update – At its August 21 meeting the Planning Board held a public hearing on this proposal. Members of the public spoke on the following topics: 1) the need for compatibility of the proposed homes with existing homes on the street; 2) home size and amenities; 3) what is proposed for the existing trees; and 4) a preference for vehicular and utility access to the subdivision from Saco Street. The Planning Board voted to table this item until its September 4th meeting in order to allow the Recreation and Conservation Commission adequate time to review the proposal. The Commission's recommendation to the Planning Board is as follows:

- Require a fee in lieu of land for recreation and open space using the calculation found in the Land Use Ordinances. *(The fee would be \$4,652.76)*
- Due to the close proximity of the land to a resource protection zone, require Best Management Practices for erosion and sediment control and storm water management.
- Require a third party inspection during construction to ensure that such practices are followed. *(Staff suggests twice monthly inspections once work has started.)*
- Require the use of native and non-invasive plant species during landscaping.
- Require the use of native shade trees, such as maple and ash, along the street.

Staff supports these recommendations.

Scott Herrick asked about the side porch that seems to encroach beyond the building envelope.

Molly Just informed the Board that the porch will be removed.

Ed Reidman expressed the need to move this item forward and suggested that the Board may want to table this item again.

Anna Wrobel asked what the procedural justification would be.

Ed Reidman said the Planning Board Chair does not make motions.

Natalie Burns said one of the Planning Board members needs to make a motion to move this item forward so there can be discussion.

Rene Daniel moved to table this item so the Board can receive more information at the next meeting.

2nd by Anna Wrobel

The vote was unanimous in favor 6-0

Terradyn Consultants LLC, on behalf of Crockett & Sons Homebuilders, LLC, asked what other information is needed.

Ed Reidman explained that one of the questions asked at the prior meeting was why the utilities were not going in from Saco Street. The reason given was the expense. Part of coming before the Board to present the project includes a statement of financial ability in order to carry out the project. I guess just saying it was more expensive, not giving us cost comparison is one of the areas where we would need more information.

Editors note A question from the audience; but was not audible.

Ed Reidman said he had absolutely no idea, but could only speak for himself.

No further comments

4. Land Use Ordinances Amendment – Private Way Amendments - Referral from the City Council to allow the use of private ways for between one to three lots.

Molly Just explained that the Flag Lot/Private Way Amendment has been referred back to the Planning Board by the City Council. The City Council did adopt a Planning Board recommendation of 50' for a Flag Lot.

The City Council received comments of concern by members of the community that a 50' lot width requirement might be excessive and that on certain lots, less than 50' width could work. The City Council has asked the Planning Board to reconsider this item to discuss whether less than 50' width would be okay. Then your recommendation would go back to the City Council.

Staff is opposed to a reduced requirement and continues to recommend a 50' width requirement for the following reasons:

Molly Just read the memo into the record:

1. Retaining 50' of frontage allows the possibility for future expansion into a public or private roadway to back property behind a flag lot. Although the owner of a proposed flag lot may have no interest in the rear property, the 50' width allows for better future planning for these landlocked properties by others. Since 50' is the minimum for right-of-way width for a public or private street, the "flag pole" portion of the lot could easily be converted to a right-of-way, provided bulk and space requirements are met.
2. The frontage for a flag lot serves as the corridor for the driveway to the house. Although 50' is more than necessary for some driveways to be constructed and drained properly, in difficult conditions, a lesser width would be inadequate. The City has experienced such a situation with a house built on 4 lots of record where the front lot of record served as the "flagpole". The front lot was 25' in width which is not adequate for proper drainage of the newly constructed driveway. Over a period of 3 months, staff worked with the developer and his contractor to improve the situation. Although we managed to drain the property and the abutters' properties to the maximum extent practicable, the system that was installed is quite maintenance intensive, does not drain 100% of the storm water runoff, and is the sole responsibility of the landowner.
3. The reintroduction of flag lots to the Land Use Ordinances is already a compromise to allow property owners who want to construct one additional lot to do so without going through the time and expense to design and permit a private roadway. Furthermore, the 50' width is also narrower than the frontage requirement in any zone other than the City Center District.

Ed Reidman suggested that the Planning Board could review this item in workshop, or agree with staff and the 50' should remain as is and send it back to the City Council as is, or schedule a Public Hearing to receive additional input from citizens.

Rene Daniel moved to recommend this item to the City Council as previously written.

2nd by **Cory Fleming**

The vote was unanimous in favor 6-0

5. Land Use Ordinances - Farm Animals in Residential Growth Areas – Referral from the City Council seeking recommendations on land use policy for the keeping of non-domesticated animals within residential zoning districts.

Molly Just explained that this is another item referred back to the Planning Board. Nothing has been adopted yet by the City Council, but the language that the Planning Board recommended has been referred back.

The City Council has heard concerns that the Planning Board considers two (2) different options:

1. Change Hobby Farming to a permitted use in all zones within the City of Westbrook. Included in this proposal is to eliminate the lot size restrictions in the residential growth areas and to allow any animal consistent with farming to be kept in any zone.
2. Maintain the current language set forth by the Planning Board with a modification that the Special Exception be approved or denied by the Code Enforcement Officer. Appeals to the Code Enforcement Officer determination would be made to the Zoning Board of Appeals.

Ed Reidman suggested that this item could be referred to workshop for further discussion.

Rene Daniel moved to have Molly Just schedule a workshop.

2nd by Anna Wrobel

The vote was unanimous in favor 6-0

Rene Daniel moved to recess to workshop so we can have a presentation on 471 Stroudwater Street, the City of Westbrook and the Westbrook School Board proposed to build a new Middle School to replace Wescott Junior High School.

2nd by Dennis Isherwood

The vote was unanimous in favor 6-0

6. Adjourn to Workshop - Public comment will be accepted during the workshop

Workshop

7. 471 Stroudwater Street – City of Westbrook and Westbrook School Department for construction of a school and recreational facility on the

65 acre parcel located at 471 Stroudwater Street. Tax Map: 9, Lot: 19, Zone: Rural.

Dan Ellingson Harriman Associates presented all aspects for the proposed construction of a new middle school and recreational facility on the 65 acre parcel located at 471 Stroudwater Street. Tax Map: 9, Lot: 19, Zone: Rural.

Anna Wrobel asked where the library or media center is located.

Dan Ellingson explained that the library is located just over the entrance to keep it in a centralized area.

Cory Fleming asked if Dan could elaborate on the green technology systems and is the building going to be lead certified.

Dan Ellingson said the intent is to make it lead certifiable. The building itself is in an east and west position, to use the maximum solar energy.

Rene Daniel spoke in support of the project and of the consulting firm; Harriman Associates.

Anna Wrobel asked what the teacher comments and needs were to enable to work with the students.

Dan Ellingson said the firm asked what the teachers needed and what works for them currently in the existing Junior High School. The teachers polled said, class room space was a consideration as well as the need for an expanded Library. Mr. Ellingson mentioned that one example was the need for a very good Library facility where we developed a three dimensional model. Another example is the future expansion capability for the school, to build a third floor on a portion of the school.

Rene Daniel moved to return to the regular session

2nd by Cory Fleming

The vote was unanimous in favor 6-0

8. Adjourn to Regular Session

9. 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 ENGINEERING, PLANNING AND CODE ENFORCEMENT at 207-854-9105 ext. 220 and lgain@westbrook.me.us. THANK YOU*