



City of Westbrook

DEPARTMENT OF PLANNING, ENGINEERING AND CODE ENFORCEMENT

2 York Street Westbrook, Maine 04092 - (207) 854-0638 Fax:(207) 854-0635

WESTBROOK PLANNING BOARD TUESDAY, JANUARY 16th, 2007, 7:00 P.M. WESTBROOK HIGH SCHOOL, ROOM 114 MINUTES

Present: Ed Reidman, (Chair, Ward 5), Rene Daniel (Vice-Chair, Ward 1), Evan Carroll (Ward 3), Anna Wrobel (Ward 4), Greg Blake (At-Large), Cory Fleming (At-Large),

Absent: Carmen Dolloff (Alternate), Dennis Isherwood (Ward 2), Michael Taylor (Alternate),

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.

1. Call to Order

Continuing Business

2. Final Subdivision Plan – Grayce Estates – Mountain View, LLC for the creation of a thirteen (13) lot subdivision on a 3.78 acre parcel located at 133 Longfellow Street. Tax Map: 27, Lot: 119, Zone: RGA1.

Ed Reidman recused

Rene Daniel chaired

Isaiah Plante with Blackstone Consultants on behalf of Mountain View, LLC presented aspects of the creation of a thirteen (13) lot subdivision on a 3.78 acre parcel located at 133 Longfellow Street. Tax Map: 27, Lot: 119, Zone: RGA1.

SUBDIVISION REVIEW

Staff Comments

1. Complete Application: The application was found to be complete on November 7th, 2006.
2. A public hearing was held on November 21, 2006.
3. A site walk was held on November 18, 2006.
4. Jensen Lane: Based on our attorney's review, Jensen Lane is a public street via an easement that was accepted by the City Council in 1975. The applicant has submitted legal documents to transfer all interests in Jensen Lane to the City of Westbrook.
5. There is a drainage path that runs through the middle of the site. The project proposes to fill a portion of the drainage path. In addition the proposed street crosses the drainage path in two locations. This is the most complex part of the design. As such, the City Engineer is requesting additional analysis and information from the applicant as part of the storm water management plan. The City Engineer has reviewed the revised information and approves of the storm water management and erosion control plans.

Corey Fleming moved the Subdivision application for Grayce Estates on Tax Map: 27, Lot: 119 is to be **Approved with Conditions** with the following findings of fact and conclusions.

POLLUTION AND SEWERAGE DISPOSAL

- The project will connect to the municipal water and sewer systems, and therefore, should not produce unreasonable air or water pollution.

B. WATER

- The Portland Water District has confirmed its ability to serve the project in a letter dated Sept. 5, 2006.

C. SOIL EROSION

- The City Engineer approves of the erosion control plans.

D. TRAFFIC

- A traffic study has not been submitted. Staff recommended that a study be conducted during the sketch plan review. This being said, projects of this size have not generated undue amounts of traffic. The Board may wish to require a study as part of the review, or based on comments received at the public hearing.

- The road design connects to streets on both ends, thus adhering to the goals of street connectivity and public safety access.

E. SEWERAGE

- Although the City's wastewater treatment facility and collection system has adequate capacity for the new sanitary sewer demand, pipe condition between Lewis Street and Saco Street is restricting flow such that no additional demand can be accommodated at this time. In order to accept this additional flow, roots will need to be removed from this section of pipe within the system. My recommendation would be that the applicant has the work performed as a condition of approval.

F. SOLID WASTE

- Solid waste will be the responsibility of the City.

G. AESTHETICS

- The Maine Department of IF&W stated in a letter dated Sept. 22, 2006 that no know essential or significant wildlife habitats or endangered species exist on the property.
- The Maine Department of Conservation stated in a letter dated Sept. 12, 2006 that no rare botanical species exists on or adjacent to the property.
- The Maine Historical Preservation Commission stated in a letter dated Oct. 11, 2006 that that there will be no historic properties affected by the proposed development.
- Appearance Assessment:
 - (1) Project to Site – The project avoids excessive filling of the drainage channel/wetlands on the property. The project provides two means of ingress/egress from the site.
 - (2) Project to Surrounding Property – The plans demonstrate areas where tree cover will be retained.
 - (3) Landscape Design – A landscape plan has been submitted that shows the proposed street trees on Jensen Lane and vegetative buffer on the North side of the lot.
 - (4) Lighting – Street lights have been proposed at both ends and along Grayce Lane. The fixtures are appropriate for a residential neighborhood.
 - (5) Signs – A stone wall sign has been proposed.

H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- Comprehensive Plan:

- The project meets the goals of the future land use plan's goals for the RGA1 district.
 - Land Use Ordinances –
 - The project meets the minimum lot size standard in the RGA1 District.
 - Recreation & Open Space – The Recreation & Conservation Commission reviewed the application at its November 16th, 2006 meeting. Based upon the proposed design, the Commission is recommending that a \$14,760.00 fee-in-lieu of land be required.
 - Community facilities impact analysis – An analysis may be requested by the Board.
 - Fire Code
 - No comments at this time.
 - Others:
 - The final plans should list the dates of revisions and who drafted the revisions.
- I. FINANCIAL AND TECHNICAL CAPACITY
- The applicant has supplied documentation of both financial and technical capability.
- J. RIVER, STREAM OR BROOK IMPACTS
- Staff and the applicant have worked to minimize impacts to the drainage channel that leads to the Stroudwater River. The City Engineer is still reviewing the storm water management plans.

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** 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 October 4, 2006, as revised December 21, 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 shall clean the existing sewer lines of roots between Saco Street and Lewis Street. The applicant shall establish a \$10,000.00 escrow prior to the commencement of any site work. The existing sewer mains must be cleared of roots prior to the issuance of any certificates of occupancy.
3. 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 \$14,760.00 prior to the commencement of any site work.
4. The final Mylar must show the revision dates of the plans and who prepared the revisions.
5. The applicant shall install erosion control on the south side of the thirty-six (36") inch culverts in Longfellow Street.
6. The applicant shall re-pave Jensen Lane to the southerly boundary of Tax Map 027; Lot 119A.

2nd by Greg Blake

The vote was unanimous in favor 5-0 (Ed Reidman recused)

Rene Daniel moved to adjourn to workshop

2nd by Anna Wrobel

The vote was unanimous in favor 6-0

3. Adjourn to Workshop

Workshop

4. 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.

Mr. Reidman explained that the Board would hear Public comments, and then the Board would review questions and commentary from the public.

Ed Reidman asked Mr. Mark LeClair to expand on the fly way for a bee hive.

Mark LeClair 15 Chestnut Street explained how a bee exited the hive and talked about the licensing process for a Bee Keeper. Mr. LeClair is a licensed Bee Keeper in the State of Maine.

Ed Reidman asked Mark LeClair how big his lot was and how many hives Mr. LeClair had on his property.

Mark LeClair said his lot was just under a half of an acre and he had 5 (five) Bee Hives.

Ed Reidman said that the sample of the ordinance Mr. LeClair submitted would limit the number of bee hives on his lot to 4 (four).

Rene Daniel (who is allergic to bee stings) asked Mark LeClair to explain the difference between honey bee stings and other bee stings.

Mark LeClair explained that a sting from the Honey Bee is its last line of defense. Once a Honey Bee stings you they die and the honey bee knows this. Nine times out of ten when you are stung, it is from wasps or hornets.

Rene Daniel mentioned how close the bee hives are to the paper street.

Mark LeClair explained that when a bee exits the hive it fly's straight out of the hive (towards his house) then up and over the trees.

Rene Daniels mentioned that the proposed sample of the ordinance does not say how much fencing is needed and it leaves too much discretion to the CEO (Code Enforcement Officer).

Mr. Daniels asked if any animals are attracted to the bee hives.

Mark LeClair said that skunks are drawn to bee hives as well as bears. Hives are placed on a platform for protection.

Evan Carroll asked Brooks if he was writing a "Bee" Ordinance or an "Animal" Ordinance. Going forward how will we resolve this issue?

Brooks More said that if the Planning Board liked this "Bee" model, it could be written separately from the "Poultry" issue. You can decide independently of each other or you can group them.

Evan Carroll said he preferred Sample Bee Ordinance was distances were referenced, not zones and how bee keeping may affect the neighborhood.

Cory Fleming asked what the permitted uses are in this zone.

Brooks More read the permitted uses from the Land Use Ordinance for Residential Growth Area 1.

Ed Reidman suggested anything less than one quarter of an acre lot has no bees allowed.

Robert Ledoux spoke in favor of the Bee Keeping by Mark LeClair on 15 Chestnut Street.

Ed Reidman explained that the discussion for chickens (farm animals) has the potential to be difficult.

Robert Ledoux 60 Chestnut Street spoke in favor of keeping chickens on his one hundred foot (100') by one hundred foot (100') lot. Mr. Ledoux suggested that if the Planning Board has to define the number of chickens allowed on a lot by using a certain amount of square feet per chicken, this could bog down the Municipal Process. Mr. Ledoux said he should be allowed to use his common sense continuing with his hobby.

Anna Wrobel asked if there may be any State Standards for the care of chickens or farm animals. Ms. Wrobel asked for more information if available.

Ed Reidman expressed concerns about reviewing the ordinance for chickens and bees alone. The City Council has requested the Planning Board review farm animals in a Residential area. The Planning Board needs to review the Ordinance and recommend any amendments back to the City Council for approval.

Rene Daniel agreed that the Planning Board needs to address farm animals as a whole and not separate the different animals in the ordinance. Mr. Daniel feels that is the intent of the City Council.

Cory Fleming agrees with what has been said. She had concerns between hobbies and commercial entities. Ms. Fleming suggested contacting the Humane Society to use as a reference for creating these guidelines.

Anna Wrobel is looking for any written guidance or standard examples to help her resolve the issue at hand. Ms. Wrobel feels that chickens are a small farm animal and could be considered a pet.

Evan Carroll thought the Board needed to explain nuisance effects on neighbors, animal care and how animals are cared for to give the Code Officer standards to enforce.

Greg Blake suggested checking with the Animal Control Officer for additional information.

Ed Reidman cautioned the Planning Board on the item we are dealing with. He was unsure if there is a working Dairy in the City of Westbrook, but we do have a horse farm on East Bridge Street in a residential area.

When the Planning Board frames an ordinance we must be careful while putting all the pieces together. The bee issue can be identified

and dealt with. How a farm animal affects abutters is more difficult to evaluate. Once the Planning Board works with chickens, would it then be fowl, ducks or exotic birds?

Editors note someone spoke from the audience that was not audible.

Ed Reidman suggested that the Planning Board ask staff to research standards and regulations and draft an amendment for the Planning Board.

Editors note someone spoke from the audience that was not audible.

Cory Fleming mentioned her concern that if we get an ordinance for bees, then chickens; what happens when someone comes to the Board with a miniature horse?

Ed Reidman said that is one of the pitfalls that the Board will run into, if completed this way. Do we deal with the current problems or do we try to solve them all?

Mr. Reidman explained the process for the Planning Board to make any amendments to the Ordinance.

Rene Daniel asked if the issues could be separated to send to City Council on separate occasions.

Ed Reidman recommended keeping the items together at least until the Public Hearing. Mr. Reidman determined that the Farm Animal issue will be re-scheduled for the second meeting in March.

Rene Daniel moved to adjourn to Regular Session.

2nd by Cory Fleming

The vote was unanimous in favor 6-0

5. Adjourn to Regular Session

6. 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