



# City of Westbrook

DEPARTMENT OF PLANNING, ENGINEERING AND  
CODE ENFORCEMENT

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## WESTBROOK PLANNING BOARD TUESDAY, FEBRUARY 6, 2007, 7:00 P.M. MINUTES

Present: Rene Daniel (Vice-Chair), Greg Blake, Anna Wrobel, Dennis Isherwood, Cory Fleming, Michael Taylor (Alternate)

Absent: Ed Reidman, (Chair), Evan Carroll (Ward 3)

Staff: Rick Gouzie, Brooks More

Rene Daniel (Vice Chair) called the Westbrook Planning Board meeting to order at 7:00 p.m. in Room 114 of the Westbrook High School. Mr. Daniel explained due to the absence of Evan Carroll all Planning Board members will need to vote.

### **1. Call to Order**

### **2. Approval of Minutes – January 2, 2007; January 16, 2007.**

Michael Taylor moved to accept the minutes as written.

2<sup>nd</sup> by Cory Fleming

The vote was unanimous in favor 5-0 (Greg Blake absent for vote)

### **Continuing Business**

### **3. Preliminary Final Subdivision, Preliminary Final Site Plan and Special Exception – Stroudwater Landing – Land Use Consultants, on behalf of Stroudwater Landing, LLC, for the creation of a 114 unit condominium project on a 65.3 acre parcel located on 449 Stroudwater Street and on a vacant parcel of land between 300 and 328 Spring Street. Tax Map: 9, Lot: 20 and Tax Map: 8, Lot: 3A, Zone: Residential Growth Area 1.**

#### ***1. Preliminary Final Subdivision Plan, Preliminary Final Site Plan and Special Exception – Stroudwater Landing***

Overview – This is a 114 unit condominium development on two parcels of land located between Spring Street and Stroudwater Street. The applicant received a zone change from the City Council for a large portion of the property currently owned by the Animal Refuge League at 449 Stroudwater Street. The extent of the zone change from Rural to Residential Growth Area 1 covers the area between the remaining Oxford-Cumberland Canal on the East and the property boundaries to the North, South and West. The area that was rezoned is identified on the zoning map. In sum, the applicant received the zone change from Rural to RGA1 to increase the allowable density for this project.

Staff was supportive of the requested zone change for the following reasons:

1. Age-restricted properties are net tax gains for their host communities. This is due to the fact that full taxes are assessed, but residents are not requesting public school education.
2. Street Connectivity – Staff has predicated its support on the construction of a through road connecting Spring Street and Stroudwater Street. This is not a design feature that the applicant desired. Staff of Planning, Engineering, Police, Fire and Public Services strongly believe that this is an important opportunity for the City to increase the connections in its street network without the need to take private property, expend public funds for construction (though maintenance will be the City's responsibility), or go through the extremely lengthy and uncertain federal funding process. Furthermore, a subdivision of this size must have two access points for safety purposes. A more detailed discussion on the street connectivity issue is attached in a memo that was originally provided to the City Council as part of the rezoning process.
3. The project is a master planned community rather than an incremental subdivision of land. Master planned communities typically result in projects that provide a better product. For instance, this project accomplishes the following:
  - a. Takes into consideration the topography of the site,
  - b. Provides a street connection between Spring and Stroudwater,
  - c. Utilizes "Low Impact Development" (LID) techniques being advocated by the Department of Environmental Protection,
  - d. Creates well designed neighborhoods that branch off from the public street.

*Update as of 2-2-07:* Both the Planning Board and City Council brought up issues relating to the phasing of Landing Road and whether the project will be age-restricted. Upon direction from both the Board and Council, Staff is working with the applicant to develop a formal proposal on these issues. We anticipate that these proposals will be presented to the Planning Board at its March 6<sup>th</sup>, 2007 meeting.

SUBDIVISION REVIEW

Staff Comments: Due to the scope of this project, additional or revised comments may be presented based upon further review and/or the submission of additional information by the Applicant.

1. Waivers:
  - a) The Planning Board granted a waiver of Section 502.5F(1)(a)-(b) on 01-02-07. This is a waiver request of the peak discharge reduction requirement.
  - b) The Planning Board denied a waiver of Section 502.5C(1)(f) on 01-02-07. This is a waiver request of the granite curbing requirement for the proposed public street.
2. Complete Application: The application should be found complete.
3. Public Hearing: Scheduled upon complete application finding and satisfactory progress on applicable review comments. Staff does not recommend that a public hearing be scheduled at this time.
4. Site Walk: Scheduled upon complete application finding.

**Anna Wrobel moved to find the application complete**

**2<sup>nd</sup> by Cory Fleming**

**The vote was unanimous in favor 5-0**

**Anna Wrobel moved to schedule a site walk on March 3, 2007 at 10:00 A.M.**

**2<sup>nd</sup> by Cory Fleming**

**The vote was unanimous in favor 5-0**

Greg Blake arrived

**4. Final Site Plan Approval Extension – Casella Environmental Park - St. Germaine & Assoc., on behalf of Pine Tree Waste, for a second one (1) year extension on the Final Site Plan Approval granted on February 15, 2005 for the construction of a solid waste transfer and processing facility comprised of a 27,500 S.F. C&D processing building, a 9,000 S.F. MSW transfer building, and a residential drop off area. The project is situated on a 71.73 acre parcel located at 594 County Road. Tax Map: 2, Lot: 24D; Zone: IP.**

***2. Final Site Plan Approval Extension - Casella Environmental Park***

This project received Final Site Plan approval on February 15, 2005. In accordance with Westbrook's ordinance, this gave the applicant a one-year time period in which to commence the project. Thus, the initial approval lasted until February 15, 2006. On March 7<sup>th</sup>, 2006, the applicant received a one-year extension to February 15, 2007 (I have included the minutes of this meeting for your review). Due to the reasons explained in the applicant's letter dated January 15, 2007 (included in your packet), the applicant is requesting a second one-year extension of the approval. Staff does not have any issues with this request.

*If approved, the correct motion would be to extend the approval date to February 15, 2008.*

Brooks More explained the number of times this project came before this Board. Mr. More also explained that the Planning Board needed to assign a project completion date with the extension, if granted.

**Mark St, Germaine** with St. Germaine & Associates on behalf of Pine Tree Waste presented the time line of this application and extension. Condition three of the approval required a DEP permit. The DEP permit has not been granted yet, therefore the reason for this extension request. Mr. St. Germaine presented aspects of the project.

**Anna Wrobel moved to grant Casella Environmental Park approval of a one year project commencement extension to February 15, 2008 and a two year project completion extension to February 15, 2009.**

**2<sup>nd</sup> by Cory Fleming**

**The vote was unanimous in favor 6-0**

**5. Amended Final Subdivision Plan – Countryside Estates – Sebago Technics, on behalf of Gilbert Homes, for the creation of an easement and berm on lots 9, 10, 11, 12 and 15. This will amend the 15 lot cluster subdivision on a 29.2 acre parcel located on Country Lane. Tax Map: 20, Lot: 10A, Zone: Rural.**

*3. Final Subdivision Plan Amendment - Countryside Estates*

Overview – This is an amendment to the 15 lot residential subdivision between Methodist Road and Small Hardy Road. The amendment involves the installation of a berm along the properties on the South side of Country Lane. To construct this berm, easements are being created on lots 9-12 and 15.

Staff Comments

1. Complete Application: N/A.

**Mike White** with White Brothers 95 Warren Avenue on behalf of Don Gilbert presented to the Planning Board aspects of the creation of an easement and berm on the lots 9, 10, 11, 12 and 15. This will amend the 15 lot cluster subdivision on a 29.2 acre parcel located on Country Lane. Tax Map: 20, Lot: 10A, Zone: Rural.

**Anna Wrobel** moved the Amended Subdivision application for Countryside Estates on Tax Map: 20, Lot: 10A is to be **approved with conditions** with the following findings of fact and conclusions.

A. POLLUTION AND SEWERAGE DISPOSAL

- Licensed Site Evaluator Bonnie J. Stewart-Cobb conducted a soils analysis using test pits. From these tests, it was determined that lots 11 & 12 required a common leach field outside of the house lot boundaries.

B. WATER

- The Portland Water District confirmed its ability to serve the project in a letter dated July 8<sup>th</sup>, 2005.

C. SOIL EROSION

- The City Engineer has approved the erosion control plans.

D. TRAFFIC

- Adequate site distance has been confirmed by traffic engineer Jack Murphy, P.E.

E. SEWERAGE

- Sewerage will be via septic systems.
- Lots 11 and 12 will use a common leech/drain field.

F. SOLID WASTE

- Solid waste will be the responsibility of the City.

G. AESTHETICS

- The Maine Department of Conservation confirmed that there are no documented rare botanical features specifically within the project area.
- The Maine Department of IF&W confirmed that there is no threatened/endangered wildlife habitat in the vicinity of the site.
- Appearance Assessment:
  - (1) Project to Site – Each homeowner will be responsible for landscaping. The height of the buildings will meet the zoning ordinance.
  - (2) Project to Surrounding Property – The development is using the available land in the middle of the parcel. The reserved open space is located adjacent to the existing homes on Mayfield Drive. The proposed berm on the South side of the project will improve screening of the road to serve the approved T&M Industries Quarry.
  - (3) Landscape Design – Note 17 on Construction Notes should be modified such that no more than 10% of trees greater than 4” caliper shall be cut outside of the proposed clearing limits without Planning Board Approval.
  - (4) Lighting – Street lights have not been proposed.
  - (5) Signs – A project sign constructed of wood has been proposed. Note: the sign will require a permit from the Code Enforcement Officer.

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

- Comprehensive Plan:

The project meets the goals to promote interior lot development and limit strip development along Methodist Rd. (p. 8-21).
- Land Use Ordinances – The plan meets the setback and net residential density standards of the zoning ordinance. The plan also meets the 25 ft. setback from Methodist Rd standard.
- Recreation & Open Space – The Recreation & Conservation Commission will review the plans at its September 15<sup>th</sup>, 2005 meeting. A memo from the Commission will be forwarded to the Planning Board at the meeting.
- Community facilities impact analysis – An analysis may be requested by the Board.
- Fire Code
  - No comments besides those modifications to the plans made as a result of Staff comments.

#### I. FINANCIAL AND TECHNICAL CAPACITY

- The applicant has submitted a letter of financial capacity from Downeast Mortgage dated July 8<sup>th</sup>, 2005.

- A performance bond or letter of credit for the infrastructure work in the amount of \$418,729 must be submitted to the PECE Department 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 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 July 12, 2005, as amended September 9, 2005, 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. Note 17 on the Construction Notes must be modified such that no more than 10% of trees greater than 4" caliper shall be cut outside of the proposed clearing limits without Planning Board Approval.

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

**The vote was unanimous in favor 6-0**

#### New Business

**6. Final Subdivision Plan and Final Site Plan – Lollipop Lane Educare – DeLuca-Hoffman Associates, on behalf of Kiel, LLC, for consolidation of the lots located at 18 and 36 Patrick Drive and the construction of an additional 10,220 S.F. childcare center on the resulting combined lot. Tax Map: 42B, Lots: 4A and 4D, Zone: GC.**

*4. Final Site Plan and Amended Final Subdivision Plan – Lollipop Lane Educare*

Staff Comments

1. Complete Application: The application should be found complete.



**Chris Osterrieder** with Deluca Hoffman on behalf of Kiel, LLC presented to the Planning Board all aspects of the consolidation of the lots located at 18 and 36 Patrick Drive and the construction of an additional 10,220 S.F. childcare center on the resulting combined lot. Tax Map: 42B, Lots: 4A and 4D, Zone: GC.

**Rene Daniel** asked for an overview of the tree plantings. Mr. Daniel polled the Planning Board for Public Comment. Seeing no objections, Mr. Daniel opened the floor to the one abutter to the project.

**Robert Porell** 142 Main Street spoke in favor the project. Mr. Porell requested an opaque six (6) foot fence at his lot line for buffering.

**Chris Osterrieder** said they would not be opposed to working something out between the applicant and the abutter.

**Brooks More** suggested a follow-up on size of junipers and screening ability at time of installation for the buffering in this area.

**Cory Fleming moved to find the application complete**

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

**The vote was unanimous in favor 6-0**

#### SITE PLAN

Findings of Fact and conclusions for the

Westbrook Planning Board,

**Anna Wrobel** moved the Site Plan application for Lollipop Lane Educare on Tax Map 42B, Lots 4A and 4D is to be **approved with conditions** with the following findings of fact and conclusions.

#### *FINDINGS OF FACT*

Utilization of the Site

- The project proposes to improve the existing parking area and dedicate a “soft play area.”

Adequacy of Road System

- The project requires a Traffic Movement Permit from the MDOT.

#### Access to the Site

- This project will use an existing curb cut.

#### Internal Vehicular Circulation

- The traffic aisles have been designed to enable a school bus to turn around within the site.

#### Pedestrian and Other Modes of Transportation

- Adequate sidewalks have been provided to separate children and parents from moving vehicles.

#### Stormwater Management

- The site is currently impervious.
- The City Engineer has approved the stormwater management plans.

#### Erosion Control

- The City Engineer has approved the erosion control plans.

#### Utilities

- All utilities will be provided underground.
- The Portland Water District has confirmed its ability to serve this project.

#### Hazardous, Special and Radioactive Materials

- No hazardous materials have been proposed.

#### Technical and Financial Capacity

- A letter of technical capacity has been provided.

#### Solid Waste

- A dumpster and screened enclosure has not been identified on the plans. The applicant should note whether a dumpster is necessary for this building.

Historic, Archaeological and Botanical Resources

- No resources have been identified.

Landscape Plan

- Landscaping has been provided. The landscaping will improve the existing conditions on the site.

Others

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*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 plan 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. The proposed plan 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 December 12, 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<sup>nd</sup> by Michael Taylor**

**The vote was unanimous in favor 6-0**

#### AMENDED SUBDIVISION PLAN

1. Waivers: The Planning Board granted the following waivers of the Subdivision Ordinance on April 6, 2004:
  - A. 502.4 A(13) Construction schedule, costs and performance guarantee arrangement, proof of financial capability, relationship between developer, design consultant, and project coordinator.
  - B. 502.4 C (3) – Performance guarantee or conditional agreement and a financial capacity statement regarding the ability of the applicant to carry out the project.
  - C. 502.4C(7) – A statement by the Portland Water District of the conditions under which the Sewer District will provide sewage disposal service and approval by the Public Works Department of the diameter, slope, and invert elevations of the sanitary sewers proposed within the subdivision; or a statement relative to the septic tank pumping capacity of the sewage disposal system.
  - D. 502.4C(11) - Approval by the Public Works Department of all street and appropriate utility designs
  - E. 502.4C(12) - A statement from the Police Chief relative to traffic circulation

- F. 502.4C(13) – A statement from the Recreation and Conservation Commission relative to issues of open space and recreation areas
- G. 502.4C(14) - A statement from the Public Works Director addressing any plan for solid waste removal and recycling
- H. 502.4C(16) – A community facilities impact analysis in accordance with the subdivision or site plan review ordinance

2. Complete Application: The application should be found complete.

*Note:* The original application was found to be complete by the Planning Board on April 6, 2004.

**Cory Fleming** moved the Amended Subdivision application for Lollipop Lane; on Tax Map: 42B, Lots: 4A, 4C and 4D is to be **approved with conditions** with the following findings of fact and conclusions.

Findings of Fact and Conclusions

#### POLLUTION AND SEWERAGE DISPOSAL

The proposed development will not result in undue pollution.

#### WATER

The subdivision will be served by the public water system.

#### SOIL EROSION

The plan proposed the use of silt fencing to control erosion and sedimentation.

#### TRAFFIC

The proposed subdivision will utilize an existing curb cut on Terminal Way.

#### SEWERAGE

Sewerage will be removed via the municipal sewer system.

#### SOLID WASTE

As a commercial property, a private waste management company under contract with the property owner will remove solid waste.

#### AESTHETICS

Landscaping has been provided to buffer abutting properties and improve the appearance of the parking lot.

#### CONFORMITY WITH LOCAL PLANS AND ORDINANCES

This project conforms to the Comprehensive Plan and Land Use Ordinance. The building meets the 50' setback from abutting residential use on the Porell property.

#### FINANCIAL AND TECHNICAL CAPACITY

A letter of financial capacity has been provided.

#### RIVER, STREAM OR BROOK IMPACTS

No direct impacts are anticipated.

#### 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 October 31, 2006, as amended December 12, 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<sup>nd</sup> by Michael Taylor**

**The vote was unanimous in favor 6-0**

**Michael Taylor moved to adjourn to workshop**

**2<sup>nd</sup> by Cory Fleming**

**The vote was unanimous in favor 6-0**

## 7. Adjourn to Workshop

### Workshop

#### 8. Sketch Subdivision, Site Plan, and Special Exception - 63 E. Bridge Street – DeBill, LLC for the creation of two additional dwelling units in the existing duplex structure located at 63 East Bridge Street. Tax Map: 48, Lot: 71B, Zone: RGA2.

**Deb Fritzen** a member of DeBill LLC presented to the Planning Board aspects of the creation of two additional dwelling units in the existing duplex structure located at 63 East Bridge Street. Tax Map: 48, Lot: 71B, Zone: RGA2.

**Brooks More** As this is a sketch plan review, and many of the standards are covered in all three of the applications, Staff has omitted the Site Plan and Special Exception reviews from this review. The Site Plan and Special Exception reviews will be required in the Final Plan application review. Asking for Planning Board feed-back.

**Greg Blake** thought the waiver requests were reasonable.

### SUBDIVISION PLAN

1. Waivers: The following is a list of waivers that we need to be requested. Following this is a list of additional information that the applicant should submit as part of the Final Plan application.
  - A. 502.4B(11) Drainage and Storm water Management Plan. *Note:* The City Engineer approves of this waiver.
  - B. 502.4B(14) Sewer Plan. *Note:* The City Engineer approves of this waiver.
  - C. 502.4B(21) Grading and Erosion Control Plan. *Note:* The City Engineer approves of this waiver.
  - D. 502.4B(24) GIS Data. For a project that does not involve the subdivision of many parcels, nor the construction of a new building, Staff supports this waiver.
  - E. 502.4C(6) Storm water Management Plan.

List of Final Plan Submission additional information:

- Location map
- Calculations that demonstrate the amount of land remaining in its natural state
- Any existing easements
- Deed or proof of interest in the property



- Documents relating to any by-laws or easements
- Statement of financial ability
- Letter from the Portland Water District on their ability to serve the project.
- Information from the City's GIS website depicting the topography of the site, natural constraints (such as drainage areas, floodplains, etc...), the abutting land uses, and the distance of the existing building from the abutting properties and their dwelling units.
- Location of dumpster enclosure, if applicable.
- Signature Block on the overall Site Plan.

Additional information required

- Types of trees to be planted and their caliper or height at installation
- Discuss w/applicant moving gravel parking area further from East Bridge Street
- Have to reduce multi-unit appearance of property
- Double check parking requirements
- 2-3 bedroom            1-2 bedroom            1-studio  
                        4                                 1.5                                 1.5 = 7 ok
- Landscaping – add more in back yard area

**Cory Fleming moved to adjourn to Regular Session**

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

The vote was unanimous in favor 6-0

**9. Adjourn to Regular Session**

**10.Final Site Plan – St. Anthony’s of Padua – Barba + Wheelock Architecture, on behalf of St. Anthony’s of Padua Catholic Church, for site improvements to property located at 295 Brown Street. Tax Map: 33, Lot: 261, Zone: RGA1.**

**Rene Daniel** disclosed that he is a registered parishioner of this Parish.

**Nancy Barba** with Barba + Wheelock Architecture, on behalf of St. Anthony’s of Padua Catholic Church presented to the Planning Board aspects of the site improvements to property located at 295 Brown Street. Tax Map: 33, Lot: 261, Zone: RGA1.

Ms. Barba mentioned that she is not at liberty to discuss the granting of any easement to the City of Westbrook at this time. We would need to schedule a meeting with the Diocese and the City of Westbrook regarding this easement.

**Steve Stearns** with Pinkham and Greer presented an overview of the project, to include drainage, parking, traffic and landscaping.

**Rene Daniel** asked if windows are being installed on the Reserve Street side of the project.

**Nancy Barba** explained the elevation on the Reserve Street side of the project.

#### SITE PLAN REVIEW

#### **Staff Comments**

1. Complete Application: The application should be found complete.
2. Waivers: The applicant is requesting a waiver of the parking requirements of section 505.1A. Note: Staff supports this waiver in conjunction with the proposed easement described in condition #2.

**Cory Fleming** moved to find the application complete

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

**The vote was unanimous in favor 6-0**

Planning Board members requirements;

- No site walk needed
- No Public Hearing required

**Rene Daniel** polled the Planning Board if the Board would allow any Public Comment.

The Planning Board had no opposition.

#### **Public Comment**

**Donna Merrifield** 9 Reserve Street spoke with concerns about drainage, the landscaping, wild life and the traffic increase with the possibility of vehicles traveling the wrong way on the one way street. Ms. Merrifield asked to have the green space to remain on the City Property.

**Rene Daniel** asked who owns the trees bordering the Merrifield's lot.

**Steve Stearns** mentioned the ownership of the lot where trees are planted is unknown. There is a note to carefully remove and replant these trees. We can change the note and protect the trees such as they are.

**Brooks More** said the wild life is on City of Westbrook

**Rene Daniel** asked about the traffic impact.

**Brooks More** said a meeting with Paul McCarthy will be scheduled to discuss the possibility of making Reserve Street two-way. This ultimately will have to have City Council approval.

**Rene Daniel** explained that the Drainage issue would be on the City of Westbrook land.

**Brooks More** explained where the proposed parking area could be constructed on the City of Westbrook lot should the easements be attained.

No Public Hearing required.

**Cory Fleming** moved to approve the parking waiver

**Anna Wrobel** questioned the waiver was conditional upon the approval of an easement.

**Brooks More** said the Board should strike condition #2 from the motion

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

**The vote was unanimous in favor 6-0**

**Cory Fleming** moved the Site Plan application for St. Anthony's of Padua on Tax Map 33, Lot 261, is to be **approved with conditions** with the following findings of fact and conclusions.

### ***FINDINGS OF FACT***

#### **Utilization of the Site**

- The project has been engineered to take advantage of the topography of the site.

#### **Adequacy of Road System**

- The road system is adequate to accommodate the proposed internal improvements.

### **Access to the Site**

- No new curb cuts are being proposed.

### **Internal Vehicular Circulation**

- The project proposes to improve internal circulation for both passenger and emergency vehicles.

### **Pedestrian and Other Modes of Transportation**

- Internal walkways have been provided.
- Handicapped parking spaces have been provided.

### **Stormwater Management**

- Final Plan review item.

### **Erosion Control**

- Final Plan review item.

### **Utilities**

- No Issues at this time.

### **Hazardous, Special and Radioactive Materials**

- None have been identified in the application.

### **Technical and Financial Capacity**

- No Issues.

### **Solid Waste**

- Solid waste will be the responsibility of the property owner.

### **Historic, Archaeological and Botanical Resources**

- The site is currently developed.

### **Landscape Plan**

- A landscape plan has been provided.

#### Others

- Parking: The Site Plan Review Ordinance dictates that at least 0.3 off-street parking spaces must be provided per seat in the church. Based on the applicant's stated seat count of 581, 175 off-street parking spaces must be reserved. This is 75 more spaces than provided on the site following the proposed improvements.

As we all know, St. Anthony's (formerly St. Hyacinth's) has been used as a place of worship for many years. The Church has always managed to accommodate all of its parishioners, and their parking needs, with minimal impact to the neighborhood. As noted in the application materials, the Church is a grandfathered use that is now serving fewer parishioners than previous historical levels. As such, it is our recommendation that the Planning Board grant a waiver of the parking requirement and approve the planned improvements with a minor modification.

The proposed consolidation of the three Catholic Churches in Westbrook will result in a greater number of parishioners traveling to the area by automobile. As a result, a greater number of parking spaces will be needed to reduce impacts on the surrounding neighborhood. The City owns land between the Church and the Presumpscot River. For several years the City has eyed this property as a potential location for future parking. This parking could serve both the needs of the Dana Warp Mill area and St. Anthony's Church. While it is unclear at this time when the City will develop this parking lot, it is clear that an easement across the St. Anthony's parking lot will be necessary for access. Accordingly, we would like to request that an easement be provided to allow for future access to the City owned property.

#### CONDITIONS

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 plan **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. The proposed plan **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 January 16, 2007 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<sup>nd</sup> by Michael Taylor**

**The vote was unanimous in favor 6-0**

#### 11. 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*