



City of Westbrook

DEPARTMENT OF PLANNING

WESTBROOK PLANNING BOARD TUESDAY, SEPTEMBER 18th, 2012, 7:00 P.M. WESTBROOK HIGH SCHOOL, ROOM 114 MINUTES

Present: Ed Reidman, (Chair) (Ward 5), Rene Daniel (Vice-Chair) (Ward 1), Rebecca Dillon (Alternate), Joseph Marden (Ward 3), Dennis Isherwood (Ward 2), Robin Tannenbaum (Alternate), Greg Blake (At Large),

Absent: Cory Fleming (Ward 4), Michael Taylor (At Large)

Staff: Molly Just, Richard Gouzie

Chairman Ed Reidman called the Westbrook Planning Board meeting to order at 7:00 p.m. in Room 114 of the Westbrook High School.

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.

1. **Call to Order**
2. **Approval of Minutes: September 4th, 2012**

Rene Daniel moved to approve the minutes as presented.

2nd by Dennis Isherwood

The vote is unanimous in favor 6-0

Ed Reidman before we start the actual items on the agenda, it is Board policy to only allow the Public to speak when it is a Public Hearing. All of the items on the agenda are not Public Hearings.

3. **Special Exception – Day Care Center – Tasha Rinaldi for Special Exception approval for a Day Care Center on an approximately 0.11 acre property located at 24 Dearborn Street. Tax Map: 27, Lot: 74A, Zone: Residential Growth Area 1.**

Tasha Rinaldi what I am looking for is to put a small facility in the property day care facility with up to ten (10) children and am just looking to have that approved.

Ed Reidman Staff?

Molly Just all relevant Departments, Fire Department, Code Enforcement, Engineering and Building Inspection and Planning have inspected the property, found building life safety deficiencies, the applicant is working very aggressively to address these. They are included in

your packet, so Staff recommends a conditional approval. There are standard conditions of approval with this project but the application be conditionally approved based upon the completion of the check-list for the building improvements that you have with you.

Staff comments:

- 1. An inspection of the building and the site by Code Enforcement, the Fire Inspector, the City Engineer and the City Planner revealed a number of deficiencies. Also, the Licensing Worker, Division of Licensing and Regulatory Services Department of Health and Human Services observed lead based paint in the building. The applicant is working aggressively to correct the deficiencies. Staff recommends a conditional approval, contingent upon completion of the site and building improvements.*

Ed Reidman any questions for Ms. Rinaldi? You will find a motion on page two (2), to approve with conditions.

Robyn Tannenbaum when are you hoping to open?

Tasha Rinaldi I need to get all the approvals completed, right now all the work is being done, the building structure, the windows, the wall as the result from a leak in the roof. That is all being done today and tomorrow and should be completed by tomorrow. If all my approvals go through, I would not mind opening in October.

Robyn Tannenbaum I have a follow-up question for Molly, the list of things that need to be addressed, relative for giving conditional approval, is it a long list?

Molly Just it is a long list, so the facility will be able to operate once everything has been satisfied.

Ed Reidman there are seven conditions on page two (2) and three (3) of our memo.

Rene Daniel Molly, I am a stickler on waivers. I do not like making waivers and lately we are making an awful lot of waivers. Is there a reason this did not come to us after it was done, if the opening is going to be in October? We have another meeting.

Molly Just the applicant filed the application in good faith, we inspected the building in good faith, she would like to...I did give her the option of waiting until these items had been addressed and she did choose to go forward with her request to the Planning Board.

That is where we are and she has asked to have the application considered this evening, given that the application itself is complete she was in shape to come to the Planning Board this evening. But again the facility will not open whether it is October or whether it is January until all items have been completed.

Rene Daniel I guess my question is why are we being asked to do a conditional approval?

Tasha Rinaldi I have completed 99% of the work in one week. A lot of it was electrical, Rick Gouzie, the Fire Marshall, the electrician came back and re-inspected the property to make sure

that I was in the process of getting everything done. I think the only thing I have left to do on that list is the panel, labeling the panel, buying a fire extinguisher that will be visible in the facility and security lighting. Those are all things that can be done by the end of this week.

I was just talking to Mr. Gouzie and I said my last walk through can be done by the end of this week as everything will be completed.

Ed Reidman any other questions or comments?

Greg Blake as 99% of the list is almost complete; I do not see why we can not approve this application.

Greg Blake moved the Special Exception application for 24 Dearborn Street on Tax Map: 27, Lot: 74A is to be **approved with conditions** based upon the following conclusions:

- A. A minimum of 50 S.F. of dedicated outdoor play area shall be required for each child, said play area shall not be placed in required yard setbacks.
 - The applicant has provided an outdoor play area that far exceeds the 300 square feet required for the 10 children.
- B. All play areas shall be enclosed by a minimum of four (4) foot fencing.
 - The subject outdoor play area is protected by a minimum of four (4) feet of fencing.
- C. A combination of fencing with plantings shall be installed such that the area is screened from abutting residential properties in terms of both sight and noise.
 - *The applicant shall add 3 Arbor Vitae trees, at least 4 feet in height at planting, in the area of the southeast portion of the play yard fencing so that the outdoor play area is screened from view from abutters by mature trees and shrubs.*
- D. One (1) off street parking space shall be provided for each employee or volunteer, and one (1) off street parking space for every 6 children shall be provided.
 - *The subject property does not provide adequate parking for the 10 children and staff. The applicant shall improve the property to provide at least 3 legal, paved off-street parking spaces.*
- E. The parking area shall be in a safe location, shall include an area for snow storage, and shall permit the parent to move directly to the entrance for the loading and unloading of children without affecting the movement of other vehicles.
 - *Requirement shall be met prior to issuance of the Certificate of Occupancy...*
- F. That the proposed facility shall not burden on-site septic or offsite waste disposal.
 - The subject property is served by public water and sewer.
- G. All facilities shall demonstrate that they meet the requirements for licensing by the state and shall provide proof of state licensure prior to issuance of a Certificate of Occupancy and shall meet all sanitary, plumbing code, fire code, and building code requirements, as identified by the Code Enforcement Officer.
 - *Requirement shall be met prior to issuance of the Certificate of Occupancy.*
- H. Based on location, area traffic, and neighboring uses, the Code Enforcement Officer or Planning Board may set the hours of operation.
 - The hours of operation shall be limited to 7: 00 am to 5:00 pm Monday – Friday.
- I. If the operator of the facility is not the owner of the property on which the facility will be located, the operator shall provide evidence of the property owner's consent to the facility.

- The applicant is the owner of the subject property.

CONDITIONS

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated August 10, 2012 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. Prior to issuance of an occupancy permit for the use, the applicant shall complete the building and property improvements as described on the attached document titled Building and Site Improvements Necessary to Operate a Day Care Center at 24 Dearborn Street, dated September 13, 2012.
3. Prior to issuance of an occupancy permit for the use, the applicant shall provide evidence that the property is free of lead based paint.
4. Prior to issuance of the occupancy permit for the use, the applicant shall provide evidence from State authorities that the proposal meets all life and safety requirements.
5. Prior to the issuance of an occupancy permit for the use, the applicant shall make site improvements to provide parking for at least 3 legal, paved off-street parking spaces. The final design and construction of such spaces shall be approved by the City Engineer.
6. At all times the applicant shall provide continuous screening of the outdoor play area. The applicant shall install 3 Arbor Vitae shrubs in the southeastern area of the play area. The shrubs shall be 4-feet tall at the time of planting.
7. Prior to issuance of a letter of approval, the applicant shall pay the cost of the required notice to abutters.

2nd by Rebecca Dillon

The vote 5-2 in favor (Rene Daniel and Robin Tannenbaumn opposed)

4. **Site Plan – 91 Main Street – Rowe Ford – Sebago Technics on behalf of Wallace E. Camp Jr, for new construction to existing buildings and site improvements to an existing auto dealership and auto repair facility on an approximately 7 acre property located at 91 Main Street. Tax Map: 42A, Lots: 8 & 9; Zone: Gateway Commercial District.**

Project Description. The applicant is proposing to add building additions and site improvements, to include streetscape improvements to an existing auto dealership and auto parts store located at the northeast corner of the intersection of Main Street and Larrabee Road. The new construction amounts to approximately 10,000 square feet and the overall site improvements will be to the majority of the property. The new construction and site improvements separately and collectively trigger the improvement standards of the Gateway Commercial District.

The applicant appealed the Code Enforcement Officer's determination that the new construction qualifies as new construction. The Zoning Board of Appeals found with the applicant and determined that the 25% landscaping requirement does not apply to the subject property but that

the determination does not preclude the Planning Board from requiring other landscaping as enabled by the Land Use Ordinances. The applicant also chose not to meet the 25% landscaping requirement through the draft fee in lieu of landscaping option that is going through the City Council approval process. Since submission of the subject application, a nearby landowner submitted for Site Plan approval in the Gateway Commercial District, complied with existing and proposed provisions for the district and obtained approval in one Planning Board meeting.

Nonetheless, the applicant has agreed to provide streetscape improvements that would generally be in keeping with the streetscape concept put forth by the 2000 Brighton Avenue/Main Street Corridor Traffic Improvement Study. The applicant proposes ornamental lighting consistent with that located on the abutting Westbrook Crossing street frontage on Main Street. The applicant also proposes to continue the line of street trees along their Main Street and Larrabee Road frontages.

Staff Comments: Staff supports Planning Board approval of the following waivers.

1. Design of Off-Street Parking. The applicant requests a reduction of the drive aisle width to within allowable limits in areas specified on the plans. The City Engineer supports this reduction, as required by Section 505.1B.
2. Off-Street Parking Requirement. The applicant requests a reduction of the parking requirement of Section 505.1.
3. The subject property is located within the Capisic Brook Watershed. While the State of Maine currently has no regulations for management of impacts to this watershed, staff has made the applicant aware that such regulations may be imposed in the future. Regulations could be similar to those found in the Long Creek Watershed Management District. Properties pay for their impervious surface on a per acre basis or choose to become part of the district and pay a lesser fee, as part of a group. The City of Westbrook is a payer in the district, as part of the larger group of landowners, based on the amount of publicly owned impervious surface located within the watershed.

Wally Camp I am the president and dealer principle at Rowe Ford sales. Our dealership has been located on the existing spot for forty-two (42) years now. Prior to that there has been a dealership there for approximately fifty (50) years. We employ approximately ninety (90) people and we operate Ford as well as Hyundai Franchises and a quick lane, quick service business.

The purpose for being here this evening is we want to do a significant upgrade to the property. Not only to enhance the looks and usability of each facility and grounds but also to add the Lincoln Franchise. Also my goal is to, if at all possible, if it seems appropriate to the Board, I would like to start the construction before the end of the year because of favorable financing that is available right now as well as the fact that I have made a commitment to the Lincoln Corporation, Lincoln has been without representation in this area for about a year pending on us doing this upgrade.

A little more specifically what we will be doing is essentially overhauling the Ford building, making it a Ford and Lincoln building. Currently it is strictly a Ford sales area and also a service for Ford and Hyundai. In the new plan what it will be strictly service for Ford vehicles as well as commercial vehicles as well as Lincoln vehicles.

In the current facility which is Hyundai and used cars and commercial service, that will be a stand alone Hyundai facility for sales and service. Additionally we will be adding on to our quick lane business that will service both for all brands, Ford, Hyundai and Lincoln but also your Toyota if you have one can come by. We will be adding a car wash on that facility which will be upgraded from our car wash that we will be shutting down. So we will only have one car wash but a much more logically lay out.

That is the general scope; we will be redoing the grounds completely as well as redoing the lighting. At the end of the day I think we are going to have a state of the art facility that will be a very handsome gateway into the City as well as present well to our potential customers.

Tonight I have our architect, Scott Lurie who will be here to speak to you and after that our site plan Engineer Jim Seymour.

Scott Lurie in the Ford Dealership as you can see in the rendering the “before” that is on your right and the “after” on the left. The basic intent here is to refurbish the entire exterior of the building; there is a small addition in the back that is really there to provide a better environment and better experience for customers and people who utilize the building. It is going to give them better access in and better way to move people through this building.

As you can see the old building is quite dated and quite worn. We are rebuilding the showroom in its place and re-facing the whole building with more energy efficient material, highly insulated. The inside will have new lighting put in that is low energy efficient and the same thing with some mechanical equipment that is updated and the building will run more efficiently.

The same thing on the Hyundai building, Hyundai right now services both commercial vehicles and the Hyundai sales and will be turned into strictly Hyundai service sales facility, also to be updated inside and outside. Lighting will be put in and will be a much more efficient building. It will have some high speed overhead doors so we will not loose heat in the winter. It is a good improvement on those.

Similarly would be the quick lane. This is quick lane and will be completely re-faced, get an addition and will be better for service for the people who are in it. The outside gets refurbished with new facing on it. As you come into this area of the City you drive by these buildings will have a better appearance and will elevate the quality of this corner of the site.

Again these are very modest additions to this building and are a very modest construction scope for the scale of this whole site. That is the whole project.

Ed Reidman thank you, if we have questions, we will ask them later.

Jim Seymour Civil Engineer with Sebago Technics, on behalf of Mr. Camp I would like to present the Site Plan portion of the improvements planned out here at 91 Main Street.

As mentioned the property is located in the Gateway Commercial District, located currently on a little over seven (7) acres. As you can see in the rendering in the gray of the buildings, most of the site is currently impervious surface. This is in the watershed of Capisic Brook, currently the DEP and the State are working on standards for Capisic Brook those have not come forth, at the time they do, Mr. Camp will comply with whatever permit status is required. Our understanding is it will be something like what is going on at Long Creek in South Portland, basically an impervious user fee.

With that said, Mr. Lurie and Mr. Camp have discussed that there are building improvements planned for this property, approximately 2800 planned on the Ford building that happens in the front and also fills some courtyards in the rear. The Quick Lane includes 3200 square feet that includes bays and carwash located on the side away from Main Street in the back.

The last piece Hyundai which includes bays and service area which is in the front. If you look at the rendering you will see some light gray areas that is the area of the site improvements that is needed for grading purposes to allow access into the bay areas or egress into the building.

In the front of the Ford building closest to Main Street we have planned a small area for drop off as well as a little pedestrian area that is red. Those improvements along with management we have done on the property as you can tell from the aerial photograph, a lot of this is inventory service vehicles for commercial and customers. It gets kind of chaotic in there given the three (3) entities. One of the things we would like to do is restructure that.

If you look at the plan submitted there are many rectangular boxes, those are exclusively for inventory. What we have also done is isolated employee parking that currently visit the site there is really no convenient spot for customers, we have tried to segregate that now, so customers are located in the front of the Ford building, all the employees will be located out to the side or behind Hyundai seventy-nine (79) spaces have been provided out there for employees.

We are requesting a waiver of the parking standards, we think there maybe a calculation blunder in the Ordinance, the requirement was well over none hundred (900) parking spaces required for this facility. We have provided just a little more then five hundred (500) including inventory which is more then satisfactory for what we are proposing and I believe Staff has supported that.

Also in the front, we have met with the Deputy of the Fire Department and went over one of their concerns which was access into this lot for fire protection, access with a fire truck. It provides us with turning radius or to get around the side of the corner of Larrabee Road or to sweep around the building there. What we have done is provided no parking, no display in that area so adequate fire protection will be maintained, access for the fire trucks as well as a fire lane on that whole side of the Ford building on the Larrabee side.

We have also paved an area that has a hydrant currently on the corner, we have paved an access such if there was a fire the Fire Department could pull up to this paved way and have direct access to that fire hydrant.

One of the biggest issues we had working with the Planning Staff was conducting the landscaping. Obviously we understand we are at a prominent location in the Gateway Commercial District coming in from Portland and the requirement originally was 25 % in that Ordinance; however Mr. Camp went before the Board of Appeals and do to he fact that this was essentially a grandfathered lot the requirement was eliminated; however working with Staff we went to the most practical extent of landscaping. Obviously the display of vehicles is very important to Mr. Camp, along the Main Street area that is often lined with cars. That is also where landscaping is most needed. What we have done is reached a compromise. We have come up with a landscaping plan. We have done some small bump outs, provided a small mulch strip between the existing sidewalk and the facilities property line and have added six trees to give it more of a street scape appearance as you are coming down Main Street. As you look at the aerial there is absolutely no vegetation on Main Street. We feel with the island planters and some modest improvements it will give it a much more visual, esthetic feel to the public.

In addition as Mr. Camp noted, he is making other improvements. There is a lighting plan in your packet. Mr. Camp is planning on replacing the current lighting plan in the facilities done throughout. Along Main Street, he has agreed to match the lighting that is used in Westbrook Crossing. Again there is another waiver request as we place those on the property line through some moderate spillover onto the sidewalk. It is actually a benefit in this case as there are no street lights in that area so in this case the private lighting will help illuminate the sidewalk along Main Street.

Going back to the Fire Department, one of the other requests made was all the buildings be properly sprinkled and alarmed and we have agreed to that. In walking the property, we have also installed a gate on the rear side of Hyundai, up against Westbrook Crossing. There is currently a chain link fence there and the Deputy requested that we put a gate there. There is a hydrant in the Westbrook Crossing in case of a large fire that would give them adequate access to a hydrant in the event of a fire.

I think that is generally what we came to discuss and am available for any questions.

Ed Reidman would you go over the parking figures again? I am talking about how many are required by ordinance and how many you have onsite.

Jim Seymour the parking requirement is nine hundred thirty-one (931) vehicles; we are providing five hundred twelve (512).

Ed Reidman the second waiver you have asked for is a reduction in the driveway.

Jim Seymour yes, along the Main Street section what has happened there as Mr. Camp has told you, that building has existed for almost fifty (50) years and in the sixties (60's) there was a small taking of property on Main Street which obviously reduced the space between the building and the actual street right-of way. As I mentioned for display purposes, Mr. Camp would like to keep a section of cars along the landscaping area there. To accommodate that we would need a reduction from twenty-six (26) feet to twenty-four (24) feet that is well within normal engineering practices.

The third requirement would be the lighting standard to allow for some spillover of light along Main Street where we have the lamps put in.

Ed Reidman I wanted to straighten the waiver requests before we went on. Let me ask my traditional questions, does anyone want to take a Site Walk? Does anyone want to have a Public Hearing? Seeing none are there any questions?

Joseph Marden where is the storm water going on this site?

Jim Seymour storm water is collected through some basins onsite and most of the water ends up on Larrabee Drive in the storm drain system. There is a large swale or ditch in the rear between Mr. Camp's property and the rental storage unit, all that conveys to exit 48 and eventually ends up in Capisic Brook.

Ed Reidman earlier it was mentioned that Capisic Brook will fall into the same category as Long Creek over in South Portland, which also gets to Westbrook and is in the Colonel

Westbrook Industrial Park and the Industrial Park on the other side of Spring Street. We, the City, have already been impacted by that.

On page three of the memo, Staff comments on the design of off street parking and the reduction of the isle width; and I believe that if we are to consider the waiver for the isle width, it should be indicated that the variance is only for the piece in front, on the Main Street side.

Robyn Tannenbaum speaking to Mr. Seymour, in your memo, referring to the landscape improvements you mentioned that they will embellish with some portable planters in the front walkway, which building is that?

Jim Seymour that was the original presentation, instead we have made a compromise to put more trees on the street. We did put one planter near the corner of the building.

Rene Daniel I have the same page as you are showing, it does not say how many trees, the only thing I have heard that you are saying you will be adding six (6) trees?

Jim Seymour yes that is what we have shown on the landscaping plan. I take that back there is more than six (6) trees. It will be as presented on the landscape plan. We show four (4) trees on the corner closest to the Dunkin Donuts drive through and five (5) trees on the Main Street side frontage and then we have inserted a few more trees along Larrabee Drive.

Rene Daniel how many trees are there now on Larrabee Drive?

Jim Seymour eight (8) trees

Rene Daniel you are going to add how many?

Jim Seymour six 6 more

Rene Daniel so you are going to have fifteen (15) trees in that area?

Jim Seymour eighteen (18) in total

Rene Daniel what is going to happen to the four (4) trees that are there now, at the entrance?

Jim Seymour they are staying

Rene Daniel so we are talking twenty-two, not eighteen (18).

Jim Seymour they are part of the eighteen (18).

Rene Daniel it is actually a net gain of fourteen (14)

Jim Seymour yes

Rene Daniel on the mulch, what was the logic on mulch?

Jim Seymour just to provide buffer and a root zone for the trees.

Rene Daniel how much grass will be...?

Jim Seymour I am not exact on the square footage

Rene Daniel looking at the first green cluster, next to Dunkin Donuts drive through.

Jim Seymour I am not exact on the square footage, what we plan to do in that area is again for display purposes putting down some reinforced plastic tiles so the grass can come up through them, so when we park cars on the area it will be green but we will not be disturbing the sod. It is more of an application that Mr. Camp has agreed to, to preserve the green areas there. Also there is an existing curb cut close to Larrabee Drive on the side of the Ford building and we have agreed to close that up and plant a tree there as well.

Ed Reidman Condition #9, on page six.

Rene Daniel that was my next question, good call. I am not overly ecstatic with landscaping plan but it is a start.

Ed Reidman Mr. Blake any questions? Mr. Isherwood? Mr. Marden? Ms. Dillon? Ms. Tannenbaum?

**Editors Note: No comments

Ed Reidman now can we deal with the waivers. The first waiver would be to waive the requirement in Section 505.1.1B from twenty-six (26) feet to twenty-four (24) feet in the area along Main Street, only that piece.

Greg Blake so moved

2nd by Robin Tannenbaum

The vote is 5-2 in favor (Dennis Isherwood and Rene Daniel opposed)

Ed Reidman in this limited case I voted in favor of the waiver, but we have the Ordinance and if we are going to recommend waivers on the isle width all the time, we should change the Ordinance.

The other motion that is required is to waive the off street parking requirement in Section 505.1. and waive it from nine hundred and thirty-one (931) to five hundred and twelve (512).

Greg Blake so moved

2nd by Rebecca Dillon

The vote 5-2 in favor (Dennis Isherwood and Rene Daniel)

Ed Reidman with regard to the spill over of light, is that an issue or not?

Molly Just staff supports the waiver

Ed Reidman do you have a section number?

Molly Just 309.0.5

Ed Reidman 309.0.5, realizing there is a benefit to the City for light spilling over from the site along Maine Street on to the sidewalk, I believe we should recommend a waiver from section 309.0.5, in that area

Greg Blake so moved

2nd by Joseph Marden

Rene Daniel in this case, as much as I hate making waivers, I find the benefit outweighs the rule, I will be voting in favor of this waiver because it is for health and safety.

The vote is unanimous in favor 7-0

Ed Reidman if there are no more questions, on page four (4) there is a motion with a series of conditions, on page six (6).

Greg Blake moved the Site Plan application for 91 Main Street, Rowe Ford, on Tax Map: 42A, Lots: 8&9 is to be **approved with conditions** with the following findings of fact and conclusions:

FINDINGS OF FACT

Utilization of the Site

- Adequate.

Adequacy of Road System

- The Main Street and Larrabee Road intersection has been identified as a high crash location and there are no provisions for pedestrian crossing on this side of the intersection.

Access to the Site

- The project has access from Larrabee Road and Main Street.

Internal Vehicular Circulation

- Adequate.

Pedestrian and Other Modes of Transportation

- Inadequate. There is no safe way for a pedestrian to cross from the west side of Larrabee Road, in the area of McDonalds, to the subject property.

Stormwater Management

- Adequate. Partial curbing is proposed with this application but the water will not be collected, treated or removed.

Erosion Control

- Adequate.

Utilities

- The Portland Water District has provided a letter that outlines their conditions for serving the project.
- New and existing utilities shall undergrounded

Hazardous, Special and Radioactive Materials

- N/A.

Technical and Financial Capacity

- Adequate.

Solid Waste

- Solid waste pick up would be the responsibility of the landowner.

Historic, Archaeological and Botanical Resources

- N/A.

Landscape Plan

- The streetscape improvements are adequate but do not meet the intent of the Land Use Ordinances.

Others

- N/A

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 OF APPROVAL

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated June 20, 2012 and plans dated June 20, 2012 and revised to September 4, 2012 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 City Planner or the Planning Board.
2. Consistent with Section 504.3, the Code Enforcement Officer shall not issue any permits until a site plan has been approved by the Planning Board and a mylar signed by the Planning Board. *Mylars must be submitted to the City within 90 days of Planning Board approval or the approval shall be null and void.*
3. Prior to Planning Board signature of the mylar, the applicant shall pay the cost of the required notice to abutters.
4. Prior to Planning Board signature of the mylar, the applicant shall provide the City with a copy of the recorded deed combining Lots 8&9.
5. Prior to the Planning Board signing the mylar, the applicant shall file a performance guarantee with the City of Westbrook. The amount of the guarantee shall be agreed upon in advance with the City of Westbrook and shall be of an amount to ensure completion of all on- and off-site improvements necessary to support the proposed project.
6. Prior to issuance of the Street Opening Permit, or the first permit required for the project, a fee in the amount of \$16,000, 2% of the site improvement costs, shall be made payable to the City of Westbrook for inspection of site improvements made by the Code

- Enforcement Officer and/or other appropriate City staff. This fee is required per Section 500.8 of the Land Use Ordinances in order to cover the inspection of site improvements.
7. The applicant shall comply with Chapter 37, the local Post Construction Stormwater Management Ordinance.
 8. Prior to issuance of the first permit for the project, the property shall come into compliance with sign provisions of the Land Use Ordinances.
 9. Prior to issuance of the Certificate of Occupancy, the applicant shall remove, curb, loam, seed and landscape the small curb cut on Larrabee Road, near its intersection with Main Street. The final design shall be coordinated with the City Engineer.
 10. Display of vehicles in the public way is not allowed.

2nd by Rene Daniel

The vote is unanimous in favor 7-0

5. **Land Use Ordinance Amendments – Section 311 Manufacturing District – To make part of the Land Use Ordinances performance standards for the existing rock quarry, located on Spring Street, in the Manufacturing District. The operations of the quarry include blasting, rock storage, rock crushing and the transport of the product. The proposed amendments address safety and environmental measures taken now and on an on-going basis in the interest of the community.**

Land Use Ordinance Amendments – Section 311 Manufacturing

Overview. The Manufacturing District is located south of the Stroudwater River, north of the electric transmission power line easement, and between Saco Street and Spring Street. Performance standards for uses in this district are designed to maintain compatibility between differing uses. In 2010, the City of Westbrook entered into a Consent Order with Pike Industries and IDEXX laboratories, both located in the Manufacturing District. Since that time, it has been determined that the performance standards of the Consent Order must be incorporated into our Land Use Ordinances. The proposed performance standards are intended to maintain the public health and welfare and are specific to the existing and grandfathered extractive industry use in the district, currently operated by Pike Industries. The proposed performance standards would apply only to the grandfathered extractive industry use and so the other performance standards of the Manufacturing District would not apply.

Ed Reidman the document is a lengthy document with a lot of changes in it if passed on by us in the state it is in now, goes to the Council and ultimately the Council approves it or not, will it meet the requirements that the Court sent down to us?

Natalie Burns what the Court said had to be done was in order to adopt the performance standards, that had been agreed to by the City Council, in order to put those into effect, they needed to be adopted as part of the Zoning Ordinance.

The proposal that is before you does include all of the performance standards and is what would be required to fully implement requirements of the Consent Order, including those performance standards

Ed Reidman let me take it one step further, as we can see, Mr. White is with us again and he has an approved quarry out in Ward 5. Will these standards effect his quarry operation?

Natalie Burns no, these standards will only apply to the Spring Street Quarry.

Ed Reidman this being said, we have a Public Hearing scheduled at 7:00 pm on September 25th for this item and unless you want to go through the paragraphs and go through them we can discuss this next time.

If you need some questions answered, we have Ms. Burns and Ms. Just with us and Mr. Gouzie who is the enforcing agent...

Greg Blake as much as I would love to go through every paragraph by paragraph.... I had the same question that you did, if this language was extracted from what has been approved... With Ms. Burns explanation, I am satisfied.

Ed Reidman any other comments from the Board?

**Editors Note - no Board comments

Ed Reidman for those of you who came to speak on this item, we will see you next week.

Before we leave the public section of this meeting, I hope all of you saw our City Planner in the basement of her house on the front page of the Portland Press Herald, it was nice. I also want to welcome Ms. Tannenbaum back from maternity leave, welcome back.

6. Adjourn

*Respectfully submitted by Linda Gain PECE Administrative Assistant
THANK YOU*