



City of Westbrook

DEPARTMENT OF PLANNING & CODE ENFORCEMENT

2 York Street

Westbrook, Maine 04092

(207) 854-0638

Fax: 1-866-559-0642

**WESTBROOK PLANNING BOARD
TUESDAY, JANUARY 15, 2019, 7:00 P.M.
WESTBROOK HIGH SCHOOL, ROOM 114**

AGENDA

PUBLIC HEARING

- 1. 2018.46 – Site Plan, Subdivision & Conditional Use - 212 Brown St – Clark Painting, Inc –** The applicant is proposing an additional 4-units within an existing mixed use, commercial and residential multifamily structure. Tax Map: 033 Lot: 250 Zone: 212 Brown Street Contract Zone
- 2. 2018. 49 – Ordinance Amendment – Business Professional Office District:** The proposed amendment removes all language associated with the Business Professional Office District from the Land Use Ordinance to be in compliance with the previously approved Zoning Map Amendment.
- 3. 2018.50 – Ordinance Amendment – Village Review Overlay Zone:** The proposed amendment identifies and clarifies the role of the Village Review Overlay Committee within the Ordinance.
- 4. 2018.51 – Ordinance Amendment – Sign Ordinance:** The proposed amendment updates sign standards within the City Center District to increase signage opportunities within the downtown business community.
- 5. 2018.52 – Ordinance Amendment – Artisan Food and Beverage:** The proposed amendment defines and establishes standards for an Artisan Food and Beverage use within the City of Westbrook as well as identifies appropriate locations to permit.
- 6. 2018.53 – Ordinance Amendment – Veterinary Office and Kennel:** The proposed amendment provides clarification on the uses of Veterinary Office and Kennels, and establishes standards for a Kennel operation.
- 7. 2018.54 – Ordinance Amendment – Gateway Commercial District:** The proposed amendment adds permitted and conditional uses within the Gateway Commercial District to promote a diverse commercial center.
- 8. 2018.55 – Ordinance Amendment – Administrative Changes:** The proposed amendment provides several administrative changes to the Land Use Ordinance within Chapters II General Provisions, III Zoning Districts, IV Special Standards and Overlay Districts, & V Subdivision and Site Plan Review, to improve clarity, consistency and conformity throughout the ordinance.

Deliberation of agenda items, including workshops, that have not been commenced by the Planning Board as of 10:00 p.m. may be rescheduled to the next regularly scheduled meeting.

REGULAR MEETING

9. **Call to Order.**
10. **Approval of Minutes.**

NEW BUSINESS

11. **2018.46 – Site Plan, Subdivision & Conditional Use - 212 Brown St – Clark Painting, Inc** – The applicant is proposing an additional 4-units within an existing mixed use, commercial and residential multifamily structure. Tax Map: 033 Lot: 250 Zone: 212 Brown Street Contract Zone
12. **2018.49 – Ordinance Amendment – Business Professional Office District:** The proposed amendment removes all language associated with the Business Professional Office District from the Land Use Ordinance to be in compliance with the previously approved Zoning Map Amendment.
13. **2018.50 – Ordinance Amendment – Village Review Overlay Zone:** The proposed amendment identifies and clarifies the role of the Village Review Overlay Committee within the Ordinance.
14. **2018.51 – Ordinance Amendment – Sign Ordinance:** The proposed amendment updates sign standards within the City Center District to increase signage opportunities within the downtown business community.
15. **2018.52 – Ordinance Amendment – Artisan Food and Beverage:** The proposed amendment defines and establishes standards for an Artisan Food and Beverage use within the City of Westbrook as well as identifies appropriate locations to permit.
16. **2018.53 – Ordinance Amendment – Veterinary Office and Kennel:** The proposed amendment provides clarification on the uses of Veterinary Office and Kennels, and establishes standards for a Kennel operation.
17. **2018.54 – Ordinance Amendment – Gateway Commercial District:** The proposed amendment adds permitted and conditional uses within the Gateway Commercial District to promote a diverse commercial center.
18. **2018.55 – Ordinance Amendment – Administrative Changes:** The proposed amendment provides several administrative changes to the Land Use Ordinance within Chapters II General Provisions, III Zoning Districts, IV Special Standards and Overlay Districts, & V Subdivision and Site Plan Review, to improve clarity, consistency and conformity throughout the ordinance.

WORKSHOP

19. **2018.56 – Site Plan – 1 Ledgeview Drive – Regional Transportation Program:** The applicant is proposing a new 8,500 sf office building, 2-bay garage, 11,760 sf enclosed parking structure and associated site improvements on an existing 5.46 acre vacant lot. Tax Map: 002 Lot: 104 Zone: Industrial Park District

Deliberation of agenda items, including workshops, that have not been commenced by the Planning Board as of 10:00 p.m. may be rescheduled to the next regularly scheduled meeting.

20. **2018.57 – Site Plan – 369 County Road - Central Maine Power:** The applicant is proposing an approximate 4,247 sf expansion of an existing electric substation yard. Tax Map: 002 Lot: 030 Zone: Manufacturing and Industrial Park District
21. **2018.58 – Site Plan – 594 County Road - Pine Tree Waste, Inc.:** The applicant is proposing a 3,000 sf construction and demolition debris transfer pad within the Casella Environmental Park. Tax Map: 002 Lot: 024D Zone: Industrial Park District
22. **2018.59 – Subdivision Plan – 138 Hardy Road – Michael Pednault:** The applicant is proposing an 8-lot subdivision located at 138 Hardy Road. Tax Map: 020 Lot: 005 Zone: Rural District
23. **2018.60 – Ordinance Amendment – Rock Row Contract Zone – 58 & 80 Main Street – Waterstone Properties**
24. **Group:** Discussion on a new contract zone to accommodate a 495,915+/- regional mixed-use shopping plaza. The contract zone will address permitted uses, density requirements and maximum building footprint and height standards. Tax Map: 42B Lots: 9, 10, 11 & 14 Zone: Gateway Commercial

Deliberation of agenda items, including workshops, that have not been commenced by the Planning Board as of 10:00 p.m. may be rescheduled to the next regularly scheduled meeting.



City of Westbrook

DEPARTMENT OF PLANNING & CODE ENFORCEMENT

2 York Street

Westbrook, Maine 04092 (207) 854-0638

Fax: 1-866-559-0642

DATE: January 11, 2019

TO: Planning Board

FROM: Jennie P. Franceschi, City Planner & Rebecca Spitella, Asst. City Planner

Cc: Plan Review Team

RE: January 15, 2019 Planning Board Meeting

1. **2018.46 – Site Plan, Subdivision & Conditional Use– 212 Brown Street – Clark Painting, Inc.**
 2. **2018.49 – Ordinance Amendment – Business Professional Office District**
 3. **2018.50 – Ordinance Amendment – Village Review Overlay Zone**
 4. **2018.51 – Ordinance Amendment – Sign Ordinance**
 5. **2018.52 – Ordinance Amendment – Artisan Food and Beverage**
 6. **2018.53 – Ordinance Amendment – Veterinary Office and Kennel**
 7. **2018.54 – Ordinance Amendment – Gateway Commercial District**
 8. **2018.55 – Ordinance Amendment – Administrative Changes**
 9. **2018.56 – Site Plan – 1 Ledgeview Drive – Regional Transportation Program**
 10. **2018.57 – Site Plan – 369 county Road – Central Maine Power**
 11. **2018.58 – Site Plan – 594 county Road – Pine Tree Waste, Inc.**
 12. **2018.59 – Subdivision Plan – 138 Hardy Road – Michael Pednault – Land of Gowen**
 13. **2018.60 – Ordinance Amendment – Rock Row Contract Zone – 58 & 80 Main Street – Waterstone Properties Group**
-

1. **2018.46 – Site Plan, Subdivision & Conditional Use– 212 Brown Street – Clark Painting, Inc.**

Tax Map 033 Lots 250

Zone: 212 Brown Street Contract Zone

PUBLIC HEARING

Project Description

With the approval of the Contract Zone #11, the applicant is now proposing 4 additional dwelling units on the vacant 3rd floor of the existing mixed use, (commercial and residential), structure. The first floor is commercial uses and the second floor is currently 4 dwelling units (apartments). Parking for the 4 additional dwelling units has been secured off-site at 25 King Street, which provides sufficient parking for both property's dwelling units.

Project History

November 6, 2018 - Planning Board Workshop
November 14, 2018 - Neighborhood Meeting
January 15, 2019 - Public Hearing

Staff Comments

1. Outstanding fees due: \$2,503.10 (\$332.10 – Abutter notices; \$160 – Public Hearing Notice; \$2,011 – Open Space Fee)
2. The application includes a parking lease agreement between the 212 Brown Street and 25 King Street properties. Staff recommends easements rather than leases. Easements should be recorded and copies submitted to the Planning Office.
3. Dumpster location. The current placement and configuration of the dumpster appears problematic. Could you please provide more information on how the dumpster will be accessed (no parking on certain days/times; Even without cars, how will a truck access the dumpster with the gate opening toward the parking area?). Is the dumpster for both residential and commercial use? Will this be in conflict with the recreational/seating area you are proposing? Is there an alternate location on the site that could accommodate the dumpster?
4. DWG files on Maine State Plane Coordinates required.
5. Final edited plans with conditions stated on the signature sheet provided to the planning office in both paper and mylar form by Tuesday December 4, Noon. (One set of paper, one set of mylars)

Motion

The Site Plan / Subdivision Plan and Conditional Use application for Clark Painting, Inc. for an additional 4 dwelling units on the vacant 3rd floor of an existing mixed use structure at 212 Brown St, Tax Map: 033 Lot: 250 Zone: 212 Brown Street Contract Zone is **(approved with conditions/ denied)** and the following findings of fact, conclusions and conditions as stated on pages **2 through 5** of this Staff Memo dated January 11, 2019 are adopted in support of that approval.

Site Plan – Finding of Fact:

Utilization of the Site – *Adequate.*

Adequacy of Road System - *Adequate.*

Access to the Site – *Adequate.*

Internal Vehicular Circulation - *Adequate.*

Pedestrian and Other Modes of Transportation - *Adequate.*

Stormwater Management – *Adequate.*

Erosion Control - *Adequate.*

Utilities – *Adequate.*

Hazardous, Special and Radioactive Materials – *N/A*

Financial and Technical Capacity – *Adequate. The applicant has provided a letter of financial capacity from Gorham Savings Bank dated November 9, 2018. Applicant has retained the services of Sebago Technics which demonstrates technical capacity.*

Solid Waste – *Adequate.*

Historic, Archaeological and Botanical Resources – *Adequate*

Landscape Plan – *Adequate.*

Subdivision – Finding of Fact:

Pollution and Sewer Disposal – *Adequate. Disposal of the Sewage from the project will be via the City Public Sewer system, and therefore will not cause a pollution issue.*

Water - *Adequate.*

Soil Erosion - *Adequate.*

Traffic – *Adequate.*

Sewage - *Adequate. The applicant has received an ability to serve from the Westbrook Sewer Department.*

Solid Waste – *Adequate. The applicant will be responsible for all solid waste generated by the project for trash disposal.*

Aesthetics

1. *Project to Site – Adequate.*
2. *Project to Surrounding Property – Adequate.*
3. *Landscape Design – Adequate.*
4. *Lighting – Adequate.*
5. *Signs – Adequate.*

Conformity with Local Plans and Ordinances – *Adequate.*

1. *The proposal is in conformance with the Comprehensive Plan.*
2. *Subdivision Plan meets requirements of the Land Use Ordinance*

Financial and Technical Capacity – *Adequate. The applicant has provided a letter of financial capacity from Gorham Savings Bank dated November 9, 2018. Applicant has retained the services of Sebago Technics which demonstrates technical capacity.*

River, Stream or Brook Impacts – *Adequate.*

Conditional Use – Findings of Fact:

- A. Certain Requirements Met. That the use requested meets the dimension, parking, loading, and sign requirements of this Ordinance. - *Adequate*
- B. Value. That the use requested will not significantly devalue abutting property or property across public or private way. - *Adequate*
- C. Effects of Land Use. That the use granted will:
 - (1) Maintain safe and healthful conditions,
 - (2) Not cause water pollution, erosion, or sedimentation
 - (3) Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat,
 - (4) Conserve shared tree cover and visual, as well as actual, access to water bodies,
 - (5) Not burden on-site septic or off-site waste disposal,
 - (6) Not burden existing public ways.

Adequate as to C) (1) through (6)

- D. Performance Standards. That the use granted is compatible with adjacent land uses and that it meets the following performance standards:

- (1) Landscape Environment and Enhancement. The landscape must be preserved in its natural state insofar as practicable. It must be designed so as to stabilize the slopes and buffer the site, where necessary,
- (2) Surface Water Drainage. Surface water drainage must not have an adverse effect on surrounding properties, downstream water quality, soil stability, or the storm drainage system,
- (3) Water, Air, Soil Pollution. The development will not cause unreasonable water, air, or soil pollution,
- (4) Soil Integrity. The development will not cause unreasonable soil erosion or reduction in the capacity of the soil to hold water,
- (5) Natural Environment. The development must not have an unreasonably adverse effect on a historic site or irreplaceable natural areas,

- (6) Nuisance Factor. The development must not cause unreasonable noise, odors, dust, gas, fumes, smoke, light or other annoying or dangerous emissions,
 - (7) Special Features. Exposed storage areas, machinery installation, service and loading areas, and similar facilities must be set back, screened, or buffered so as to minimize any possible adverse effect on the surrounding uses,
 - (8) Vehicular Access. The site layout must provide for safe vehicular access and egress, including that for emergency vehicles,
 - (9) Parking and Circulation. The layout of vehicular and pedestrian traffic patterns must provide for safe interior circulation, separation of pedestrian and vehicular traffic, and storage of plowed snow and the parking shall comply with the parking requirements set forth in Section 505.1 A-D, regardless of whether the conditional use requires site plan review, and
 - (10) Public Services. The development must not impose an unreasonable burden on the water supply and sewage disposal systems, fire or police services, public ways, schools, recreational facilities, and other public services or facilities.
- Adequate as to D) (1) through (10)

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** to the 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 dependent upon, and limited to, the proposals and plans contained in the application dated December 20, 2018 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 any site disturbance or building permits being issued for the project:
 - a. All Staff comments must be addressed.
 - b. Review of building elevations to be consistent with submitted documentation or testimony.
 - c. Provide copy of recorded Memorandum of Lease for parking on 25 King St.
 - d. Finalized parking arrangement documentation at 25 King Street to be provided to the Planning Office.
 - e. A pre-construction meeting must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate.
 - f. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.
 - g. Applicant must pay the Open Space In lieu of fee of \$2,011
 - h. An inspection fee 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 costs of inspection of site improvements - \$363
 - i. 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. A performance guarantee in the amount of \$18,150 is required.
 - j. Coordinate with the E911 Coordinator on addressing of the Units.
 - k. Best management practices shall be adhered to during all ground disturbance operations. All Street Catch basins in the vicinity of earthwork operations shall have silt sacks installed & maintained for the duration of the work.
4. Prior to the first Occupancy Permit issuance:
 - a. A site inspection of both 212 Brown St and 25 King Street for the required improvements by the City to ensure public health & safety is addressed and compliance with the approval.
 - b. All site improvements at 212 Brown St and 25 King Street must be installed, unless a performance guarantee amount is held in the amount of the remaining improvements.
5. Prior to release of the performance guarantee:
 - a. The sites at 212 Brown St and 25 King Street will be in compliance with the approved plan and as-built plan provided in City approved format for the GIS system
 - b. The private toter system is shown to City Staff to provided clear passable access to a sidewalk for private collection of the toters from the fenced in container as shown on the plans. (Maintenance of that year-round access for the toter system is a condition of this approval.)
6. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.
7. This approval for the 4 additional units on the 3rd floor of 212 Brown Street is conditioned on the offsite parking arrangement located at 25 King Street providing the adequate parking requirement per the ordinance for the number of dwelling units at 212 Brown St and 25 King St. If this parking arrangement is broken, this approval is considered null and void unless the parking is proven to be provided at another offsite location in compliance with the parking standards and documentation of that arrangement is provide to the Planning & Codes Office for the file. Documentation of arrangement must comply with ordinance requirements.
8. Maintenance and cleaning of smoking station is the responsibility of the property owner.

2. 2018. 49 – Ordinance Amendment – Business Professional Office District

PUBLIC HEARING

Ordinance Description

Proposal to remove all language associated with the Business Professional Office District from the Land Use Ordinance to be in compliance with the previously approved Zoning Map Amendment which removed the zone entirely from the Zoning Map.

Ordinance History

December 4, 2018 – Planning Board Workshop

January 15, 2019 – Public Hearing

See Packet titled “BPOD Language Removal” for proposed ordinance amendment.

Staff Comments

Background from last process: In the original proposal for the BPOD district, there was a significantly larger land area included for the BPOD but the zoning district area was reduced due to property owner complaints/legal actions/and or Contract Zoning amendments. The result of that process left a small zoning district that did not support the intent of the district envisioned, nor did it have the usable land area to conduct the minimum district requirements (20-acre lot). More than half of the remaining BPOD area was owned by the Maine Turnpike Authority and had significant wetlands on that parcel rendering utilization of the property in the future to be minimal. The remaining parcels in the BPOD were located in the outer Stroudwater Street area next to the Portland Line. The lots along Stroudwater Street are small and contain mostly uses that were otherwise non-conforming to the BPOD district. There was also one fragmented BPOD lot located at 540 Stroudwater Street for a single-family home was never changed to a residential zoning district during the course of other zoning amendments in this area and further the BPOD district rendered this parcel to be a non-conforming use.

On October 2, 2018, the Planning Board voted to recommend the amendment to the Zoning Map to rezone those parcels located within the Business Professional Office District (BPOD) to more compatible zoning districts.

Following a public hearing, City Council then approved the zoning map amendment on November 5th, 2018.

The proposed amendment before the Board would remove all language in the Land Use Ordinance related to the BPOD to now be consistent with the previously approved Map amendment.

Board Action:

- Consider comments provided during public hearing
- Provide any further feedback on this ordinance

Motion:

Motion to recommend the proposed ordinance amendment for adoption by the City Council.

3. 2018. 50 – Ordinance Amendment – Village Review Overlay Zone

PUBLIC HEARING

Ordinance Description

Proposal to identify and clarify the role of the Village Review Overlay Zone Committee within the Land Use Ordinance and streamline signage review in the downtown.

Ordinance History

December 4, 2018 – Planning Board Workshop

January 15, 2019 – Public Hearing

See Packet titled “Section 403 Village Review Overlay Zone” for proposed ordinance amendment.

Staff Comments

Currently, the Ordinance does not clearly define where a review by the Village Review Overlay Committee (VROZ) is necessary or appropriate. Their involvement has been for major projects viewed by the Planning Board, but also when staff feel their guidance on a project would assist a project. Therefore, the proposed amendment would require a review by the VROZ at any application that meets the threshold of Site Plan review, while allowing for a VROZ for reviews that do not meet the Site Plan threshold but when staff would like their guidance.

Additionally, the current Ordinance requires the demolition of all structures, including sheds, garages and other structures, within the Village Review Overlay Zone to be reviewed and approved by the Planning Board. This process can cause significant delay to property owners when the structure is not historically significant, such as a shed or garage. The intent of a Planning Board level review would be for historically relevant structures to be provided more visibility to hopefully save the structure, if possible. This amendment would recommend review of demolition permits to go through the VROZ committee, but provide the VROZ the ability to elevate a review to the Planning Board if they felt the structure would be benefited by that higher level review process. This also is better utilization of the Planning Board’s time.

The final component was to streamline the sign application process for downtown signs. The proposal will still retain the staff level review for downtown signage to ensure it is in compliance with standards but no notifications are needed and there should not be an additional fee other than the normal sign (building permit) fee. We feel this amendment will benefit our downtown business community and was supported by the Discover Downtown Westbrook coordinator Abigail Cioffi.

Board Action:

- Consider comments provided during public hearing
- Provide any further feedback on this ordinance

Motion:

Motion to recommend the proposed ordinance amendment for adoption by the City Council.

4. 2018. 51 – Ordinance Amendment – Sign Ordinance

PUBLIC HEARING

Ordinance Description

Proposal to revise sign standards within the sign ordinance.

Ordinance History

December 4, 2018 – Planning Board Workshop

January 15, 2019 – Public Hearing

See Packet titled “Section 404 Sign Regulations” for proposed ordinance amendment.

Staff Comments:

The proposed amendment addresses the following:

1. Revise language to maintain consistent language throughout the Land Use Ordinance.
2. Provide clarity on visually distracting signs and materials.
3. Affording signage standards to the City Center District which are allowed in other zones to better promote and support the business community.
4. Clarify window signage process.
5. Codify sign policies that have been conducted to provide better clarity in ordinance interpretations and eliminate inconsistent language.

Board Action:

- Consider comments provided during public hearing
- Provide any further feedback on this ordinance

Motion:

Motion to recommend the proposed ordinance amendment for adoption by the City Council.

5. 2018. 52 – Ordinance Amendment – Artisan Food and Beverage

PUBLIC HEARING

Ordinance Description

Proposal to define and establish standards for an Artisan Food and Beverage use within the City of Westbrook as well as identifying appropriate locations to permit.

Ordinance History

December 4, 2018 – Planning Board Workshop

January 15, 2019 – Public Hearing

(See the “Chapter II, III & V Ordinance Amendments” packet - Page 1 for Section 201 definitions and Page 4 for 202 General Provisions for the performance standards associated with this use. See also Page 6 Section 300 – 300.2 Land Use Table to see the Districts.)

Staff Comments

Under the current Ordinance, small breweries, bakeries and other similar businesses are permitted as a manufacturing use within the City. This can create a regulatory challenge for City Staff as the standards required to operate a bakery differs greatly from uses that would be classified as manufacturing operation. There seemed to be a need to create a new use category to better define these new types of uses vs continuing to call them all “manufacturing” which these uses can encompass much more than just straight manufacturing.

Due to the increasing popularity and patronage of small food and beverage establishments regionally, Staff is proposing the addition of this use category to our Ordinance.

Staff has utilized other municipalities definitions and standards to draft the attached Ordinance for the Board’s consideration.

The zoning districts where this use is being proposed at this time are:

- City Center District
- Industrial Park District
- Gateway Commercial District

Board Action:

- Consider comments provided during public hearing
- Provide any further feedback on this ordinance

Motion:

Motion to recommend the proposed ordinance amendment for adoption by the City Council.

6. 2018.53 – Ordinance Amendment – Veterinary Office and Kennel

PUBLIC HEARING

Ordinance Description

Proposal to clarify/separate the uses of “Veterinary Office and Kennel”, and establishing standards for a Kennel operation which do not currently exist in our ordinance.

Ordinance History

December 4, 2018 – Planning Board Workshop

January 15, 2019 – Public Hearing

(See the “Chapter II, III & V Ordinance Amendments” packet - Page 1 for Section 201 definitions and Page 4 for 202 General Provisions for the performance standards associated with this use. See also Page 6 Section 300 – 300.2 Land Use Table to see the Districts.)

Staff Comments

The existing Ordinance permits the use “Veterinary Clinic” in the Rural District and “Veterinary Office and Kennel” in the Highway Services and Gateway Commercial Districts. “Veterinary Clinic” is a defined use in Section 201, however “Veterinary Office and Kennel” is not.

The proposed amendment would edit the term Veterinary Office to be the already defined “Veterinary Clinic” and also add a definition and standards for a Boarding Kennel. The uses are just being separated in the use tables for those existing zoning districts of Highway Services and Gateway Commercial. As we are noticing the Industrial Park District for other new additional uses, we are proposing the addition of Veterinary Clinic and Boarding Kennel uses into Industrial Park District.

The zoning districts where the use Veterinary Clinic is proposed as a permitted use are:

Gateway Commercial

Highway Services

Industrial Park District

(*Veterinary Clinic is currently permitted in the Rural District)

The zoning districts where the use Boarding Kennel is proposed as a conditional use are:

Gateway Commercial

Highway Services

Industrial Park District

Board Action:

- Consider comments provided during public hearing
- Provide any further feedback on this ordinance

Motion:

Motion to recommend the proposed ordinance amendment for adoption by the City Council.

7. 2018. 54 – Ordinance Amendment – Gateway Commercial District

PUBLIC HEARING

Ordinance Description

Proposal to amend the permitted and conditional uses allowed within the Gateway Commercial District.

Ordinance History

December 4, 2018 – Planning Board Workshop

January 15, 2019 – Public Hearing

(See the “Chapter II, III & V Ordinance Amendments” packet - Page 8 for Section 309 Gateway Commercial for the list of new uses. See also Page 6 Section 300 – 300.2 Land Use Table to see the Districts. See Page 1 for “Convention Center” definition addition.)

Staff Comments

Over the years, it has been noticed that previously defined uses in our ordinance which are similar/compatible to other allowed uses in the GC were not in the current list of allowable uses of this district, and where other GC district use amendments (Artisan Food and Beverage) are currently being proposed, it was felt as a cost savings measure to bundle these proposals at the same time due to the district wide notification requirements.

Therefore, the proposed amendment adds the following permitted and conditional uses with the intent of creating a more diverse and vibrant commercial district.

Adult Daycare; Business Office 2; Convention Center; Library; Museum; Parking Facility; Research and Development; Retail Class 2. (Previous agenda items 5 & 6 proposed: Artisan Food and Beverage and adjusted Veterinary Clinic and Boarding Kennel.)

Board Action:

- Consider comments provided during public hearing
- Provide any further feedback on this ordinance

Motion:

Motion to recommend the proposed ordinance amendment for adoption by the City Council.

8. 2018.55 – Ordinance Amendment – Administrative Changes

PUBLIC HEARING

Ordinance Description

Discussion on several administrative changes to the Land Use Ordinance within Chapters II, III & V to improve consistency and conformity throughout the ordinance.

Ordinance History

December 4, 2018 – Planning Board Workshop

January 15, 2019 – Public Hearing

(See the “Chapter II, III & V Ordinance Amendments” packet.)

Staff Comments

The following bundle of amendments is administrative in nature. The intent of the amendments is to provide clarity with definitions; remove irrelevant language, provide consistency with the use terminology throughout the zoning districts; revise outdated technical requirements.

Highlights on the document:

- 1) Clarification on frontage and how it is measured and the elimination of word “width”. (Pages 1, 2, 4, 5 & 11)
- 2) Elimination of definitions that are irrelevant or merged with other definitions and clarification of definitions or updated definition language to building codes. (Pages 1, 2 & 3)
- 3) Manufacturing – Use renamed Light Manufacturing to reflect the definitions in the Manufacturing District and relocation of the definition from the zoning district section to the definition section. Also setting up the Manufacturing District Zoning page to be consistent with all other districts formatting. (Pages 2, 9, & 10)
- 4) The inclusion of a Land Use Table for ease of viewing – (Pages 6 & 7)
- 5) Clarification of uses in district tables – Pages 7 & 8
- 6) Addition of Uses in Industrial Park District – Page 9 (Medical Office and Research & Development)
- 7) Adjustment of the GIS requirements for Site Plan and Subdivision submissions – (Page 12)

Board Action:

- Consider comments provided during public hearing
- Provide any further feedback on this ordinance

Motion:

Motion to recommend the proposed ordinance amendment for adoption by the City Council.

9. 2018.56 – Site Plan – 1 Ledgeview Drive – Regional Transportation Program

Tax Map 002 Lots 104
Zone: Industrial Park District

WORKSHOP

Project Description:

The applicant is proposing a new 8,500 sf office building, 2-bay garage, 11,760 sf enclosed parking structure and associated site improvements on an existing 5.46 acre vacant lot. Tax Map: 002 Lot: 104 Zone: Industrial Park District

Project History:

January 9, 2019 – Neighborhood Meeting
January 15, 2019 - Planning Board Workshop

Staff Comments:

1. The property is located within the Long Creek Watershed Management District and will have to complete a Participating Landowner Agreement and obtain a Long Creek General or Individual Permit prior to development.
2. A maintenance plan is required for the oil/water separator
3. A location for snow storage must be shown on the final plan. Snow storage may not be in the filter bed areas.
4. Provide concrete base on all forebays for maintenance
5. A sprinkler system is required for all structures (office and parking) to be approved by the Fire Department
6. Ledgeview Road is under moratorium effective until July 2020
7. Possible conflict with the three parking spaces located adjacent to the dumpster pad and vehicles exiting the car wash.
8. Provide auto-turn template with final plan submission
9. Provide a summary of traffic impacts with final plan submission
10. Provide an ability to serve letter for sewer connection with final plan submission
11. Final fees and abutter noticing fees due prior to public hearing

Board Action:

- Site Walk – If the Board wished to conduct a virtual site walk, we could conduct one during the meeting via our GIS aerials.
- Public Hearing

10. 2018.57 – Site Plan – 369 County Road - Central Maine Power

Tax Map 002 Lots 030

Zone: Manufacturing and Industrial Park District

WORKSHOP

Project Description:

The applicant is proposing an approximate 4,247 sf expansion of an existing electric substation yard to relocate their control house and conduct upgrades to their site.

Project History:

January 11, 2019 – Neighborhood Meeting

January 15, 2019 - Planning Board Workshop

Staff Comments:

1. Provide additional written detail on the work to be conducted as part of the overall project.
2. Provide an overview plan of substation with surrounding roads to give a location/context on the parcel as to where the work will take place.
3. Sheet #3 – Road name incorrect – not Running Hill Rd – “County Road”
4. Provide in Final submission in packet a tax map view of the overall parcel in an aerial view to provide the overall context of the parcel. This should be part of the presentation to the Board at the workshop.
5. Please show sediment control measures more clearly and state surface treatments.
6. Unclear on all the work to be done on the parcel by the plans submitted. Please show/label all improvements to the parcel that are included in this amendment. (Control house relocation?)
 - a. Is the project the 4,247 sq. ft or the 87,120 sq. ft number? Please verify.
7. Review the Site plan standards of the ordinance and address the requirements for Final submission. (Title block information, Zoning district information and how the project is within the standards of the district, etc.)
8. A Board signature block will need to be provided on the site plan.
9. Elevation view of new control house.
10. Any improvements anticipated along Spring St? Landscaping?
11. Provide documentation of Neighborhood meeting (Sign in sheet, typical letter sent, abutters list)
12. Conditions of approval:
 - a. Provide copy of DEP and Army Corp approvals for wetland impacts.
13. Final fees and abutter notices fees due prior to final approval.
14. Final plan set in mylar and paper format for Board signature (to be provided the day before the final meeting date).

Board Action:

- Site Walk - If the Board wished to conduct a virtual site walk, we could conduct one during the meeting via our GIS aerials.
- Public Hearing

11. 2018.58 – Site Plan – 594 County Road - Pine Tree Waste, Inc

Tax Map 002 Lots 024D
Zone: Industrial Park District

WORKSHOP

Project Description:

The applicant is proposing a 3,000 sf construction and demolition debris transfer pad within the Casella Environmental Park.

Project History:

December 19, 2019 – Neighborhood Meeting
January 15, 2019 - Planning Board Workshop

Staff Comments:

1. Staff have received complaints surrounding the presence of litter and debris along County Road. The applicant should provide a maintenance plan to address off-site litter clean up, specifically along County Road.
2. A standard boundary survey of the property is required with the final application submission
3. The final plan should be a full site plan showing existing conditions and proposed amendments. A signature block, zone standards and conditions of approval (to be provided prior to public hearing) must be included on the final plan.
4. All final application and abutter noticing fees are due prior to public hearing

Board Action:

- Site Walk - If the Board wished to conduct a virtual site walk, we could conduct one during the meeting via our GIS aerials.
- Public Hearing

12. 2018.59 – Subdivision Plan – 138 Hardy Road – Michael Pednault – Gowen Land Trusts

Tax Map 020 Lots 005
Zone: Rural District

WORKSHOP

Project Description:

The applicant is proposing an 8-lot subdivision located at 138 Hardy Road. The land is part of two family trust with the Gowan Family. The first plan shows the entire limits of the land and the subsequent plans show the two trust parcels separately. The two trust parcels had previously cut off 1 lot from each parcel within the last five years and are proposing to cut each of the remain trust lands into 3 parcels thus we are reviewing this project as required by state law as a subdivision.

Project History:

January 15, 2019 - Planning Board Workshop

Staff Comments:

1. Neighborhood Meeting – Not applicable due to nature of subdivision. No infrastructure to be constructed.
2. The applicant is requesting two waivers:
 - a. Open Space
 - i. The two lots to be subdivided total over 32 acres of vacant, forested land. Although the applicant is not maximizing the density of these lots and has expressed an interested in the lots remaining forested, Staff does not find this meets the intent of the Open Space requirement for “reservation of land for parks, playgrounds or conservation areas”.
 - b. Stormwater Management Plan
 - i. The proposed subdivision is for lot splits only. Each lot has existing frontage on Methodist or Hardy Road. No paved private or public ways are proposed. Due to the lack of infrastructure, Staff sees no issue with this waiver.
3. All utilities must be underground
4. Provide an existing conditions plan with the final application
5. Methodist Road is under moratorium until 2022 – include as a plan not on the final plan
6. Final plans should depict general building footprint with finished floor elevations.
7. Final Plan must label all divisions within the last 5 years, in addition to the proposed splits. (To show 8 total lots with this subdivision.)
8. Final plans should depict driveway locations with sight distances
9. Final plans must indicate the flag lot “flags” may not be built on.
10. Final plans should include contour lines in a lighter color for ease of reading against the proposed lot lines
11. The open space requirement will need to be addressed with the final plan application
12. There is a 25’ vegetative buffer along Methodist Road
13. Final plan set should depict location for septic systems
14. The current location of the building on Lot A is over 1,000 feet to the closest fire hydrant.
15. Final fees and abutter noticing fees due prior to public hearing
16. Final plan set must include the following:
 - a. Signature Block
 - b. Zone Standards
 - c. Title Block
 - d. Conditions of approval (to be provided prior to public hearing)

Board Action:

- Site Walk – Staff can provide a virtual site walk during the meeting.
- Public Hearing

13. 2018.60 – Ordinance Amendment – Rock Row Contract Zone – 58 & 80 Main Street

Tax Map 042B Lots 9, 10, 11 & 14
Zone: Gateway Commercial District

WORKSHOP

Ordinance Description:

The applicant is proposing a new contract zone to accommodate a 495,915+/- regional mixed-use shopping plaza. The contract zone will address permitted uses, density requirements and maximum building footprint and height standards.

Ordinance History:

January 15, 2019 - Planning Board Workshop

-Applicant will be reviewed by the Recreation and Conservation Committee as part of the process.

Staff Comments:

1. Dimensional and Performance Standards
 - a. All buildings must have adequate emergency access as determined by the Fire Inspector
 - b. Performance Standards
 - i. 1.(a) – Need enforcement ability for distractions to vehicles on public right of ways.
 - ii. 4. Internal Roads – The Minimum Setback from Interior Private Ways should address this. However, sufficient access must be provided as deemed necessary by Public Safety
 - iii. Under parking: grasscrete area may not be used for every day parking use
2. Sign Standards
 - a. The standards proposed are based on the standards within the City Center District. Staff supports an increased level of signage internal to the development, however areas along/visible to the public rights-of-way should comply with standards similar to the Gateway Commercial District to be visually consistent with abutting properties.
 - b. Special Events Signage #7 – Further clarity is needed on the holographic signs, LED screens, projections and light displays. Are these items referring to special event signage or special events?
3. Comments from the Police Department in an email from Capt. Steve Goldberg dated December 24 & 26 were provided to the applicant for their consideration in the language and in future master planning of the site.

Board Action:

- Consider public comments provided
- Provide Feedback on the ordinance
- Consideration of a public hearing on the proposed language - Staff would suggest holding a public hearing on March 5, 2019.