

**WESTBROOK PLANNING BOARD  
TUESDAY, JANUARY 15, 2019**

**MINUTES**

**Present:** Ed Reidman, (Chair) (Ward 5), Rene Daniel (Vice-Chair) (At Large), Rebecca Dillon (Ward 1), Dennis Isherwood (Ward 2), John Turcotte (At Large), Kim Fickett (Alternate) Nancy Litrocapes (Alternate)

**Absent:** Joseph Marden (Ward 3), Robyn Tannenbaum (Ward 4)

**Staff:** Jennie Franceschi, Rebecca Spitella

MINUTES MAY NOT BE TRANSCRIBED VERBATIM. SECTIONS MAY BE PARAPHRASED FOR CLARITY. A COMPLETE RECORDING MAY BE OBTAINED BY CONTACTING PLANNING AND CODE ENFORCEMENT at 207-854-0638 ext. 1220 and [lgain@westbrook.me.us](mailto:lgain@westbrook.me.us).

**Ed Reidman** explained the procedure for a Public Hearing.

**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**

**Project Description**

With the approval of the Contract Zone #11, the applicant is now proposing 4 additional dwelling units on the vacant 3<sup>rd</sup> 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)

**Shawn Frank** Civil Engineer with Sebago Technics on behalf of Clarke Painting Inc., presented aspects of the proposed additional 4-units within an existing mixed use, commercial and residential multifamily structure located at 212 Brown Street, with offsite parking on King Street. The outside will need façade work, window updates and general clean up of the site. As required by the Ordinance, a Neighborhood meeting to explain the project was held but had no attendees.

If there are any questions from the public, we will provide any additional information required.

**Ed Reidman** this is the second Public Hearing from the project and the only change from the first one is occupancy on the third floor. Comments from the Staff?

**Jennie Franceschi** the applicant has addressed the comments that Staff has provided to them and Staff has provided the Planning Board a motion with Conditions attached that read from page two through page five.

### **Public Hearing Open**

No Public Comments

### **Public Hearing closed**

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.**

**Jennie Franceschi** 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 5<sup>th</sup>, 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

**Ed Reidman** comments from the Public?

No comments

**Public Hearing closed**

**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.**

**Jennie Franceschi** 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

**Ed Reidman** comments from the Public?

No Public Comments

**Public Hearing Closed**

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.**

**Jennie Franceschi** 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:

2. Revise language to maintain consistent language throughout the Land Use Ordinance.
3. Provide clarity on visually distracting signs and materials.
4. Affording signage standards to the City Center District which are allowed in other zones to better promote and support the business community.
5. Clarify window signage process.

- 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

**Ed Reidman any Public Comments?**

No Public Comments

**Public Hearing closed**

- 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.**

Jennie Franceschi 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

**Ed Reidman any Public Comments**

No Public Comments

**Public Hearing Closed**

**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.**

Jennie Franceschi 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

### **Ed Reidman any Public Comments?**

**Jim Stone** 35 Cumberland Street spoke in favor of the amendment. We own a building within the Industrial Park District, and it is not an Industrial Building, more of an office type building and we have been approached by a Veterinarian to utilize that particular property.

I think that would be an ideal use.

### **Ed Reidman any other comments?**

No Comments

### **Public Hearing Closed**

#### **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.**

**Jennie Franceschi** 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

### **Ed Reidman any Public Comments?**

**Jim Katsiaficas** an Attorney with Perkins Thompson representing Dirigo Center Developers LLC spoke in support of this item. It adds to the uses available at Rock Row in the Gateway Commercial District.

**Ed Reidman** anyone else?

No Comments

### **Public Hearing Closed**

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.**

**Jennie Franceschi** 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

**Ed Reidman any Public Comments?**

No Public Comments

**The Public Hearing closed**

**REGULAR MEETING**

**9. Call to Order.**

**10. Approval of Minutes.**

Rene Daniel move to approve the June 5th, 2018, July 3rd, 2018, August 7<sup>th</sup>, 2018 minutes as presented.

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

The vote is unanimous in favor 7-0

**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**

**Ed Reidman** questions or comments from the Board?

No comments

**Rene Daniel move** the Site Plan / Subdivision Plan and Conditional Use application for Clark Painting, Inc. for an additional 4 dwelling units on the vacant 3<sup>rd</sup> 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** 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 3<sup>rd</sup> 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<sup>nd</sup> by Kim Fickett**

**Rene Daniel** stated minor concerns, the loss of front parking spaces.

**The vote is unanimous in favor 7-1 (Dennis Isherwood opposed)**

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.**

**Ed Reidman** questions from the Board?

**Rene Daniel** move to recommend the proposed ordinance amendment for adoption by the City Council.

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

**Ed Reidman** the Planning Board does not make Law, this is within the City Council purview. The Planning Board can only make a recommendation to the City Council.

**The vote is unanimous in favor 7-0**

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.**

Rene Daniel move to recommend the proposed ordinance amendment for adoption by the City Council.

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

The vote is unanimous in favor 7-0

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.

Rene Daniel move to recommend the proposed ordinance amendment for adoption by the City Council.

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

Rh vote is unanimous in favor 7-0

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.

Rene Daniel move to recommend the proposed ordinance amendment for adoption by the City Council.

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

The vote is unanimous in favor 7-0

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.

Rene Daniel move to recommend the proposed ordinance amendment for adoption by the City Council.

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

The vote is unanimous in favor 7-0

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.

Rene Daniel move to recommend the proposed ordinance amendment for adoption by the City Council.

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

The vote is unanimous in favor 7-0

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.**

**Rene Daniel** move to recommend the proposed ordinance amendment for adoption by the City Council.

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

**Ed Reidman** I will be voting no on this one as I do not like the definition of Street Frontage, and I do not like the way it is laid out and have already expressed it to the Staff.

**The vote is 7-1 (Ed Reidman opposed)**

**Ed Reidman** that finishes the regular agenda, may I have a motion to go to Workshop?

**Rene Daniel** so moved

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

**The vote is unanimous in favor 7-0**

**Ed Reidman** explained why the Board goes to Workshop, to allow the Public to speak. The only other time the Public can speak is within a Public Hearing. We are now in workshop and if you have comments, I will ask you to go to the podium and speak.

## **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**

### **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

**Sashie Misner** a Landscape Architect at Garen Turgeon Architects on behalf of Regional Transportation Program explained aspects of the site plan application for 1 Ledgeview Drive, actually lot four in the Ledgeview Subdivision that was developed in 1987, then explained location and surrounding uses within the Industrial Zone so all adjacent spaces are office or manufacturing and feel that the RTP program will fit within the surrounding neighborhood.

Regional Transportation provides low cost transportation services to low income, disabled and elderly people throughout Cumberland County.

The fleet consists of twenty-nine busses and RTP has eighteen full time employees and twenty-nine part-time staff that work between 7:30 am to around 5:30 in the evening with some limited service hours on the weekend.

Currently RTP leases space at the Metro location on St. John Street in Portland, due to Metro expansion the leased space is no longer available.

The location of 1 Ledgeview Drive and the proximity of the area will enable RTP to continue with their services.

The existing site has no buildings on the site with a six to seven percent slope from north to south with a small wetland along County Road that will not be impacted.

Existing vegetation is mostly field with primary woodland species.

Property is within the Long Creek Water shed District and will adhere to all requirements.

Showed the one-hundred-foot drainage easement and twenty-five-foot easement on other side along with the Zoning setbacks, showed the building footprint.

The project will disturb 1.4 acres of land within the 5 ½ acre of site that has an eight thousand five hundred square foot building with office space and two bay garage and a wash bay with sixty-four parking spaces located at the top of the property and all bus fleet will be parked within the structure.

Circulation One way in and one way out to keep bus traffic on the upper side of the parcel, with all the other parking on the other side.

Explained the Administrative offices and dispatch location within the building with the back part of the building having the two-bay garage and the wash bay.

Showed Main entrance, ADA parking, employee entrance, mechanical room and egress door from the garage.

We will be using pole mounted lighting with building mounted lighting. The generator and transformer will be in proximity to the mechanical room.

Showed the location of the six-yard dumpster and recycle bin and HVAC system located in the back.

The office building will be 170 long by 50-foot metal clad building and showed structure elevations.

The parcel has a significant slope we have shifted building back on the site to minimize cutting on the corner where there are signs of ledge.

The construction of the parking structure is desired but is a matter funding. While RTP is hoping to have the funding in place for the structure at the beginning of the project, it may not come until later.

All utilities will be connected in Ledgeview Drive and we understand that there is a Moratorium on the street construction until July 2020. We are hoping to construct the entire site, then connect the utilities at the end of the project and we believe the timing will work.

We are still developing the Planting plans but want a natural site with larger evergreens and deciduous trees along the street frontage that will be native vegetation and trees along the inner area for shade and seasonal interest.

We welcome any comments or feedback from the Board.

**Ed Reidman** comments from the Board?

**Rebecca Dillon** I will recuse myself from this project as I work at the same firm that is representing the owner.

**Ed Reidman** comments from the public?

**Jack DeBeradinis** Executive Director of RTP, one point of the program activity of the operation. We have been serving the community since 1976 and most people can identify RTP. We provide transportation for disabled, low income and elderly residents.

More specifically we cover a spectrum of transportation services, from critical care services, such as Cancer treatment, Dialysis treatment. We transport people to programs for disabled and special needs individuals. We transport seniors to shopping and individuals to work as well as transport pre-school children ages three to five years to special education programs. We work with the Metro bus in South Portland to provide complementary ADA transportation service.

I think this is notable as we cover all of Cumberland County, there is a concentration of our service in Portland, South Portland and Westbrook areas. We are looking to the Board in the City of Westbrook to assist us with this endeavor.

**Ed Suslovic**, I am on the Board of Metro and wanted to share with you that we are growing rapidly. Westbrook is the beneficiary of the Metro growth which is putting the squeeze on our facility on St. John Street, so it makes sense to have RTP come to Westbrook as Westbrook is the hub of all our transportation routes.

**Ed Reidman anyone else?**

No comments

**Ed Reidman** does the Board want to take a Site Walk? The indication is the staff could provide that visual site walk at a future meeting. With that, at that time we will hold a Public Hearing.

**Jennie Franceschi** does the Board have any comments they would like to provide to the applicant to incorporate in their final submission?

**Ed Reidman** does the Board have any comments?

**Rene Daniel** be well warned that I believe in landscaping no matter where the project is. I am looking for trees and grasses. There is no reason why we cannot beautify anything and everything.

**Sashie Misner** thank you

**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**

**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

**Sean Hale** on behalf of CMP an environmental consultant presented aspects of the project

The project is an expansion of an existing substation at the corner of County Road and Spring Street. The existing facility is about two acres in area and the proposed expansion is about 4,200 square feet. A relatively minimal expansion of the yard.

- Showed proposed expansion area on the overhead projector.

The purpose of the expansion is to allow CMP to make improvements to the older sub-Station facility. It needs improvements environmental upgrades to bring to current operating standards.

One of the biggest components is to replace the existing control house with a new control house in the area of the expansion. The environmental upgrades will require less oil and hazardous materials that is in the existing equipment now.

The facility is an existing transmission line right of way and there are some existing wet lands in that right of way. The expansion will have about 4,000 feet of wet land impacts that requires 4,100 feet of permanent fill within the wetlands. That is the most significant impact associated with the project.

We had a productive meeting with Planning Staff last week and did our neighborhood meeting to allow the neighborhood and abutters to ask questions which went well.

We received comments from Staff on our plans and will be addressing those and we are here to see if there are any additional comments or questions from the Board.

**Ed Reidman** questions from the Board?

**Rene Daniel** through the Chair to the Planner, is there a reason why the two egresses on this site is not tarred?

**Jennie Franceschi** the existing condition is probably due to the age of the site and that is why it is not proposed. CMP may have a statement to that effect.

**Chad Kenny** I am the project manager for the CPM project. Truthfully, I do not have an answer to that question. I will tell you it is typical that CMP entrances to not be paved.

I can ask and get an answer from the Operations Department at CMP and get back to you.

**Rene Daniel** if I can make a comment and you can relay the message to them since we mandate tarred entrances and curb cuts for everyone else and with due respect, I do not see why we need to make an exception of CMP.

**Sean Hale** it may be preferable to keep a pervious surface, vs an impervious surface from a storm water point that pavement could lead to stormwater run-off. That is one thought and secondly it is my understanding that there is very minimal travel or traffic at this facility. There is not someone there on a regular basis. Just thoughts to consider.

**Rene Daniel** I can say the exact same thing for my property, minimal traffic. I do not agree with that statement.

**Ed Reidman** what is the size of the lot

**Sean Hale** a very large parcel, can you see it on the Assessors page?

**Ed Reidman** please provide that information when we see you again.

**Nancy Litrocapes** the building that you are not going to be using, will it be dismantled and removed?

**Sean Hale** yes

**Ed Reidman** Public Comments?

No Comments

**Ed Reidman** we are looking at a Virtual Site Walk on this also and we will have a Public Hearing when you are ready.

**Sean Hale** anticipating March 5<sup>th</sup>

**Ed Reidman** comments from the Board?

No comments

**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**

**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

**Patrick Coughlin St Germain Collins** presented aspects of the proposed project that was constructed in 2012, part of the regional waste shifting where Maine Energy recycling facility in Biddeford was closed. The Site Plan shows three (3) phases, the 1<sup>st</sup> phase being the entrance, the 2<sup>nd</sup> phase transfer station and the 3<sup>rd</sup> phase was graded but the building was not constructed and the permissions for that has lapsed.

The facility takes in rash and municipal solid waste, typically by private haulers or trash trucks that off load the material onto the tipping floor inside the transfer station. The primary purpose is to consolidate trash

from smaller trucks into larger trucks and then that waste is sent to other waste facilities like an energy conversion facility or a land fill. It also accepts construction and demolition debris and recyclables.

- Showed example of concrete construction and transfer pad
- Showed overall Site Plan and location of the addition of the outdoor pad

Most facilities do transfers outside, in large part due to the bulky material and is safer in an outdoor setting that does not have the smells of trash so it can be done outside and not cause odors for the neighbors.

They did construct a pad and would like to get the construction material transfers out of the building to the pad location outside for more efficient and safer operations.

We came to the Planning Staff in 2014, a 3,000 square foot pad and at the time Staff said that was within Staff discretion to approve but it was not constructed. Casella did not have the focus or funds to place the pad at that point, so the permission lapsed.

We are taking the same plan and Staff is saying if the overall amount of disturbance is more than 3,000 square feet then it has to go before the Planning Board for approvals.

As we are looking at the same trucks that are already coming to the facility, we are not looking at an increase of traffic volume to the site.

We are constructing this mostly on existing impervious area so there is a small piece of the pad that will jut out that is not impervious that is about 1500 square feet. Adding that does not change the stormwater system for the site.

- Showed the concrete pad location on site
- Explained the construction material transfer process
- Showed cross section of concrete pad – reinforced with steel

We had a Public Neighborhood Meeting and folks from Smiling Hill Farm attended and a Neighbor (that did not make the meeting) called the next day.

There were a few concerns that folks had:

- Why outside vs, inside. Has been explained to the Board and shared the information to the attendees.
- Overall concern of the increase of vermin in the area. The facility has a control plan for that and is monitored closely by Maine DEP. The neighbors are so far away from that area, there should be no relationship with that.
- Concern of storm water; but as mentioned, we have a tiny increase and most of the stormwater infrastructure is already in place.
- Litter along County Road
  - The facility works very closely with people that come in. They make sure that loads are secured, that they are not losing trash down the road. If found to be repeat violators of not acting appropriately they will be shut off from using the facility.

That being said, the traffic along County Road could be going to Eco Maine, going to the Casella, Pine Tree facility or just traveling by that contributes to the litter problem. We spoke to the staff that run the facility and are willing to start doing litter pickup along County Road, approximately a half mile section. Roughly from Karen Drive to Larson's Auto. Pine Tree will send workers out every other week to pick up trash. We are concerned for the safety of the employees due to traffic and anyone that do roadside work know of the dangers of walking along side of the road. We are looking at that carefully and depending on the level of trash, we may like to revisit that and may increase or decrease the level of pick-up. We certainly are willing to be part of the solution. Also, will be adding that to the Operations Manual with the Maine DEP.

I welcome any input from the Board.

**Ed Reidman** awhile back ago, there was a proposal to put in Gas to convert your trucks. Whatever happened to that?

**Patrick Coughlin** the price of oil happened to that.

**Ed Reidman** thank you, Questions or comments from the Board?

No

comments

**Ed Reidman** I assume we will have a virtual tour on this one and when you are ready, we will have a Public Hearing.

**Patrick Coughlin** thank you

**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**

**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 condition 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

**Nancy Gowen 38 Hardy Road (owner of property)** I wanted to gift land to each child I have the property before I die. I thought I could do that without a process, but the Planning Board has required me to go through a process to enable me to do that. That is why we are here. Our grandson, Michael Pedneault is an Architect and we thought he would be the appropriate one to show you how he has drawn out the map and explain it to you.

**Ed Reidman** thank you.

**Michael Pedneault** and I am here representing Nancy and the late James Gowen. I met with my grandparents Nancy and James Gowen about five years ago to help them divide up their remaining land on Hardy and Methodist Road so they can be rest assured that the remaining land will be within family hands, upon their passing. This land has been owned by the Gowen family for more than one (100) years.

After many sit-downs, James and Nancy decided to hire R.W. Eaton Associates here in Westbrook to do an existing boundary survey and to establish future lot lines as they wished.

James passed away this past September leaving Nancy as the sole owner of the remaining two parcels. There are two parcels in separate revocable trust both of which are solely owned by Nancy. Nancy wishes to see her and her late husband’s vision for their land through.

- Showed parcel with proposed lot splits

The plan was to gift as many lots to their family as possible which is an exemption in the definition of the sub-division.

When I reached out to the City with various questions pertaining to driveway access, road frontage etc., the City Staff required a review to determine if the proposed parcel splits, would or would not require subdivision approval. After deliberation with the City Staff, the Mayor, the Mayor’s Assistant and the City’s Attorney it was determined per State of Maine Subdivision Law the land within a trust cannot be gifted to family members of the trustees.

Having said that we have compiled the necessary documentation to provide for subdivision approvals. Two lots out of the eight proposed lots have been allocated to be for sale upon the subdivision approval. Which will help Nancy recoup the expense of getting through this process and to help pay her real estate taxes to the City of Westbrook. Given the size of this land, the family wished to minimize the development and quantity of new homes to be developed. This land is proposed to remain wooded with each lot having a single new home, each with its own driveway, utilities and septic systems. No private roads or shared driveways are proposed to help limit the development now and in the future. Impacts to abutters and surrounding neighbors will be limited due to the relative low quantity amount of the proposed house lots.

- Showed parcel with lot splits

- North Parcel has three (3) proposed lots with 3 houses, another lot has one house on it now, built in 2012 so it is within the five (5) year window and needs to be included with the subdivision.
  - Proposed estimated house locations on the lots.
- South Parcel has a lot that has a house on it now that was completed last year house and that also needs to be included in the subdivision because it had happened within a five (5) year period.
  - Explained further the other two (2) proposed lots
  - Each lot has its own road frontage
  - We would like to maintain the lots and keep it within the family
  - There is another lot we call lot C that is not included in the subdivision as this lot is being given to an abutter.

That is the presentation

**Ed Reidman** what do you want from us, a standard subdivision review?

**Michael Pedneault** as we went through deliberations with the City Staff, we were forced to present this to you to get the subdivision approvals from the Planning Board.

**Jennie Franceschi** the applicant may want to discuss the waivers that they are requesting of the Board as well.

**Michael Pedneault** Pertaining to the Gowen Family subdivision application, the owner is requesting a waiver of the: “Stormwater Management Plan” within the City of Westbrook Code of Ordinances.

The proposed subdivision is intended to maintain the forested land by minimizing the quantity of new homes and that each lot would be individually, privately owned and would maintain their own road frontage, driveway, and utilities. No private ways or roadways are proposed. A developer is not involved with this subdivision.

Pertaining to the Gowen Family subdivision application, the owner is requesting a waiver of the: “Additional Requirements. Public Open Space” within the City of Westbrook Code of Ordinances.

As Nancy and the late James Gowen aged, they set out to divide and gift the remaining parcels of their land in Westbrook to family members and sell as few lots to non-relatives as feasibly possible. The proposed subdivision is submitted to carry out this vision. James Gowen was gifted the land by his father and mother upon their passing with the intent to provide him and his family with an irreplaceable asset. The Gowen family has owned many acres in this region of Westbrook since 1793, including the parcels within the proposed subdivision.

The two remaining parcels are currently owned by Nancy L. Gowen within two revocable trusts with her being sole trustee upon James’ passing in September 2018. Due to the subdivision laws within the State of Maine and the fact that the two parcels under Nancy Gowen’s ownership are held within Revocable Trusts, she is not allowed to divide and gift her land to her family without subdivision approval by the City of Westbrook. This is a technicality within the State Law, as such the land cannot be “gifted” to Nancy’s relatives under subdivision exemption.

As proposed the majority of land will remain in family ownership, however not exempt from requiring subdivision approval. The proposed subdivision is not a typical subdivision for development intended to maximize house lots. The intent of this family subdivision is to maintain the forested land by minimizing the quantity of new homes and that each lot would have its own road frontage, driveways, and utilities. Each lot would be individually owned pending subdivision approval and not by a developer or builder.

As you are considering this waiver request, please keep the Gowen family in mind and understand their intentions for conveying their land to relatives, and not for Public Use under this forced subdivision.

**Ed Reidman** having discussed this with Staff briefly in preparation of this meeting it is my recommendation to you to go to Recreation and Conservation Commission with your request for that waiver.

Jennie, have you consulted with Legal?

**Jennie Franceschi** regarding which piece?

**Ed Reidman** on the concept of getting rid of the Storm water infrastructure.

**Jennie Franceschi** the waiver provisions are within the purview of the Board to discuss or deliberate.

**Ed Reidman** this does not require any DEP approvals?

**Jennie Franceschi** no

**Ed Reidman** we cannot act on this tonight. This is a workshop and there is no voting in a workshop.

**Kim Fickett** if in the future, one of the larger lots get sold to get developed as an additional cul-de-sac, they would then have to come back to us for the approval for subdivision? Correct?

**Jennie Franceschi** Correct

**Michael Pedneault** there are additional items that the City is making us provide and we will make amendments to this original package, to appease those conditions.

**Ed Reidman** cannot make motion

**Jennie Franceschi** the applicant will go to Rec and Con to discuss waiver and is it possible in advance of the Rec and Con meeting, could the Board give their thoughts of this waiver request? So, applicant has an idea where to move forward with their application?

**Ed Reidman** if we could be there anyone that would make a motion to grant the waiver? Rebecca Dillon would move to grant the waiver and John Turcotte would second the motion.

That is the best indication we can provide is that the Board would consider the waiver.

**Michael Pedneault** at the next meeting what does the Board need?

**Ed Reidman** what the staff asks of you.

**Phil Spiller** asked Michael Pedneault to explain the location of the existing homes in relationship to the proposed lot divisions.

**Michael Pedneault** showed the location of the existing homes in reference to the proposed lot divisions.

**Cindy Gowen Horr** 150 Hardy Road, my husband Stephen and I live at 150 Hardy Road. Stephen and I purchased our lot from my grandparents, Henry and Isabelle Gowen.

We also purchased the lot to our side from my brother Henry J. Gowen in 2016. Stephen built our home and we have lived here 34.5 years. We raised our family here.

We value our home and the family history of our property. Unto that end we are requesting a privacy fence be placed on the northeast border and along the rear of our two properties. The measurements for this fence are 265'x549'. I will bring a bid provided by Burns Fencing in Westbrook to the January 15th meeting.

We appreciate the mailing notifying us of the proposed subdivision being brought to the Planning Board.

**Dennis Isherwood** do you have a certain type of fence in mind? A stockade type fence?

**Cindy Gowen Horr** a six-foot privacy fence that has steel in it and wood as well. It is described in the bid.

**Dennis Isherwood** have you looked at other options, maybe an evergreen type buffer?

**Cindy Gowen Horr** we are certainly willing to look at other options.

**Dennis Isherwood** it would be a lot less maintenance and more natural.

**Cindy Gowen Horr** we were told by Burns Fencing that there is very little maintenance to these types of fences.

**Dennis Isherwood** do you have any wild life that travels through there?

**Cindy Gowen Horr** we do, and we are not opposed to a natural fence or buffer.

**Dennis Isherwood** maybe the applicant can keep that in mind when they come back to the Board.

**Ed Reidman** are there any other questions or comments from the Board or the Public?

**Les Douglas** 232 Hardy Road I just want to make sure that I understand this correctly if this is approved it could be further subdivided in the future if it comes back to the Planning Board?

**Ed Reidman** if the lots are big enough to accept the subdivision it could happen.

**Les Douglas** you would not know how many could be added?

**Ed Reidman** no, it seems like a simple answer, but the wet lands are not identified and there are not any subsurface disposal sites. There is a lot that goes into it in order to subdivide.

**Molly Douglas** 13 Small Hardy Road I would like clarification on a lot. Is it planned for a single house on each lot or is it just for a lot be given to the grandchild for a potential for further subdivision?

**Michael Pedneault** I do understand abutter concerns of over development. Having said that the intent of this subdivision is to maintain the privacy for the family. The intent is to have single house lots. Very unlikely that further subdivision will be done.

**Ed Reidman** anyone else in regard to this project?

No further comments

**23. 2018.60 – Ordinance Amendment – Rock Row Contract Zone – 58 & 80 Main Street – Waterstone Properties 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**

**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.

**Ed Reidman** before you start, this is a Contract Zone and we are going to work with you in order to put it together. If that is our wish.

**James Katsiaficas** we understand, and I have written a Draft Contract Zone document and I understand that a draft maybe revised. We will be working with Staff and the Board on this process. Chairman Reidman and Planning Board members, I am an Attorney with Perkins Thompson representing Dirigo Center Developers LLC, and Waterstone Retail. You have before you our draft Contract Zone application and we are beginning this with the Workshop this evening.

- What is happening in the center planned for the property that will be explained by Josh Levy, then I will talk about the details.

**Josh Levy** with Waterstone Properties Group, Dirigo Developers LLC, and we have been in front of you for phase one which is underway and the Amphitheater and how does this tie into the overall vision for the property which we have discussed on and off with the Board and Staff over the past year. It relates to this Contract Zone and what we are proposing is a very comprehensive mixed-use development that is a real destination, a walkable pedestrian friendly village and that we will really need the Contract Zone to make that happen. I would like to give a brief overview of the project.

- Showed site currently
- We purchased this a year ago
- Demolished the existing structures and have excavated the site and have begun work on phase one with Market Basket opening the end of this year
- The very first this thing we did when we bought it was to replace Walmart with Market Basket and scrapped the rest of the plans in terms of reimagine what the site could be
- We traveled to 15 different cities in terms of what we called research and discovery tour looking of what works and what does not in the mixed-use projects that we can bring here
- Realizing we cannot bring a development and drop it here and expect it to work.
- It needs to speak to the character and meet the demands of the community
- Started with ten guiding principles and Core Values and also formed thirty-six local community partnerships to understand what is wanted and what we can deliver in this mixed-use project.

- That is what lead to the creation of Rock Row
- Thoughtfully designed and master planned of a mixed-use destination
- Based on what we have heard is retail, entertainment, also office, outdoor areas, cultural events, programming, entertainment, residential and office
- We have been careful not to take a plan and designate areas for each use and call it mixed use
- We are trying to respond to the wants and needs of the area in the community and stitch that together in a very meaningful way
- That is why we are interested in the Contract Zone to be able to accomplish this
  - Showed a video clip of the vision of the Rock Row project
- We are not trying to get ahead of ourselves and we understand that there is a lot of Planning Board review, but this is the Master Plan vision that we are working towards
- We really need the Contract Zone to stich those uses together
- Any planning Board feedback would be helpful and appreciate all the work the Board has done with our project.
- Thank you

**Jim Katsiaticas** we recognize that this is a process not only with this Board but also the City Council that this Board will make a recommendation and then the City Council will then act as to whether or not to adopt these changes and adopt this Contract Zone.

We also know that the Recreation and Conservation Commission has a role and we are scheduled for this Thursday night to talk about that.

Josh has explained to you the vision of what is to go here, the question is how do we do that and there are constraints in creating the kind of large scale dense mixed-use village. Constraints in the Gateway Commercial District. So, what we have been looking at is what are some ways we can implement this development which, what changes do we need to make to the Ordinance to allow that to happen? The City has the contract zoning mechanism available to it under State Law and the Ordinance, so we would like to work through that.

What are we trying to do with the Contract Zone?

- Want to increase the number of uses
- Enlarge the range of uses available in the Gateway Zone
- Contract Zone builds on what is available within the Gateway Zone
- Because of the increase in the Ordinance Amendment that you considered this evening for recommendation we will not have to add so many to our Contract Zone request
- We are looking at an amenity to local businesses such as the Car Dealerships nearby
- A data center Indoor / Outdoor Performing Arts – intermodal transportation – facility warehouses can be an accessory use along with retail uses
- We are talking about dimensional standards requirements that we need to see changed
- Building heights Max height of maybe ten (10) stories
- Another change particularly to what we call Phase Two taking, between Market Basket and the Amphitheater / we are talking about a very dense development pattern
- We are looking to see zero (0) lot lines – zero (0) frontage - no minimum lot size or yard depths
- We are talking about a maximum gross density of one hundred (100%) percent, which is what you allow already in the City Center District
- We are talking about Residential density in Phase 4 of the development of five hundred (500) square feet base area per dwelling which is allowed in the Gateway West Contract Zone
- This is actually a Gateway Commercial area and are looking at the dimensional changes as well as the use changes
- We are looking to import other densely populated area standards into this Contract Zone, density standards, use standards and signage standards, in order to create the diverse, vibrant village, mixed use development

- The sense of scale of development was approved in the Dirigo Plaza originally, approximately 500,000 square feet of retail
- We are talking about a mixed-use development with approximately 2.5 million square feet of total area as part of this development
- It is Substantially larger within the density portion of it
- What we are proposing is what we need to achieve that density
- We are not talking about putting up buildings with no greenspace
- We are saying no minimum, landscaping in Phase II but will have some landscaping provided
- When we go to the other phases three and four, not only do we have substantial landscaping factors we are talking to the Trail System committee to make sure that the trail will work here and connect to their trail system
- We are talking about an Intermodal transportation hub so we can connect rail to bus, uber, bicycle transportation and various others
- We are talking about reducing parking spaces by using shared parking to allow to cut the impervious areas
- Working with Metro and New England Passenger Rail Authority
- That is the overview of the how and we will be working Staff and you at a Public Hearing to implement the vision that Josh talked about
- We appreciate feedback from the Board and the Public
- We would ask that we bring this back to the Board for a Public Hearing on March 5<sup>th</sup> to allow for Public comments
- This will allow time to work with Staff and address any comments that the Board may have

**Ed Reidman** it crossed my mind having lived in an historic time when development was occurring in the 1980's in Westbrook, there was a project that came forward which was called Hamlet Coach Park which is now called The Hamlet. The Board met twice a month, one was the regular agenda and the second was The Hamlet.

Once we get into a session with this, maybe we should have a separate meeting for Rock Row only. I was concerned looking at tonight's agenda where we are discussing Rock Row at the end of the meeting. If the previous items had not ended by 10:00 pm, it would have been tough to tell the Rock Row applicant that we did not have time to hear their proposal and to come back and see us another time.

Maybe if we have a separate meeting only for Rock Row especially with the months coming forward as Rock Row is basically asking us to re-write the Zoning Ordinance.

**Jennie Franceschi** looking forward to a Public Hearing in March would you suggest that the second meeting be dedicated to Rock Row and allow the first meeting just be a regular business items that will come through as applied for?

**Ed Reidman** the reason I say that, is I know it may be a two-week delay for them, but March 19<sup>th</sup> could be reserved for Rock Row only.

**Jennie Franceschi** depending on time constraints if this could go to the second February meeting. That would be a push on the Applicant to address all the outstanding items.

**Ed Reidman** does the Board have any problems meeting on the second February meeting? Mr. Katsiaficas can you meet on the second meeting in February?

**Jim Katsiaficas** if we work hard

**Dennis Isherwood** I like March just because the weather starts to get better, and I really want to see the Public get involved.

**Kim Fickett** in light of your comment, that meeting falls on vacation week for schools. If you want the Public here, a lot of the Public may be going away for vacation that week.

**Jim Katsiaficas** late March schedule will give us time to give the project application the attention that it needs.

**Ed Reidman** anyone in the audience have questions or comments?

**Phil Spiller** spoke in favor of the presentation of the mixed use and the need for a Contract Zone

**Ed Suslovic** Muskie School spoke in favor of the project.

**Timothy Bishop** 43 Lawrence Street, I want to preface that my wife and I just purchased a house in Westbrook. I lived in Saco my entire life and I am a Saco boy born and bred. I did not want to move to Westbrook, but this project is one of the reasons that we moved to Westbrook. With that said, my concern my commute on the way home is anywhere from thirty to forty minutes. I work on Congress Street. My commute to work is fifteen minutes. Does the applicant have anything in this plan that is going to help the citizens of Westbrook figure out traffic?

**Ed Reidman** we will address that in the future.

**Jennie Franceschi** the applicant obviously has been doing a lot of those efforts with traffic for phase one and the amphitheater. The improvements that will be done over the course of this summer are going to greatly improve traffic flows as things become more inter connected on Brighton Ave between Portland and Westbrook. We are hoping the interconnection will help with traffic flow. We know we have to be very thoughtful on how the traffic will move through our community. That is directly in front of our minds.

**Ed Reidman** thank you

**Jennie Franceschi** does the Board wish to walk through components of the document to provide us with feedback elements of the document so they can move forward on the Public Hearing with your comments included?

**Ed Reidman** does the Board have any comments?

**John Turcotte** Mr. Chair, as you know I will be recusing myself from this project.

**Nancy Litrocapes** I am curious what Mr. Levy said, when you toured areas, you saw fifteen places and you said you saw what worked and what did not work; what did not work? What did you learn that did not work and how does that distill to Westbrook?

**Josh Levy** great questions and almost all that we found that did not work were centered around operational issues. Most of the things that they wished they did different was on trash, security, how they handled parking. We are spending a lot of time with our operational team as well as with Wakefield Beasley, Site Solutions and are looking at some of the other developments and the mistakes they may have made. We may not get it all correct but we are trying our best.

**Rebecca Dillon** I did look through the standards and density and nothing stood out to me as being unreasonable. I did have a question on one of the comments from the Staff, regarding an e-mail from the Police Department. I was wondering if we could get a copy of that so we may review the comment and the Board could address that.

**Jennie Franceschi** we can forward those to you so you can have the full listing. A lot of the components were specific to Site Plan components, but I think that it is important that the Board know where the Police Department concerns are. Those concerns have already been relayed to the Applicant so they can incorporate those elements into the document. We will forward the e-mail on to you.

**Rene Daniel** what you referred to in the beginning and piggybacking on what she said, there is nothing that stands out in my mind that would make me want to vote against this as to the Contract Zone request. But when it comes to landscaping, I know I can be tedious, but do not be afraid to think outside the box as far as any greenery on the project.

**Jim Katsiaficas** showed the Site Plan on the Master Plan with the permanent amphitheater. There will be landscaping, and you will see details when we get to the Site Plan.

**Ed Reidman** anyone else?

**Nancy Litrocapes** I have a comment on something that I have seen that was outstanding to me and saw it in another country. Dubai had fountains that are set to music, so the water dances to this incredible music and it is such a draw and is why people go to this part of the City. I know you have fountains; will that have a component like that, or will this just be a fountain?

**Josh Levy** we went all over the world and asked about water features. We are liking at water features with lighting and are working next week to brainstorm on what the water features could be. We are trying to come up with a five-year plan using the Quarry Lake with different types of water features. I think the lake / water features will be a great opportunity for the City. I have not seen the one in Dubai. I am very interested in that, sounds like a great idea.

**Ed Suslovic** may I address landscaping?

**Ed Reidman** do ahead

**Ed Suslovic** briefly I want to remind folks looking at part is the transit concept the bicycle, pedestrian facilities is the trails. It is not just the trails connecting into the site. The pedestrian experience has to go through the entire site. The big part of the is landscaping that addresses the concern that has been raised, making it attractive, safe and comfortable for people to be walking and biking through there. We will have more details in terms as to what that will look like. I want to emphasize that is being taken very seriously and we are paying close attention on the pedestrian scale.

**Phil Spiller** Waterstone has brought on great folks to consult with about all aspects of this development.

**Alison Bishop** 43 Lawrence Street, I am really excited about the Market Basket going in by the end of this year. I am curious of the timeline on the pathways. I am wondering if that is a priority or is that going in after all the buildings are done.

**Josh Levy** this project is the last missing link to connecting with the surrounding trails and we have a graphic that shows our proposal. We have partnered with Portland Trails and will be presenting the trail system proposal to the Recreation and Conservation Commission this Thursday. We are very excited about the trails and is one of the most important features of the project.

**Ed Reidman** anyone else?

No comments

## **Adjourn**

*THANK YOU, respectfully submitted by Linda Gain [lgain@westbrook.me.us](mailto:lgain@westbrook.me.us)*