



# City of Westbrook

## DEPARTMENT OF PLANNING

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### WESTBROOK PLANNING BOARD TUESDAY, MARCH 4, 2008, 7:00 P.M. WESTBROOK HIGH SCHOOL, ROOM 114 MINUTES

Present: Ed Reidman, (Chair) (Ward 5), Rene Daniel (Vice-Chair) (Ward 1), Dennis Isherwood (Ward 2), Paul Emery (Ward 3), Scott Herrick (Alternate), Cory Fleming (At Large), Anna Wrobel (Ward 4), Michael Taylor (Alternate)

Absent: Greg Blake (At Large)

Staff: Molly Just, Richard Gouzie

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

#### 1. Call to Order

#### 2. Approval of Minutes

Rene Daniel moved to approve the January 8, 2008 minutes as presented.

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

The vote was unanimous in favor 5-0

#### New Business

#### 3. Contract Zone Amendment – Saco and Biddeford Savings Institution - Deluca-Hoffman Associates, on behalf of Saco and Biddeford Savings Institution, for the construction of an additional freestanding sign in the Hannaford Brothers Contract Zone located at 2 Hannaford Drive. Tax Map: 33, Lot: 57, Zone: Hannaford Brothers Contract Zone 3.

Anna Wrobel, Cory Fleming and Michael Taylor arrival 7:10 pm

**Dave Merrill** from TFH Architects on behalf of Saco and Biddeford Savings Institution presented a request for a Contract Zone amendment for the construction of an additional freestanding sign in the Hannaford Brothers Contract Zone located at 2 Hannaford Drive. Tax Map: 33, Lot: 57, Zone: Hannaford Brothers Contract Zone 3.

We were here last month, for the building construction project, located on a one acre lot, in front of the Hannaford shopping center. We would like to propose an additional free standing sign in this contract zone.

We propose a 6 foot high, free standing sign which has the bank logo, an analog clock, an approximately one foot high reader band set on a brick and a ground faced concrete masonry unit base. These materials are the same as what the bank is constructed of.

The sign itself is approximately 32 square feet; the reader board is about 9 square feet, so it is not large in scale. You can see that the free standing is small and blends well within the area of the bank, with any eye catching composition that does not overwhelm the vehicular traffic on William Clarke Drive. The reader board is meant to display the time and temperature with banking related rates and marketing agenda with no flashing or animation. This is meant as a marketing tool for the bank

**Ed Reidman** explained that a Public Hearing would need to be set for this request. After the Planning Board hears the comments at the Public Hearing the Planning Board will recommend findings to the City of Westbrook Council, then the City of Westbrook Council will vote on the Planning Board's recommendation.

**Molly Just** presented an overview of the staff recommendation into the record as stated below:

*Background. In 2001, the City Council approved the Hannaford Brothers Contract Zone (CZ3). This Contract Zone permits construction of a supermarket on the larger portion of the site, construction of a general business, such as a bank, on the out-parcel along William Clarke Drive, and redevelopment of Bicentennial Park. At its February 5 2008 meeting the Planning Board approved the development of a bank on this out-parcel by Saco & Biddeford Savings Institution. As part of its original development proposal the bank included a freestanding sign. Only one freestanding sign was approved with the Contract Zone and therefore only one freestanding sign is allowed within the Contract Zone. The bank removed the freestanding sign from their Site Plan application.*

*Update. The applicant received approval from Hannaford Brothers, the landowner, to apply to the City for an additional freestanding sign. The applicant is now seeking an amendment to the Contract Zone to allow for an additional freestanding sign. Staff opposes approval of the amendment for the following reasons:*

- 1. The City Council approved only one freestanding sign in the Contract Zone. There was significant community and staff opposition to more than one freestanding sign along this area of William Clarke Drive which is a more natural setting than other areas of William Clarke Drive.*
- 2. There is more than adequate room for an additional sign on the existing freestanding sign.*
- 3. Approval of the proposed amendment would set the tone for signage along William Clarke Drive as its commercial portions redevelop. City staff is currently in the process of amending the City's sign regulations in an effort to reduce the proliferation of signs in the downtown area. The subject property abuts the City Center District (downtown).*
- 4. Contract Zones are very different from Site Plans and Subdivisions which must conform to general standards that apply to all such projects. Contract Zones are*

*unique and are only approved due to the unusual nature or unique location of the development proposed. The approved Contract Zone provided the City with a new supermarket and park in this area of this City and was, therefore, an unusual development. An additional freestanding sign would be neither unusual in nature nor unique in its location.*

*Conclusion. Staff does not support the proposed amendment. As part of its review of the proposed amendment the Planning Board is required to hold a public hearing, seek a recommendation from the Recreation and Conservation Commission, and make a recommendation to the City Council. The Planning Department will forward this application to the Recreation and Conservation Commission for their consideration.*

**Dennis Isherwood** asked if Hannaford has been approached by the bank to share the sign along the existing pole mounted sign.

**Dave Merrill** said they have, but the space that Hannaford is willing to give up does not give the impact the Bank wishes and the restrictions that Hannaford has added are not allowing much leeway for the type of information the bank needs.

**Ed Reidman** asked when the bank signed the lease; did they know that they could not have the sign?

**Dave Merrill** said we knew that it was under a contract zone, but I do not know if the bank was aware or not. We thought there was a possibility, but nothing clear cut.

**Ed Reidman** asked if we have enough to put the language together for a Public Hearing.

**Molly Just** said yes we have all the information we need.

- 4. Rene Daniel moved to schedule a public hearing on this application located at 2 Hannaford Drive. Tax Map: 33, Lot: 57, Zone: Hannaford Brothers Contract Zone 3 on April 1, 2008 7:00 pm.**

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

**The vote was unanimous in favor 7-0 (Scott Herrick voting)**

- 5. Final Site Plan – Olympia Sports – Sebago Technics on behalf of Maine Olympia Properties, LLC for the construction of a 80,402 S.F. building addition on an approximately 14.73 acre parcel located at 5 Bradley Drive in the Five Star Industrial Park. Tax Map: 5B, Lot: 34, Zone: IP.**

**Shawn Frank** with Sebago Technics on behalf of Maine Olympia Properties, LLC. The original development was approved in 1998, and then this project came before the Planning Board in 2004. We are proposing two phases of development, approximately 35,000 square feet of warehouse and loading docks. Then phase two will be approximately 45,000 square foot addition.

Phase II will begin in about a month, by reconfiguring a pond and constructing an under drain, so the entire site will meet today's Department of Environmental Protection standards with storm water treatment.

There will be no extension of utilities, except for water for the sprinkler system. This project is strictly a warehouse, with no bathrooms or kitchen facilities.

Mr. Frank said while working with staff a couple of outstanding items, such as the height of the building which is in keeping with the existing height of the back of the building which is 35' in height. We are in receipt of any of the conditions of approval and have no issues with them. We will work closely with the Fire Department to create the Fire access lane. The project will have no additional landscaping as this is the working end of the building, solely loading docks on the southerly side of the building with warehouse space.

**Anna Wrobel moved the application be found complete**

**2<sup>nd</sup> by Rene Daniel**

**The vote unanimous in favor 7-0 (Michael Taylor voting)**

**Scott Herrick** said he will recuse himself from voting as his law firm represents Olympia Sports.

**Mike Taylor moved to waive the requirement to provide a letter from the Portland Water District as to their capacity to service the project**

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

**The vote 6-1 in favor (Rene Daniel opposed) (Michael Taylor voting) (Scott Herrick recused)**

**Ed Reidman** asked the Board if there is a need for a site walk or a public hearing.

**Rene Daniel** said that when the original project was approved, we had a site walk and a public hearing.

**Paul Emery** asked for more clarification as to how many loading dock doors will be added.

**Shawn Frank** said a total of 10 new loading dock doors, 156 feet from the existing edge of the building to the outside wall.

**Paul Emery** asked if that will be a free standing wall without interior columns, to fit all the doors in.

**Dale Akeley** said the columns are going to have to be spaced very carefully to fit in the overhead doors as well as having the proper clearances for the trucks.

**Paul Emery** asked about snow clearance in the northwest corner.

**Dale Akeley** said that this site can not simply be plowed it will require special equipment to remove the snow.

**Paul Emery** asked if all this will be paved.

**Dale Akeley** said the majority of the pavement is already in place.

**Paul Emery** asked for any provisions of landing gear for trailer loading.

**Dale Akeley** said that is a current item of discussion whether there is a need of a concrete pad for trailer loading.

**Paul Emery** asked about drainage from this area.

**Shawn Frank** explained that they will be draining away from the building. There is an existing subsurface catch basin system within the parking lot that is directed to the treatment pond, from there to the detention basin.

We are proposing one new catch basin on the existing pipe to connect to the existing system.

**Paul Emery** asked if there will be a gas and oil separator in the drain.

**Shawn Frank** said that they do not have a gas and oil separator in that drain. What we do have is a treatment basin which collects the first flush then through the gravel under drain.

**Paul Emery** expressed his concerns of the sizable truck traffic with a potential of an accidental contamination of the river.

**Shawn Frank** said that a treatment pond to a detention basin will provide an adequate treatment system to plug the outfalls, prior to getting to the river.

**Michael Taylor** moved the Site Plan application for Olympia Sports in the Five Star Industrial Park on Tax Map 5B, Lot 34 is to be **approved with conditions** with the following findings of fact and conclusions.

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

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

- The site of the proposed development is a level grass covered field.
- The project would include a retaining wall varying in height but would be no taller than 4 feet.
- A portion of the property is located in the Resource Protection district of the Shoreland Overlay Zone. No building activity is proposed within this district.

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

- Staff believes that the proposed warehouse and the level of traffic on Bradley Drive will not significantly impact the existing road system.

#### **Access to the Site**

- The project utilizes an existing curb cut on Bradley Drive.

#### **Internal Vehicular Circulation**

- Adequate for passenger and service vehicles.

- Staff recommends that a 30 foot long turn-around spur to be added to the required Fire Lane at the northern corner of the addition and the property owner shall properly mark the required Fire Lane (see Conditions).

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

- Pedestrian access will be via the existing parking lot and building.

#### **Stormwater Management**

- Adequate.

#### **Erosion Control**

- Adequate.

#### **Utilities**

- All utilities will be connected from the existing building.
- No water or sewer utilities are proposed in the new addition.

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

- N/A

#### **Technical and Financial Capacity**

- A letter of financial capacity has been provided.

#### **Solid Waste**

- No additional dumpsters have been proposed.

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

- N/A

#### **Landscape Plan**

- No additional landscaping has been proposed.

#### **CONCLUSIONS**

1. The proposed site plan **will not** result in undue water or air pollution.
2. The proposed site plan **has** sufficient water available for the reasonably foreseeable needs of the site plan.
3. The proposed site plan **will not** cause an unreasonable burden on an existing water supply.
4. The proposed site plan **will not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
5. The proposed site plan **will not** cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.

6. The proposed site plan **will** provide for adequate sewage waste disposal.
7. The proposed site plan **will not** cause an unreasonable burden on the municipality's ability to dispose of solid waste.
8. The proposed site plan **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed site plan **conforms** with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
10. The developer **has** adequate financial and technical capacity to meet the standards of this section.
11. The proposed site plan **is not** situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.
12. The proposed site plan **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The proposed site **is not** situated entirely or partially within a floodplain.
14. All freshwater wetlands **have** been shown on the site plan.
15. Any river, stream, or brook within or abutting the site plan **has** been identified on any maps submitted as part of the application.
16. The proposed site plan **will** provide for adequate storm water management.
17. The proposed plan **will not** negatively impact the ability of the City to provide public safety services.

#### CONDITIONS

1. All exterior doors except overhead doors should be marked on both sides. The marking system shall be approved by the Fire Inspector.
2. In accordance with NFPA 1, a 30 foot long turn-around spur shall be added to the required Fire Lane at the Northern corner of the Phase 2 addition.
3. In accordance with NFPA 1, the property owner shall properly mark the required Fire Lane.
4. In accordance with NFPA 1, not less than one additional FD Key box shall be required for each phase, final number and placement subject to approval of the Fire Inspector.

2<sup>nd</sup> by Rene Daniel

The vote was unanimous in favor 7-0 (Michael Taylor voting) (Scott Herrick recused)

6. Land Use Ordinances – Notice of Special Exception Application – Referral from the City Council seeking recommendations on a proposed land use policy to notify property owners within 500 feet of a property submitted for Special Exception.

Molly Just explained to the Planning Board the following referral:

*This is a referral by the City Council for the Planning Board to consider, hold a public hearing, and make a recommendation on the above-referenced land use policy. The City Council is considering adding a requirement to notify all property owners within 500 feet of any portion of a property submitted for special exception. This is currently required for Site Plan and Subdivision applications, but not for Special Exception applications. However, City staff has historically done this as a matter of practice. The language proposed for Planning Board consideration also includes provisions for advertisement of a public hearing on a Special Exception.*

The language for Planning Board consideration is as follows:

204 Special Exception

204.1 Granting a Special Exception.

E. Notice. When an application is received, the municipal reviewing authority shall:

(a) Give a dated receipt to the applicant.

(b) Notify by mail all property owners within 500 feet of any portion of the property submitted for special exception; public and private rights-of-way do not limit the 500 foot distance measurement.

(c) If the municipal reviewing authority decides to hold a public hearing on an application for special exception approval, it shall give notice of the date, time and place of the hearing to the applicant and by publication, at least two times, in a newspaper having general circulation in the City. The date of the first publication must be at least seven (7) days before the hearing.

**Ed Reidman** asked for comments or recommendations.

**Rene Daniel** moved to recommend a public hearing on April 1, 2008

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

The vote was unanimous in favor 7-0 (Michael Taylor voting)

**7. Land Use Ordinances – Status of Grandfathered Lots - Referral from the City Council seeking recommendations on a proposed land use policy to eliminate those Ordinance provisions allowing construction of houses on unimproved lots of only 5,000 square feet and/or 50 feet of frontage. The City Council also seeks Planning Board review of the Comprehensive Plan for any inconsistencies with such a change.**

**Ed Reidman** asked if the Board has been given a review of the Comprehensive Plan.

**Molly Just** said no.

**Ed Reidman** suggested going to a workshop on this issue.

**Natalie Burns** said that the Comprehensive Plan is being reviewed.



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**Molly Just** said that what the Board has is language from the Land Use Ordinance under our first review of what would need to be changed in order to comply with the Council's Recommendation. We have also included items from the Comprehensive Plan that upon our first review would need amending. Molly Just added that it is the City Council's intent to have this change be retroactive to February 4, 2008.

**Natalie Burns** said that language is not included in the Board's packet this evening. This will be drafted for the Board before the hearing.

**Ed Reidman** explained to the public that the Planning Board makes recommendations to the City Council. Mr. Reidman also stated he is personally opposed to the change and feels it makes good sense to increase the density within the urbanized area while creating affordable housing. Mr. Reidman asked for any other comments from the Planning Board.

**Dennis Isherwood** said he is in favor of this change as he lives on a street that has had many houses built on such lots, that are not affordable and do not fit the neighborhood.

**Ed Reidman** asked for a workshop on the second meeting in April 15th

**Molly Just** said yes.

**Ed Reidman** asked staff when [the next meeting is](#).

**Molly Just** explained that the second Planning Board meeting will be held on March 18<sup>th</sup> from 6-7 pm; then at 7:15 pm the community meeting Parks, Open Space Committee Open Spaces, will start and encouraged the Board members to attend that meeting also.

## 8. Adjourn

*Respectfully submitted by Linda Gain PECE Secretary  
MINUTES MAY NOT BE TRANSCRIBED VERBATIM. SECTIONS MAY BE PARAPHRASED FOR CLARITY. A COMPLETE RECORDING MAY BE OBTAINED BY CONTACTING ENGINEERING, PLANNING AND CODE ENFORCEMENT at 207-854-9105 ext. 220 and lgain@westbrook.me.us. THANK YOU*