



City of Westbrook

DEPARTMENT OF PLANNING

2 York St. Westbrook, Maine 04092 (207) 854-9105 Fax: (866) 559-0642

**WESTBROOK PLANNING BOARD
TUESDAY, APRIL 1, 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), Greg Blake (At Large)

Absent:

Staff: Molly Just, Diana Brown, Charles Jarrett, Eric Dudley

Chairman Reidman called the Westbrook Planning Board meeting to order at 7:00 p.m. in Room 114 of the Westbrook High School. Mr. Reidman informed the audience of the purpose for the public hearing, and asked everyone who would speak to do so at the podium, being certain to speak clearly and provide the Board with their name and address. Mr. Reidman stated that the Board would hear a presentation accept any additional Staff comments, and then receive questions and commentary from the public. Mr. Reidman noted that any questions received by the Board would be answered at the end of the public presentation. Mr. Reidman explained that any action taken at this meeting would be dependant upon time constraints.

Public Hearing - 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.

Overview. 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.

Molly Just explained that 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. This will be making this section formal, as to what is done as part of practice.

Molly Just read the proposed language into the record:

204 Special Exception

204.1 Granting a Special Exception.

.....

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 any comments.

No comments

Public Hearing Closed

Ed Reidman asked who pays for mailing

Molly Just said the mailings would be paid for by the applicant unless it was a City initiated Special Exception.

Public Hearing - 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.

Overview. The applicant proposes to construct a freestanding sign for a recently approved branch of the Saco and Biddeford Savings Institution. The freestanding sign would be located in the Hannaford Brothers Contract Zone.

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 approval of 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 proposed 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.

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 Recreation and Conservation Commission have reviewed this proposal and does not support the proposed amendment.

Scott Teas with TFH Architects presented request of the signage.

What we would like to do is request a modification of the Contract Zone to allow a free standing sign.

What we are requesting is one free standing sign, located on the western end of the site. Currently there is one pylon sign on the eastern side, near the entrance to the Hannaford property.

Historically banking signs consist of the logo, time and temperature and more recently interest rates or an information board has been added. The City of Westbrook ordinance constrains sizes and types of signs for this type of facility. When the Hannaford Contract Zone was applied for this type of facility was not considered. The name of the bank will be prominent on the sign; with a traditional analogue clock. Underneath we are proposing a two line message board which would have the temperature closest to the road and information such as interest rates displayed underneath the actual graphics. The materials will be primarily masonry, aluminum internally illuminated, to compliment the building materials of the bank itself.

Due to the vegetation headed west, the bank sign is lost behind trees, therefore to create reasonable identity to the bank, we are proposing locating the bank sign ten feet from the property lines about six feet high.

Mr. Teas mentioned precedence of such a sign and showed the Public Safety sign.

Molly Just requested getting the history of this site on the record as it pertains to signage. 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. The Contract Zone did contemplate a bank on the site and is listed as a permitted use.

There is more than adequate room for an additional sign on the existing freestanding sign in the Hannaford Contract Zone.

The 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).

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.

For these reasons staff does not support the proposed amendment.

Ed Reidman asked for Public comment.

Michelle Michaud 125 Hawkes Street asked where the bank and sign is going to be in reference to the current under contract sign and how close to the road the sign will be. I will be looking out my kitchen window at the sign and am wondering what the back of the sign will look like. .

Scott Teas said the sign will be perpendicular to your building and the trees will buffer your site view.

Public hearing closed

Michael Taylor confirmed with the applicant that Hannaford Brothers said absolutely not to add the Bank sign to the existing pylon sign.

Molly Just said that Hannaford approved the application but the applicant asked for more area for signage than Hannaford was willing to allow.

Mike Taylor mentioned that he has observed other Hannaford signs that has additional signs and does not understand why the applicants sign can not be added at this location.

Scott Teas said it not a total restriction, it is a restriction of size. Hannaford allows 15 square feet; which is about 3' x 5' a very small area to allow presence in the area and would not allow for time and temperature.

Ed Reidman asked to turn off cell phones and Agenda has a disclaimer which reads:
Disclaimer: Deliberation of agenda items, including workshops, that have not been commenced by the Planning Board as of 10:00 p.m. may be rescheduled to the next regularly scheduled meeting.

1. Call to Order

2. Approval of Minutes

Rene Daniel moved to accept minutes as presented.

2nd by Cory Fleming

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

Continuing Business

3. 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.

Ed Reidman explained that the Boards position is to recommend this item to the City Council.

Mike Taylor moved to recommend the Ordinance as presented to the City Council.

2nd by Rene Daniel

Unanimous in Favor 7-0 (Mike Taylor voting)

4. 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.

Rene Daniel explained his opposition to this request.

Paul Emery explained his opposition to this request.

Rene Daniel moved that the Planning Board not to recommend to the City Council the approval of this sign on Tax Map: 33, Lot: 57, Zone: Hannaford Brothers Contract Zone 3.

2nd by Cory Fleming

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

New Business

5. Special Exception – Craig Johnson – Construction of 2 modular homes on an approximately 0.28 acre (12,197 sqf) parcel located at 99 Falmouth Street. Tax Map: 38, Lot: 190, Zone: RGA-1.

Craig Johnson explained the request for the construction of 2 modular homes on an approximately 0.28 acre (12,197 square feet) parcel located at 99 Falmouth Street. Tax Map: 38, Lot: 190, Zone: RGA-1.

Ed Reidman read the staff memo into the record:

Summary. The applicant requests Planning Board approval of a Special Exception for 2 modular homes on property located at 99 Falmouth Street. The Westbrook Land use Ordinances allow modular homes by Special Exception in the RGA-1 Zoning District. However, State law views modular homes in the same manner as site built homes. Staff will initiate an amendment to the Ordinance to allow modular homes as a matter of right. In the meantime the applicant requests Planning Board approval of a Special Exception for modular homes.

The Planning Board should be advised that the City Council is currently considering eliminating the ability to develop on undersized lots or lots not meeting the current requirements for size. The subject property includes two lots that are smaller than the current Ordinance requirements and that are part of an approved subdivision. The City Council has proposed that the proposed provisions eliminating development on undersized lots be retroactive to February 4, 2008. Therefore, if the Planning Board approves this Special Exception and the City Council ultimately adopts the provisions eliminating the ability to develop on undersized lots then the development will not be allowed to take place as the provisions would be retroactive to a date preceding Planning Board approval of this Special Exception. The applicant has signed a document acknowledging receipt of the proposed provisions eliminating the right to develop on undersized lots.

Ed Reidman asked if the City Council set a moratorium on development on these lots, or did they just intend to make it retroactive.

Molly Just said they intended to make it retroactive.

Ed Reidman asked the Board if they wished to have a Public Hearing.

Rene Daniel moved to schedule Public Hearing to discuss Tax Map: 38, Lot: 190, Zone: RGA-1 located at 99 Falmouth Street on May 6, 2008.

Dennis Isherwood said the frontage on the map is 49 foot. I thought the requirement was 50 foot frontage.

Craig Johnson said he met with the Code Office (on several occasions) and was told there was no issue. Then when I applied for a building permit I was told I needed a Special Exception due to the Modular Home request. Now I have been told there is a moratorium on infill lots.

There is a question on whether I need to even be here because of the Modular issue, due to State of Maine law. If the Special Exception requirement had not been in the Ordinance, I would have had my building permit by now and the retroactive building on an infill lot would not have been an issue.

Dennis Isherwood asked if he needed 105 feet.

Molly Just said she has a boundary survey that shows each lot has 50 feet frontage.

Dennis Isherwood asked if the lots meet the requirements as of now.

Molly Just said yes.

Ed Reidman asked for any other questions.

Steve Rand asked if the abutters were notified for this hearing.

Ed Reidman said yes.

Steve Rand said given what Mr. Johnson has gone through and what staff has told Mr. Johnson this, he should not have gone through this process. Under the State of Maine law for Modular Homes should have been treated as a single family home and should have been issued a building permit well before the City Council had issues with in fill lots. I am asking if it is truly necessary to have a Public Hearing.

He is simply requesting that he be granted the Special Exception; I believe he meets the requirements, and this would allow him to move forward. Please consider addressing this issue tonight.

Ed Reidman explained that the motion stands.

2nd by Mike Taylor

Ed Reidman asked for comments

No Comments

The vote was 5 -2 in favor (Dennis Blake and Paul Emery opposed)

No site walk was requested by the Board.

6. Village Review – Legacy Publishing – Demolition of Saint Mary’s Church, located at 10 Speirs Street, and construction of a parking lot with screening. Tax Map: 33, Lot: 196, Zone: CC and Village Review Overlay Zone.

Staff Memo:

Overview. Legacy Publishing is requesting Village Review Overlay Committee (“Committee”) support and Planning Board approval for the demolition of the St. Mary’s Church located at 10 Speirs Street in the City Center District and Village Review Overlay Zone (“VROZ”). The VROZ requires Committee consideration of and Planning Board approval of demolition and issuance of a Certificate of Approval. The applicant proposes to construct a parking lot in place of the Church along Main Street. The Committee has reviewed the request, and in a 3:1 vote, recommends that the Planning Board approve the demolition. The Committee also reviewed the Applicant’s parking layout and landscaping plan and made additional recommendations. The applicant, by and large, revised the parking layout and landscaping to conform to those recommendations.

Background. The demolition of buildings is always a significant event, even if the building is in poor or blighted condition. It is particularly significant when the building can be adaptively reused. The former St. Mary’s Church, however, has proven to be a very difficult space to reuse for several reasons. When Legacy purchased the property, the Church essentially became a landlocked parcel, with no off-site parking of its own. Thus, if the parcel were split, the only available parking would be either on Main Street or around the corner of Speirs Street.

Secondly, the Church and the Rectory share the same heat and electrical utility source, both of which are connected underground and housed at the Rectory. Thirdly, the building has a recurring leak from the peak of the roof, and together with the installation of new energy efficient windows, heating, bathroom reconfiguration, and poor sound qualities, is a poor choice for reuse. In fact, the City’s Director of Economic Development worked with the Diocese to find a group that was willing and able to tackle these problems. No suitable group or entity could be found.

Lastly, the Committee’s vote reflected concern that since this is the first use of the demolition provision of the VROZ requirements, and given the proposed use of the site, precedent would be set that this was an acceptable alternative in every case. Thus, the Committee recognizes the sensitivity of demolition, and that each case should be taken on its own merits. However, the Committee recognizes that parking at this location is at a premium, and that Riverbank Park should not become a parking lot for this or any other downtown property.

The original plan for the proposed parking lot showed access to the parking lot from the Riverbank Park service drive, which the Committee and staff found unacceptable. In addition, a stronger visual buffer between the parking lot and the Park would need to be established, together with more creative use of high and low vegetation. Low-growing shrubs, over time, would shield the headlights, and taller trees would provide a visual distinction, diverting the viewer’s eye from the parking lot. Since it is next to a heavily used public park, keeping the distinction between the two uses would be important.

Conclusion. The revised parking lot layout and landscaping largely respond to staff requests. After considerable discussion the Committee and staff support the proposed demolition.

Jim Manzer with St. Germaine Associates on behalf of Legacy Publishing; presented a request to remove an existing church to create additional parking.

The staff memo encapsulates the issues simply. As suggested by staff we have added plantings to enhance the screening for parking. The site is land locked; there is no curb cut from Main Street or from the River Bank Park. Access to and from the parking spaces is off Speirs Street.

Mr. Manzer showed side and back elevations views from the park. The plantings have been put in place to try and screen the building and the cars and to break up long views of the building itself.

Ed Reidman asked for questions from the Board.

Rene Daniel asked Molly Just if landscaping is a topic that can be discussed on a Village Review demolition application.

Molly Just said the focus of this application is the demolition of the building, but would like to see what is proposed in place of the building. The landscaping that was initially submitted was minimal and harsh and this site is next to Riverbank Park.

Rene Daniel asked the representative to speak about the proposed landscaping.

Jim Manzer said the plan has many Junipers to screen the vehicles, for the purposes of obtaining this demolition permit. Legacy Publishing has purchased the building in back and has completed a top notch renovation on it. I have no doubt that the redevelopment in the lot in front will be similar in character.

I appreciate the staff assistance with the landscaping plan and welcome input from the City Planning Board.

Rene Daniel said he is in favor of the demolishment of the old church. The renovation of the original church is excellent and I would like to see the landscaping to mirror the Westbrook Park. I would be in favor of additional landscaping and would encourage you to add more shrubs and trees to the plan.

Ed Reidman asked if the site plan is complete.

Molly Just said no.

Ed Reidman said he would need further information before he could approve the site plan. The site plan needs to add drainage, curbing, paving and anything discussing the plantings.

I do not believe that the site plan can be voted on this evening, but we can act on the demolition of the building.

Jim Manzer spoke to site plan needs such as planting, drainage, curbing. This application went beyond the scope of demolition request. Going forward about five years, it may be

feasible at that time to develop this parcel. This plan was created for a demolition permit only. It is not meant to be a full blown site plan submittal.

Ed Reidman said this requires site plan approval. In order to comply with the regulation of the site plan ordinance, we need to meet these provisions with staff review. We can go forward with demolition, so you may start the process but you will have to come back with a site plan.

Cory Fleming moved the Village Review Demolition application for 10 Speirs Street on Tax Map: 33, Lot: 196 is to be **approved** with the following findings of fact:

(1) Scale of the Building. The scale of the building depends on its overall size, it's mass in relationship to the open space around it, and the size of its doors, windows, porches and balconies. The scale of a building must be compatible with its site and neighborhood.

- This proposal is for demolition of a building, this category does not apply. The proposed parking lot layout is intended to minimize impervious surface to the extent practicable. The proposed landscape plan is intended to provide visual interest along Main Street.

(2) Height. Change in the building height can have a negative impact on how a street appears. While maintaining a particular height is not required, changes in height must be visually compatible with the streetscape and the neighborhood.

- N/A

(3) Rhythm of Front Facades. In reviewing any facade, the pattern of doors, windows and wall surface, their height and width, should be visually compatible with the neighboring structures.

- N/A

(4) Relationship of Facade Shapes and Materials. The relationship of facade shapes and materials should be considered in relation to the surrounding neighborhood. In particular, the rhythm of shapes, pitch, and orientation to the street on which the structure fronts should be maintained.

- N/A

CONDITIONS

1. Approval is dependant upon, and limited to, the proposals and plans contained in the plans dated March 26, 2008 and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting

documents and representations are subject to review and approval by the Planning Board. Pursuant to Tax Map: 33, Lot: 196, Zone: CC and Village Review Overlay Zone.

2nd by Paul Emery

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

7. Final Site Plan and Final Subdivision – HW Land – ES Coffin Engineering & Survey on behalf of HW Land Company, LLC for construction of 30 condominium duplex units on an approximately 13-acre parcel located at 341 Austin Street. Tax Maps: 15 and 55, Lots: 14 and 8, Zone: RGA-2.

Staff Memo reads:

Background. The Planning Board last considered a sketch plan for a similar proposal on April 3, 2007.

Summary. The proposed project includes 30 condominium units in 15 groupings of two-family buildings. The condominium units would be accessed via a private driveway from Austin Street. The project would include significant open spaces and the donation of 3+ acres to the City of Westbrook. The land proposed for donation would be land locked but is located adjacent to City owned property. The draft plan for recreation, parks and open spaces citywide recommends obtaining an easement on land owned by Central Maine Power for vehicular access to the City property. The proposed donation would enlarge the City property and ensure that the 3+ acres would never be developed.

Staff Comments:

1. City staff continues to review the project as it relates to stormwater management, erosion and sediment control, fire protection, and access to the public water supply. The engineering review is very preliminary at this point due to the size of the project and the complexity of engineering issues.
2. City staff has recommended alternating portico and window placement and incorporating different colors and material elements in order to differentiate the units throughout the project. The applicant has agreed to this.

Dan White with HW Land Company explained that he is here to answer any questions the Planning Board has and introduced Jim Coffin with E.S. Coffin Engineering who will guide the Board through the site plan.

Jim Coffin from ES Coffin Engineering presented the site plan for 30 residential condominiums off Austin St. The electrical utilities will come in underground off Austin Street. All exterior lighting will be with ornamental style lamps. The sewer line will come off an existing line on Austin Street gravity fed. Storm water has two filter ponds that services approximately 4100 square feet. About five feet off edge, not have to sprinkle, will – Gorrill Palmer traffic plan. Water also comes off Austin Street. A traffic study was

completed by Gorrill Palmer indicating 200 trips in peak hour. We have also submitted a landscaping plan.

The reason we have returned to the Board is we had an issue with the DEP along the stream with fish habitat and needed a 75 foot buffer off that stream. We reduced the units due to the buffer requirement.

We will develop 6.5 acres. We would like to give the other 3.2 acres to the City of Westbrook.

We have read the Findings and Fact dealing with the storm water. We wish to discuss the recommendation that deals with fire retention ponds and the management of rain gardens. We have a DEP Permit in hand and want to put a filter pond in as they take up less area than a rain garden. If we need to redesign the plan and modify the DEP permit it could cause further delay the process. Gladly take any questions from the Board at this time.

Ed Reidman asked if the application is complete.

Molly Just said the application if complete.

Ed Reidman asked for a motion.

Mike Taylor moved to find the application complete.

2nd by Dennis Isherwood

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

Rene Daniel said he wished he would like to have a site walk and public hearing.

Rene Daniel moved to schedule a public hearing May 6, 2008 regarding Tax Maps: 15 and 55, Lots: 14 and 8, Zone: rga-2, located at 341 Austin Street.

2nd by Cory Fleming

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

Rene Daniel moved to schedule Site walk on Saturday April 12, 2008 at 10:00 AM.

2nd Cory Fleming

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

Eric Dudley having walked the site I recommend you wear your tallest boots, as the site is quite wet.

Rene Daniel moved to recess to workshop

2nd by Mike Taylor

The vote is unanimous in favor 7-0 (Mike Taylor voting)

Workshop: Note – Public comment will be accepted during workshop

8. Recess to Workshop

Ed Reidman informed the audience of the purpose for the public hearing, and asked everyone who would speak to do so at the podium, being certain to speak clearly and provide the Board with their name and address.

9. Contract Zone – Stroudwater Place – 500 Westbrook LLC, for the phased development of a mixed-use project on approximately 60 acres generally located at 528 Stroudwater Street. Tax Map: 9, Lots: 3 and 3A, Zone: Business Professional Office District.

The Staff memo reads as follows:

Overview. This is a Contract Zone request for a 1.6 million square foot mixed-use development generally located at 500 Stroudwater Street. The Contract Zone would rezone the site from Business Professional Office District to the project as approved by the City Council. The Contract Zone would establish a development plan for the site which would be implemented at the Site Plan Level. The Business Professional Office District allows the master-planned development of a campus style atmosphere including business/professional office and light manufacturing uses. Limited retail is allowed in this Zoning District.

Provisions of the Contract Zone Ordinance (Sec. 107). Contract zoning is authorized where, for such reasons as the unusual nature or unique location of the development proposed, the City Council finds it necessary or appropriate to impose, by agreement with the property owner or otherwise, certain conditions or restrictions relating to the physical development or operation of the property, which are not generally applicable to other properties similarly zoned. All rezoning under this section shall establish rezoned areas, which are consistent with the existing and permitted uses within the original zones. All such rezoning shall be consistent with the City's Comprehensive Plan.

Conditions and restrictions imposed under the authority of this section may include, by way of example:

- (1) Limitations on the types and number of uses permitted.
- (2) Restrictions on the scale and density of development.
- (3) Specifications for the design and layout of building and other improvements.
- (4) Schedules for the commencement and completion of construction.
- (5) Preservation and creation of open space and buffers, and protection of natural areas and historic sites.

- (6) Contributions toward the provision of municipal services generated by the development.
- (7) Performance guarantees adequate to secure completion and maintenance of improvements, and guarantees against defects.
- (8) Provisions for enforcement and remedies for breach of any condition or restriction.

Note. The City has historically used the Site Plan application for Contract Zone requests. In this case not all of the Site Plan application items are appropriate at this time as this is a large project that will be implemented via the Site Plan approval process, where that level of detail is appropriate and necessary.

Primary issues to cover during the Contract Zone process would include, but not be limited to, total project square footage, use mix, access, open space and community benefits, phasing such that community benefits are incorporated into each phase and such that each phase could stand on its own, and urban design guidelines (ex. streetscape, height, façade treatment, parking guidelines, sign guidelines, treatment of public spaces, and framing of the public realm which will result in responsible building placement).

Key Issues.

1. Conformance with Comprehensive Plan. The applicant must submit a request to amend the Comprehensive Plan recommendation for this property. The proposed project is not in conformance with the recommended use mix, amount of development, or open space requirement.
2. Access. Access must be addressed (also to include construction traffic and emergency vehicles). The City will not allow access for this project off of Stroudwater Street. The Maine Department of Transportation must approve access from the Westbrook Arterial (a Control of Access Highway) as this is the only viable access point.
3. Use Mix. Staff recommends a more balanced use mix. This should not necessarily be achieved by increasing the total amount of development.
Preliminary Analysis of Proposed Permitted Uses. Staff recommends exploring the addition of multi-family dwellings and home occupations into the list of permitted uses. Staff does not support allowing Restaurant Class 1 (drive-thru), Retail Class 4 (gas station with food store), Telecommunication Towers, or Bank Class 1 (drive-thru).
4. Open Space. Staff does not support counting overflow parking areas as open space. Every opportunity to increase the amount of open space should be explored.
5. Parking. A thorough analysis of the appropriate amount of parking based on the use mix must be conducted to ensure that the project is not over parked. Parking is one of the greatest expenses of a large project. Parking costs most often take away from funds that could be targeted toward the public realm (open space treatment, the quality of the farmers market space, streetscape treatment, and architectural and façade details). Staff does not support parking on the fair ground (southern end of the property).

Process (there is no set number of meetings for each step of the process).

1. Planning Board review.
2. Recreation and Conservation Commission review and recommendation.
3. Planning Board public hearing.
4. Planning Board recommendation to the City Council
5. City Council review.
6. City Council public hearing.
7. City Council decision.

Jason Snyder 528 Stroudwater St. on behalf of 500 Westbrook LLC explained the history of the property to include the subdivision of the lot in the 1970's. In 1989 the property was rezoned to mix use and remained that zone for about fifteen years. In 2002 to 2003 exit 7B was built, now known as exit 47. In 2004 the zone was changed from mixed use to office park and is still the only developable lot with such zoning. As a result of that the City of Westbrook sent a letter stating that the property was miss-handled during the 2004 re-zoning process. I chose not to pursue a litigious route I decided to study the land and at the appropriate time come before you to pursue a contract zone for this parcel.

My team consists of my partner, Arthur Emile, Thompson Design Group, Jane Thompson and Pratap Talwar, Gorrill Palmer – Tom Gorrill is our Traffic Engineer and Lortie Woodlot\Stanec.

This project makes sense as the location is at the gateway of the City of Westbrook. This project is projected to create 1000 construction jobs. There will also be 4000 permanent jobs created. This will expand the tax base and will be the largest tax payer in the City of Westbrook and will not be seeking a TIF. This parcel is located in Ward One. All of the Wards in the City will see benefits from this project. Downtown Westbrook will see a renaissance.

The idea of this project is to develop a true gathering place for everyone.

Fortunately the impact on neighborhood will be minimal we have about five residential neighbors within the area. The access will be from the Arterial, there will be no access from Stroudwater Street.

About 3.5 million vacationers come to the State of Maine and we feel this will have an increasing effect on that number.

This project is not a Mall, nor is it a copy of Freeport or Kittery. This is a true destination center that the State of Maine has never seen. One of the things that will distinguish this area is the higher number of restaurants and cafes within the development. Lastly we are constructing a web site: www.stroudwaterplace.com, which will be up and running within the next few days.

Jane Thompson with Thompson Design Group presented aspects of the mixed uses that will be part of this project.

Ms. Thompson explained the character of the project that can be used in all four seasons; spring, summer, fall and winter.

Ms. Thompson showed many depictions for this proposed project.

Pratap Talwar a principal at Thompson Group an architect and planner.

Mr. Talwar explained aspects for early program concepts for this site. An overview of the goals for the site was given keeping the tradition of the City of Westbrook in mind.

The site view is about 61 acres of land about a quarter mile long that runs from the Westbrook arterial to Stroudwater Street and is approximately 1000 feet wide. The site is more or less flat with unoccupied fields with the highest point on Stroudwater Street. On the west point of the parcel is a stand of trees on property. To the east is the turnpike with the visibility to exit 47.

John Lortie a certified wild life biologist and a professional wetland scientist from Brunswick, Maine, explained background on the historical uses, the presence of wildlife habitat, rare and endangered species, unusual and unnatural areas on potential sites for development. Mr. Lortie explained the need for surveying the site for ecological stand points.

The site has historically been in agricultural use for a long time. The majority of the site has been used for grazing and devoid of woody vegetation. We found no endangered species or wild life habitat that would significantly interfere with development at this time.

Pratap Talwar showed the parcel on the Zoning map. The comprehensive plan mentions that this is an agricultural area and should transition to Commercial uses due to the good access to the highway. What we are showing is a program diagram, not a site plan.

What we are proposing is a destination mixed use program which is designed inside out. Mr. Talwar explained the parking onsite.

One of the reasons to come to you for Contract Zoning is that the existing zoning for the site misses a Campus styled, professional office park use.

The actual build of the site is within the current standards in the zoning ordinance. What we are requesting is a different mix of uses.

Tom Gorrill with Gorrill Palmer talked about the access point for this project. The site is convenient to the interstate and will minimize impacts to the adjacent neighborhood.

Access will be provided off the Westbrook Arterial, no access is planned for Stroudwater Street. The intersection of Larrabee Road and the Westbrook Arterial is a "t" signalized intersection and could easily handle six hundred thousand square feet through that access. For a site like this we would need an additional access to the west off Westbrook Arterial with good site lines. The studies are preliminary and are looking for access that is feasible for this site.

Mr. Gorrill explained the traffic study process which requires preliminary access, Contract Zoning approval, and access request to the Maine Legislature, a traffic permit application, assessment and discussion with MTA, Site Plan review with the City of Westbrook and finally an approval of the overall plan from Maine Department of Transportation, MTA and the City of Westbrook for a phased build approach.

Pratap Talwar showed slides as examples of renderings for the types of uses and open spaces requested for this proposal. We are looking to create a pleasant entry to the City of Westbrook.

Chris Vantiotis explained he is legal counsel for Westbrook 500 LLC, dealing primarily with land use law and municipal law.

The challenge will be creating the Contract Zone for a project that will take eight to ten years to build out. We do not know who the tenants will be or what kind of facilities they will require and what exactly the uses and mix will be.

The challenge for this Contract Zone will need to enable this project to come forward. At the same time to give City some assurances that the project will look similar to the proposed plan. Many of the existing Contract Zones are not tied to Site Plan, but enable a Site Plan to come after the Contract Zone has been approved by the City Council. What we are requesting the Planning Board, as advisors to the City Council is to open the door to allow the team to come forward with a specific project to be reviewed by the Planning Board in a very intense Site Plan review.

The team can not go forward to the DEP, Maine Department of Transportation for permits without a Contract Zone. We have supplied an example of Contract Zone that proposes conditions to give City of Westbrook some assurances so we may come back for a site plan review.

Ed Reidman asked for any use not defined in the Ordinance you will provide a definition for the Board.

Chris Vantiotis said should there be any assistance needed with missing definitions we will suggest them to the Board.

Ed Reidman explained the reason for the lack of specification on this project at this time. Mr. Reidman asked for comments from the Board.

No comments from the Planning Board.

Ed Reidman asked Public for comments.

Carol Quint 30 Stroudwater Place spoke in opposition due to the name of the project. Suggested the project receive another name

Eileen Shutts 42 Monroe Avenue shared the excitement but has concerns and questions and looks for some sort of a compromise proposal that can be agreed upon.

I have reviewed Molly's memo and read the items that the staff does not support and I agree with her that some uses that would not be a good fit for this project is a drive through bank or restaurant and a gas station. Not only are these uses not allowed in the current zone, Business Professional Office Zone, but none of the uses were allowed in the previous zone, that the property had before the Ordinance was re-written.

The biggest difference that the requested Performance Standards change has is the landscape factor. The application is requesting a 20% landscape factor and the current zone is 40%. Particularly as the request is to change the intensity, as stated by the consultants requesting a lot more retail I do not think we should compromise.

As I recognize the highly esteemed firm of Gorrill Palmer, I do not believe that all issues for traffic impacts can be realized in advance and this community should not wait

for all the problems to arise, projected traffic will affect the people who live here. We need more detailed information. According to the Gorrill Palmer letter states 65% of the traffic will be off turnpike, how does that data line up with the east to west traffic, such as Route 25, Route 22 and Wayside Drive? East to West traffic through the City is already a big problem. We can not afford to ignore how is the traffic going to get there? More studies should be done to determine how the vehicles are going to access the entrance on Wayside Drive, what routes is the vehicular traffic going to use to get there.

The phasing that is described not specific enough. I understand this is a concept but due to the mix of uses we need more specifics for each phase of construction, before approving a contract zone.

The amount of development before community gets some type of open space. The way this reads is they want to develop four hundred thousand square feet of commercial space before an outdoor farmers market has been constructed. They want to do eight hundred square feet of commercial space before an outdoor gathering space is constructed. A contract zone is a give and take type of document and these numbers are not a good enough give and take. What the community is to gain from such a project should come incrementally along the way, not afterwards.

How is the amount of space to be developed? Is it currently allowed? This does not meet the current performance standards. They are asking for 70 % density and currently the density factor is 60 %. They are asking for a 50 % maximum density factor and currently it is 40 %. They are asking for a 20% landscaping factor and the standard is 40%.

In the diagram for the traffic permitting, and the arterial access do not understand the reference to the Legislature and would like to know what it is that is being asked for from the Legislature and how it fits into the project.

The MDOT chapter 305 which is the rules for a traffic movement permit talks about a level of service "D" or lower the developer is required to pay for what ever mitigation is necessary to correct traffic problems in the general area. There is an exception to that and it deals with the entrances and exits to the project. What I am asking for is guidance to whenever there is any off site traffic problems that this project causes are not going to be required by the DOT to be mitigated. Will traffic improvements necessitated by the project be required beyond the immediate entrance and exit to the project or is there an exemption to that.

Ed Reidman explained part of the workshop session is to receive issues and to be given to the developer. Mr. Reidman touched on the process for traffic studies to be taken to the State of Maine Department of Transportation. The report is reviewed by the State of Maine Department of Transportation and either accepts as written or asks for expansion or amendments, before the permit is granted.

Mike Foley 30 Lincoln Street a City Council Member, asked not to loose site that in 1989 the parcel was zoned as a mixed use zone. I believe the Planning Board is charged with bringing that zone back to what it was zoned as in 1989. I do not want to loose site that in 1989 the zone was mixed use, maybe not in the magnitude of Stroudwater Place, but allowed for mixed use development at that time.

Mr. Foley spoke favorably for the project. I agreed with Ms. Shutts concerns and hopefully the Planning Board can work through these points and when it comes to the Council we can bring this project into fruition.

Ken Lefebvre 60 Oakland Avenue agreed with Ms. Shutts that there needs to be identified but has confidence that issues worked out through the Planning Board process.

I have looked at many projects over the years. This project will cost roughly three hundred million dollars for construction costs. One of the points Ms. Shutts was concerned about is what is going to be given back to the City. I am amazed that this project is privately financed; with no tax breaks or financing from the City of Westbrook. Putting this project into a phased development makes sense. Before the developer can state the tenants or have names of lease holders is due to the fact that currently it is not zoned properly.

I have a few concerns such as Public Services, how are we going to deal with that? Wastewater, do we have the capacity in the area?

When you look at the big picture what excites me is the track record of Jason Snyder's team and the expertise in the team, the planned phasing of the project and the financing of the project. As a tax payer in the City, I am not asked to pick up any costs for this project.

I will rely on the Planning Board to work through any concerns that has been brought forth. I am elated that this project has come to the City of Westbrook and expects the Planning Board and Council will review this carefully and thoroughly over the many months that it will take to bring this project to completion in the phased stages.

William Holmes 31 Woods Road, the E-911 Emergency Director for Cumberland County spoke in support of this project but explained that the State of Maine E-911 standards would have issues with to places having the same name as mentioned by Ms. Quint. Mr. Holmes stated that somewhere during this process the name issue would be corrected.

I am here this evening to speak to this huge opportunity and commend Mr. Snyder for bringing such a qualified team to the State of Maine. His vision and commitment for the open space, while recognizing the concerns for the neighboring residents. I encourage the Board to ask the tough questions, such as traffic, Public Safety, and Public Services concerns while working through this application and encourage the Board to accept this project

Elizabeth Gattine 529 Stroudwater Street had questions on the language in the proposed Contract says, this is an example of what may happen. An overview of the language states that they recognize that due to the economy, there may be changes to the plan. Further, such change does not require an amendment or revisions to the Contract Zone. I understand what prior speakers have said, but my understanding of Contract Zones is to place restrictions. This language does the opposite. We need more specificity.

I do have questions about what fits within the contract zone and if it is needed.

I know that the numbers are very preliminary and more information is coming forward. Has consideration been given to the new Middle School traffic and how this traffic will work with respect to how people will get in and out the school?

I would like to have noise levels added to the performance standards that is addressed in the Ordinance and is not addressed in the proposed Contract language.

I do have concerns about the lighting and how some parking areas will be included in the calculation of the landscaping factor.

I would also ask for more information on the special accent lighting for events as well as the increase in height.

Ed Symbol 135 Mechanic Street wanted to echo what Ken Lefebvre and mentioned that the Council is currently referring Pike and Idexx. Idexx gets a sixty million dollar TIF over twenty years, for seventeen hundred jobs and one thousand construction jobs and this developer is asking for no tax breaks, only a Contract Zone.

I have confidence in the Planning Board, Staff and the Council to craft a Contract Zone that meets the needs of the community as well as the developer. I have been through the process and know that there will be many more chances for public comments.

We need to get this project started. It is exciting and I support the project. I invite all the concerned citizens to come to these meeting and speak, whether you support or oppose the project. The Board and the Council needs to hear from the citizens.

John Searles 61 Longfellow Street and owner of business on 656 Stroudwater St located next to the proposed project spoke in favor.

Mr. Searles also informed the Planning Board that the by-pass will be connected to this area. The traffic will be lightened off Wayside due to the bypass connection.

Rene Daniel moved to resume to regular session.

2nd by Dennis Isherwood

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

10. Resume Regular Session

11. Adjourn

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