



City of Westbrook

DEPARTMENT OF PLANNING

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WESTBROOK PLANNING BOARD TUESDAY, MARCH 3, 2009, 7:00 P.M. WESTBROOK HIGH SCHOOL, ROOM 114 MINUTES

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

Absent: Michael Taylor (Alternate)

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. Chairman Reidman explained the purpose of a Public Hearing.

Public Hearing – Land Use Ordinance – Section 404 - Sign Regulations in the City Center District – The intent is to create a more streamlined, yet comprehensive, and user friendly set of regulations for signage that acknowledges existing businesses downtown while recognizing the City’s goal for a more pedestrian oriented setting with a greater mix of uses to boost the overall success of downtown Westbrook.

Molly Just City staff is in the process of updating regulations for signage in the City Center Zoning District (generally downtown Westbrook) of Section 404 – Sign Regulations. Signage for other commercial districts will be addressed at a later time as necessary.

With this update our intent is to be content neutral and to streamline the sign regulations and fill in gaps that are missing from the current regulations. The existing regulations are not comprehensive enough to meet today’s needs given the advanced lighting, materials, and design technologies and the new businesses that are attracted to downtown Westbrook. Signage has a significant impact on the overall image and environment downtown where there is a greater amount of development and that development is more compact than in other areas of the City.

The City Center District was established to return downtown Westbrook to a prominent regional service center and includes an overlay of design standards to encourage new development consistent with the goal to revitalize downtown. Consistent with the vision for the City Center District, our intent is to create a more streamlined, yet comprehensive, and user friendly set of

regulations for signage that acknowledges existing signage while recognizing the City's goal for a more pedestrian oriented setting with a greater mix of uses to boost the overall success of downtown Westbrook.

Our ultimate objective downtown is for visitors to park once while visiting a number of businesses and for downtown residents to walk to work, shopping, and entertainment destinations. Therefore we need to introduce sign types and sizes that are more scaled to the pedestrian such as awning, blade, and sandwich board (currently allowed) signs. Another part of increasing the use mix and attracting residential uses downtown will be reducing light pollution going forward. Residents will likely not want to experience light trespass from neighboring business signs. We are proposing a cut-off time for signs as well as introducing additional language regulating the brightness levels on-site and light trespass off-site.

During its review of the draft sign regulations the City Council recommended numerous changes to the draft. Based on the number and scope of recommended changes to the draft the City Council recommended that the Planning Board review, hold a public hearing and make a recommendation on the revised draft regulations for signs in the City Center District. The most significant changes include allowing modest "pylon" signs and electronic message boards. The attached table titled "Major Concepts" provides an overview of the proposed language.

Major Concepts

**** A sign permit is required for all sign types and each sign except for interior window signs. A fee shall be charged for all sign permits.**

<i>City Center District Sign Types Allowed</i>	<i>Existing</i>	<i>Proposed</i>	<i>Parameters</i>
<i>Blade</i>	<i>No</i>	<i>Yes</i>	<i>Every 25 feet of linear frontage on a freestanding building.</i>
<i>Awning</i>	<i>No</i>	<i>Yes</i>	<i>Awnings shall not extend more than 4 feet into a public way and shall cover the entire building frontage along a public way. Awnings shall cover the entire building frontage along a public way. CEO. Street numbers are allowed on awnings.</i>
<i>Freestanding "Pylon"</i>	<i>Yes</i>	<i>Yes</i>	<i>No more than 9 feet tall, including supports, and 18 square feet in size. Listing.</i>
<i>Freestanding Ground Mounted</i>	<i>Yes</i>	<i>Yes</i>	<i>No more than 6 feet tall, including base, and 18 square feet in size.</i>
<i>Sandwich Board</i>	<i>Yes</i>	<i>Yes</i>	<i>Every 25 feet of linear frontage of a freestanding building.</i>
<i>Message Board</i>	<i>Yes</i>	<i>Yes</i>	<i>The total height of the message board portion of a sign may be no greater than 6 feet. Such sign is included in the allowable sign. Such sign is included in the allowable sign.</i>
<i>Information "Direction" Signs</i>	<i>Yes</i>	<i>Yes</i>	<i>No larger than 2 square feet. May only be placed at access points from the site to provide directions to parking areas and building entrances.</i>
<i>Time and Temperature</i>	<i>Yes</i>	<i>Yes</i>	<i>Yes – within parameters for message board.</i>
<i>Temporary Community Event/ Banners</i>	<i>Yes</i>	<i>Yes</i>	<i>As approved by the CEO</i>
<i>Building Mounted</i>	<i>Yes</i>	<i>Yes</i>	<i>Multiple signs allowed, covering up to 5% of wall facing a public way.</i>
<i>Small Tenant Listing</i>	<i>Not called out</i>	<i>Yes</i>	

Ed Reidman the public hearing is based on what Ms. Just has said and it is part of the Land Use Ordinance, in section 404. At this point does any other staff member have any comments? Seeing none t this point we will open it up o the public.

David Charest I am a landlord in Westbrook. This all started because I put signs down at the bottom of my street to advertise when I have a vacancy in one of my apartments.

One day I received an anonymous call from the City of Westbrook that said we have your sign if you want it, come get it. I thought it was someone wanting to rent the apartment and was going to give them the information. This is where this all stems from. I went down to City Hall and grabbed my sign and talked to the staff and it was recommended that I state my case at this meeting.

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We provide a service to the people here in the City by providing dwellings. It also helps the landlords by filling the units by advertising and the way it has worked for me in the past is by putting a sign at the bottom of the hill which happens to be along Wayside Drive. It is good exposure and it has worked well for me for many years. I understand that there needs to be some regulations with these signs otherwise you have people writing signs in crayon and duct tape or what not.

This sign is the type of sign that I used. It is vinyl lettered, nice and neat and presentable. I do not believe that is an eye sore. So I put this sign down there for a period of time and hopefully I get some nibbles on the apartment and I can rent it. It has worked that way to date. I have never put it in the newspaper, and then you get excessive calls which can be a headache. I just do the people in the local area and if they see the sign they call about it and I rent the apartments. Again, this is the type of sign that I have been using. I am here to hopefully plead my case and to be able to continue the way I have been doing it. I heard from Richard Gouzie that you can only put the sign on your property, in front of house. That is on the street where the apartment house is and it is not a lot of exposure. I am hoping that we can have some sort of control and allow the landlords to use signs, even if we needed to get permission from the City and do a specific time and be responsible for the sign and then to take it down afterwards.

I am hoping I can continue using this method of advertising. It helps me and it provides a service for the City as well by getting people some good housing.

Ed Reidman thank you Mr. Charest, is there anyone else that would like to speak?

No Comments

Public Hearing Closed

Ed Reidman does any Board members have any comments or questions?

Paul Emery it is my understanding that what regulates that is a State law which prohibits off-site advertising, also nick-named the build board law, but that is up to the City Attorney. I remember when it came in back in the 70's if you drive through this State unlike other States you would not see any build boards. I believe the City can do what it wants, but I believe it is a State issue and not a City issue.

Ed Reidman for those of you in the audience understand what the procedure is and we have gone around on this twice already, when there is an issue whether it comes from the Staff, Board or City Council, the Board is required to review the subject matter, then to hold a public hearing and then to make a recommendation to the City Council. We do not enact law or legislation, we only make recommendations. Once we have completed our work, then it is up to the City Council to go through the same steps, to hold a public hearing and to work with it, in this case we did that, the City Council made more suggestions and sent it back to us therefore we have had a second public hearing.

Does anyone else have anymore with regard to this issue?

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Anna Wrobel just some clarification with a sign of this nature that Mr. Charest has shown us come under that bill board law? Secondly at election time when we see signs of similar size and nature, just clustered in places for periods of time, is there any relationship for this type of sign in terms of regulation as we might be able to use for a sign of this type and size.

Natalie Burns the answer to the first question is the State law does prohibit off-premise advertising, there are some very limited exceptions to that but basically the only kind of off-premise signs you can have are the types that you see in certain towns that say businesses are located some place but you need a certain design type and this design type would not fall within that limited exemption. As for political signs they are exempt from that State law and maybe placed in the right-of-way as long they are not blocking any kind of view of pedestrians or vehicles. They are not subject to the same kind of regulations.

Ed Reidman we might add that political signs are limited to certain times that they can be there.

Dennis Isherwood would this also be same type of sign that will spring up in about another month when garage sales start; every pole has a sign on it, some that stay for quite awhile.

Natalie Burns those signs are all illegal under State law, not only illegal but they are not supposed to be posted on poles or anything of that type. I should mention another exception to off premise signs is that farm stands can have off premise signs but that is a specific exception in the statute and there is no similar type of exception.

Ed Reidman is there anything else? Seeing none, we will move to our regular meeting.

1. Call to Order

2. Approval of Minutes

Rene Daniel moved to accept the minutes of Tuesday Westbrook January 6, 2009 with the stipulation that on page 19,22,25, 27,29 we would change the voting from 8-0 to 7-0, that is just a procedural situation.

2nd by Anna Wrobel

Ed Reidman Mr. Daniel is correct, technically if we vote tonight the alternate may vote with us, but his vote does not count because there are only the seven Board members votes that count unless a Board member is absent or has recused themselves, then the alternate has a vote. It is procedural.

The vote was unanimous in favor 7-0

RD moved to accept the minutes of Tuesday February 3, 2009 as presented to us.

2nd by Cory Fleming

The vote was unanimous in favor 7-0

Continuing Business

- 3. Land Use Ordinance – Section 404 - Sign Regulations in the City Center District – The intent is to create a more streamlined, yet comprehensive, and user friendly set of regulations for signage that acknowledges existing businesses downtown while recognizing the City’s goal for a more pedestrian oriented setting with a greater mix of uses to boost the overall success of downtown Westbrook.**

Ed Reidman what would the Board wish; we have had our public hearing, now it is time for us to make our recommendation to the City Council. While the Board is thinking about it I assume that the next item on the Agenda which deals with the light manufacturing district that most of the people here in the audience are here for that tonight, the Board will take no action on that tonight. We have to hold a public hearing on that issue before we take action and at that point the public can come and speak but tonight there is no public participation.

The issue you brought up tonight Mr. Charest is not part of the discussion this evening. It was part of the original ordinance and there is no change. We heard what you said and if you wanted to bring that back in as a particular item, I assume you would write to the planner or to the Mayor and ask to put it before the Board.

Rene Daniel I move to recommend to the City Council the passage of the new verbiage based on the City Center Zone District, Section 404 Sign Regulations, signage for other commercial districts will be addressed at a later time, so it is basically the City Center District and recommend that they would pass this verbiage.

2nd by Dennis Isherwood

Rene Daniel I would be remiss if I did not say that I am against the pylon signs and electronic message board sign. Basically the majority of the rest of the change I think is going to be extremely beneficial for the City. Will vote to recommend that the City Council pass this, however I am not that crazy about pylon signs.

Dennis Isherwood we have put in quite a bit of time on the sign issue and I think Molly Just has put in the most time and has really done a good job and a lot of homework on this issue. I am glad the City Council had second thoughts on this unfortunately did put the pylon signs in which I am against. I will say one message board sign that I did see on William Clarke Drive, that this Planning Board was very much against in front of the bank, does not look bad at all and is a good looking sign. It was a matter of where it was, the zone that it was put in, the Contract Zone that did not allow it but the sign looks good and the bank looks nice and thank you Molly for your hard work on this.

The vote was 6-1 (Cory Fleming opposed)

New Business

- 4. Land Use Ordinance – Section 201 Definitions, Section 204 Non-Conforming Uses and new Section 311 Light Manufacturing District – The intent is to establish a new zoning district to promote the vision for the area south of the Stroudwater River, between Saco and Spring Streets and generally north of the Central Maine Power line easement. The vision includes expansion of the high-tech business and manufacturing sector and the prevention of negative impacts that would detract from the area as a high-tech manufacturing and business park.**

Molly Just the City Council has referred to the Planning Board for consideration and recommendation the creation of a new zoning district generally in the area running between the power lines and the Stroudwater River and between Saco and Spring Streets. The new zone would enable the continued fulfillment of the vision for this area to expand as a high-tech manufacturing/business park. The new district would be more consistent with the City's vision for the growth of high tech businesses in this area of the City, as well as the other commercial uses that already exist in the area and would prevent nuisance-like impacts on the area that would likely accompany an increase in heavy industrial uses. The attached maps depict the area and include a listing of businesses in the area subject to the zone change.

The subject area would be rezoned from Industrial Park District to Light Manufacturing District. The only change to the performance standards would be to add a maximum height where currently there is none and additional environmental controls to minimize the impact of outdoor storage, noise, odors and vibrations.

The new zone would not permit heavier industrial uses, would not permit mining and mining-related activities and would continue to prohibit warehousing. Existing non-conforming uses could continue to operate and expand on the site so long as the current performance standards are met. In addition, non-conforming uses can be replaced on the same site if an existing non-conforming use is sold.

In order to implement the proposed provisions the following changes to the ordinance would also need to be adopted and are outlined in the attached draft language:

- Addition of the Light Manufacturing definition to Section 201.56;
- Addition to Section 203 of provisions regulating expansion of a non-conforming use outside of a building to prohibit expansion beyond that previously approved; and
- Addition of the Light Manufacturing District, new Section 311.

So the Planning Board would need to review, provide input, public hearing, public input, Planning Board would make a recommendation, and the City Council would have a similar process. The end result is up to the Planning Board.

Ed Reidman did you (the staff) draw the lines of the district or did the Council draw the lines of the district.

Molly Just Staff drew the lines.

Ed Reidman in our packet we have a map. I had requested we have a map to show all the businesses in the park and what the business names are so we could get a general concept of what is currently in the zone. We do have to work on this in order to come up with something that is acceptable to the Board, we have to go to a public hearing, unfortunately there can be no public input at this meeting as this is what the rules say. We do not accept public input unless we are in a work shop session or in a public hearing session.

Are there any comments from the Board on these materials? I would like to put this item into a workshop. The question is when we would like to go to workshop, the first meeting in April?

Molly Just this would be fine for the first meeting in April. I will limit the number of items at the beginning of the agenda as workshops come at the end.

Cory Fleming Mr. Chair, for the audience benefit, could you explain what is done at a workshop?

Ed Reidman during a workshop we would generally take the materials we have here and go through them, read the passages and ask questions and generally review it. Although we have some things in place already, I think it is the duty of the Board to review everything within the district, I am not saying to change it, I am saying we should review it and say is that acceptable. If we are going to look at a district we must look at it very carefully to see what is already there and what could be there. I know in years past we had business districts that we found we could not have nursery schools or day care centers within that district and it came back to the Board and we put it back in because that was one of the needs were. I think we need to take a good hard look at this.

Mr. Gouzie have you been challenged on your opinion in regards to that area and will that go to court or not?

Richard Gouzie the hearing will be the end of the Month 23, 24, 25 we have put aside for the hearing. Pike and Westbrook Works have put in appeals.

Ed Reidman we have a letter from Preti-Flaherty, talking about the process and I will not read it because we are not in a public hearing this evening.

Rene Daniel move to hold a workshop the first Board meeting April 7th.

2nd by Cory Fleming

The vote was unanimous in favor 7-0

5. Final Site Plan – 21 Ash Street – MacLeod Structural Engineers, P.A., on behalf of Strategic Maintenance Solutions for a 3-story office building on a 0.28-acre parcel

located at 21 Ash Street, a vacant parcel of land behind 795 Main Street. Tax Map: 33, Lot: 142, Zone: City Center District and Village Review Overlay Zone.

Summary The subject property is located behind 795 Main Street and abuts the City parking lot on Ash Street and the Presumpscot River. The property will have an Ash Street address. The proposed project includes a 3-story wood framed office building with a gable roof design, vinyl siding and trim. The subject property is being developed per a Joint Development Agreement between the owner, the City and Westbrook Housing to provide an access road between Ash Street and the Westbrook Housing property to the Post Office property.

The proposed building would have three entrances, two from the City parking lot on Ash Street and a third at the rear of the building. The applicant would be the primary occupant of the building, using the third floor. The first and second floors would be leased to tenants.

Fred Panico MacLeod Structural Engineers, P.A., on behalf of Strategic Maintenance Solutions presented aspects of the 21 Ash Street for a 3-story office building on a 0.28-acre parcel located at 21 Ash Street, a vacant parcel of land behind 795 Main Street. Tax Map: 33, Lot: 142, Zone: City Center District and Village Review Overlay Zone.

Ed Reidman questions from the Board

Cory Fleming so the proposed walkway does connect to the river walkway?

Fred Panico yes

Paul Emery I am looking at SP1 then looking at the Presumpscot River then looking at a line that is labeled flood plain zone which presently on the sketch on SP1 that is below the proposed building. How is that flood plain zone calculated? I remember during 1996 we had eighteen inches of rain in one day and the water came up higher than that. Was the flood plain calculated with the 100 year, 200 year or 500 year storm?

Fred Panico the building does not have a basement the lower level is at ground level.

Paul Emery have you calculated and are you comfortable using that as the flood plain mark?

Fred Panico look at the existing conditions survey, a plan done by Bob Titcum for the City back three or four years ago, he identified the flood plain and we transposed it to our map.

Rene Daniel I declare that I am presently an employee of Westbrook Housing and will not be gaining any monetary or any promotion from this project. I do not speak for them but I work for them.

I examined your landscaping plan carefully. After counting the numbers designated for each of the plantings I found some with no numbers, under planting D, sprouting yew that has no number but it points to just one. I am assuming the whole row is the same thing associated with it. The second point is the letter E points to an area and I am not sure if the purple leaf winter creeper is going to be in that whole contained area or just one plant. The letter F the Japanese

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Barbary I could not locate the F on the plan. Then in here it referred to the rain garden and I am assuming that the rain garden would be between the walk way and the present parking lot and the building.

Io was also intrigued about the stairway and I was inquisitive about the handicapped accessibility of that walkway as well as the two parking spaces in the front of the building closest to the river. How are they going to get into the building?

Fred Panico showed the plantings on the plan and explained the rain garden location.

Rene Daniel are you talking about the garden closest to the river that says flood plain zone?

Fred Panico it is over the flood plain zone, yes but you need to go back to the grading and drainage plan to see

Molly Just I think I can clarify, it is the diagonal striping through it, right beside the area depicted flood plain zone and it has the four or five G shrubs with in it.

Fred Panico it is basically at the bottom of the rain garden. Please view SP2 and see where it says rain garden, the whole area under line 51 down would be considered the garden, about 3 ½ feet deep and it was located there because that is the best location to capture the run off from the parking lot.

Rene Daniel is there a buffer zone where the tarmac is or does the water just run into it?

Fred Panico the water runs off the pavement right in to it that is what it is designed for.

Rene Daniel can you address the handicap accessibility, the tarmac and the parking lot in the front and the walkway?

Fred Panico if you go to SP1 you have two handicap spaces in the parking area that is required, then that access along the road which is a striped walkway, then you see a walkway coming up and that goes to the lower level of the building. You are correct in assuming that the stairway on the upper part of the building is not accessible.

Rene Daniel if I am handicapped and to get into your building I would have to get out of my vehicle and go to the side of the striped walkway and go into the building on the first floor. Is there going to be an elevator for the second or third floor?

Fred Panico that is not proposed, I will ask the architect to speak to that.

Brian Baudette the architect on the project and each floor on this building is less than 3,000 square feet and the State requirement is 3,000 or more would require an elevator. We have three floors all at 2900 square feet. As far as the ADA code goes, if there is no elevator there is a certain formula that is required for the cost of the building that you need to put in a certain percentage of the cost of construction towards handicapped accessibility. This building has been

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looked at by Rich McCarthy at the State Fire Marshalls office and fully complies with the handicap accessibility for the State. Anything that needs handicap accessibility will be on the first floor. What we did with this building is to make two exits on the middle floor handicapped accessible. The egress exits out at grade on two sides of the building, due to the sloped site. We actually have more handicapped egress than is required.

Rene Daniel has all agreements that Molly spoke to in the beginning been addressed? Have all the agreements for the underground wiring been addressed with the three parties and do we have the signed documentation?

Molly Just just to be clear to the audience, I have not yet spoken about this project during this meeting. In my memo it states easements needed. There are multiple easements needed in order to build out this project and I propose a condition of approval that links certain permits to the City having copies of those permits. The details have not been worked out yet, staff has stressed the importance of working on the language of those easements, negotiating that language with the City of Westbrook and some easements are needed from Westbrook Housing. I do not know the status of those negotiations. In order to have this project fully completed, the City and Planning Department will need to have signed copies.

Rene Daniel is that before they start construction or the end of the construction.

Molly Just that we can talk about the permits that they would need and you could be as stringent to say before you sign a Mylar. If there are changes due to the easements, the applicant would have to come before this Board for a full site plan re-approval based on those changes to a site plan. In discussions with the City of Westbrook and Westbrook Housing, it is determined that the locations on this plan for easements are not going to work. We can ensure that the applicant can move through quicker if we say before you sign the Mylar or we say before you vote or before much work is done we will need to provide copies of those easements.

Rene Daniel I remember the presentation that Keith Luke made to the City Council in regards to that area, about fixing that area up due to the wash out in the winter or springtime. I was just wondering how that will evolve during this project as this project is very close to that.

Fred Panico I do not know if you notice but we do have an easement plan in the packet waiting for comments from the City of Westbrook.

Ed Reidman for the audience at home the piece of property shown is behind 795 Main Street, behind the John Hay building, just to locate it and this is a piece that is split off behind it.

Is the application complete? If so, may I have a motion?

Cory Fleming moved to find the application complete

2nd by Anna Wrobel

The vote was 6-1 (Paul Emery opposed)

Ed Reidman does anyone want a site walk or a public hearing?

Dennis Isherwood I would definitely want to see a public hearing on this. How many parking spaces is this going to supply? Just those few?

Molly Just perhaps I can address that. Our ordinance does not require offices to provide parking spaces in this district. Basically the thinking is it is downtown and we have a lot of public parking lots and would like to see them occupied so the idea is that we incentivize that by not requiring the parking and this parking abuts a public parking lot so parking will be provided on that public parking lot. It is the Ash Street parking lot that is not utilized to its full extent presently.

Dennis Isherwood but we have a shortage of parking in Westbrook.

Molly Just I think that depends on who you talk to, because in the Ash Street parking lot is not fully utilized now as there are not a lot of businesses immediately adjacent to it.

Dennis Isherwood right now we do not know how many people are employed there and how many spaces of this lot will be taken.

Fred Panico our estimation would be one per one hundred square feet.

Dennis Isherwood there is a small building that has been referenced as the Ma Bell building and about twenty-five people work there. It is a small building but yet a lot of people work there.

Now I remembered where this road went and it definitely had some issues putting the road next to the nicest place in Westbrook, the river walk. I remember the presentation several years ago that Westbrook Housing did and that was the biggest issue was the road and how that road was coming through. The road existed to be a travel lane between the Westbrook Housing and here that would be one thing, but as soon as you have a road off of a busy road you will have a shortcut. I can not believe how bad the traffic is in Westbrook on Main Street between 3:30 to 5:00, it is packed. I would like to get a traffic count on vehicles that come down Ash Street and take that back loop over to Bridge Street, just to see how many use that short cut and what we will create if we opened up another one further down so they could actually get on this on the other side of the park and travel this shortcut over to Bridge Street. That is my biggest concern putting a road next to the best walk way. Why would we want to put any traffic at all next to our most scenic area in Westbrook?

I am going to have an issue with the parking because I believe we have a parking shortage. Do we create more problems before we fix it? Do we keep adding until we have exhausted our parking? I would like more information on our parking situation in Westbrook before I give away a parking lot.

Molly Just certainly that can be provided. As part of our study of our parking situation in downtown Westbrook, our consultants did define that we are not currently under parked in terms of demand. I can provide the summary of what that study found for our next meeting.

Ed Reidman can we get back to the easements necessary and are there amenities that should be involved?

Molly Just that would be the owner of the subject property, the owner to the north property (Hi-Tech Builders), Westbrook Housing Authority, City of Westbrook and Portland Water District.

Rene Daniel Molly, there is a very small parcel that is owned by the United States Government that will need to be taken into consideration based on what Dennis was saying.

Molly Just not for this project.

Rene Daniel based on what Dennis has said with the roadway going through.

Molly Just the roadway can be built on this property.

Rene Daniel but not a through street.

Molly Just a through street, that is correct, we will have to work with the post office.

Rene Daniel which will satisfy Dennis's comment of more of a short-cut.

Ed Reidman there is no link for this piece of property and the back of the Westbrook Housing Authority and the old High School. There is no link on the riverbank for a roadway. The only link that exists is the walkway. In reading there plan they intend to extend the parking lot to house three cars in behind where they will build the building. It does not link to anything else; it is just a dead end.

Cory Fleming Rick is showing it on the map.

Ed Reidman there is no proposed link between this piece of property into the Ash Street parking lot. There is a proposal to extend the parking lot to encompass two handicapped spaces

Dennis Isherwood where would the road go to?

Ed Reidman it would go to the Ash Street parking lot.

Dennis Isherwood I am looking at SP1, a proposed future drive

Ed Reidman DI SP1 proposed future drive per joint development agreement. As I remember it went into the condo complex by the Westbrook Housing Authority and into there back lot, which connects to Foster Street which creates a through way.

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Ed Reidman I understand where you are now, and your objection is to that note on that plan. That gives an indication that sometime in the future someone could do what you think should not be done.

Molly Just if I could make this as transparent as possible, there is currently a joint development agreement and Dennis I believe that is what you are referring to in fact to develop this access way. That is the intent between the City, Westbrook Housing and this property to have all the projects built out and have a driveway connect from Ash Street through to behind the Post Office.

Ed Reidman I think we all understand your objection now.

This does not mean that the project is on hold, it can move forward. The final steps which are the developer's responsibility need to be in place before they can go and get a construction permit. Mr. Isherwood wants site walk usually held on Saturday morning at 10:00 a.m. and we can also hold a public hearing on this if that is the desire of the Board.

Rene Daniel I am in total agreement to move forward with this project. There is no way even with the questions that I have asked this evening, I do not want the impression that I want to slow this process down. I can understand site walk and a public hearing, but I would like to see it as quickly as possible. We need a jolt of energy in the downtown area. This project will help the businesses flourish and the sooner we can process this, the quicker this project can be done.

Cory Fleming I am going to echo our Deputy Chair's comments and I would like to commend the architect for a very sensitive design. I think you have done a great job blending a new building in that area.

Paul Emery I have some reservations and am not crazy about the extension of parking lot but overall I agree with Ms. Fleming.

Rene Daniel I move to schedule the site walk on March 28, 2009.

2nd by Paul Emery

The vote was unanimous in favor 7-0

Rene Daniel moved to schedule a public hearing on April 7, 2009.

2nd by Cory Fleming

The vote was unanimous in favor 7-0

Moved into workshop

2nd by Anna Wrobel

The vote was unanimous in favor 7-0

Workshop: Note – Public comment will be accepted during workshop

6. Recess to Workshop

7. Sketch Plan – 741 Main Street – Terradyn Consultants, LLC, on behalf of Shalom House, Inc., for a redesigned parking lot and change of use of an existing structure from a boarding house to a 5-unit multi-family residential use on an approximately 0.29-acre parcel located at 741 Main Street. Tax Map: 33, Lot: 178, Zone: City Center District and Village Review Overlay Zone.

Project Description – This project contemplates a change of use from a 13-room boarding house to a 5-unit multi-family building. The existing structure would remain and the existing driveway and parking would be altered to accommodate seven parking spaces, the number required to park the unit count and type. To accommodate the additional impervious surface the applicant proposes to construct a rain garden at the rear of the property.

Staff Comments:

- *Parking. Staff is concerned that the applicant does not have enough information to be certain what level of site work is needed to accommodate the proposed project. There appears to be an inconsistency in the site dimensions in application materials provided by the applicant and those dimensions reflected in our GIS. This would be rectified with Final Plan review as a survey will be required. Our concern is that given the small site a small increase or decrease in the dimensions could result in significant changes to the on-site circulation and parking program.*
- *Approvals and Recommendations Required.*
 - *Subdivision. The change of use from boarding house to a 5-unit multi-family building would require subdivision approval due to the proposed unit count.*
 - *Recreation & Conservation Commission. The subdivision application would trigger the need for review and recommendation on the project by the Recreation & Conservation Commission.*
 - *Village Review Overlay Zone. The site is located within the Village Review Overlay Zone. Depending on the amount of work proposed to the structure itself the Village Review Overlay Zone Committee may need to review the project and make a recommendation to the Planning Board. Given the lack of changes to the building depicted on the Sketch Plan, the committee would not need to review the project as proposed.*

Norman Maze from Shalom House presented an overview of the Shalom House facility, a social service facility dealing with adults with mental illnesses. We have been in business for about twenty-two years and own about fifteen properties, from group homes, independent living, to assisted living facilities.

The current owner has not been able to find tenants with its current use; we could utilize this parcel as a new use, a five unit apartment building. The money paying for this project would

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ne Maine Housing and it would house homeless families and also individuals that do have a diagnosis of mental illness. This would be an independent facility requiring no support.

Issues we need to bring to you is the parking, we have tried several different ways to fit in seven spaces and we have not been able to use it in its existing views, so we have consulted Terradyn Consultants, LLC., to see how we may use the parking area.

Jon Whitten Terradyn Consultants, LLC, on behalf of Shalom House, Inc., presented aspects of a redesigned parking lot and change of use of an existing structure from a boarding house to a 5-unit multi-family residential use on an approximately 0.29-acre parcel located at 741 Main Street. Tax Map: 33, Lot: 178, Zone: City Center District and Village Review Overlay Zone.

As Mr. Maze has said the Shalom House has looked at different ways to get the parking spaces done on this property. Currently there is angled parking and five vehicles can park there and back out onto Main Street. We have proposed additional two hundred and fifty square feet of pavement on the site to allow for the seven parking spaces on site.

Tonight with our sketch plan we need to get the feel of the Board for the layout the way it is and if property lines are to shift a little (this is an initial plan) from a deed description and a survey done awhile ago, if we can not fit the full seven parking spaces, if we can back to the Board with six parking spaces and a waiver request, possibly how would that go.

Cory Fleming Molly do you happen to know where the nearest public transit stop is in relationship to this property.

Rene Daniel across the street at Dunkin Donuts.

Cory Fleming given that I would be open to having six spots and a waiver.

Ed Reidman I think we would ask Mr. Maze do your clients all have cars.

Norman Maze no, typically 25% of our residents have cars, because of their income status; they typically do not own cars.

Ed Reidman earlier we had a discussion as to not having a need in a certain district the parking. Does that also fit into this one?

Molly Just no it does not, residential housing does require parking.

Ed Reidman one space per unit plus?

Molly Just it depends on the size of the unit. The unit components were drawn up based on the parking that would be needed by that number.

In your packet you have a memo from the Fire Inspector who is concerned about one of the parking spaces blocking the access to the fire connection, to the sprinkler system. That is a parking space that would not be lost if it was found out that the front yard was not as deep as is reflected on this sketch plan but more reflects what is shown on our GIS. In that event spot number seven probably would be lost. In my memo I stressed a current survey of the property,

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we have conflicting data where exactly the property lines are. When we have a property as tight as this we need to have all the information before making a decision.

Ed Reidman are there any other concerns?

Corinth Hathaway and Steven Perry 44 Cloudman Street, the property directly behind this building. What is this building going to be used for other than homeless housing? Above and beyond that we had difficulty with the residents that lived there when the property was owned by Avesta housing. The residents quite often threw trash in our yard and we had to deal with the behavior issues of the residents. With the parking situation changed to the plans that are laid out now, my concerns would be the run off to our back yard, any sort of snow removal, where the snow is going to go, very little privacy to our back yard, lights in our bedrooms and engine noise. Where the parking lot does come out onto Main Street into a very congested intersection is a safety issue. I am not sure whether to bring concerns of the parking or the use. We already have the Recreation Center and Teen Center, so there are a lot of children in the neighborhood and a lot of traffic in area. I am routinely blocked from entering my driveway because of parked cars and things like that. There are a lot of children running around the area and we are concerned about the safety of our neighborhood, should this be used for a homeless facility, the housing of homeless.

Steven Perry not really related, but we have already had a few problems with people at the Recreation Center. I was hit in the head with a rock, thrown from someone at the Rec. Center. There are a number of issues in the neighborhood already and I do not want to see anything increase for more problems that we are already having. It seems to me that there is an opportunity there for more problems.

Ed Reidman some of the questions I will direct to Mr. Gouzie as to the use of the building. Their concern was the use of the building as proposed by Shalom House.

Richard Gouzie the use is a permitted use within that zone; we have not restrictions where they could build that type of a home.

Ed Reidman given the concerns with regards to the affects of the parking, run off and light intrusion.

Jon Whitten explained the grading, run off and snow removal. The installation of a rain garden would minimize storm water and we will review the possibility of the light intrusion and will look for a viable solution.

Ed Reidman one of the purposes is for the developer to hear what concerns are and that is why we open it up to the public. Is there any other comments?

Cory Fleming Mr. Maze given the nature and mission of your organization, I am assuming that you can provide some support services to the residents?

Norman Maze we would be providing support not on site.

Cory Fleming but there is counseling and

Norman Maze yes, case management services.

Cory Fleming you thoroughly review the people that live in a property like this.

Norman Maze yes we have criteria they have to meet, based on criminal background checks landlord checks and credit, etc.

Cory Fleming I am thinking of general neighbor relations, that some out reach might be better with this particular project.

Norman Maze I want to add that I believe the previous use of this property was for adolescents there and that might have contributed to some of the problems that occurred. This would not be adolescents, it would be adults.

Anna Wrobel given the nature and mission of Shalom House, to what degree are the tenants contractually bound to a lease or does the Shalom House have some sort of form of regulatory oversight the tenants? How does that work? Housing the homeless is an excellent mission as they are no longer homeless; I am wondering if there is some supervisory role that Shalom House plays with the tenants, if there are any tenants whose housing falls out of line with the criteria that you have.

Norman Maze they would sign a lease and if they do violate the terms of the lease, they would either be given a warning or if they do not comply with the warning, they would be evicted.

Anna Wrobel and by terms of the lease, what do we mean by that?

Norman Maze a typical lease agreement, an income certification on an annual basis as we need to know if they income qualify throughout their tenancy. The regulations that we follow from Maine Housing we need to review to see that they continue to qualify.

Anna Wrobel so the Shalom House service folks are chosen as they are working, have jobs or are looking for employment or trained for employment?

Norman Maze some may be working and others may have disability that they can collect.

Anna Wrobel so there is income criteria.

Norman Maze yes

Rene Daniel how many parking spaces if they have two 2 bedroom and three 1 bedroom?

Richard Gouzie there would be one and a half per unit.

Rene Daniel my concern is how will you address the snow removal as that is a very tight lot; I would not want to see a snow pile grow over the winter.

Jon Whitten when it gets to a point that they are limiting their parking, they would have to pay a loader for the removal of the snow.

Rene Daniel how big is the rain garden in the back?

Jon Whitten the rain garden will be sized per the DEP requirements.

Rene Daniel I have an issue about vehicles backing out on Main Street.

Jon Whitten we do realize that.

Rene Daniel if you look at what you call the Carriage House, I wonder if there is an area to turn around there. I would not be in favor of backing out on Main Street.

Mr. Maze would you have a Property Manager for the building?

Norman Maze no, we would manage it from our location in Portland and we would have emergency maintenance hours during regular business hours and we would be able to provide services to them.

Rene Daniel would you have an individual responsible for that building, so when someone calls that person would be the one always contacted.

Norman Maze my thought the property management office would handle those calls and my maintenance staff would handle the maintenance.

Rene Daniel vacancies; Molly or Rick, do you know how long this property has been vacant?

Richard Gouzie it has been vacant at least two years. T.P. Smith had a boy's home at that location. They left due to lack of funding and then it went a year at least before anyone else came in. I actually said that type of use had gone away and they took my decision to the Zoning Board and overturned my decision and said that type of use was grandfathered. Now they are going to turn it into what is permitted in the City Center district.

Rene Daniel do we know exactly how close the church is to the property line?

Jon Whitten I do not know, but I would say it is feet if not foot close to the property line. There are not setbacks in this zone.

Ed Reidman any other questions or comments?

Anna Wrobel can I ask one more question about the light issue? You were saying that you could not put a fence in right behind the parking because you have to snow plow. What about the possibility of some kind of fencing the on property line itself which would also prevent the snow from on to the neighbor's property.

Jon Whitten will do some profiling to look at that to see how tall a fence we are talking about, it may take a twelve foot fence to be able to stop any light, but we will certainly look at that. We will implement some landscaping, fencing measure to try and minimize the lighting impact.

Rene Daniel I also think it would be advantageous for a site walk. It is a beautiful lot even with the steep drop off. We need to understand what the neighbors need.

Ed Reidman anymore comments?

Dennis Isherwood one more comment that came up during the mall discussion of overflow parking. You are telling me that you may not have this many cars parked here ever, it would probably be three, possibly four. If ever there was a place to have the grass parking this would be the place to have that type of parking.

Jon Whitten the reinforced pervious grass that is an excellent idea.

Dennis Isherwood I would feel better if that were done there and then we would have to address the issue of the light and snow in the neighbor's house. Maybe you could look at that.

Ed Reidman other questions or comments?

No Comments

8. Land Use Ordinances – Section 504 Site Plan Review Requirements and General Provisions – The intent is to allow a modified approval process for minor changes to Site Plans approved since adoption of the current Ordinance (2/09/04).

Molly Just as we have talked about, time and again any change whatsoever to an approved site plan would require a site plan amendment which is no different than a new site plan, with the same level of detail to the plans and information submitted with the application form. The draft application and parameters lay out a series of criteria to ensure that changes that would result in an increased impact *would not* be reviewed under the simplified review.

An important component of the criteria is the requirement that the approved site plan was approved under the current ordinance, which includes stepped up site plan standards. This would ensure that the site plans that would be changed would have received the same level of review under the same performance standards, which should create a more level playing field for the applicants and peace of mind for staff and the Planning Board.

The applicant would have to meet all of the following criteria to receive the simplified review:

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- a. The site plan was approved since adoption of this ordinance (adopted 2/9/2004);
- b. The proposed change(s) would be located within existing structures, and there would be no demolitions, or building expansions other than those permitted by subsection c of this section;
- c. Any necessary building expansion would have an increased foot print of no greater than five hundred (500) square feet and the proposed change(s) would require a minimal increase in paved surfaces;
- d. The proposed change(s) would not add curb cuts or driveways; would not disrupt the circulation and parking on-site; and would add no drive-thru services;
- e. The curbs and sidewalks adjacent to the lot shall meet minimum requirements and shall be in sound condition and sidewalks in good repair with uniform material and level surface and meet the accessibility requirements of the Americans with Disabilities Act;
- f. The proposed change(s) would not increase parking demands as determined by Section 505.1 or traffic generation as determined by the International Traffic Engineers Trip Generation Manual, latest edition and would result in no significant increase in hours of operation;
- g. The proposed change(s) would not increase stormwater impacts to the site or to adjoining properties;
- h. The proposed change(s) would not reduce screening from adjoining properties and would not reduce the amount, intent or quality of landscaping; and
- i. The proposed change(s) would not increase demand on public or private utilities and would pose no disturbance or require improvements within the public right-of-way.

The proposed criteria and provisions would become part of the site plan section of the ordinance and, therefore, must be approved by the City Council as a zoning ordinance amendment. The Planning Department seeks a positive recommendation from the Planning Board on this item following a public hearing.

Ed Reidman having worked in the business there are times when it would be good for the staff to handle it and then there are times when the staff decides to place it before the Planning Board because it may be a little more than what we should be approving. Naturally if the Staff decided that it is too big and scheduled it before the Planning Board, it would have to come before the Board anyway.

Cory Fleming I agree whole heartedly, especially in these economic times. I think we need to simplify the processes so we are business friendly.

My only concern is the number of times someone may use this provision. I would like to see us put some kinds of limits that they can utilize this. If they use it three or four times, then it needs to come before the Board. I do not know if three or four is too much or too little, but I do suggest some type of limitations.

Anna Wrobel I like this too and I agree with what Cory has said. I am looking at the specificity of the criteria. Would you be a little more specific on the square footage requirements? Also on "F", a significant change on hours of operation, will that be more specific, so we have a sense of what is significant?

Molly Just no, it would be a case by case basis. It is very hard to come up with a figure.

Anna Wrobel for example what we just heard in workshop, would you consider the potential for increasing the impervious surface 250 square feet. Would that be regarded as minimal? I am just trying to get a sense of what you mean by minimal.

Molly Just again, applying that on a case by case basis that is a very small site with a very small area for impervious surface already as to asphalt, basically the structure takes up most of the site. So 250 square feet, I would need to see that on a plan. I did not analyze that and I do not know what they added for impervious surface, but 250 square feet on a mall project is insignificant, so it is absolutely case by case.

Scott Herrick I think this is a great idea and I think it is absolutely necessary. On "C" I did not know getting bound to specifics if you have a 2,000 square foot building then 500 is a huge number so I was thinking maybe the lesser of 10% of the square feet or 500, something like that... maybe a good compromise so we can make sure it stays to scale of the project. Then something that Cory said something to ensure that there aren't cumulative changes made. If they come back three time, each one may not be that big but if you put them all together then it is significant, so either a limitation on the numbers or not more than one or two. I think we need to keep that in mind when putting that out there.

Paul Emery my only comment would to simply move the fee from \$50.00 to \$100.00 dollars. It is still a lot of work for staff. I have been on the other side, preparing the number of copies, all the other supporting material, go out and get all the letters, a new traffic study etc., for a de minimus change that is really crazy, anti business. On the other hand this does require the use of the City's resources and because it does a fee of one hundred dollars is not unreasonable.

Cory Fleming I am going to follow up, I agree with Paul and your time should be covered. On average if it takes you two or three hours to process these then two or three hours of your labor time should be covered by whatever the fee is.

Ed Reidman could you give us some examples of where you have seen this happen and how it would fit in? Are we talking about when we did some changes down at the corner where the medical building is, where there was a difference in the sign change and the type of plantings? Is that what we are looking at?

Richard Gouzie an example is where the location of the plantings around the generator for the medical building would not come back to you.

Ed Reidman this is typical where the developer comes before the Board with signs and he has an idea who is going in but he has no total picture of what the sign is going to look like and the best you get on the plan is where it says sign. Then they go to the Code Officer to get the permit and they want to move it for more visibility, to me that is De minimus.

Molly Just actually, you asked for prior experiences and in my prior employment I worked on site plans and I would get requests for a de minimus change quite frequently, not necessarily multiple times on one project and the applicants were very appreciative for such a streamlined approach in terms of time and expectations.

Ed Reidman ultimately we would have to go to Council for their approval for this change.

Molly Just yes that is correct.

Ed Reidman the discussion we just had, we will discuss on the Light Industrial District and we will need more input from public on this one or the previous item. I expect us to have to work on it not quite as hard as we did for the new zone on Stroudwater Street. We do have to look at it and put some effort into it.

Cory Fleming is there anyway we can separate this from the other issue in the public's mind?

Ed Reidman absolutely not.

May I have a motion to return to regular session?

Rene Daniel moved to return to regular Session.

2nd by Dennis Isherwood

The vote was unanimous in favor 7-0

9. Resume Regular Session

10. Adjourn

Respectfully submitted by Linda Gain PECE Administrative Assistant

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