



**City of Westbrook**  
**DEPARTMENT OF PLANNING**

**WESTBROOK PLANNING BOARD**  
**TUESDAY, JULY 17<sup>th</sup>, 2012, 7:00 P.M.**  
**WESTBROOK HIGH SCHOOL, ROOM 114**  
**MINUTES**

Present: Ed Reidman, (Chair) (Ward 5), Rene Daniel (Vice-Chair) (Ward 1), Greg Blake (At Large), Rebecca Dillon (Alternate), Michael Taylor (At Large), Joseph Marden (Ward 3), Cory Fleming (Ward 4)

Absent: Robin Tannenbaum (Alternate), Dennis Isherwood (Ward 2)

Staff: Molly Just, Richard Gouzie

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

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.

1. **Call to Order**
2. **Approval of Minutes: June 5<sup>th</sup>, 2012**

**Rene Daniel moved to accept the Planning Board minutes of June 5<sup>th</sup>, 2012 as presented.**

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

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

New Business

3. **Site Plan – 100 Larrabee Road – Sebago Technics, on behalf of WE 100 Larrabee Road, LLC, for expansion of a parking lot. The project is situated on a 7.66 acre parcel located at 100 Larrabee Road. Tax Map: 42B, Lot: 6; Zone: Gateway Commercial District.**

Overview. The applicant has submitted an application for construction of a parking lot expansion to include 45 additional parking spaces on their property at the southwest corner of the intersection of Main Street and Larrabee Road.

SITE PLAN

*Staff Comments:* Staff supports Planning Board approval of the application.

- *Waivers:*

- 309.3.O.1 Gateway Commercial District – Performance Standards – Landscaping. The applicant requests a waiver of the 25% landscape requirement. The applicant has made good faith attempts to provide adequate parking for their tenants while also meeting the landscape requirement. In lieu of this requirement, the applicant has agreed to pay a fee in the amount of \$50,005.00. Staff supports this waiver request and will bring forward to the Planning Board at their next meeting a draft amendment to the Land Use Ordinances language that allows for a fee in lieu of fulfilling the landscape requirement in the Gateway District. This option is provided for residential subdivisions when they are unable to, or it can be demonstrated that it is impractical to, meet the open space requirement. This option is practical in the Gateway Commercial District, generally the Main and Larrabee corridor that is built out with a majority of impervious (paved and built) surface. The proposed fee is calculated by calculating the proposed landscaped area, determining the deficit and multiplying that by ½ of the average assessed value of land in the Gateway Commercial District. (Landscape required = 1.765 acres. Landscape provided = 1.08 acres. Deficit = 0.685 acres.  $0.685 \times \$73,000 = \$50,005$ .)
- Design of Off-Street Parking. The applicant requests a reduction of the drive aisle width to 24 feet. The City Engineer supports this reduction, as required by Section 505.1B.
- Off-Street Parking Requirement. The applicant requests a reduction of the parking requirement of Section 505.1. The subject request is to add parking, coming closer to meeting the parking requirement. Staff supports this request as there is effectively no more space to add parking and additional impervious surface is not supported by our Land Use Ordinance.

**Kylie Mason** with the Sebago Technics on behalf of WE 100 Larrabee Road, LLC; I saw one small flaw on my cover letter, I mentioned forty-five (45) parking spaces and by the time I did some re-striping on the lot there was some better efficiencies that could be had and there is actually a net gain of fifty-six (56).

As per the project we are adding four (4) trees along Larrabee Road and three (3) trees along Main Street and some supplemental ornamental plantings to the back of the parking lot and new street trees along Terminal Road that are greater improvements to Terminal Road.

There is an area to the right of what is the Rent-A-Center that will be sod cut and repaved to accommodate grades. We are relocating the dumpsters to be a little more screened and we are adding islands.

**Ed Reidman** does anyone have any questions?

**Rene Daniel** Do you have a plan?

**Ed Reidman** we had an electronic packet and we are unable to see the plans.

**Kylie Mason** I have four extras showing the addition of twenty-one (21) trees.

**Rene Daniel** I am fine

**Ed Reidman** any other questions or comments?

**Greg Blake** on the original plan it was forty-five (45) spaces and now it has jumped to fifty-six (56)? Could you run through that as to how that happened? That is a pretty significant jump.

**Kylie Mason** we are only constructing forty-five (45)...

\*\*Editors note complete explanation inaudible.

**Ed Reidman** anyone else have any questions?

None

**Ed Reidman** does anyone want to take a site walk or have a public hearing?

None

**Ed Reidman** they are asking for three different waivers. I will deal with the off street parking requirement first.

Off-Street Parking Requirement. "The applicant requests a reduction of the parking requirement of Section 505.1. The subject request is to add parking, coming closer to meeting the parking requirement. Staff supports this request as there is effectively no more space to add parking and additional impervious surface is not supported by our Land Use Ordinance."

I personally do not have a problem but I need a motion to waive the requirements of Section 505.1 to reflect what has been shown to us in the plans.

**Cory Fleming** so moved

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

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

**Ed Reidman** the second request is to waive the driveway isle to twenty-four (24') feet. We have done this a couple of times and the City Engineer supports this. This will be a waiver of 505.1B

**Cory Fleming** so moved

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

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

**Ed Reidman** the last one is a little more complicated. Because the Commercial Gateway District requires a 25% landscaping requirement and the 25% landscaping requirement with all the asphalt that is already there is not possible, so the staff has come through with the administration and developed a fee in lieu of landscaping to that 25%. That fee is \$50,005 dollars. It does

require us to waive Section 309.3.0.1 of the performance standards of landscaping. This requirement is to be satisfied by a dollar contribution to the City.

**Rene Daniel so moved**

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

**Cory Fleming** given the fact that this is a waiver to the normal landscaping requirements will the money, the fee in lieu of be dedicated for landscaping in some fashion or does this go to the General Fund?

**Molly Just** thank you for asking that question, this gives me the opportunity to explain this situation that we are finding in a more broad sense. The Gateway Commercial District is unique. Our other zoning districts have a landscaping requirement and that really means is that only so much of the site can not be paved or developed. That is a performance standard in every zoning district.

The Gateway Commercial District has actual performance standards specific to this district based on a plan that Westbrook went through with Portland in 2000. It was a Gateway, traffic and street scape study and out of that study came twelve (12) performance standards specific to this zone. The idea being that we improve the appearance of the Gateway District which is Main Street and Larrabee Road as you come into town and to improve the appearance and improve the traffic conditions as this is a high accident location.

Actually in addition to the 25% percent open space, non-development requirement, the gateway standards... the recommendations that came from that study says you need to have 25% percent of your site, particularly along the edge some quality landscaping along the edge of the non-developed areas.

What we are realizing as we see more and more property owners wanting to improve their properties in this area that is been mostly developed for quite along time, we are seeing them have problems meeting that requirement, that 25% percent. Most of these properties are built out to maybe 5% percent landscaping or just grass, not necessarily beautified. So we thought how can we work with them to improve their properties while meeting some of these recommendations of that study. We thought we would do something like we do in a residential subdivisions... you have to provide open space in your new subdivision to meet the needs of your residents or pay a fee in lieu. That provision of our subdivision ordinance gives us the idea something like that for the landscaping requirement in the Gateway Commercial District.

This land owner, who has been trying to get more parking for quite awhile, still can not meet the parking requirements so we have a lot of stuff going on here. We do not want to increase the impervious surface too much but at the same time the landowner needs to meet the needs of their tenants.

This is what we came up with a fee in lieu. The language will actually be coming to you for your review as a zoning amendment. You will need to hold a public hearing and make a recommendation to the City Council. That will happen in August. The language that is being proposed includes requiring money go to improvements in the study area which goes up to the City Hall property, so the Westbrook line from Portland to the City Hall property.

So yes the money needs to be spent within the area.

**Ed Reidman** I have a motion on the floor to waive section 309.3.0.1 Gateway District Performance Standard, landscaping in lieu of a fee \$50,005.00

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

**Michael Taylor** moved The Site Plan application for WE 100 Larrabee Road, LLC on Tax Map 42B, Lot 6, is to be **approved with conditions** with the following findings of fact and conclusions.

***FINDINGS OF FACT***

**Utilization of the Site**

- Adequate.

**Adequacy of Road System**

- Adequate.

**Access to the Site**

- Adequate.

**Internal Vehicular Circulation**

- Adequate.

**Pedestrian and Other Modes of Transportation**

- The applicant has improved the pedestrian experience in the area of the expanded parking lot.

**Stormwater Management**

- Adequate.

**Erosion Control**

- Adequate.

**Utilities**

- All utilities are to be located underground.

**Hazardous, Special and Radioactive Materials**

- No issues.

**Technical and Financial Capacity.**

- The applicant has provided proof of the financial and technical capacity to complete this project.

**Solid Waste**

- Disposal of solid waste is the responsibility of the applicant.

**Historic, Archaeological and Botanical Resources**

- No issues identified.

### **Landscape Plan**

- The applicant has enhanced the road frontages of the property with street trees and has provided several landscape islands within the parking lot expansion. In order to fulfill the requirement for 25% of the site to be landscaped, the applicant has agreed to pay a fee in lieu of landscaping (open space) to achieve the requirement. Please see the Conditions of Approval for the fee breakdown.

### Others

- Parking - The applicant has requested a waiver of the parking requirement as discussed herein.
- Fire – The project shall comply with the requirements of the Fire Code.
- Comprehensive Plan – Adequate.

### *CONCLUSIONS*

1. The proposed site plan **will not** result in undue water or air pollution.
2. The proposed site plan **has** sufficient water available for the reasonably foreseeable needs of the site plan.
3. The proposed site plan **will not** cause an unreasonable burden on an existing water supply.
4. The proposed site plan **will not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
5. The proposed site plan **will not** cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed site plan **will** provide for adequate sewage waste disposal.
7. The proposed site plan **will not** cause an unreasonable burden on the municipality's ability to dispose of solid waste.
8. The proposed site plan **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed site plan **conforms** with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
10. The developer **has** adequate financial and technical capacity to meet the standards of this section.
11. The proposed site plan **is not** situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.
12. The proposed site plan **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The proposed site **is not** situated entirely or partially within a floodplain.
14. All freshwater wetlands **have** been shown on the site plan.

15. Any river, stream, or brook within or abutting the site plan **has** been identified on any maps submitted as part of the application.
16. The proposed site plan **will** provide for adequate storm water management.
17. The proposed plan **will not** negatively impact the ability of the City to provide public safety services.

#### CONDITIONS

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application June 25, 2012 and plans dated June 20, 2012 and amended to June 25, 2012, and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the City Planner or the Planning Board.
2. No building permit without site plan approval; required mylar submission. Consistent with Section 504.3, the Code Enforcement Officer shall not issue any permits until a site plan has been approved by the Planning Board and a mylar signed by the Planning Board. *Mylars must be submitted to the City within 90 days of Planning Board approval or the approval shall be null and void.*
3. Prior to the Planning Board signing the mylar, the applicant shall pay the cost of the notices to abutters.
4. Prior to the Planning Board signing the mylar, the applicant shall revise the plans to depict the site improvements, primarily to pedestrian circulation and the provision of street trees, as outlined in the supporting memorandum dated July, 10, 2012.
5. Prior to Planning Board signature of the mylar, the applicant shall pay a fee which equals 2%, ( $\$134,800 \times 2\% = \$2,696$ ) of the project's site improvement costs for the purpose of site inspections performed by the Code Enforcement Officer and/or other appropriate City staff.
6. Gateway Commercial District Fee In Lieu of Landscaping. Prior to the Planning Board signing the mylar, the applicant shall pay a fee in the amount of \$50,005 to fulfill the landscaping requirement of the Gateway Standards of the Land Use Ordinances. The fee is calculated by multiplying the landscaping deficit by \$73,000 ( $0.685 \times \$73,000 = \$50,005$ ).

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

**Ed Reidman** your clients are well aware of these conditions?

**Kylie Mason** they are

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

#### 4. Adjourn

*Respectfully submitted by Linda Gain PECE Administrative Assistant  
THANK YOU*