



City of Westbrook

DEPARTMENT OF PLANNING & CODE ENFORCEMENT

2 York Street

Westbrook, Maine 04092

(207) 854-0638

Fax: 1-866-559-0642

**WESTBROOK PLANNING BOARD
TUESDAY, APRIL 3, 2018, 7:00 P.M.
WESTBROOK HIGH SCHOOL, ROOM 114**

AGENDA

PUBLIC HEARING

1. **2018.04 – Site Plan – 1 IDEXX Drive – IDEXX Laboratories – Synergy East Expansion** -The applicant is proposing a 135,000+/- sf expansion to the existing building, 4 additional parking lots and other associated site improvements. Tax Map/Lot: 5B/5 & 2/30. Zone: Manufacturing Zone District.

REGULAR MEETING

2. **Call to Order.**
3. **Approval of Minutes.**
4. **2018.04 – Site Plan – 1 IDEXX Drive – IDEXX Laboratories – Synergy East Expansion** -The applicant is proposing a 135,000+/- sf expansion to the existing building, 4 additional parking lots and other associated site improvements. Tax Map/Lot: 5B/5 & 2/30. Zone: Manufacturing Zone District.

WORKSHOP

5. **2018.12 – Land Use Ordinance Amendment - Contract Zone 3 – Hannaford Brothers. Co –** Discussion on an amendment to Contract Zone 3 to permit an accessory Clynk structure and clarify the standards of the contract zone. Tax Map: 33 Lot: 57
6. **2018.11 - Land Use Ordinance Amendment – Adult Use/Retail Marijuana –** To include all the definitions necessary associated with the Adult Use/Retail Marijuana State Regulations and to include language on prohibiting all of the 5 Marijuana related Adult Use/Retail uses provided in the state regulations, as per the recommendations of the City Council.

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.



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Westbrook, Maine 04092 (207) 854-0638

Fax: 1-866-559-0642

DATE: March 30, 2018

TO: Planning Board

FROM: Jennie P. Franceschi, City Planner & Rebecca Spitella, Asst. City Planner

Cc: Plan Review Team

RE: April 3, 2018 Planning Board Meeting

-
1. 2018. 04 – Site Plan – 1 IDEXX Drive – IDEXX Laboratories – Synergy East Expansion
 2. 2018. 12 – Land Use Ordinance Amendment - Contract Zone 3 – Hannaford Brothers Co.
 3. 2018. 11 - Land Use Ordinance Amendment – Adult Use Marijuana

1. 2018.04 – Site Plan – 1 IDEXX Drive – IDEXX Laboratories – Synergy East Expansion

PUBLIC HEARING

Tax Map/Lot: 5B/5 & 2/30

Zone: Manufacturing Zone District

Project Description:

The applicant is proposing a 135,000+/- sf expansion to the existing Synergy building which will be called Synergy East Expansion. This expansion will allow for approximately 600 additional employees on the site. In addition to the building, 4 new parking lots along a portion of the CMP corridor and other associated site improvements will be constructed.

Project History:

January 8, 2018 – Neighborhood public meeting

January 18, 2018 – Traffic Scoping Meeting

February 6, 2018 – Planning Board Workshop

March 17, 2018 – Site Walk

April 3, 2018 – Public Hearing

Staff Comments:

1. Fees: Abutters (\$360.45) and Newspaper Notices (\$160.00) = \$520.45
2. A phasing plan detailing construction has been provided with the response letter from Woodard & Curran dated March 28, 2018
3. ADA accessible curb ramps must be provided at the start of each sidewalk
4. Proposed sidewalk on ex. conditions plan (C-100) – Revise to state: “previously approved”

5. Staff does not support the 78 parking spots on perpendicular to the southerly side of the access road between Calpine Drive & Saco Street.
6. Provide a street name for access road, subject to E-911 review and approval, and names for each of the existing and proposed parking pods
7. Provide cost estimate for signalization work at the Eisenhower/Saco intersection (See condition 6d).
8. Relocate plan set index to the cover sheet
9. Final conditions must be on the cover sheet
10. A complete updated set of Mylars based upon the comments and a final paper set for Planning Board signature and Planning office files. If you wish to have a signature sheet copy for your records, please bring an additional sheet.

Site Plan Review:

Finding of Facts and Conclusions for the Westbrook Planning Board

Motion:

The Site Plan application for IDEXX Laboratories for an 135,000+/- sf expansion to the existing Synergy building and a phased development of 4 new parking lots and access road connecting Calpine and Saco Streets, Tax Map/Lot: 5B/5 and 2/30 Zone: Manufacturing Zone District is (**approved with conditions/ denied**) and the following finding of fact, conclusions and conditions as stated on pages 2 through 4 of this Staff Memo dated March 30, 2018 are adopted in support of that approval.

Site Plan – Finding of Fact:

Utilization of the Site – *Adequate*.

Adequacy of Road System – *Adequate with improvements as required by the MDOT Traffic Movement permit*.

Access to the Site – *Adequate*.

Internal Vehicular Circulation - *Adequate*.

Pedestrian and Other Modes of Transportation - *Adequate*.

Stormwater Management – *Adequate upon MeDEP approval*.

Erosion Control - *Adequate*.

Utilities – *Adequate*.

Hazardous, Special and Radioactive Materials – *N/A*

Technical and Financial Capacity - *Adequate*.

Solid Waste – *Adequate*.

Historic, Archaeological and Botanical Resources – *None Known*

Landscape 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** to the duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
10. The developer **has** adequate financial and technical capacity to meet the standards of this section.
11. The proposed site plan **is not** situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.
12. The proposed site plan **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The proposed site **is not** situated entirely or partially within a floodplain.
14. All freshwater wetlands **have** been shown on the site plan.
15. Any river, stream, or brook within or abutting the site plan **has** been identified on any maps submitted as part of the application.
16. The proposed site plan **will** provide for adequate storm water management.
17. The proposed plan **will not** negatively impact the ability of the City to provide public safety services.

Conditions:

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated March 16, 2018 and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the City Planner or the Planning Board.
2. Consistent with Section 504.3, the Code Enforcement Officer shall not issue any permits until a site plan has been approved by the Planning Board and a Mylar signed by the Planning Board. Mylars must be submitted to the City within 90 days of Planning Board approval or the approval shall be null and void.
3. All Conditions of previous approvals still apply.
4. Prior to any ground disturbance or permits being issued for the project:
 - a. All outstanding Staff comments must be addressed.
 - b. Copy of approved MDEP, NRPA and MDOT traffic movement permit. (MeDEP permit shall contain the SWPPP)
 - c. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator
 - d. A pre-construction meeting must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate.
 - e. An inspection fee shall be made payable to the City of Westbrook for inspection of site improvements made by the Code Enforcement Officer and/or other appropriate City staff. This fee is required per Section 500.8 of the Land Use Ordinances in order to cover the costs of inspection of site improvements.

- f. The applicant shall file a performance guarantee with the City of Westbrook. The amount of the guarantee shall be agreed upon in advance with the City of Westbrook and shall be of an amount to ensure completion of all on- and off-site improvements necessary to support the proposed project. Estimated site improvement cost: \$4,434,070.00
 - g. Best management practices shall be adhered to during all ground disturbance operations. All Street Catch basins in the vicinity of earthwork operations shall have silt sacks installed & maintained for the duration of the work.
5. Tree clearing may be permitted during the timeframes of Oct 16th – April 19th to address long-ear bat habitat. Outside of that window will require a survey.
 6. Prior to the Certificate of Occupancy being issued:
 - a. Radio testing will be conducted during the course of construction to ensure adequate ability of public safety personnel to communicate into the building.
 - b. Approval from Fire Dept. for the final location of all fire alarm systems and hydrants; including but not limited to fire doors, remote annunciator and knox box locations
 - c. Approval from CEO to use bottle fill stations in lieu of water fountains
 - d. If a condition on the MDOT traffic movement permit requires IDEXX to design, build or provide a percentage of the funding for the intersection improvements for the Eisenhower/Saco Street intersection, those items must be addressed at this time.
 - e. Provide street name of access road and naming of parking lots for E911 approval
 7. Prior to commencing any work in the City Right-of-Way, the applicant must obtain a road-opening permit from the Public Services Department.
 8. Prior to release of the performance guarantee, the site will be in compliance with the approved plan and as-built plan provided in City approved format for the GIS system.
 9. The applicant shall comply with Chapter 37, the local Post Construction Stormwater Management Ordinance. On January 15th every year, a copy of the maintenance log for the previous year for the stormwater treatment features associated with this project needs to be provided to the Planning Office.
 10. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.

2. 2018.12 – Land Use Ordinance Amendment - Contract Zone 3 – Hannaford Brothers Co.

WORKSHOP

Tax Map: 33 Lot: 57

Ordinance Description:

Contract Zone 3 was approved by the Planning Board on June 6, 2001, and amended on January 15, 2008. The contract zone requires strict setbacks that are specific to the existing structures and would not allow the addition of any other structures on site. The applicant is requesting an amendment to the standards of the zone for the purpose of permitting an accessory CLYNK structure for returnable bottle collection.

Project History:

April 3, 2018 – Planning Board workshop

Staff Comments:

1. The current Contract Zone, as written in the Land Use Ordinance, outlines the 2001 conditions of approval and references the approved plan for all other zone standards. This has created some confusion when deciphering which standard applies if it is not apparent on the approved plan. Therefore, Staff recommends the zone be subject to the standards of the City Center District, with specific exceptions called out in the Ordinance (proposed language provided)
2. City Staff have reviewed the attached language and support the amendment
3. Fees: Abutters & Newspaper notices due at Final Submission

Potential Board Actions for discussion:

1. Consider public comments provided
2. Consideration of a site walk and/or public hearing on the proposed language - Staff would suggest holding a public hearing on May 1, 2018.

3. 2018.11 - Land Use Ordinance Amendment – Adult Use/Retail Marijuana

WORKSHOP

Ordinance Description:

To include all the definitions necessary associated with the Adult Use/Retail Marijuana State Regulations and to include language on prohibiting all of the 5 Marijuana related Adult Use/Retail uses provided in the state regulations, as per the recommendations of the City Council.

Project History:

January 8, 2018 – City Council Workshop
March 6, 2018 – Planning Board Workshop

Staff Comments:

1. Staff provided a presentation to the City Council on Adult Use/Retail Marijuana regulations and the decisions that communities need to make in regards to the allowed uses that the laws provides for. From the feedback staff received at this workshop from the City Council, City Staff moved forward on the attached ordinance.
2. The proposed Ordinance prohibits any use associated with Adult-Use/Retail Marijuana within City limits.
3. Ordinance language has been reviewed by Staff and legal counsel.

Potential Board Actions for discussion:

1. Consider public comments provided
2. Consideration of a public hearing on the proposed language - Staff would suggest holding a public hearing on May 1, 2018.