



## PLANNING & CODE ENFORCEMENT



### Planning & Code Enforcement

2 York Street  
Westbrook, Maine 04092  
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### WESTBROOK PLANNING BOARD TUESDAY, MAY 5, 2020, 7:00 P.M. TELECONFERENCE

Zoom Link: <https://zoom.us/j/567210213>

Dial-in Number (audio only): 1-646-558-8656

Webinar ID: 567-210-213

#### AGENDA

1. Call to Order
2. Approval of Minutes

#### NEW BUSINESS

3. **2019.03 – Site Plan Approval Extension Request – 15 Saunders Way – J.B. Brown & Sons:** The applicant is requesting an extension on the April 2, 2019 approval for a 40,000 sf warehouse/office building. Tax Map: 042B Lot: 013 Zone: Industrial Park District
4. **2020.03 – Site Plan - Subdivision – 35 Seavey Street – RMC Properties, LLC – Public Hearing:** The applicant is proposing a 4-lot subdivision to create 3-duplex lots with frontage along Seavey Street. Tax Map: 040 Lot: 135 Zone: City Center District
5. **2019.07 – Subdivision Amendment – Elmable Estates – STJ, Inc – Public Hearing:** The applicant is proposing an amendment to the boundary lines of lot 10 within a 36-lot residential subdivision located at Elmable Drive, previously 477 Saco Street. Tax Map: 004 Lot: 018 & 19 Zone: Residential Growth Area 2
6. **2020.06 – Site Plan Amendment – 91 Spiller Drive – ReVision Energy – Public Hearing:** The applicant is proposing the expansion of the existing solar farm, Wishcamper Solar Array. Tax Map 004 Lot 303 Zone: Manufacturing District
7. **2020.05 – REFERRAL FROM CITY COUNCIL – Land Use Ordinance Amendment – 404 Sign Regulations – Public Hearing:** The proposed amendment reorganizes Section 404 Sign Regulations to provide clarity and remove inconsistencies and establishes standards for temporary noncommercial signage on public property and within the public rights-of-way.

#### WORKSHOP

8. **2018.34 – Amended Site Plan – Rock Row – 58 & 80 Main Street – Waterstone Properties Group:** Jones & Beach, Inc. on behalf of Waterstone Properties Group, is proposing an amendment to a previously approved site plan to reconfigure building layout and internal pedestrian and traffic circulation associated with building 1-B. The amendment is for Phase 1 of a 495,915 +/- square foot regional retail shopping center. Tax Map: 42B Lots: 9, 10, 11 & 14 Zone: Contract Zone 12 – Rock Row Contract Zone.

S:\PLANNING\2020\05.05.2020\AGENDA 05.05.2020.DOCX Deliberation of agenda items, including workshops, that have not been commenced by the Planning Board as of 10:00p.m. may be rescheduled to the next regularly scheduled meeting.



## Planning & Code Enforcement

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### PLANNING & CODE ENFORCEMENT

DATE: April 30, 2020

TO: Planning Board

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

Cc: Plan Review Team

RE: May 5, 2020 Planning Board Meeting

- 
1. **2019.03 – Site Plan – 15 Saunders Way – J.B. Brown & Sons – Approval Extension 40,000 sf warehouse**
  2. **2020.03 – Site Plan - Subdivision – 35 Seavey Street – RMC Properties, LLC – 3 Duplexes**
  3. **2019.07 – Subdivision Amendment – 477 Saco St – STJ, Inc – 36 Lots – Lot line adjustment**
  4. **2020. 06 – Site Plan – 91 Spiller Drive – ReVision Energy – Solar Farm Expansion**
  5. **2020.05 – REFERRAL FROM CITY COUNCIL – Land Use Ordinance Amendment – 404 Sign Regulations**
  6. **2018. 34 – Amended Site Plan, Subdivision & Special Exception – Rock Row (previously called “Dirigo Plaza”) – 58 & 80 Main Street – Waterstone Properties Group – Phase I**
- 

1. **2019.03 – Site Plan – 15 Saunders Way – J.B. Brown & Sons – Approval Extension**

#### **REGULAR BUSINESS**

Tax Map: 042B Lot: 013

Zone: Industrial Park District

#### **Project Description:**

The applicant is requesting an extension to the April 2, 2019 approval for a 40,000-sf warehouse/office building located on an industrial mixed-use parcel.

#### **Project History:**

March 5, 2019 – Planning Board Workshop

March 26, 2019 – Neighborhood Meeting

April 2, 2019 – Public Hearing

May 5, 2020 – Request for extension on approval

#### **Staff Comments:**

The applicant is requesting a 1-year extension on their April 2, 2019 site plan approval due to current cost of construction. Staff takes no issue with the request. This extension does not alter or change any of the previously approved conditions of approval nor have any ordinance changes occurred which would have altered this approval.

**Motion:**

Motion to grant a 1-year extension to the previous approval for the J.B. Brown & Sons application for a new 40,000 sf warehouse/office building located at 15 Saunders Way, Tax Map: 042B Lot: 013 Zone: Industrial Park District is (**approved with conditions/ ~~denied~~**). All previously approved findings of fact and conclusions and conditions are still applicable.

2. 2020.03 – Site Plan - Subdivision – 35 Seavey Street – RMC Properties, LLC

**PUBLIC HEARING**

Tax Map: 040 Lot: 135  
Zone: City Center District

**Project Description**

The applicant is proposing a 4-lot subdivision to create 3-duplex lots with frontage along Seavey Street with the 4<sup>th</sup> lot being the remaining land.

**Project History**

- February 29, 2020 – Neighborhood Meeting
- March 3, 2020 – Planning Board Workshop
- March 14, 2020 – Site Walk
- May 5, 2020 – Public Hearing

**Staff Comments**

1. Fees due - Open Space Fee - \$10,068.00
2. Ability to Serve letters from Sewer
3. Survey stamp required on subdivision plan
4. The Site and Subdivision plans will both need to be recorded post approval.
5. Subdivision Plan Notes 12 & 1-, State those notes on Site Plan as well for reference.
6. Include post-condition size and bulk standards and parking standard on site plan.
7. Areas intended to be grassed should be indicated as such on-site plan
8. Grading Plan
  - a. Concern of potential ponding - low point at mailbox location
  - b. Provide greater grading detail at the street line
  - c. Show silt sacks in all CBs in street
  - d. Southerly edge of mill and overlay limit is too close to trench line for Lot 1 sewer services. Mill area required a minimum of 1-foot beyond edge of trench.
9. Location of trees – do not locate on property line.
10. Provide trees on both sides of the access drive
11. Consider residential light posts at walkway entrances for light sight lighting
12. Clarity needed - What is the vegetation or stabilization of the pond to be?
13. Final revised plans with condition of approval (to be provided by Staff no later than Thursday, 4/30) and signature block (one full set mylar, one full set paper 2 additional paper of sheets SB-1 and S-1 for recording) due by Monday, May 4<sup>th</sup>.

**Motion:**

The Site Plan – Subdivision application for RMC Properties, LLC for a 4-lot subdivision to create 3-duplex lots with frontage along Seavey Street located at 35 Seavey Street Tax Map: 040 Lot: 135 Zone: City Center District is **(approved with conditions/ denied)** and the following findings of fact, conclusions and conditions as stated on pages **4 through 8** of this Staff Memo dated April 30, 2020 are adopted in support of that approval. The Planning Board authorizes the Planning Board Chair, or Vice Chair, to sign the final plan on behalf of the Planning Board.

**Site Plan – Finding of Fact**

Standard	Finding
Utilization of the site	Plan meets the intent of the Ordinance.
Handicap Access	Site is in compliance with ADA standards. Sidewalk tipdowns

	are provided at all intersection points.
Appearance Assessment	The plan's layout is consistent with the abutting properties and maintains the existing streetscape of Seavey Street by located the parking to the rear of the structures. Building sizes and scale are in line with the neighborhood. A landscape plan is provided with the application. No additional lighting or signage is proposed. The applicant has satisfied criteria 1-5. Criteria 6 is not applicable as the site is not located within the Village Review Overlay Zone.
Landscape Plan	The applicant has provided a landscaping plans that includes trees along Seavey Street and a tree lined access drive to Lot 4. Vegetated gardens are provided in front of each unit.
Odors	The operations should create no odor issues, outside of proper maintenance of trash disposal.
Noise	The project is a residential use within a residential neighborhood. No adverse impact is known or anticipated.
Technical and Financial Capacity	Applicant has provided a letter from Gorham Savings Bank dated February 4, 2020 to demonstrate proof of Financial Capacity. The applicant has retained the services of DM Roma Consulting Engineers which demonstrates technical capacity.
Solid Waste	Public waste removal will be provided for all units. A location for totter storage is provided to the rear of each structure with a paved sidewalk to Seavey Street for waste collection.
Historic, Archaeological and Botanical Resources or Unique Features	None known
Hazardous Matter	None known.
Vibrations	None known or anticipated.
Parking & Loading Design and Site Circulation	The plan meets the minimum parking requirement of 2 spaces per unit. The applicant has provided a parking easement for all spaces that are located on adjacent lots. Easements will be recorded and are referenced in the deeds for new lots, 1, 2 and 3.
Adequacy of Road System	Adequate
Vehicular Access	Site ingress and egress is provided via Seavey Street at a location that has been reviewed by and is deemed acceptable by Public Services.
Pedestrian and Other Modes of Transportation	Paved pathways are provided from the parking locations to each unit within the Seavey St Association subdivision. Additionally, a paved sidewalk is provided within the development to connect to the existing sidewalk infrastructure
Utility Capacity	Public utilities are accessible and located within the Seavey Street right-of-way.
Stormwater Management, Groundwater Pollution	Stormwater management is provided
Erosion and sedimentation Control	Adequate erosions and sedimentation control measures are provided on the plan

## 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 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.

**Subdivision – Finding of Fact**

<b>Standard</b>	<b>Finding</b>
Pollution	Disposal of the sewage from the project will be via the City Public Sewer system.
Sufficient Water	Water services are accessible from Seavey Street. Ability to serve letters from Portland Water District and City of Westbrook will be provided to the City upon receipt
Municipal Water Supply	Water services are accessible from Seavey Street. Ability to serve letters from Portland Water District and City of Westbrook will be provided to the City upon receipt
Erosion	The applicant has provided a plan to adequately address erosion control. On-site inspections will occur during construction to ensure compliance.
Traffic	The road systems have adequate capacity to accept the traffic generate by this project.
Sewage Disposal	Project will be serviced by public sewer system.
Municipal Solid Waste Disposal	Public waste removal is available for all single-family and duplex units. The applicant has provided a toter storage location for each unit to the rear of the structures and a paved pathway to Seavey Street for waste removal.
Aesthetic, Cultural and Natural Values	Not Applicable
Conformity with City Ordinances and Plans	Proposal is in conformance with City Ordinances & Comprehensive Plan.
Financial and Technical Capacity	Applicant has provided a letter from Gorham Savings Bank dated February 4, 2020 to demonstrate proof of Financial Capacity. The applicant has retained the services of DM Roma Consulting Engineers

	which demonstrates technical capacity.
Surface Waters; Outstanding River Segments	Not Applicable
Ground Water	Ground water will not be adversely impacted by this project.
Flood Areas	The property is not located within a flood zone.
Freshwater Wetlands	Freshwater wetlands have been identified on site.
Farmland	No farmland has been identified on site.
River, Stream or Brook	The proposed subdivision is not located near or along a river, stream or brook.
Stormwater	Applicant has provided an adequate plan for addressing stormwater flows from the project.
Spaghetti Lots Prohibited	No lots within the proposed subdivision have shore frontage. N/A
Lake Phosphorus Concentration	The proposed subdivision is not located near or along a great pond.
Impact on Adjoining Municipality	The proposed subdivision does not cross municipal boundaries
Lands subject to Liquidation Harvesting	Not Applicable

**Conclusions:**

1. The proposed subdivision **will not** result in undue water or air pollution
2. The proposed subdivision **has** sufficient water available for the reasonably foreseeable needs of the subdivision
3. The proposed subdivision **will not** cause an unreasonable burden on an existing water supply
4. The proposed subdivision **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 subdivision **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 subdivision **will** provide for adequate sewage waste disposal and **will not** cause an unreasonable burden on municipal services.
7. The proposed subdivision **will not** cause an unreasonable burden on the City's ability to dispose of solid waste.
8. The proposed subdivision **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed subdivision **conforms** with a duly adopted subdivision regulation or Ordinance, comprehensive plan, development plan or land use plan.
10. The subdivider **has** adequate financial and technical capacity to meet the standards of this section.
11. The proposed subdivision **will not** adversely affect the quality of any pond, lake, wetland, great pond or river, or unreasonably affect the shoreline of that body of water.
12. The proposed subdivision **will not**, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The subdivision **is not** located in a flood-prone area, as determined by the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps.
14. All freshwater wetlands within the proposed subdivision **have** been identified.
15. All farmland within the proposed subdivision **has not** been identified. – Not applicable
16. Any river, stream or brook within or abutting the proposed subdivision **has** been identified.
17. The proposed subdivision **will** provide for adequate stormwater management.
18. Lots in the proposed subdivision **do not have** shore frontage on a river, stream, brook, great pond or coastal wetland as defined in 38 M.R.S.A. Section 480-B.
19. The long-term cumulative effects of the proposed subdivision **will not** unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
20. The proposed subdivision **will not** cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

21. Timber on the parcel being subdivided **has not** been harvested in violation of rules adopted pursuant to 12 M.R.S.A. Section 8869, subsection 14.

**Conditions:**

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated February 6, 2020 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. Prior to any site disturbance or building permits being issued for the project:
  - a. All Staff comments must be addressed.
  - b. Copy of Recorded Site and Subdivision plans provided to the Planning Office.
  - c. Review of building elevations to be consistent with submitted documentation or testimony.
  - d. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.
  - e. Open Space Fees shall be made payable to the City of Westbrook in the amount of **\$10,068.00**
  - f. 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. **\$1,830.80**
  - g. 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. **\$91,540.00**
  - h. A pre-construction meeting must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate.
  - i. Coordinate with the E911 Coordinator on addressing of the buildings.
  - j. Best management practices shall be adhered to during all ground disturbance operations.
4. Prior to the first Occupancy Permit issuance:
  - a. A site inspection of the required improvements by the City to ensure public health & safety is addressed and compliance with the approval. (This includes all paving, striping, sidewalks, directional signage, off-site improvements, etc.)
  - b. Verification of site lighting by City Staff. Additional site lighting in the form of residential scale light posts may be required to provide safe access from parking area to units.
  - c. All other site improvements must be installed, unless a performance guarantee amount is held in the amount of those remaining improvements.
  - d. Provide copy to Planning Office of recorded Homeowners association by laws & Declaration of Covenants and Restrictions.
5. Prior to the First Lot Sold:
  - a. Provide copy to Planning Office of recorded Homeowners association by laws & Declaration of Covenants and Restrictions
6. Prior to release of the performance guarantee:
  - a. The site will be in compliance with the approved plan and as-built plan provided in City approved format for the GIS system (paper, mylar, dwg & pdf formats).
  - b. Any recorded easement documentation associated with the project.
7. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.
8. Utilities shall be installed in compliance with ability to serve letters from the applicable Utility.

9. The applicant shall comply with Chapter 37, the local Post Construction Stormwater Management Ordinance. 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 in accordance with Chapter 37 requirements.

### 3. 2019.07 – Subdivision Amendment – Elmable Estates – STJ, Inc – 36 Residential Lots

#### **PUBLIC HEARING**

Tax Map: 004 Lot: 018 & 19  
Zone: Residential Growth Area 2

#### **Project Description**

The applicant is proposing an amendment to the boundary lines of lot 10 within a 36-lot residential subdivision located at 477 Saco Street, to attach an abutting backlot which currently lacks any frontage.

#### **Project History**

March 26, 2019 – Neighborhood Meeting  
April 2, 2019 – Planning Board Workshop  
August 6, 2019 – Public Hearing  
September 19, 2019 – Recreation and Conservation Commission  
October 1, 2019 – Public Hearing  
May 5, 2020 – Public Hearing – Subdivision Amendment

#### **Staff Comments**

1. Noticing fees due – Abutter Notice - \$55.50; Public Hearing Notice – \$80.00
2. The existing 004-019 parcel is nonconforming and unbuildable due to lack of frontage. The intent of the amendment is to bring this lot into conformance by providing adequate frontage on Elmable Drive through the merger with the approved Lot 10 of the Elmable Subdivision.
3. Any future changes to Lot 10 will need to be reviewed and approved by the Planning Board as an amendment to the approved subdivision. As stated in the recorded Homeowners Association and By-Law, any lots with frontage and access to Elmable Drive, shall be a party to the Homeowners and Road Associations.
4. No more than one (1) principle structure is permitted if the lot intends to convert at a later date to a flag lot utilizing the 50-foot access easement following the acceptance of Elmable Drive as a public street.
5. Final revised plans with conditions of approval (No changes to the Conditions of Approval) and signature block due by Monday, May 4<sup>th</sup>. (1 mylar set and 1 paper set of all amended sheets; Two additional paper copies of subdivision sheets for recording)

#### **Motion:**

The Amended Subdivision application for STJ, Inc. for a 36-lot residential subdivision located at 477 Saco St Street Tax Map: 004 Lot: 018 & 019 Zone: Residential Growth Area 2 is **(approved with conditions/ denied)** and the following findings of fact, conclusions and conditions as stated on pages **9 through 13** of this Staff Memo dated April 30, 2020 are adopted in support of that approval. The Planning Board authorizes the Planning Board Chair, or Vice Chair, to sign the final plan on behalf of the Planning Board.

#### **Subdivision – Finding of Fact**

<b>Standard</b>	<b>Finding</b>
Pollution	Disposal of the sewage from the project will be via the City Public Sewer system.
Sufficient Water	The subdivision will be served by public water for fire protection and domestic use. Water services are accessible from Saco Street. Ability to serve letters from Portland Water District and City of Westbrook will be provided to the City upon receipt.
Municipal Water Supply	The subdivision will be served by public water for fire protection and

	domestic use. Water services are accessible from Saco Street. Ability to serve letters from Portland Water District and City of Westbrook will be provided to the City upon receipt.
Erosion	The applicant has provided a plan to adequately address erosion control. On-site inspections will occur during construction to ensure compliance.
Traffic	Per a traffic study dated June 6, 2019 completed by Sebago Technics, Inc, the additional traffic created by the subdivision is not expected to have an adverse impact on the surrounding roadway network.
Sewage Disposal	Disposal of the sewage from the project will be via the City Public Sewer system by gravity, with the exception of lots 10, 11 and 12 which connect with private individual pumps. Maintenance of the private pumps are the responsibility of the individual homeowners.
Municipal Solid Waste Disposal	Municipal solid waste removal will be provided to the residential units.
Aesthetic, Cultural and Natural Values	None known
Conformity with City Ordinances and Plans	Proposal is in conformance with City Ordinances & Comprehensive Plan.
Financial and Technical Capacity	Applicant has provided a letter from Gorham Savings Bank dated July 9, 2019 to demonstrate proof of Financial Capacity. The applicant has retained the services of Sebago Technics which demonstrates technical capacity.
Surface Waters; Outstanding River Segments	The project site is located within a watershed of a pond or lake, or within 250-feet of any wetland, great pond or river.
Ground Water	Ground water will not be impacted by this project.
Flood Areas	The property by virtue of the merger of the backlot into the project has land within a flood zone along the Stroudwater River.
Freshwater Wetlands	Freshwater wetlands have been identified on site.
Farmland	No farmland has been identified on site.
River, Stream or Brook	The Stroudwater River by virtue of the merger of the backlot into the project is now abutting lot #10 of this subdivision.
Stormwater	A stormwater detention pond and underdrain soil filter are provided to the rear of the lot to contain a majority of the site's stormwater. Additional catch basins are provided near the intersection of Elmple and Saco that connect to City Services
Spaghetti Lots Prohibited	The Stroudwater River by virtue of the merger of the backlot into the project is now abutting lot #10 of this subdivision. The entire shoreline frontage is remaining with Lot #10 and based upon the dimensions of the lot will not create a spaghetti lot.
Lake Phosphorus Concentration	The lot is not located on or near a great pond.
Impact on Adjoining Municipality	The lot does not cross municipal boundaries.
Lands subject to Liquidation Harvesting	Not Applicable

**Conclusions:**

1. The proposed subdivision **will not** result in undue water or air pollution
2. The proposed subdivision **has** sufficient water available for the reasonably foreseeable needs of the subdivision
3. The proposed subdivision **will not** cause an unreasonable burden on an existing water supply

4. The proposed subdivision **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 subdivision **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 subdivision **will** provide for adequate sewage waste disposal and **will not** cause an unreasonable burden on municipal services.
7. The proposed subdivision **will not** cause an unreasonable burden on the City's ability to dispose of solid waste.
8. The proposed subdivision **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed subdivision **conforms** with a duly adopted subdivision regulation or Ordinance, comprehensive plan, development plan or land use plan.
10. The subdivider **has** adequate financial and technical capacity to meet the standards of this section.
11. The proposed subdivision **will not** adversely affect the quality of any pond, lake, wetland, great pond or river, or unreasonably affect the shoreline of that body of water.
12. The proposed subdivision **will not**, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The subdivision **is** located in a flood-prone area, as determined by the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps.
14. All freshwater wetlands within the proposed subdivision **have** been identified.
15. Farmlands **have not** been identified on the project site.
16. Any river, stream or brook within or abutting the proposed subdivision **has** been identified.
17. The proposed subdivision **will** provide for adequate stormwater management.
18. A Lot in the proposed subdivision **does have** shore frontage on a river, stream, brook, great pond or coastal wetland as defined in 38 M.R.S.A. Section 480-B.
19. The long-term cumulative effects of the proposed subdivision **will not** unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
20. The proposed subdivision **will not** cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.
21. Timber on the parcel being subdivided **has not** been harvested in violation of rules adopted pursuant to 12 M.R.S.A. Section 8869, subsection 14.

#### Conditions:

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated July 11, 2019 and amended March 12, 2020 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. Prior to any site disturbance, lot sales or building permits being issued for the project:
  - a. Copy of Recorded subdivision plan must be provided to the Planning Office and documentation of all lot transferences.
  - b. Provide Draft Deeds for lots with DEP deed restriction included regarding Stormwater Management structures and referencing DEP order.
  - c. Provide copy of recorded deed related to DEP deed restriction on the project.
  - d. DEP - Documentation for securing an Engineer to oversee construction of the stormwater management system. (Reports copied to the City.)
  - e. All Staff comments must be addressed or are considered conditions of approval.
  - f. A pre-construction meeting must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate.

- g. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.
- h. Open Space in-lieu-of fee to be paid in the amount of \$118,331.
- i. An inspection fee shall be made payable to the City of Westbrook, for inspection of road/site improvements conducted by the 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 project related improvements -\$29,834
- j. 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. A performance guarantee in the amount of \$1,491,684 is required.
- k. Coordinate with the E911 Coordinator on addressing.
  - l. 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.
- 4. Prior to building permits being issued:
  - a. Road system must be constructed to a vehicular passable standard for Codes, and Public Safety access. (Base gravel.)
  - b. Final design of the Post Office delivery box and parking area to be approved of by the Delivery Postmaster for the area.
- 5. Prior to the First Lot Sold:
  - a. Provide copy to Planning Office of recorded Homeowners association by laws & Declaration of Covenants and Restrictions
- 6. Prior to first Occupancy Permit issuance:
  - a. Conditions applicable to First Lot Sold must be addressed.
  - b. A site inspection of the required improvements by the City to ensure public health & safety is addressed and compliance with the approval.
  - c. Road system must be base paved.
  - d. All offsite improvements must be installed.
  - e. Documentation of private curbside trash hauling service to be provided for all lots unless the Street is accepted by the City as a public street.
  - f. Documentation of private plowing services to be provided for all lots unless the Street is accepted by the City as a public street.
  - g. Documentation of maintenance contractor for Stormwater Best Management Practices.
  - h. All site improvements must be installed, unless a performance guarantee amount is held in the amount of the remaining improvements.
  - i. All traffic/street related improvements in Saco Street shall be completed.
  - j. Street signs, stop signs, an any other signage as stated in the outstanding comments and stop bars at all intersections as well as all pedestrian/ADA amenities.
- 7. Prior to commencing any work in the City Right-of-Way, the applicant must obtain a road-opening permit from the Public Works Department.
- 8. Prior to release of the performance guarantee:
  - a. The site will be in compliance with the approved plan and as-built plan provided in City approved format for the GIS system in paper, mylar, dwg & pdf formats.
  - b. Any recorded easement documentation associated with the project.
  - c. All Catchbasins in the project as well as those in Saco Street downstream of the project will need to be vacuumed and documentation provided.
  - d. Delineation of the HOA access easements over lot 1 and beside lot 9 needs to be addressed to the satisfaction of the City in working with the applicant.
  - e. All conditions of the DEP order L-28332-NJ-A-N must be addressed.
- 9. Night work may be required for work in the Saco Street right of way.

10. Plowing of Elmaple Drive and trash pickup for residential lots in this subdivision will be the responsibility of the owner or the Homeowners Association unless the streets are accepted by the City as public streets.
11. The City Council may require a majority of the homes to be built before the City accepts the street, or an increase in the performance guarantee may be required for damages created by home construction.
12. Any future changes to Lot 10 will need to be reviewed and approved by the Planning Board as an amendment to the approved subdivision. As stated in the recorded Homeowners Association and By-Law, any lots with frontage and access to Elmaple Drive, shall be a party to the Homeowners and Road Associations.
  - a. No more than one (1) principle structure is permitted on Lot 10 if the lot intends to convert at a later date to a flag lot utilizing the 50-foot access easement following the acceptance of Elmaple Drive as a public street.
13. 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.
14. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.
15. Any requirements of the Portland Water District or the Westbrook Sewer Department in their ability to serve letters are conditions of this approval.

**4. 2020.06 – Site Plan Amendment– 91 Spiller Drive – ReVision Energy – Solar Farm Expansion**

**PUBLIC HEARING**

Tax Map: 004 Lot: 303  
 Zone: Manufacturing District

**Project Description**

The applicant is proposing the 832 Panel expansion of the existing solar farm, Wishcamper Solar Array.

**Project History**

May 5, 2020 – Public Hearing

**Staff Comments**

1. Include Conditions of Approval and signature block on Sheet C-103
2. Verification needed on location of stabilized construction entrance as it is not in the vicinity of site improvements. Will an additional access point be necessary northeasterly of the proposed?
3. Question on the frequency of required maintenance of existing operations and anticipated maintenance of proposed development?
4. Final revised plans with condition of approval (to be provided by Staff no later than Thursday, 4/30) and signature block (one full set mylar, one full set paper) due by Monday, May 4<sup>th</sup>.

**Motion**

The Site Plan application for ReVision Energy for an expansion of an existing solar farm, Wishcamper Solar Array located at 91 Spiller Drive Tax Map: 004 Lot: 303 Zone: Manufacturing District is **(approved with conditions/ denied)** and the following findings of fact, conclusions and conditions as stated on pages **14 through 16** of this Staff Memo dated April 30, 2020 are adopted in support of that approval. The Planning Board authorizes the Planning Board Chair, or Vice Chair, to sign the final plan on behalf of the Planning Board.

**Site Plan – Finding of Fact**

<b>Standard</b>	<b>Finding</b>
Utilization of the site	Applicant’s plan meets the intent of the Ordinance
Handicap Access	No buildings or public access that require ADA accommodations are proposed with project
Appearance Assessment	The proposed project is an expansion of the exiting operational solar farm and is keeping in line with the current layout and topography of the site. The solar panels will be enclosed with fencing to protect infrastructure from abutting properties. No additional lighting or signage to the site is warranted or proposed. The application meets criteria 1-5. Criteria 6 is not applicable as the site is not located within the Village Review Overlay Zone.
Landscape Plan	The applicant is maintaining the existing vegetation along Saco Street that provides a continuous visual buffer for the abutting RGA2 district. Due to the limited impact of the project, additional landscaping is not warranted.
Odors	The operations should create no odor issues
Noise	No adverse impact known or anticipated

Technical and Financial Capacity	Applicant has provided a letter from Bangor Savings Bank dated March 27, 2020 to demonstrate proof of Financial Capacity. The applicant has retained the services of Sevee & Maher Engineers which demonstrates technical capacity.
Solid Waste	The project will not generate solid waste. Waste removal services are not necessary.
Historic, Archaeological and Botanical Resources or Unique Features	None known.
Hazardous Matter	None known.
Vibrations	The project will not create any vibration issues for abutting properties
Parking & Loading Design and Site Circulation	The operations do not provide for public access or an on-site employee presence. No buildings are proposed with the project. Parking for maintenance can be accommodated by the driveway providing two parking spaces with street parking on Spiller Drive for overflow, if needed.
Adequacy of Road System	Adequate.
Vehicular Access	None required or proposed
Pedestrian and Other Modes of Transportation	The operations do not provide for public access or an on-site employee presence. There are no buildings or parking areas proposed. Therefore, a pedestrian pathway is not applicable
Utility Capacity	Underground electric utilities are provided from existing infrastructure located within the Spiller Drive right-of-way. No other utility connection is required.
Stormwater Management, Groundwater Pollution	Stormwater runoff is within the limits of the existing infrastructure for the Westbrook Heights Business Park as approved June 7, 2005.
Erosion and sedimentation Control	Adequate erosion and sedimentation control is shown on the Site Plan.

## 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 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 February 28, 2020 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. Prior to any site disturbance or building permits being issued for the project:
  - a. All Staff comments must be addressed.
  - b. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.
  - c. 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. **\$610**
  - d. 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. **\$30,500**
  - e. Best management practices shall be adhered to during all ground disturbance operations.
4. Prior to the first Occupancy Permit issuance:
  - a. A site inspection of the required improvements by the City to ensure public health & safety is addressed and compliance with the approval. (This includes all paving, striping, sidewalks, directional signage, etc.)
  - b. All site improvements must be installed, unless a performance guarantee amount is held in the amount of the remaining improvements.
5. Prior to release of the performance guarantee:
  - a. The site will be in compliance with the approved plan and as-built plan provided in City approved format for the GIS system
6. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.

## 5. 2020.05 – REFERRAL FROM CITY COUNCIL – Land Use Ordinance amendment – 404 Sign Regulations

### **PUBLIC HEARING**

#### **Ordinance Description**

The proposed amendment reorganizes Section 404 Sign Regulations to provide clarity and remove inconsistencies and establishes standards for temporary noncommercial signage on public property and within the public rights-of-way.

#### **Ordinance History**

February 3, 2020 – Referral from City Council  
March 3, 2020 – Planning Board Workshop  
May 5, 2020 – Planning Board Public Hearing

#### **Staff Comments**

At their February 3, 2020 meeting, the City Council provided a referral to review the City Ordinance regarding temporary signage. Currently, regulations for temporary signs are limited and does not clearly address temporary signage on public land. Through review of State statute and the Ordinances of neighboring municipalities, Staff has drafted a new Ordinance within Section 404 titled ‘Temporary Signage on Public Property and Within a Public Right-of-Way’. Further description of this section is provided later in this memo.

During the process of drafting the new temporary sign Ordinance, it became clear the entire existing Sign Ordinance is disorganized and, at points, overly vague or contradictory making it difficult to interpret. This can create confusion for both applicants and Staff in ensuring all new signs are in compliance with regulations and that regulations are being enforced in a consistent manner. Therefore, Staff is proposing a complete rewrite of Section 404 to reorganize the Ordinance, locate a General Provisions section at the onset of Section 404, where now they are scattered throughout Section 404 and provide a consistent layout of Sections 404.4 – 404.6. All new language is shown in **RED** and all removed language is ~~struckthrough~~, leaving **BLACK** language as current wording.

Notwithstanding the new regulations for temporary signage on public property/within the public right-of-way, the bulk of the rewrite is administrative in nature (i.e. reorganization, removing duplicative language, typos and providing clarity on vague standard language). Although this is a proposed as a rewrite, Staff is providing the Board with a document showing Section 404 in its entirety with strikethroughs and new language shown for you to view the adjustments to the current ordinance.

During the May 5<sup>th</sup> workshop with the Planning Board, the Board requested a definition for Temporary signage, as well as more clarity surrounding which signs are except from obtaining a permit. These items have been addressed in the current revision of the Ordinance.

Below is a detailed summary of the changes proposed. Amendments that are new regulations or altering the standards of a district are highlighted in yellow.

**404.1 – Purpose** – Move purpose statement under General Provision to the beginning of the section and update purpose statement.

**404.2 – Application Process** – Codifying our process and placing of criteria in the appropriate section.

- A. Language was moved from the City Center District section to the beginning of the document to clarify the process.
- B. **Removed language that was inconsistent with current procedures on sign area computation.**
- C. Provision added that night renderings can be requested for proposed illuminated signs at the request of Staff during the review process, which is a current practice, as needed.

**404.3 – General Provisions**

- A. Relocated standard from City Center District (404.3.1.1.D.) to General Provisions as this standard applies to all signs.
- B-D. Relocated from 404.4 – 404.6. These standards apply to all signs in the City. The amendment relocates these regulations from the end of the Sign section, where they can be missed by applicants who are reading the Ordinance, to the General Provisions Section. No changes in standard were made, other than retitling previous section 404.4 “Light Source Regulated” to “Illumination” to be consistent with wording throughout the section.
- E. **New Section.** The intent of this section is to regulate noncommercial signage, including political or campaign signage, on public property. Per state law, commercial signage is prohibited from public property as it is considered off-premise signage (standard G.1). The intent of the Ordinance is to allow temporary signage that does not impede pedestrian or vehicular safety or pose a threat to public or private property due to staking of signs or damage of falling signs that are made from heavy materials. This is achieved by limiting the sign size to 2’x3’ in size (state law permits noncommercial signage to be up to 8’ x 4’ in size), prohibiting illumination due to the proximity of signs to/within public rights-of-way, and restricting signs from specific parks, facilities and intersections that are areas of concern for public safety or welfare.

Standards 1, 6 and 9 are State statute and cannot be altered.

- F. Banners within the public right-of-way are currently regulated within the City Center District 404.3.1.3.H (Temporary Community Event Signs) and Section 404.7 (Temporary Community Event Signs). Although these are titled the same, one is referring to banner signs that are hung on light poles and the other is regulating banners across the public right-of-way. The proposed amendment relocates and consolidates these standards to General Provisions section as well as amends the reviewing authority for banners across a public way to the Director of Public Services instead of the Code Enforcement Officer. Banners across the public way must meet DOT standards and are currently subject to the approval of the Director of Public Services. Some revisions to the language were made for clarity, however the standards were not altered.
- G. Nonconforming Signs. Nonconformance and discontinuance is addressed within the Residential Districts, City Center District and as a general standard (404.8). **This amendment consolidates those existing standards of nonconformance and now applies them uniformly across all districts.**

Currently, nonconforming signs in the Highway Services, Gateway Commercial, Industrial Park, Prides Corner Smart Growth Area and Manufacturing Districts are not afforded the ability to alter or relocate their nonconforming signs without bringing the sign into full compliance with current standards. Signs in the rest of the City may alter or relocate their signs, provided they are reduced in

size a minimum of 25%, lessening the nonconformity. As this provision is currently provided to the majority of the City, Staff felt it was overly restricting to prohibit this allowance to signs in commercial districts and have included it in this amendment.

Additionally, provisions for continuance and discontinuance were added to be consistent with the nonconformance provisions of Section 203. The discontinuance provision as written currently exists only within the City Center District section. The proposed amendment would apply this language equally to all signs throughout the City, which is consistent with our Nonconforming Use provisions.

H. Variance. A prohibition on variances from the sign ordinance exists under Section 404.8. The amendment places those provisions into separated Nonconformance and Variance provisions for ease of reference.

#### **404.4 – Residential Districts**

Amendments within this section were made for the following reasons:

1. Revision to section title for clarity
2. Reorganization of section by General, Sign Type, Illumination and Material
3. Reorganized sign type as Ground Mounted, Temporary and Building Mounted to be consistent with other sections within the Ordinance.
4. Removed ‘occupant and street number’ as this is redundant. Commercial signage would be regulated by the building mounted signage regulation and residential occupant/street number signs are noncommercial signage and therefore not regulated.
5. Added clarification to temporary subdivision signs that the subdivision must be an approved subdivision prior to sign installation. The Ordinance is clear that the intent of this provision is to allow signs during the construction of the subdivision. Added a max sign square footage on a permanent sign that is consistent with the Business sign in this district size of 16 sq. ft.
6. Removal of size restriction for nonconforming and conditional uses (current 404.2.D). Legally Nonconforming and Conditional Use operations are permitted and should be afforded the same signage as all other legally existing buildings.
7. Added clarity that temporary signs do not require a permit from CEO
8. Retitling Business Sign to “Building Mounted” as the district does not permit freestanding signs other than what was previously outlined. General reorganization of section
  - a. Language to Sign Allowance 3.a moved from previous H.(1).b with slight wording revision for clarity. No changes were made to the standard.
  - b. Message Boards – New Language. Message Boards are currently permitted within residential districts and are held to the standards outlined in Section 404.G (Signs in Highway Services District, Gateway Commercial District, Industrial Park Zoning District, Manufacturing District and Prides Corner SGA). The proposed amendment added the City Wide message board standards in this section rather than having to reference another section of the Ordinance. No changes were made to the standards. Clarity has been provided for the intent of the message board is to maintain an unlit background with lettering or text to prevent glare in the public rights-of-way.
9. Remove language identifying business signs as temporary (existing 404.2.H.(1).a). The current wording of this provisions is confusing and unclear. Differentiation is not provided as to which signs are temporary vs permanent therefore this section was removed.

10. Previous H.(1).b. Business Signs; Stationary - Provision is separated to differentiate sign and lighting standards in the proposed sections 'Sign Allowance' and 'Illumination'
11. Nonconforming sign provisions removed – relocated to the new General Provisions section.
12. Illumination – language moved from previous H.(1).b. No changes were made to these standards.
13. **Materials – New Section**. Standards are consistent with provisions of other districts

**404.5 – Signs in Highway Services District, Gateway Commercial District, Industrial Park Zoning District, Manufacturing District and Prides Corner Smart Growth Area**

Amendments within this section are as follows:

1. Reorganization of section for clarity, readability and sign type classification.
2. Changeable Message Boards – Changeable message boards are currently permitted within these districts under the Illumination provision (existing 404.3.E). The proposed amendment relocates the message board standards from the Illumination provision to be included as a permitted sign type. No changes to the standards were made. Clarity was provided that the intent of the message board is to maintain an unlit background with lettering or text to prevent glare in the public rights-of-way.
3. Revising “Informational” signs to “Directional” signs to remain consistent throughout Ordinance.
4. Relocated “Time and Temp Sign” to be included within the header of Sign Type
5. **New Sections – Awning Signs and Temporary Signs**
  - a. Awning signs – this type of signage is not expressly included within the commercial districts and is therefore regulated as a general “building mounted” sign. The standards proposed were modeled from the standards outlined in the City Center District.
  - b. Temporary signs are not currently addressed within the Commercial Districts. The standards proposed are modeled from the standards outlined in the City Center District
6. **New Standard** – Prohibited materials clarified to be consistent with materials permitted in other districts as well as the general standards to address public safety (i.e. signs intended to distract motoring vehicles).

**404.6 – Signs in the City Center District**

This section of the Sign Ordinance is particularly disorganized. Amendments within this section include the following:

1. Preambles should not be in ordinance and is replaced with the purpose statement.
2. Reorganization and renumbering of section to consolidate standards to General Provisions, Sign Types, Illumination and Materials sections, in the order that is consistent with the provisions of the other districts
3. Section 404.3.1.1.B Traffic safety and Illumination – section separated. Illumination standards moved to Illumination section. Statement on district setbacks do not apply to signs removed as there are no setbacks in the CCD, so this provision is unnecessary.
4. Sign Permits (404.3.1.1.D – E) – Provision relocated to 404.1 General Provisions as this process is applicable to all sign applications in the City, with the exception of the insurance requirement which is specific to signs that are only permitted in the CCD.
5. Sections 404.3.1.1.G – H are standards that pertain to building mounted signage. Relocated to proposed 404.6.C.1
6. Section 404.3.1.1.I are standards related to temporary signage. Provision relocated to proposed 404.6.C.11, Sign Types Allowed)
7. Section 404.3.1.1.J - K is stricken as nonconforming sign discontinuance and alterations are addressed in the General Provisions, 404.1.
8. Section 404.3.1.1.L – Definitions. Staff is recommending to relocate definitions for ‘Commercial Message’, ‘Nonconforming Sign’ and ‘Signs’ to Section 201, Definitions, and removing ‘Animated

Sign', 'Temporary Community Events', 'Public Way', 'Visible' and 'Window Sign' as these terms are either not utilized within the Ordinance or are vernacular in nature and are not necessary in the ordinance.

9. 404.3.1.2 – Illumination. Illumination is addressed throughout the City Center District Standards. The proposed consolidates all Illumination Standards with slight rewording to eliminate duplicative language. No changes are proposed to the lighting standards from what they currently are. At the direction of the Code Enforcement Officer, the proposed amendment also broadens the current requirements to Nationally Registered Testing Laboratory listed rather than specifying Underwriters Laboratory.
10. 404.3.1.3 – Sign Types Allowed.
  - a. Building Mounted – relocation of standards from general section (as stated in comment 4 above.)
  - b. Message Board - Clarity was provided that the intent of the message board is to maintain an unlit background with lettering or text to prevent glare in the public rights-of-way.
  - c. Temporary Community Event Signs – Provision moved to General Provision (proposed 404.1.H.1, Banners within the Public Right-of-Way)
  - d. Temporary Signs located on Private Property – relocation of standards from general section (as stated in comment 5 above)
11. Sign Materials – Reorganized and clarified materials to be of solid construction.

#### **Sections 404.5 – 404.8**

1. Relocated to General Provisions, proposed 401.D, E, F, I and J, respectively, as described above in this memo.

#### **Motion:**

**Motion to recommend the proposed ordinance amendment for adoption by the City Council.**

**6. 2020.34 – Amended Site Plan, Subdivision & Special Exception – Rock Row (previously called “Dirigo Plaza”) – 58 & 80 Main Street – Waterstone Properties Group:**

**WORKSHOP**

Tax Map: 042B Lots: 009, 010, 011 & 014  
Zone: Contract Zone 12 – Rock Row Contract Zone

**Project Description**

Jones & Beach, Inc. on behalf of Waterstone Properties Group, is proposing an amendment to a previously approved site plan to reconfigure building layout and internal pedestrian and traffic circulation associated with building 1-B. The amendment is for Phase 1 of a 495,915 +/- square foot regional retail shopping center. Tax Map: 42B Lots: 9, 10, 11 & 14 Zone: Contract Zone 12 – Rock Row Contract Zone.

**Project History**

July 17, 2018	Workshop: Introduction to a revised master plan for the site
August 21, 2018	Workshop – Site Plan Amendment; Phase 1
September 18, 2018	Public Hearing – Site Plan Amendment; Phase 1
May 5, 2020	Workshop – Site Plan Amendment; Phase 1

**Staff Comments**

1. Pedestrian Circulation
  - a. Walkways are not continuous along Rock Row private drive entryway and through the Chick-fil-A parcel.
  - b. Sidewalk from the Southwest side of the Chick-fil-A needs to connect into the Chick-fil-A site and to the front door
  
2. Traffic Circulation
  - a. Concern on conflicts created by integrating drive-thru and parking lot – previous plan these elements were completely separated.
  - b. The bypass lane does not fit with the site and creates a two-lane right-turn only situation at the exit point. If necessary, consider an exit directly to the internal drive to the west of the CFA parcel, rather than wrapping entirely around building 1-B.
  - c. Access ways through the southeasterly parking pad from the Rock Row private drive creates a cut through slip lane to Chick-fil-A versus using the main access (parking lot) drive around this parking pod. This should be curbed off.
    - i. With removal of access point by market basket, stop lines can be removed internally in that parking pod.
  - d. Access into all building needs to be a clear path and cannot be via an ADA van access space as shown on buildings 1-A and 1-B.
  - e. The ingress and egress areas have many points of conflict. Parking spaces at end of rows near ingress of the parking area to the Chick-fil-A site should be removed to avoid conflict with entrance. (Use these points for pulling sidewalks through the site to connect with sidewalk along Rock Row Drive.
  - f. Remove three parking spaces located within the drive aisle, beyond the entrance to CFA site – conflict with travelling vehicles.
  - g. Remove the first parking space located at the intersection of the slip lane
  
3. Emergency Access
  - a. Concern over fire truck maneuverability. Turns are tight and could be difficult to achieve in emergency event.

- b. Location of hydrant on Main Street is not feasible for buildings 1-A, 1-B and 1-C. Two additional hydrants internal to site required – one on island directly across from slip lane entrance to parking lot to serve buildings 1-B and 1-C, and one located next to the dumpster pad for building 1-A.
- c. Front facing sprinkler system required, building 1-A

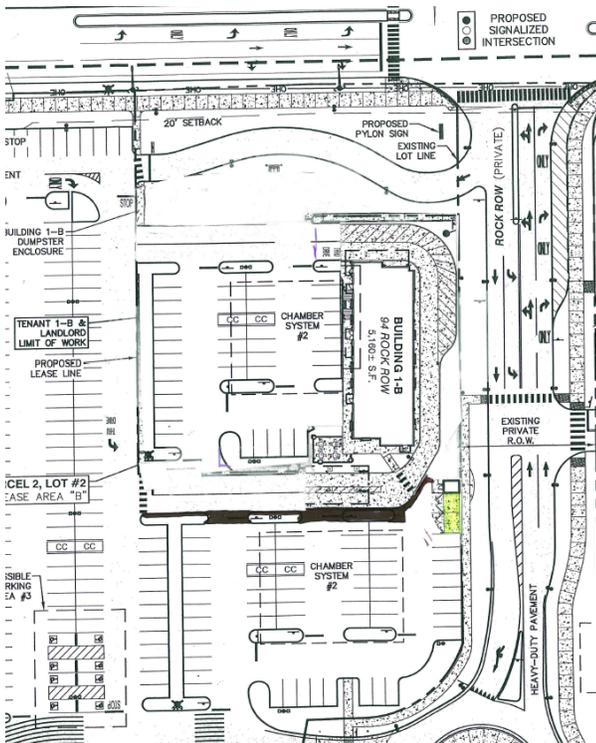
4. Elevations

- a. White area shown on architectural renderings is a glass window
- b. Main Street elevation should not look like the rear of a building. Elements should be added to soften the façade and give an appearance of forward facing
- c. Concern of placement of drive-thru canopy along Main Street.
- d. Canopy system not legible in elevation views.
- e. Provide rendering of menu board system
- f. Provide clarity on which door is the primary entrance to the building.

5. Other

- a. Dumpster location. Staff is not in favor of the current placement with the visual proximity to Main Street and conflict with pedestrian pathways is not ideal. Provide detail on dumpster enclosure/screening.
- b. Update Plan Not 3 to state “339 spaces waived on 7/19/2016. 251 spaces utilized on Phase 1. 88 spaces remaining on waiver as of (this date)”.

6. Staff sees the reconfiguration provided creates more potential conflicts related to vehicular and pedestrian circulation, in addition to the placement of the dumpsters and canopy on Main St. Consider alternatives to site layout, as shown below which reduces conflicts by separating the drive thru traffic and hiding the canopy and dumpster. Example is not intended to be a final design but for pictorial purposes only.



**Board Action:**

1. Provide feedback to Applicant
2. Schedule a Public Hearing