

**WESTBROOK PLANNING BOARD  
TUESDAY, MARCH 3, 2020, 7:00 P.M.  
MINUTES**

**Present:** Rene Daniel (Chair) (At Large), Rebecca Dillon (Vice-Chair) (Ward 1), Jason Frazier (Ward 2), Joseph Marden (Ward 3), John Turcotte (At Large), Nancy Litrocapes (Alternate), Larry McWilliams (Alternate)

**Absent:** Robyn Tannenbaum (Ward 4), Ed Reidman, (Ward 5)

**Staff:** Jennie Franceschi, City Planner; Rebecca Spitella, Assistant Planner; David Finocchietti, Code Enforcement Officer; Linda Gain, Office Coordinator

*MINUTES MAY NOT BE TRANSCRIBED VERBATIM. SECTIONS MAY BE PARAPHRASED FOR CLARITY. A COMPLETE RECORDING MAY BE OBTAINED BY CONTACTING PLANNING AND CODE ENFORCEMENT at 207-854-0638 ext. 1220 and [lgain@westbrook.me.us](mailto:lgain@westbrook.me.us).*

**Rene Daniel** called the meeting to order.

1. **Call to Order**
2. **Approval of Minutes**

**Rebeca Dillon** move to approve the February 4, 2020 minutes as presented.

**Joseph Marden 2<sup>nd</sup>** by the motion carried 7-0 in favor

**NEW BUSINESS**

**Rebecca introduced item:**

3. **2018.56 – Site Plan – 1 Ledgeview Drive – Regional Transportation Program: The applicant is requesting an extension on the March 5, 2019 approval of an 8,500 sf office building, 2-bay garage and associated site improvements on an existing 5.46 acre vacant lot. Tax Map: 002 Lot: 104 Zone: Industrial Park District**

**Project Description:**

The applicant is requesting an extension on the March 5, 2019 approval of an 8,500 sf office building, 2-bay garage and associated site improvements on an existing 5.46 acre vacant lot

**Project History:**

January 9, 2019 – Neighborhood Meeting  
January 15, 2019 Planning Board Workshop  
March 5, 2019 – Public Hearing  
March 3, 2020 – Request for extension on approval

**Staff Comments:**

Post approval, the applicant experienced an unexpected grace period required to secure federal funding under the Federal Transportation Administration. Federal funding have since been approved and the applicant is currently finalizing financing from the remaining funding sources. The applicant anticipates construction on the project to commence Summer 2020 and is requesting a 1-year extension on their March 5, 2019 site plan approval for financing. Staff takes no issue with the request.

**Sashi Misner** with Gawron Turgeon Architects on behalf of Regional Transportation program and they are requesting an extension on their Site Plan location on 1 Ledgeview Drive.

**Rene Daniel** Staff comments?

**Jennie Franceschi** because this is a funding issue that the Transportation program is trying to facilitate we see no issue with the extension as there has been no changes in the ordinance that will affect this application.

**Rene Daniel** any comments from the Planning Board?

**Rebecca Dillon** I would like to recuse myself as I work for the firm representing the client.

**Rene Daniel** may I have a motion to recuse Rebecca Dillon?

**John Turcotte** so moved

**2<sup>nd</sup> by Joseph Marden motion carried 6-0 in favor (Rebecca Dillon recused)**

**Rene Daniel** do I hear a motion to grant the extension on this item?

**John Turcotte** move to grant a 1-year extension to the previous approval for the Regional Transportation Program Site Plan application for a new 8,500sf office building, 2-bay garage and associated site improvements located at 1 Ledgeview Drive, Tax Map: 002 Lot: 104 Zone: Industrial Park District is approved with conditions. All previously approved findings of fact and conclusions and conditions are still applicable.

**2<sup>nd</sup> by Joseph Marden**

**Rene Daniel** any discussion?

No discussion

**Motion carried 6-0 in favor (Rebecca Dillon recused)**

**Rebecca Spitella** introduced this item:

4. **2019.19 – Amended Site Plan, Subdivision and Village Review - 660 Main Street – MTR Development, LLC; Public Hearing: – The applicant is requesting an amendment to a previously approved subdivision to add a 3<sup>rd</sup> floor to the proposed structure to accommodate 3-additional residential units creating a total of 6-residential units. Tax Map: 033 Lot: 028 Zone: City Center District, Village Review Overlay Zone**

### **Project Description**

The applicant is requesting an amendment to a previously approved subdivision to add a 3<sup>rd</sup> floor to the proposed structure to accommodate 3-additional residential units creating a total of 6-residential units.

### **Project History**

- July 2, 2019 – Planning Board Workshop
- July 10, 2019 – Village Review Overlay Committee
- July 25, 2019 – Neighborhood Meeting
- October 1, 2019 – Public Hearing and Approval
- March 3, 2020 – Public Hearing on Subdivision Amendment

### **Staff Comments**

1. Provide a revised subdivision plan with conditions of approval (to be provided by Staff no later than Friday, 2/28) and signature block. Revised subdivision plan should be reflective of the amended application (3-story structure) and updated density standards.
2. Letter of capacity from Sewer required prior to any site disturbance or the issuance of a building permit. The sewer lateral needs to be televised and documentation provided to City Staff prior to capacity acceptance.
3. Ability to serve letter from PWD required prior to any site disturbance or building permits issued.
4. Provide documentation demonstrating 70% of the Main Street building façade is articulated with architectural features.
5. Private waste removal required for all commercial and residential tenants.
6. Noticing Fees due prior to the public hearing (\$162.15)
7. Final revised subdivision plan with conditions of approval and signature block due by Monday, March 2 (one mylar, 3 paper).

### **Chris Wilson** MTR Development explained aspects of the project.

- Showed original project that was passed as a two story building
- After approval before starting construction the Zoning Overlay was implemented in the Down Town District which allows for additional units
- Went back to the Planning Staff and added a third story for another three residential units
- Originally the first floor was commercial and the second floor was three residential units
- We have added another floor with three residential units
- The foot print has not changed, nothing on the civil plans have changed
- The only change is the addition of the third floor

- We have gone through to make sure there is 70% of the façade on the gable end facing Main Street
  - Which is required in this zone
- Other than that there is really no changes

**Rene Daniel** Staff comments?

**Jennie Franceschi** Staff is thrilled that the applicant has taken on the task of amending his previous subdivision to create more residential units in the Downtown area which was the premise by which we created the new density calculations within the City Center District in the Downtown area. We are very excited with the directions this application is going. The outstanding items listed in your memo have been addressed to the satisfaction of staff. If the Board chooses, we have provided a motion in the memo on page three, through page seven

**Rene Daniel** opened Public Hearing

No comments or questions

**Public Hearing closed**

**Rene Daniel** Board discussion, any comments?

No comments

**Rene Daniel** I would entertain a motion

**Joseph Marden** with the additional units is the parking allocated to residential?

**Chris Wilson** one space per unit and one or two spaces off street

**Rene Daniel** any comments

No comments

**Rebecca Dillon** move the Amended Site Plan – Subdivision application for MTR Development, LLC for the demolition of an existing residential building and construction of a three-story multi-use commercial and 6-unit residential building located at 660 Main St Street Tax Map: 033 Lot: 028 Zone: City Center District, Village Review Overlay Zone is **approved with conditions** and the following findings of fact, conclusions and conditions as stated on pages 3 through 7 of this Staff Memo dated February 28, 2020 are adopted in support of that approval.

**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	Site is ADA compliant with accessible entrances, accessways and a parking space.

Appearance Assessment	The project meets the criteria of items 1-6. The proposed structure is in scale with the downtown area. Landscape design is varied and placement is within the constraints of the site. Lighting is designed to avoid adverse impacts on residential abutting properties. The building design incorporates Village Review standards and has been reviewed by the Village Review Overlay Committee.
Landscape Plan	On-site landscaping has been provided along the public rights-of way.
Odors	The operations should create no odor issues, outside of proper maintenance of trash disposal.
Noise	No adverse impact known or anticipated. The development should be in keeping with the ambient noise levels of the area.
Technical and Financial Capacity	Applicant has provided a letter from Biddeford Savings dated September 5, 2019 to demonstrate proof of Financial Capacity. The applicant has retained the services of DM Roma which demonstrates technical capacity.
Solid Waste	Waste removal for both the commercial and residential units will be privately managed.
Historic, Archaeological and Botanical Resources or Unique Features	None known.
Hazardous Matter	None known.
Vibrations	Not Applicable.
Parking & Loading Design and Site Circulation	Access to the site is provided in the form of one-way traffic circulation from Main Street to Giles Street to avoid traffic conflicts and congestion at either location. Signage is proposed to indicate vehicles are prohibited from exiting on Main Street. The development provides 8-off street parking spaces.
Adequacy of Road System	Adequate
Vehicular Access	Access to the site is provided from Main Street and Giles Street.
Pedestrian and Other Modes of Transportation	A paved pedestrian pathway has been provided for access from both the parking area and the public sidewalk system along Main Street.
Utility Capacity	Water, Sewer and Stormwater services are accessible from Main Street. Ability to serve letters will be provided to the City upon receipt.
Stormwater Management, Groundwater Pollution	Stormwater management has been adequately addressed on the plan.
Erosion and sedimentation Control	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 standards of this section.
11. The proposed site plan **is/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	The subdivision will be served by public water for fire protection and domestic use. Water services are accessible from Main 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 Main 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	Waste removal for both the commercial and residential units will be privately managed.
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 Biddeford Savings dated September 5, 2019 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	No freshwater wetlands have been identified on site.
Farmland	No farmland has been identified on site.
River, Stream or Brook	No rivers, streams or brooks have been identified within or abutting the property.
Stormwater	Applicant has provided an adequate plan for addressing stormwater flows from the project.
Spaghetti Lots Prohibited	The lot does not have shore frontage.
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/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/does not have** 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 September 5, 2019 and amended January 24, 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. Review of building elevations to be consistent with submitted documentation or testimony.
  - c. Provide ability to serve letter from Portland Water District.
  - d. Televisé the existing sewer lateral and provide documentation to City Staff to demonstrate adequate condition.

- e. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.
  - 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. \$1,000
  - 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. \$50,000
  - h. Coordinate with the E911 Coordinator on addressing of the buildings.
  - i. 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.
  - c. A gutter system installed on the westerly side along the entrance way
  - d. All building entrances are in compliance with ADA standards
  - e. Provide documentation to Planning Department demonstrating private trash removal for all commercial and residential tenant. Toter storage shall be screened to the satisfaction of City Staff.
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
  - b. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.

**2<sup>nd</sup> by Larry McWilliams motion carries 7-0 in favor**

**Rene Daniel may I have a motion to move to workshop?**

**Joseph Marden move to workshop**

**2<sup>nd</sup> by Nancy Litrocapes motion carries 7-0 in favor**

## **WORKSHOP**

**Rebecca Spitella introduced item:**

5. **2019.32 – Site Plan – 267 Conant Street – MGM Builder, Inc: The applicant is proposing to construct a +/- 16,000 square foot commercial complex and shared parking area. Tax Map: 031 Lot: 033 Zone: City Center District, Rural District**

### **Project Description**

The applicant is proposing to construct a +/- 16,000 square foot commercial complex and shared parking area.

### **Project History**

October 1, 2019 – Planning Board Workshop

October 2019 – Neighborhood meeting – Scheduled

### **Staff Comments**

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- 1.
  2. The following comments are based on the submission and plan set dated February 6, 2020.
  3. Included with your packets is a supplemental submission and plan set dated February 25, 2020 that was submitted by the applicant in response to Staff comments for Board review. Due to the timing of the resubmission, Staff was unable to review the supplemental materials prior to the completion of this memo, but felt it was important for the Board to have the most up to date plan materials prior to the workshop to relay comments back to Staff and the applicant as to the direction of the application.
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4. A land swap is proposed between the subject parcel and the abutting 235 parcel impacting the land to the rear of 267 Conant St (generally following the district boundary between the City Center District and the Rural District) and land of 235 Conant St that directly abuts 267 Conant Easterly.
    - a. The swap would result in the stormwater features being located on the lands of the 235 Conant St parcel. Draft access and maintenance easements are required to be reviewed by City Staff. Easements will need to be recorded prior to any site disturbance.
    - b. The impact to 235 Conant St is unknown at this time. The parcel has three points of frontage on Conant St, none of which meet the minimum frontage requirement of the Rural District (200-feet required, frontage points are approximately 134-feet, 22-feet and 153-feet). The parcel is encumbered by a 100-foot CMP easement that could prevent the 153-foot frontage point from providing access to the parcel. If this is the case, the land swap as proposed would leave a 22-foot strip of land as the sole access point to the lot. Although this is the existing point of access for the single-family home, this could prohibit any further development on that parcel beyond what is existing.
    - c. Additionally, further clarification needed on whether the removal of 134-feet of frontage creates an increase in the parcel's nonconforming status.
    - d. Action needed – Provide a stamped boundary survey showing existing conditions and a secondary plan showing post-conditions of both lots.
  5. Conant Street is under moratorium. The plan as presented is serving the full development with the existing 1" water line. Depending on the use and fixture count of the proposed structures, this

may not be sufficient water for the project. The applicant will need to verify with PWD on the capacity of the 1” line. If the 1” water line is not able to service the entire parcel as proposed a revised utility design and/or phasing schedule is required.

6. Stormwater
  - a. Increase in drainage to SP4 – show drainage continues to CB in Conant Street and does not create an adverse impact to the intersection of the abutting driveway and Conant Street or revise design to keep all water on site.
  - b. Provide a concrete base for forebay for maintenance
  - c. Provide a level lip spreader with the outlet control structure
  - d. Provide inlet capacity of grate on outlet control structure
  - e. Provide cleanouts for filter bed
  - f. There is a .1” of a differential between the outlet control structure and the emergency spillway. Staff recommends a minimum difference of 6”.
7. Per the discussion during the Planning Board workshop, Staff recommends a reconfiguration of the parking to create a defined site entrance. Consider removing the 6-parking spaces located on the northerly half of the parking island and use this space to create a 9-foot landscape corridor. Extend the remaining parking island westerly to reduce the 24-foot travel way to create one-way traffic circulation (signage required) which will allow for one additional parking space. Units 1 and 2 can shift northerly 9-feet to allow for extra parking to the rear/behind those units. Extend the parking area toward the rear of the site (in the direction of stormwater features) for additional parking, as necessary. (See attached drawing)
8. Buildings 1 and 2 and intended to be used as office space/retail. Building 3 is proposed as a gym and may require sprinkler system. Clarity on use of building 4 is needed to determine if a sprinkler system is required and to determine traffic impacts. Coordination with FD required for buildings 3 and 4.
9. Include post-conditions with district standards table (lot size, frontage, gross maximum density factor, landscape factor, etc.)
10. Extend sidewalk down Conant Street to connect with existing infrastructure. Sidewalk plan required.
11. Provide a greater diversity of landscape species
12. Enhanced landscaping at site entrance and along Conant Street
13. Show signage and stop bars at points of conflict throughout the site.
14. Provide building elevations for all units include building materials and color.
15. Lighting Plan required.
16. Provide a cost estimate on City form.
17. Turning template for FD access

**Board Action:**

1. Provide feedback to the applicant regarding site layout, building elevations and off-site improvements

**Jason Haskell** I am a design engineer with DM Roma Consulting Engineers on behalf of MGM Builders, presented aspects of the commercial development on 267 Conant Street.

- This was before the Board previously as a preliminary sketch format
- We have included some of your comments and included them in our design
- The four buildings will be 11, 548 square feet of leased commercial space
- The buildings closest to Conant Street are proposed as professional office space
- Building in back is to be used as a fitness center
- Proposed 54 parking spaces with network of sidewalks connecting all the buildings
- The owner conveying land to the abutter George Barstow in exchange for land within the City Center District
- Differences on Mr. Barstow's lot configuration for zoning requirements but we are working with City Staff for a resolution on that
- Existing water and sewer service will be utilized for this development
- Will install new underground electric and underground cable
- Received ability to serve letter from Portland Water District
- This design does not require curb cuts into Conant Street that is under moratorium
- The existing services for the house is sufficient enough for the development
- Staff suggested a more defined entrance than what was previously submitted
- With the reconfiguration of parking areas it was achievable, better design coming into the facility
- RS Leonard Landscape Architecture is producing the proposed landscape plan
- Storm Water will be handled in a closed drainage system then draining to an underdrain filter basin in the rear of the property
- The outfall of this pipe will go to a level spreader to reduce the velocity of the channelized water before it goes to the wetland
- Unit 1 along Conant Street will be occupied by MGM builders which are residential contractors and the intent of this design is to mimic a residential character of the neighborhood
  - Shown on overhead screen
- Design on remaining three buildings are being prepared now
  - But will follow same architectural features shown in plan
- Lighting is proposed as solely wall mounted fixtures
  - Do not believe there is a need for a pole mounted fixture to provide the illumination to the development
- Proposed a sidewalk along the sites frontage which connects to abutting property's sidewalk
- City Staff had suggested that the sidewalk be extended significantly further down Conant Street
- We understand other residential projects have been required to provide sidewalks because they are creating residential dwellings and nearby amenities that will be accessed by the residents.
- This project is commercial and although zoned in the City Center District, it is nowhere near the City Center
- No sidewalks north of the property heading to Gorham and there is a wider shoulder on Route 25 that provides plenty of room for pedestrians to go to where Conant Street splits
- The sidewalks in this area are not maintained by the City in the winter
- There is a substantial grade behind the curb where a sidewalk would be constructed which would require a retaining wall which would add to the cost of sidewalk installation

- The adjacent residential Condo project has sidewalks just along their frontage which we find appropriate which is why we have the sidewalks in the plan currently
- We hope the City Staff and Planning Board will agree with us on that
- As this is a workshop, we are looking for feedback from the Board that we may need to incorporate in our plan and I am available for any questions.

**Rene Daniel** staff comments?

**Jennie Franceschi** purpose of this evening is for the Board to provide the applicant with comments on what they have provided to you for a layout and features on the site, so they can continue their design process.

As stated we do have concerns about land swap issues with the abutting property owner which needs more work by the applicant to address. We have provided the applicant with our comments and wanted to show the translation from the first submission to the second submission which shows more of the centralized entrance and an island coming in. We wanted to show those improvements.

We have not provided the applicant with a complete scrub on this plan until such time as we have the land issue addressed appropriately.

The applicant wanted to gather as much information from the Board Members so it could all be collected and enable them to move forward to a Public Hearing.

**Rene Daniel** Public Comments?

No comments

**Rene Daniel** Board comments?

**Nancy Litrocapes** I have a question about the sidewalks. The City Staff has proposed a certain length of sidewalk and you are proposing a different length of sidewalk, can I just get clarification?

**Jason Haskell** City Staff would like us to make a connection to the closest City sidewalk. Which is a significant distance down the street. Because this is a commercial development we did not think that there would be much pedestrian traffic. There is one sidewalk that was built when the condos were built and we are proposing to connect to that one to go across the street. There is nothing beyond our property towards Gorham. We are proposing to connect our sidewalk with the condo sidewalk, but City Staff wants us to continue the sidewalk down four more properties.

There is a long stretch of sidewalk that we do not think there would be utilization or need for it. But also it is obviously a large expense to the builder to install that stretch of sidewalk that may not be utilized.

**Nancy Daniel** if the sidewalk is not installed does that mean we lose the opportunity to have a sidewalk all along that area?

**Jennie Franceschi** it does not preclude to have a sidewalk be installed at a later date, if another project was to be constructed in that vicinity.

**Nancy Litrocapes** you had mentioned that it is far out of town, however I think we will grow and will expand and I think it is important that little by little we have this sidewalk opportunity for walkers to make it a livable, walkable town in a way that right now it may not be on that corridor. But it will be at some point.

**Jason Haskell** there is a sidewalk on the opposite side of the street.

**Nancy Litrocapes** that is a tough street to cross though, isn't it?

**Rene Daniel** during the conversation was it just to go towards in town or was it also to go towards Gorham?

**Jennie Franceschi** it was only to go in town towards Conant Street.

**Larry McWilliams** I have a question about the one inch water line going in. You mentioned that you are building a gym or a fitness center. Talking about showers, you will need additional water being used and you mentioned in your report you were looking for five years when you could rip up Conant Street. I do not know if you are looking to upgrade or possibly ...

**Jason Haskell** that was the original submission. During the initial submission, that was what the plan was because we did not get the ability to serve letter from Portland Water District. In the plans that we will be re-submitting we will not show that extra water line. It will be utilizing the existing one inch water line which we have coordinated with the Water District on the fitness center building having six showers and toilets and all that goes with it. We did take that into account as a fitness center when we coordinated with the Water District and the others just being professional business centers.

**Larry McWilliams** so offices, one bathroom, no kitchen or other fixtures?

**Jason Haskell** we included a sink in the breakroom type room and bathrooms for each one.

**Larry McWilliams** that will have enough to supply all the water needs to that property without having to do additional work down the road?

**Jason Haskell** correct

**Rebecca Dillon** couple of comments, the parking layout and organization is so much better. Great to see it developed into this. I think the building will look nice on the street with the scale and architecture. I was wondering regarding the sidewalk, do we know the additional length of sidewalk that would be in addition to what you are already showing?

**Jason Haskell** assumption is 700 feet of sidewalk, correction 450 feet.

**Rebecca Dillon** it is still quite a ways. I am not so hung up on the sidewalk because that is quite a distance for that to be extended and I understand the financial aspect of that. It would be nice but I am not going to let that bother me for my approvals.

**Rene Daniel** anyone else?

**John Turcotte** with respect to the property that is North West - the next property on Conant Street, is there any existing buffering what so ever at the moment now? Is there a fence there now? Where building four comes right up to their property line is there a plan for buffering of any kind?

**Jason Haskell** I believe that there is a hedge row but looking at the rear of building four there could be opportunity for additional buffering there.

**John Turcotte** something to keep in mind. The owners are not here tonight but in case they come forward later.

**Jason Haskell** something we can definitely look into.

**Rene Daniel** anyone else?

**Rene Daniel** to the Planner lets go back in history a month, maybe two. The development on Cumberland Street that we made them put a sidewalk all the way down to the School, how many feet was that?

**Jason Haskell** if you are talking about Cumberland Woods, that one we sort of understood as that was going to the school and we were providing additional residential dwellings which could potentially have kids to that school. The developer did not see it but we see it more than this location for this project as it will not be creating any additional foot traffic in my opinion.

**David Finocchietti** 682 feet of sidewalk.

**Rene Daniel** let's get back to the sidewalk. As far as I am concerned the same identical reason that I fought for a sidewalk on Cumberland Street was to allow people to have the flexibility to keep their life to cross that street. I would say that Route 25 is just as risky if not more as Cumberland Street.

My idea is to get people to a flat area to allow them a safe area to cross. My intent is not to service the company or the residents there or whether they can walk someplace or not, my logic is if you have a sidewalk you give people passiveness to exercise.

If I do not see a sidewalk all the way to the old Conant Street, I will have a major problem with that.

Getting to the building you showed tonight, I think they look excellent. I believe it is one of our focal points or the gateways to come Gorham into Westbrook and that will make that area really nice.

Your parking makes much more sense than in the last presentation. Landscaping I have not seen it yet but be aware I love landscaping, think outside the box, quality not quantity.

**Rene Daniel** anyone else?

**Nancy Litrocapes** I would not approve the project without the sidewalk. Also a comment, being on the Planning Board we are really planning for the future and not what we see right now. At this point there are not a lot of people that would use the sidewalk necessarily, but there will be a time that we will need it and it will be there. I really support the sidewalk.

**Joseph Marden** I want to add to the sidewalk issue direction. I was not in support of the sidewalk at Cumberland Woods and I would not support the additional sidewalk down to the old Conant Street. I am all about reducing impervious and I think this is a secondary sidewalk or additional blacktop out there that we really do not need. I do not see a warrant for it for uses. The sidewalk on the other side is adequate pedestrian access. I do not see it extended northerly anytime soon. Just my thoughts.

**Rene Daniel** any other comments or discussion?

No comments

**Rebecca Spitella** introduced item:

6. **2020.03 – Subdivision – 35 Seavey Street – RMC Properties, LLC: 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**

### **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

### **Staff Comments**

1. Draft easements for access and parking required with final submission
2. Draft association documents required with final submission
3. Provide variation in building elevations (architecture, color)
4. High water table in this area of the City may be problematic with basement design, if proposed
5. Open Space requirement – 6,851 sf or \$11,481 in lieu of fee
6. Provide update on encroachments from abutting parcel, including access and revise drainage plan, if necessary.
7. Provide documentation of neighborhood meeting to Planning Office (sign in sheet and minutes)

**Board Action:**

1. Site Walk
2. Public Hearing

**Jason Haskell** DM Roma Consulting Engineers on behalf of RM Properties. Presented aspects of a four lot subdivision off of Seavey Street.

- Plan to divide 2.4 acres into four lots
- Lots one through three to be developed with duplexes on each lot
- All lots to be accessed through the driveway on lot four
- Parking at the rear of the duplex lots
- Showed parking plan on overhead screen
- The driveway is to be utilized for future development of lot four
- Homeowners Association will be created to identify shared maintenance responsibility over the driveway located on the easement on lot four
- Each unit will receive the water service from the existing main on Seavey Street
- Portland Water District is reviewing plans
- Each lot gets one sewer connection with a stub installed on lot four for future development
- Need to relocate existing utility pole and working with CMP where they prefer the pole to go
- Stormwater management will be achieved in a stormwater underdrain filter basin
- Drip edges along each of the buildings
- These designs meet the Maine DEP Standards
- Anticipating that future development will bring this into the stormwater permitting from DEP and designed to the chapter 500 standards
- Landscaping design provides street trees and decorative plantings along proposed buildings
- Building architecture designed by TD Architects
- Proposed two story buildings will fit in the neighborhood
- Staff did not approve the architecture as shown with the peak offset
- Plans are being revised to show the peak being centered
- Neighborhood meeting was held attended by several abutters
- Questions were around what the building will look like and if it fit the neighborhood
- Encroachments on from abutter
- DM Roma and the applicant, Ryan Caruso have met with the abutter to discuss the encroachments
- The abutter is working to rectify the encroachment

We are here in workshop to hear any comments and prepare for final submission.

**Nancy Litrocapes** do to work interest that would place me in conflict with this application, I ask the Board to recuse myself from this application.

**John Turcotte** move to recuse Nancy Litrocapes

**Second by Jason Frazier Motion carries 6-0**

**Rene Daniel** Staff comments?

**Jennie Franceschi** the application provided is not the first plan the applicant has provided to the City. Working with the developer and City Staff to have this complement the existing neighborhood but also allows for future use of the back land for a project that we do not know what that project will end up being. We were pleased with the parking being put to the rear of the building so the buildings were brought up along the street. I wanted to raise that point because not every applicant provides that feedback in their application.

The Staff has provided additional comments to the applicant which will be incorporated in their final submission package.

What we would be hoping to hear comments on the site plan from the Board that would like to have incorporated into their final public hearing.

David is showing you the current streetscape looks like in the vicinity along Seavey Street.

I have no other comments at this time, but if you would like we can provide different views visually of the area in lieu of a site walk.

**Rene Daniel** Public comments?

No comments

**Rene Daniel** Board comments and discussion?

**Larry McWilliams** I have one comment on the subdivision driveway vs. a private road. Are you looking to add additional units back there? Will you have a condo association or someone to oversee it or will we have access down the road? As far as additional units put in as a driveway is a big concern getting the Fire apparatus access in and out.

**Jason Haskell** right now lot 4 is wide enough to provide that, but again we are not one hundred percent sure what the future development will look like. But there is definitely enough room for a connection. Again, I do not know what the plan will look like.

**Larry McWilliams** that is fine, I just want you to be aware that you are calling it a driveway and if is going to be something that is extended, you have to be careful if it is a driveway vs a private road.

**Rebecca Dillon** I want to thank you for putting the parking behind building.

I am really sad about the offset peaks going away, I think it is what makes it look interesting. It makes it look like a single family farm house rather than a duplex stuck together.

**Rene Daniel** anyone else?

**Joseph Marden** this may be a decision from the post master but anyway to slide that mailbox cluster further into the site. I think if someone is there and someone is coming off of Seavey Street it could be a conflict there, but that maybe out of your control.

**Jason Haskell** I do not think this has been reviewed by post master so I can definitely slide that back some to get more of a que in.

**Jason Frazier** I also do not like the offsite peak for the record, double peak or centered I think will look great. As to the parking lot are there plans for landscaping around the parking area or near the detention pond?

**Jason Haskell** not around the detention pond it will be grassed.

**Jason Frazier** or around the detention pond to block the parking lot from the neighbors or future development?

**Jason Haskell** explained the landscaping plan. Showed the plan on the overhead screen.

**Jason Frazier** something to consider to block the parking lot from the decks.

**John Turcotte** will this be private trash or will they need to bring them all around to Seavey Street?

**Jason Haskell** the plan is to bring them to Seavey Street. Each unit has their own trash pad.

**Rene Daniel** record, I do not like the offset peak, I like it in the middle. I do want to commend you in the style you have done. Are there going to be railing on the front porch?

**Jason Haskell** I believe there are railings across the front porches.

**Rene Daniel** so it is really like a farmer's porch?

**Jason Haskell** correct.

**Rene Daniel** I like a farmer's porch and if you can make it not look like a duplex would be awesome. How to do it, I do not have a clue. The landscaping is not bad, and I do agree with Joe that you need to push the mail boxes over and would like to see a slip lane to move away from driveway.

Keep in the back of your mind that the driveway may end up being a street at some point in time, whether it is private or a city street we are not talking about the now, but just keep that in mind.

Any other comments?

No comments

**Rene Daniel** Site Walk or we can do a visual site walk.

**Rebecca Dillon** I think because it is in a neighborhood with a lot of residential around it we need to have a Site Walk.

Board Members agreed.

**Jennie Franceschi** March 14<sup>th</sup> at 9:00 am

**Jason Haskell** what would you be looking for, anything staked out while we are there?

**Rene Daniel** yes where the driveway is and where the buildings are and the edge of parking. Is that plenty of time?

**Jason Haskell** yes

**Joseph Marden** move to have a site walk on March 14<sup>th</sup> at 9:00 am.

**2nd by Larry McWilliams Motion carried 6-0 (Nancy Litocrapes recused)**

**Rebecca Spitella introduced the item:**

7. 2020.04 – Site Plan Amendment – 84 Warren Ave – Delta Realty, LLC: The applicant is proposing a 23,100 sf steel building and 94-space parking area on units K and L of an approved condominium plan. Tax Map: 047 Lot: 005 Zone: Gateway Commercial, Industrial Park District

**Project Description**

The applicant is proposing a 23,100 sf steel building and 94-space parking area on units K and L of an approved condominium plan. The building is proposed to be used as a roller skating rink and the use is Private Indoor Recreation Facility.

### **Project History**

March 3, 2020 – Neighborhood Meeting

March 3, 2020 – Planning Board Workshop

### **Staff Comments**

1. Provide site plan of full parcel showing location of development as well as a blow up of just units K and L. Signature block required on full site plan (may be included on both, if preferred). Verify existing impervious cover to comply with SLODA permit and state existing conditions as plan note.
2. State existing and proposed space and bulk standards on plan. Application must demonstrate standards are met for both the Gateway Commercial and Industrial Park Districts for the portion of the lot located within each district.
3. Show district boundary on plan
4. Provide lighting plan with final application
5. Staff recommends connecting to public sewer in Chabot St. If proposing septic, full design with plume analysis required with final submission
6. Provide a drainage plan demonstrating all water is directed toward the pond on located to the rear of unit I.
7. Stormwater pond appears to require repair on northerly berm.
8. Provide maintenance logs for all BMPs to Planning Office
9. Site Plan shows paving in drainage easements. Revise plans or provide easement documentation demonstrating this is permissible
10. Location of signage for lot/parcel to be provided with final submission
11. Possible readdressing required to address along Fairlane 500 Drive
12. Provide pedestrian connectivity from overflow lots through the proposed parking area to the structure.
13. Enclosed dumpster required.
14. Final site plan should show dumpster and snow removal location
15. Final building design must be reviewed and approved by FD and will require full sprinkler system, external door to sprinkler room. Final Knox box locations to be determined by FD.
16. Provide documentation of neighborhood meeting to Planning Office (sign in sheet and minutes)

### **Board Action:**

1. Site Walk
2. Public Hearing

**Patrick Coughlin** Director of Engineering at St Germaine Collins, representing Delta Realty and Art Girard, owner of the property. Also with us is Derrick Fitzgerald who is the driving force behind the business known as Happy Wheels.

- Orientation, showed location of property
- Entire Parcel extends from Warren Ave to Chabot
- Subdivided in various lots
- The lots we are looking at are identified as K & L lots
- M lot is the last lot that has the Cell tower on it\
- Showed lot pictures on overhead screen
- Not a lot of site work needed as the lot is relatively flat
- Showed examples of skating event pictures on overhead screen
- This project has generated a ton of interest
- Interested in finding a new home for Happy Wheels
- Prior location of Happy Wheels on Warren Ave was sold
- Showed concept plans proposing a 23,000 square foot building
- Required parking will need ninety-three ( 93) parking spaces
- Will need more parking spaces periodically
- Delta Realty owns the cell phone tower lot and are working on formalizing an agreement where additional overflow parking on the cell phone lot when there are special events
- Showing a sidewalk access from the overflow parking area to the entrance
- Designed entrance with two way flow
- Make parking safe and efficient as much as possible
- Provide one way access with a circular loop designed for school buses
- Large area drop off for children
- Heavy duty bollards will be installed in front of building
- Many of the lots on this parcel are not on City sewer – we are looking to provide a septic system
- We are working through a number of technical issues, and do not expect to be back next month, but will be back the month after
- We want to make sure the foundation and the GEO technical evaluation are perfect before we proceed, it is hard to roller skate on concrete with cracks in it
- With that I am willing to take comments or questions

**Rene Daniel** Staff comments?

**Jennie Franceschi** we are thrilled that Happy Wheels is moving to Westbrook. We feel it is a fabulous amenity to come to our community. We have provided the applicant with a series of comments related to some of the technical features. The septic System, how to facilitate movement for the pedestrian off the site, offsite parking needs. We feel we are working well with the applicant and would like to get feedback from the Board. We can show aerial views of the site in lieu of a site walk should you choose.

**Rene Daniel** Public Comments? Board comments?

**Jason Frazier** first I showed this to my daughter and she is happy and excited that you are coming here. Dealing with the septic system, how far is it to the City sewer?

**Patrick Coughlin** about two hundred (200') feet or so.

**Jason Frazier** it is not a half mile. It is relatively close.

**Patrick Coughlin** we would have to do a pump to the force main. We looked at the cost for it and it provides a significant increase. We are a low budget operation in order to make this work. We have moved the septic system up to right in front of the building and it provides a short run to the location of the bathrooms in the southern end of the building.

**Jason Frazier** so the leech field is actually going to the front?

**Patrick Coughlin** correct, it will go to the front. We are currently showing it under the pavement. We will make sure that the leech field will not lift the building too high and balance several factors.

**Jason Frazier** ideally if you could connect to the City Sewer but I understand you are on a tight budget.

**Patrick Coughlin** we are collecting donations.

**Joseph Marden** I am not crazy of the design of the end of the overflow parking with the parking spaces directly adjacent to the drive isle. I think those are high turnover spaces, during busy times. With no separation between the parking and the drive isle...

**Patrick Coughlin** here?

**Joseph Marden** on the back end towards the Portland line.

**Patrick Coughlin** there is a drive isle along there.

**Joseph Marden** but there is no drive isle between that and the parking? Or even a striped island to create some type of barrier.

**Patrick Coughlin** it is a challenge during this time of year looking at the snow removal vs. efficient parking and landscaping.

**Joseph Marden** I would be fine with a striped space there rather than curbed landscaped islands.

**Patrick Coughlin** we are trying to place it as close to the drop off.

**Rene Daniel** anyone else?

**Larry McWilliams** I think it is a great idea to see you come to Westbrook. The one concern I do have even though it is at the beginning of the Industrial Park, it is an industrial park. There is a lot of heavy equipment, heavy trucks, a lot of vehicular movement through there. I drive through there often. One of the main concern is you do have the cement trucks, two other facilities that are close by and I am not sure that you are aware of that there is a methadone clinic and a marijuana cultivation site that is gated in, but these are things to pay attention to before bringing younger kids in the area.

I know this is a family recreation, I would be weary of where your location is.

**Patrick Coughlin** I believe the facility to the south is a now going to be a Dance Studio. The neighborhood is changing a little.

**Derrick Fitzgerald** when Happy Wheels was created in 1973, Warren Avenue was essentially an Industrial Park. It does not necessarily bother us there.

We are aware of the marijuana grow cultivation center and in our previous location there were three nearby. This is a great opportunity because it is in an Industrial Zone so we do not have to worry about property valuations going up due to commercialization which is what loses most rinks where the property value goes up more than the rink can sustain. The Industrial Park works for us in the long run.

**Rene Daniel** anyone else?

**John Turcotte** as I understand the primary access would be on Chabot Street. Does that ever connect back?

**Patrick Coughlin** it is a driveway, it is not a public way. It enters off of Warren Ave and there are some speed bumps that were added in the beginning of the road. There were multiple requests for that, because people were flying through there and the speed bumps do slow them down.

Once folks find where this is, the primary access will come off of Larrabee. That is the easiest way in. Staff has indicated issues with signage and we will continue the conversation.

**Rene Daniel** just a few comments, I go back further than 1973. I go all the way back to back to Sid Dyer. The only way we had exercise was to go to Happy Wheels in South Portland that was there for a very long time. I to want to add my name to the list thanking you for choosing Westbrook.

I am going to ask the Board if you are looking to have an actual Site Walk because someone brought up the trucks. Knowing the area a little, most people will be using Larrabee and Chabot.

How many Board members would like an actual site walk or a visual site walk?

Board confirmed a visual site walk

David Finocchietti provided the visual site walk of the property on the overhead screen.

**Patrick Coughlin** Site was designed to meet DEP standards and the site was prepared with curb cuts existing and if you look on Google Earth it is more recent and there is existing landscaping along the road and we will try to keep what we can and we will be replanting.

There is the sign in the distance for the Industrial Park. Which we have not discussed with Staff yet but will be looking to keep that sig and making a Happy Wheels sign on the building as big as legally allowed so folks can see it from Larrabee.

**Rene Daniel** when do you think you will be back?

**Patrick Coughlin** my guess is we will be back for the May Planning Board meeting, if all the technical issues resolved.

**Rene Daniel** good, thank you again.

**Rebecca Dillon** introduced item:

8. **2020.05 – REFERRAL FROM CITY COUNCIL – Land Use Ordinance Amendment – 404 Sign Regulations: 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.**

**Rene Daniel** Staff presentation

**Jennie Franceschi** the City Council had requested the Planning Board to look at the creation of a temporary sign ordinance in response to campaign signage.

There were changes at the State level that transferred responsibility from MDOT to the municipalities.

### **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

### **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 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 and locate a General Provisions section at the onset of Section 404, where now they are scattered throughout Section 404.

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 strike-throughs and new language shown for you to view the adjustments to the current 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 a new Purpose statement.

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

- A. Language moved from a City Center District statement to the front of the document to clarify the process.
- B. Contradiction in language - Qualified “unless otherwise stated” because sign area for dual faced signs are computed as one sign in the City Center District

**404.2 – General Provisions**

- A. Relocated from City Center District (404.3.1.1.D.) to General Provisions as this standard applies to all signs. 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.
- B-C. Relocated from 404.4 – 404.6. These standards apply to all signs in the City. The amendment relocates them from the end of the section, where they can be missed by applicants who are reading the Ordinance, to a centrally located General Provisions. No changes in standard, other than retitling previous section 404.4 “Light Source Regulated” to “Illumination” to be consistent with wording throughout the section.
- D. 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, 5 and 8 are State statute and cannot be altered.

- E. 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.
- F. Nonconforming Signs. Nonconformance and discontinuance is addressed within the Residential Districts, City Center District and as a general standard (404.8). The proposed amendment consolidates these three sections as well as creates a uniform standard across all zones. This amendment consolidates the existing standards as nonconformance is now applied 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.

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

- G. Variance. A prohibition on variances from the sign ordinance exists under Section 404.8. The amendment breaks apart the Nonconformance and Variance provisions for ease of reference.

#### **404.2 – Residential Districts**

Amendments within this section were made for the following reasons:

1. Revision to section title for clarity
2. Reorganization of section by sign type
3. 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.
4. 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 size of 16 sq. ft.
5. Reorganization of 'Business Signs'
  - a. Language to Sign Allowance 1.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 by 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 includes the standards pertaining to message boards within the residential districts in the residential districts section rather than referencing another section of the Ordinance. No changes were made to the standards. 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. Illumination – language moved from previous H. (1).b. No changes were made to the standards.
6. Business Signs;
  - a. 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.
  - b. Stationary - Provision is separated to differentiate sign and lighting standards. Standards are proposed to be included with proposed 'Sign Allowance' and 'Illumination'
7. Provision removed - Nonconforming sign provisions are included under proposed General Provisions

**404.3 – 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. Proposed section 404.3.C.1 – relocated from existing 404.3.C, Area of Sign. No changes to the standard
3. 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.

4. 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).

#### **404.4 – 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, Illumination, Sign Types and Materials sections
3. Section 404.3.1.1.B Traffic safety and Illumination – section broken apart. 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 404.3.C.1
6. Section 404.3.1.1.I are standards related to temporary signage. Provision relocated to proposed 404.3.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.
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.

**Board Action:**

- 1. Provide feedback to Staff
- 2. Schedule a Public Hearing

**John Turcotte** I am a fan of ordinance clean-ups. We just did some edits to the sign ordinance and now we are revisiting, correct? We worked on non-conforming signage. On the campaign signs I was very surprised to see as many election signs near the School grounds and leading into the Community Center.

How far across is a typical road, like William Clarke Drive from side to side? Is that thirty (30') feet?

**Jennie Franceschi** William Clarke Drive is approximately forty-eight (48') feet wide. In this particular instance William Clarke Drive is off limits because of control of access.

**John Turcotte** my thought was when you do campaign signs you do one side of the road for traffic site viewing and the other side of the road for the other site view. You have to make sure the road measurements are thirty feet.

So the City will prepare a map for future campaign sign placements?

**Jennie Franceschi** yes

**John Turcotte** brilliant, thank you. I am good so far.

**Joseph Marden** so the first part of the permit required, is that also required for political signs?

**Jennie Franceschi** no they do not require a permit.

**Joseph Marden** I was having a little confusion on what requires permits and what did not. Maybe some clarification on that. I guess it is clarified in 442 A. My other question is because of all the political signs, people installing them are not residents of Westbrook. What authority does the City have to require people to remove them and then are they fined? Somewhere in the document, you have to alert

them within so many days. I am curious as to what authority the City has to enforce to do that? I think this is great, I just want to make sure we have the backing to follow through with it. Once a sign is out there it is out there and if they only have to pay a fine, it might be worth them keeping the sign there.

**Jennie Franceschi** there is a State Law provision once a sign is placed that is not permitted we just have to notify them. We cannot go out and immediately pull the signs. We must make sure we are clear on the removal process and referencing the State Law and what it allows us to do.

**John Turcotte** on the back of the sign you are supposed to put when you put the sign in and who to contact.

**Joe Marden** I can see people claiming ignorance and then they have thirty days to remove it. That is thirty days of free advertising.

**David Finocchietti** in another jurisdiction that I worked in, we had a similar problem and the Police Department collected all illegally placed signs and we made contact to the owner to pick up the signs within thirty (30) days and if they didn't we destroyed them.

**Joe Marden** I am on board with that if it is allowed.

**Jennie Franceschi** we will check with Natalie making sure we are following State Law process.

**Rebecca Dillon** I have a couple of questions on the construction signs. On page sixteen (16) the temporary signs located on private property and it talks about construction signs. A lot of times and I see lit is being limited to thirty-two (32) square feet, is that total?

**Jennie Franceschi** yes

**Rebecca Dillon** a lot of times you will see on construction fencing you will see the project sign and then the general contractor their own big banner sign. Does the banner fall under construction sign? I know that the ordinance did talk earlier about banners, but is it also under construction signage? So they would not be able to do that, they would be limited to that one?

**Jennie Franceschi** I believe we would call collectively construction signage. We would look at the maximum allowance for the zone. You are looking specific to City Center?

**Rebecca Dillon** I noticed that there is one under the Residential District as well. I could only find construction signage in those two areas so in any other zones – is it allowed?

**Jennie Franceschi** it was not previously stated in the other zones. We have not made monumental changes to the regulations as it pertains to the districts in this reorganization. We are trying to follow the direction that the City Council had asked of us which was specific to the Temporary Sign Ordinance.

**Rebecca Dillon** under construction signs, does that include directional signage? Contractors enter here, does that count as a temporary sign that falls under this limitation of the ordinance?

**Jennie Franceschi** we typically have not looked at those as construction signs. We look at those as directional signs.

**Rene Daniel** anyone else?

**Jason Frazier** I was also confused as what signs require permits or not. I am not sure how to word it better. Whenever I hear temporary signs, I think of survey crew working or temporary road signs. It would be nice if there were some examples or add a definition for temporary signs. There are a lot of options for temporary signs. There will be a lot of people looking at this trying to find what the laws are especially campaign signs. That might help.

**Jennie Franceschi** we can look at what the State Law might use.

**Rebecca Spitella** their wording is noncommercial signs are under one umbrella. At this point the direction we were given we cannot differ between signage. That is why it is under one umbrella to the kind of signage.

**Jason Frazier** examples would be great, such as Bean Supper, etc.

**Jennie Franceschi** there used to be very specific language to elections that allowed so many weeks before that you had and remove it one week after and the State decided that it wanted to eliminate all the regulations and just say you are allowed twelve weeks anytime in the course of a calendar year and go for it. It is our task on how to address that and make that work for our community so we might need further clarification.

**Joseph Marden** about the question on what requires a permit and what does not is it the intent that any temporary sign does not require a permit? Could language be added to 404.2A giving some clarification.

**Jennie Franceschi** yes

**Rene Daniel** anyone else?

**Nancy Litrocapes** I want to add thank you for taking this on, I find that driving around during that campaign period felt very unsafe. I felt like a distracted driver. Also just all the sign pollution was really overwhelming. Actually taking this on and graveling how to reduce these elements is really helpful. Thank you.

**Rene Daniel** anyone else? Staff?

**Jennie Franceschi** if the Board does not have any further comments taking on the questions that have been raised about just clarifying what is a permitted sign, clarifying what a temporary sign is, clarifying the removal process is; if we can provide an updated version, would the Board feel comfortable on moving to a public hearing at the next meeting with that document?

Board affirmed

**Rene Daniel** I think that is an excellent strategy.

**Jennie Franceschi** if you think of anything else just shoot us additional comments for this document that you would like to provide.

**Rene Daniel** can I have a motion to go back to the regular meeting?

**John Turcotte** so moved

**2<sup>nd</sup> by Jason Frazier Motion carries 7-0 in favor**

**Rene Daniel** I want to Thank you and your staff on how much work you are doing and house cleaning and fixing the Ordinances. We all appreciate it.

## **9. City Planner's Business**

**Jennie Franceschi** we have this evening, booklets on Planning Board education. We have Board Training that was done by Natalie several years ago that also has a CD in it. So as you are listening to the CD you can follow along within the document to learn all about ex parte communications and FOYA requests, when we should talk and when we should not talk. We wanted to provide this document to any Board member that currently has not already received it. Once you have reviewed the CD, if you would not mind returning the CD so we can have a library of them. If there was any Board Member that was here that would like a refresher we have those available as well.

**Rene Daniel** is it possible to have a workshop with Natalie? I find that is extremely beneficial.

**Rebecca Dillon** when I first joined the Board, I know that the State puts on a seminar annually or biannually and I found that really informative.

**Jennie Franceschi** those are typically towards the Fall Season in our area. That is why we are trying to give the Board some education material because we did not want to wait that long. We can review our schedule to try to bring Natalie in to do a once over on the materials. But in the meantime at least we can get these to you to get background and understanding the Boards Roles and Responsibilities.

## **ADJOURN**

*THANK YOU, respectfully submitted by Linda Gain [lgain@westbrook.me.us](mailto:lgain@westbrook.me.us)*