

WESTBROOK PLANNING BOARD

TUESDAY, APRIL 3, 2018, 7:00 P.M.

MINUTES

Present: Ed Reidman, (Chair) (Ward 5), Rene Daniel (Vice-Chair) (At Large), Rebecca Dillon (Ward 1), Dennis Isherwood (Ward 2), Joseph Marden (Ward 3), Robyn Tannenbaum (Ward 4) John Turcotte (At Large)

Absent:

Staff: Jennie Franceschi, Rebecca Spitella

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.

PUBLIC HEARING

Ed Reidman explained the public hearing process.

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

Dana Fortier Director of Engineering and Facilities at Idexx. We have spoken to the Board previously and are glad to be back tonight and am excited to present what we have. I want to introduce Denise Cameron is from Woodard and Curran.

I would also like to thank the members of the Board how had the pleasure to walk the site on Saturday a couple of weeks ago. I would also like to say thanks to the City for helping us through the process and helping facilitate our project.

With that I will standby for questions and turn it over to Denise to present our project.

Denise Cameron from Woodard and Curran, I want to start by explaining where we are. I know the Board has walked this and many of the Public here that had walked the site as well. Thank you for that.

Briefly what we are looking for is a six hundred employee building. The employees will not all start on day one, rather this is to help sustain the growth that Idexx is experiencing. The new building expansion is proposed east of the Synergy Center built in the existing parking area. Behind it you will see some proposed improvements to the landscape and parking to help support the additional growth of employees, proposed along the CMP corridor. Idexx has a lease agreement with CMP that will allow the construction that parking.

I am here tonight to talk about the Civil Engineering, land use side but I also have the Architect, John Harper to introduce the architectural components of the site.

I will hand it over to John and talk about the building.

John Harper with Lavallee Brensinger Architects showed slide #3. As Denise mentioned the Synergy Center that exists today was developed to the east of the main building along Eisenhower Drive. –

The new building, we are calling Synergy East is located east of the Synergy Center. It is connected directing to the east and no impact building wise around the rest of the Synergy Center and extends to the east and a little to the south as well.

Slide #4 shows a bird's eye view of the corner of the existing Synergy building. The new building is to the east and is three stories and just about the same height as the Synergy Center is now. It looks a little tall but instead of seeing the mechanical area you see an enclosed mechanical penthouse for esthetics and maintenance as well as a small single bay loading dock.

The primary use of the building is identical to the Synergy Center, about one hundred and eighteen square feet of office and conference space and another twelve or thirteen thousand square feet of mechanical penthouse. The materials are similar, the architectural design, scale and feel of it is again quite similar to the Synergy Center.

Landscaping here and around the building. The entrance off of Eisenhower remains the same with the circular drive in front of Synergy Center, with a small reconfiguration here that you may have seen.

Slide #5 Shows eye view as walking into the northern part of the building. For scale you see the employee entrance, the visitor and main entrance will remain the same within the Synergy Center off of Eisenhower.

Denise Cameron with Woodard and Curran slide #6 sows proposed landscaping improvements primarily along the front of the building with plantings for esthetics but also a development of a courtyard in the rear that will be more actively used by employees as outdoor working space.

Slide #7 Parking, as part of the packet you have is a Traffic Study and a parking assessment study. As mentioned not all six hundred employees will be there on day one. Instead this is to sustain a growth. It does not make sense to build all the parking on day one, so as part of your plan set you will see provided a phase one that we are proposing to construct by 2020. It is going to take a while to construct this building that has a substantial construction schedule. We are thinking that day one of this occupancy, we would like to build parking lots two and three closest to the building. This would add an additional two hundred and sixty-four and one hundred and sixty-two spaces. We lose a little space in back as we reconfigure for the traffic access. A net gain of one hundred and seventy-two would be part of the first initial proposed phase of construction.

Slide #8 you can see the full buildout. The full buildout includes the addition of two more parking lots that that we are proposing built by 2026. That will give us a net gain of five hundred and twenty-four parking spaces. Your assessment memo will provide backup data why we believe this is adequate parking.

In 2015 Malone and MacBroom came out and did an actual count to understand utilization per head count. Idexx has a lot of shifts, a lot of people travel to work and we wanted to do an actual study of parking generation. We found it very similar to what was discussed to the Synergy One, around the .8 ratio, this generation would get to the ratio of .86 per head count employee.

Idexx has been looking at shift data based on how many people come in at what time and we believe this is more than enough parking to suit their needs and growth over the next many years.

One particular change from the sketch plan to now as mentioned by the City, Slide #9 shows the original parking along the back three lots. The City said they had concerns about pedestrian safety while backing out to an access drive and preferred that would be eliminated. We took a look at it with our traffic count numbers and we felt we could comfortably lose those parking spaces. That has been part of the response to comments.

We received the comments in general from the City, happy to address them, we have already updated the plan set to address those comments and take no exception to the comments.

With that I will turn it over to Tom and he will walk you through some of the traffic on the site.

Tom Errico Project Traffic Engineer from TY Lin in Falmouth. We are in the process of obtaining the traffic movement permit. The project generates approximately two hundred and seventy-four trips in the weekday morning time. The evening weekday commuter time period about two hundred and fifty-five vehicle trips expected entering and exiting the site.

That level of traffic requires a traffic movement permit and we have had a scoping meeting, we have submitted the traffic study to DOT and I have had some conversations with Steve Landry, who is the State Traffic Engineer. He is working on the permit. I can brief you on some of the locations as it relates to project impacts and potential mitigation requirements for the project.

It is hard to see but the project sits in this location on Eisenhower Drive. The study on the evaluated conditions on Eisenhower and Saco down at Brackett Street, Eisenhower and Spring, County at Spring Congress and Skyway in Portland and Bill Clarke Drive and Saco. A number of intersections were included in this area as part of this evaluation.

A few things Eisenhower and Spring has a lot of congestion and is currently stop sign controlled. There is a City project that is going to install a signal and really the issue that the study was required to look at was the length of the left-hand turn lane turning onto Eisenhower. There is a certain amount of storage for vehicle queue with additional traffic queuing and with the installation of the signal that the storage was inadequate.

Through our modeling analysis we determined that the left-hand lane would need to be lengthened between four hundred and twenty-five and five hundred feet. There will be a requirement in addition to installing the signal in this location, widening Spring Street northbound to allow for a longer left-hand turn lane.

Eisenhower and Saco the other end of impacts on Eisenhower the request from the scoping meeting was evaluating the need for a traffic signal. The study identified warrants that are required for installing a signal finding from the Federal Highway Administration, DOT has the ultimate authority on installing a traffic light, so when you look at those warrants a signal does meet one of the warrants. Under current system configuration, through the study we determined that there will be some traffic pattern changes in this area. Two that we identified, one associated with the new driveway on Saco that the project is proposing that will reduce demand coming off of Eisenhower and south on Saco. That left-hand movement will be reduced as part of that new driveway and secondly we heard anecdotally that a lot of people avoid the Spring, Eisenhower intersection that

use this intersection north and northeast. Some of that demand will shift back to Spring Street once the signal is installed because it will be easier to get out.

Through conversations with DOT my suggestion was maybe we monitor how the patterns change see what the ultimate traffic conditions will be. What I am hearing from DOT, they think a signal is needed. I do not have the permit in hand by my anticipation I there will be some participation of installing a signal at this location as part of the traffic movement permit.

County and Spring another location within the study to evaluate the two east bound thru lanes that ultimately transition into one, lane drop. You probably have noticed that you do not get equal lane distribution on these two left turns headed to the Turnpike and Portland because the lane drops. The thought was if we extend those two lanes further, you get equal lane distribution and ultimately better traffic operation at the signal. The modeling confirmed that and makes sense to extend those two lanes and we are recommending one hundred and fifty feet. Conversations with DOT is maybe it gets extended a little more and part of the permit will be to extend those two lanes towards Portland. DOT is also thinking about upgrading some of the signal equipment to make it as efficient as possible.

Congress Street, Hutchins and Skyway Drive is actually in Portland and heads to the Turnpike. – At the scoping meeting DOT asked that through the study we identify specific recommendations that would mitigate some of the congestion. We found that there is a heavy demand outbound and also the right turn going towards the Turnpike. A couple of recommendations were identified through the study, one was extending the right turn lane further back, so you could actually get in to it. The second recommendation was adding a second left turn lane coming off of Skyway Drive. That would require widening Skyway Drive and widening the receiving side also widen Congress Street.

Through the scoping meeting they asked to look at high crash areas, the first is Saco and Brackett Street. It seems that vehicles are rolling through the intersection, they are not really stopping and then when they need to stop suddenly they slam on the brakes and the car behind then hits them so there is a rear end pattern on Brackett Street. DOT thinks we should potentially provide a flashing warning/stop sign, stop bar enhancements and maybe some site distance clearance.

Saco Street at William Clarke Drive there is a pattern of a lane trap, rear-end collisions. DOT recommends additional signage to help prior to the full-blown intersection re-construction.

Eisenhower and Spring, DOT wanted to be sure that the crash patterns that exist today at that location are corrected by the installation of the traffic signal.

Lastly the new drive on Saco Street we were tasked at looking at any need of turn lanes. Our modeling recommended that we do not need left turn on Saco Street.

Denise Cameron as Tom mentioned there are some extensive traffic permitting with the DOT and similarly on the environmental side we have submitted the Site Location and Development and the Natural Resources Protection Act Permits. We anticipate having those by mid-April. Army Corp of Engineers will also get a permit for wetland impacts, keeping the same April time period. We have submitted an FAA Notification because we are within proximity to the Airport.

All the permits are in play and in hopes if we have approval starting the project this spring. With that I am happy to go into more details or answer and questions the Board may have.

Ed Reidman Staff Comments?

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

Project History:

January 8, 2018 – Neighborhood public meeting
January 18, 2018 – Traffic Scoping Meeting
February 6, 2018 – Planning Board Workshop
March 17, 2018 – Site Walk
April 3, 2018 – Public Hearing

Staff Comments:

1. Fees: Abutters (\$360.45) and Newspaper Notices (\$160.00) = \$520.45
2. A complete updated set of Mylars based upon the comments and a final paper set for Planning Board signature and Planning office files. If you wish to have a signature sheet copy for your records, please bring an additional sheet.
3. Staff does not support the parking located on the northerly side of the access route connecting Calpine Drive and Saco Street. Prior to the finalization of this memo, the applicant has indicated they are in agreement to remove the 78 spaces
4. Saco/Eisenhower intersection

Public Hearing Opened

Ron Stoloff 267 Longfellow Street, I object to the Synergy expansion of Idexx because I feel it would decrease the quality of life in Westbrook with the increase of traffic, more accidents and more speeding. I like to travel to South Portland via Eisenhower Drive and I have seen speeding and people cutting me off there. Adding more traffic for the six hundred employees, I can only imagine people wanting to get in and out of there in a hurry. I generally think this is leading to the overdevelopment within the City. That is why I oppose adding this expansion that will add to an already busy or hectic City. Thank you

Fran Jensen 7 Vivian Street, I am not opposed to Idexx, I have lived with it since they came here with one thousand two hundred and fifty employees in the beginning. You have addressed some of my concerns and answered some of my questions that I have written down, but however I am going to go through my highlights.

I have lived there since 1970. Saco Street was developed before any of the housing developments and businesses started on that street.

- In 1984 Brackett Machine moved there beyond the farm that is now called Stroudwater Condos that was the farm. I do not know how many condos are in there but their driveway is on Saco Street and coming in and out of there must be a living nightmare.
- The Hamlet Coach Park has one hundred and sixteen mobile homes further up the road and I think it is close to the vicinity of the driveway onto Saco Street.

- Further up in the vicinity there is Spiller Drive access to business in the back of Idexx.
- 700 Saco Street has condos, so they generated in the vicinity where the old dump used to be.
- Eisenhower Drive began as a small Industrial Park and over the years a huge amount of business has gone in there including trucking outfits that generates so much tractor trailer truck traffic
- Bisson generates a huge amount of truck traffic.
- The businesses generate traffic that maneuver around Saco Street, Eisenhower and Spring Street.
- It is not just Idexx traffic we are addressing here. We have a lot of traffic that is generated across the street from Eisenhower Drive.
- Public Works moved up there
- All School Buses operate from there.
- There is not one traffic light or stop sign except if you go into Eisenhower Drive.
- For those of you who do not live up there you have no clue what goes on up there. That is not just peak morning and night peak hours, that is around the clock.
- We have a new housing development called Homestead Village that is opposite to West Valentine Street that generates more traffic congestion.
- Another new housing development going in opposite to Green Street with constant construction vehicles all day long.
- The people trying to come from County Road come down Saco Street
- There is a proposed 30 lot subdivision on 477 Saco Street just above Eisenhower
- So, traffic on Saco when they change shifts is terrible.
- The downtown traffic starts creating a double line in the break down lane and starts backing up as far as my street. They are in a hurry and to miss the traffic jam they cut up Vivian, Prospect and Green Street. If I did not know the neighborhood, I would sit there all night long trying to get to Wayside.
- There are no speed limits posted on any of the side streets, Vivian, Lucille, Prospect are major highways during the morning and night. People familiar with the neighborhood cut through neighborhood traffic to get to Spring, Wayside or wherever they are going.
- The other question is I am sure you have done a soil study but I have driven behind Idexx and there is a major drainage problem.
- You have secured the right-of way from CMP
- My other concern is the environmental impact up there.
- I just wanted to know if you have anything to address drainage.
- I think industry is great for Westbrook but at what cost, what can you do to alleviate the issues.

Bill Fletcher attorney for Calpine Corporation, which is an abutter to this project along the CMP corridor. Calpine is generally supportive of this project but has one concern they wanted to express related to the access way as it goes by the secured gate for Calpine Corporation.

As an energy producing facility there are strict requirements that relate to Calpine's monitoring of the security gate. This proposed project would take what is a current dead-end street and make it a through street with significant traffic. We would like to see the access that runs by the security gate changed so that it follows the natural contour of the land which would provide a buffer to the security gate. So, it does not cause false monitoring of the increased traffic.

We have had discussions with Idexx about the relocation of this access way, but we are not there yet. Again, we are generally supportive, but this is an important concern to address. As an energy producing facility the guidelines and requirements are federally mandated and there are stiff penalties for not complying with these monitoring guidelines and whenever there is suspicious activity, local law

enforcement is alerted and at times federal law enforcement. So we are hoping to work with Idexx to relocate this one portion of the access way.

**Editor's Note hand out provided

On the handout there is a red line that shows the current location of the proposed access way and the purple line shows what Calpine would propose. That would allow the access way to connect to the parking lot and allow the natural topography to provide a shield for the current security gate.

I would also note one thing to be mindful of the existing access rights of Calpine are superior to the Town's right. When the Town took the deed from Idexx for the public road it took those rights subject to Calpine Corporation access rights not interrupted.

With all that said we have had good conversations with Idexx and are making progress, but we are not there yet, so we would hope that any approval tonight would be conditioned upon a relocation and resolution that is satisfactory to both of the parties.

Martha Goodale, I live at the corner of Saco and Green Street. My comments piggy-back to Fran's comments. I have the same concerns that she has but I am also concerned with idling traffic that creates a tremendous amount of pollution. I grow food in my yard and pollution passes up to six hundred feet past the busy roadway. I am concerned about the quality of life and what I can do on my property.

Aleighta Ingraham 520 Saco Street I do appreciate the presentation and they have answered a lot of my questions but one question I have is traffic enforcement. I have seen I do not know how many times buses have their lights on and cars fly right by. Can we look at reducing the speed limit? When kids cross the street, it will be much safer.

Public Hearing is closed

Ed Reidman can you address Calpine's concerns?

Dana Fortier in terms of Calpine, we have made a significant effort to work with Calpine and obviously will continue to do that. We sent over several different options for Calpine to review, at least four or five, that all have been rejected.

Again, we want to continue to work together but we need to find a solution that is workable for both parties.

Peter Kline Attorney for Idexx working on this project. I just wanted to mention that Mr. Fletcher is correct that Calpine does have an easement over that roadway. When that roadway was accepted by the City of Westbrook that easement was not extinguished, it still exists over that roadway but none the less Calpine Drive is a public roadway. We are proposing the use of a public way and the entrance on the public way. My understanding is that there are some discussions with Calpine that are ongoing with respect to the location of possible upgrades being done for their gate that will mitigate these concerns that Mr. Fletcher articulated. We up until this point have not been aware of the specific requirements are for that gate or how we may be able to address them. The conversations with Calpine have only just really begun on that topic.

We are happy to work with Calpine to make sure that we are doing the most efficient and best entrance on to Calpine Drive that will provide the highest and best use of Calpine Drive. We want to be a good neighbor, but we would prefer to avoid having that as a condition of our approval. If it is something we can work out and bring back before the Board as an amendment to the plan, overall we would like the plan to receive approval tonight.

Ed Reidman popular topic is traffic.

Tom Errico showed the slides that talked about some of the mitigations.

- Eisenhower and Spring currently stop sign controlled.
 - City is currently embarking on installing a traffic light that will mitigate the safety problems. Limited delay and will work well. The only item left to do is to extend the left turn lane.
- What we have heard is that people will cut through neighborhoods to avoid this intersection to get to certain points within the City and beyond. We think the installation of the signal will help.
 - Will it eliminate all of it, probably note, it is the nature drivers seeking their destination in the fastest way.
- Saco the general plan is a signal would be installed
 - Our analysis says by installing that we will see improved levels of service and little delay.

There is a specific process we follow that DOT establishes in terms of preparing a traffic study. We consider developments that are approved or permitted, not thought about or in the future, so we have coordinated with the City, Planning Staff in terms of adding developments that have already been permitted that have not added traffic to the system. We also added a background growth rate that was all in the model. The study includes traffic volumes and also growth from the project and other development growth.

Ed Reidman there was a question about reducing the speed limit, how does that occur?

Tom Errico DOT is the authority of speed limit changes in the State on every road. The City would make that request of the department to change the speed limit. I think it is a worthwhile request.

On occasions there has been cases where speed limit changes have been raised by the DOT. In this case, I would wait a little bit for some of the mitigation improvements to be in place. I think you will find some natural slowing when that signal gets put in because it is going to be stop and go and I would make the request at that time.

Ed Reidman the City at one time petitioned the State to lower the speed limit on Stroudwater Street and the State raised it.

**Unidentified Just a question of the signal will be a red, yellow, green and turn signal?

Tom Errico I would expect yes, an arrow would be part of the design.

Ed Reidman there was a question about drainage and low areas?

Denise Cameron much like the DOT permits, stormwater are all very thoroughly reviewed by the State Department of Environmental Protection and Army Corp of Engineers. Those are part of separate permits that have been submitted to the DEP and the Army Corp of Engineers. As part of those permits the DEP has very specific storm water regulations that require us to meet both quantity and quality improvements.

** Editor's Note storm water slide was explained.

Ed Reidman anyone else note anything?

REGULAR MEETING

2. **Call to Order.**

3. **Approval of Minutes.**

No minutes prepared

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

Project Description:

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

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4. Saco/Eisenhower intersection

Ed Reidman, we had a site walk and public hearing. The only issue that was not resolved is the Calpine issue, do you have a suggestion?

Jennie Franceschi the issue with Calpine, I would agree that we would not place a condition on as it is a matter between two private entities that they will need to address between each other. That is a public street with public rights, so I do not think that is necessarily something that the City should engage requesting a condition be put on the approval.

Ed Reidman the Calpine issue will have to be between the two parties.

Tom may I ask you another question? We already said that the State sets speed limits. As I remember, 25 miles an hour if it is not posted is the speed limit through a neighborhood?

Tom Errico correct

Joe Marden how soon do you expect the improvements to the intersections to be installed?

Tom Errico DOT has a three-year window, so off site mitigation would be within three years of the project.

Rebecca Dillon, I know you thought that the DOT was going to require a light at the Saco Street intersection, but if they do not and it gets monitored, how often is it monitored since traffic is going to be phased?

Tom Errico traffic would be monitored in a couple different ways, initial phase when the new drive onto Saco is built and again based on conversation with DOT they are looking at a signal mechanism with some sort of funding shared to do that. If I were to guess that is probably where it is going to go.

Ed Reidman if traffic improvements were required outside the City of Westbrook, we would only be approving improvements within the City of Westbrook.

Robin Tannenbaum given the massive amount of parking, was any consideration given to a parking structure as opposed to this huge increase to impervious surface?

Dana Fortier, we did consider a parking structure. There are a few things that a parking structure impacts us on like if constructing a building there would be loss of parking. When you build the parking structure, you lose entire space or ground area of parking. In order to get that back you would have to build a taller parking structure. Obviously, the cost is a big component of consideration of a parking structure along with the maintenance of the structure because of the salt during the winter would eat the concrete. There are concerns with that. In terms of our long-term site planning, a parking structure would reduce the flexibility we have with the site. Idexx continues to grow and we do not know what our growth will be going forward. We have tried to do improvements that have the most minimal permanent impact in terms of building structure on the property trying to provide ourselves an area we can continue to expand and then look at other means or other areas off site and having to do transportation to the site or going to structured parking to some degree. We are really trying to maximize the utilization of the site.

Ed Reidman questions or comments?

Rene Daniel can show me on the map where the new road is going to go?

Editor's note Denise Cameron shows proposed access drive.

Rene Daniel since your slide shows Lot 2 hides the visibility is there a home there or is it vacant property. How close are you to the dirt road to Calpine?

Denise Cameron to answer your question, I need slide #9. There is a house that sits in this area here and another one here. In the site plan application, you will see landscaping proposed along those areas to help buffer where we come up against the residential part.

Our access will parallel the CMP corridor here.

Rene Daniel is it going to be built to a road standard or a driveway standard?

Denise Cameron –the proposed access drive at this time will be gravel depth. The intent of it is not to be a road, it is to be access to the parking.

Rene Daniel is there a way to get to the four parking lots from Eisenhower Drive without going out to Saco Street?

Denise Cameron in addition to this access drive that we referred to, there is another access drive that connects into the rear loading dock area of the Innovation Area which is the oldest part of the Synergy complex.

Rene Daniel where can I find the landscaping chart?

Denise Cameron on sheet L1.04 of the plan set. That shows the planting schedule with reference to other sheets showing different areas in the complex.

Rene Daniel, I need to compliment the landscaping architect with the number of perennials and grasses with a lot of different species that you do not see around the City.

Denise Brown Idexx has a strong group grounds group that is making sure that we have esthetically pleasing plants but also ones that can tolerate the type of environment that they are in.

Ed Reidman any other questions or comments?

**Editor's note - No comments

Ed Reidman do I hear a motion?

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

Site Plan – Finding of Fact:

Utilization of the Site – *Adequate.*

Adequacy of Road System - *Adequate. Name of private way submitted - Tyler Drive*

Access to the Site – *Adequate.*

Internal Vehicular Circulation - *Adequate.*

Pedestrian and Other Modes of Transportation - *Adequate.*

Stormwater Management - *Adequate.*

Erosion Control - *Adequate.*

Utilities – *Adequate.*

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

Technical and Financial Capacity - *Adequate.*

Solid Waste – *Adequate.*

Historic, Archaeological and Botanical Resources – *None Known*

Landscape Plan – *Adequate.*

Conclusions:

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

Conditions:

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated March 16, 2018 and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the City Planner or the Planning Board.
2. Consistent with Section 504.3, the Code Enforcement Officer shall not issue any permits until a site plan has been approved by the Planning Board and a Mylar signed by the Planning Board. Mylars must be submitted to the City within 90 days of Planning Board approval or the approval shall be null and void.
3. Prior to any ground disturbance or permits being issued for the project:
 - a. All Staff comments must be addressed.
 - b. Applicant will need to provide Geotechnical review of the fill materials for suitability of structure to be placed upon it. Applicant acknowledges risk on

foundation design cost if soils are deemed unsuitable/unstable. Any changes to the project as a result of the geotechnical review will require review by either the Planning Board or the City Planner.

- c. Copy of MDEP NRPA and MDOT traffic movement permit
 - d. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator
 - e. A pre-construction meeting must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate.
 - 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. This fee is required per Section 500.8 of the Land Use Ordinances in order to cover the costs of inspection of site improvements.
 - 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. (Estimated \$4,434,070 – not including Saco/Eisenhower intersection)
 - h. 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. Radio testing will be conducted during the course of construction to ensure adequate ability of public safety personnel to communicate into the building.
 5. Hydrant locations to be determined upon final plan review
 6. Condition on time of year for tree clearing to address long-ear bat habitat (Oct 16th – April 19th)
 7. Approval from Fire Dept. for the final location of all fire alarm systems and hydrants; including but not limited to fire doors (won-door), remote annunciator and knox box locations
 8. Approval from CEO to use bottle fill stations in lieu of water fountains
 9. Prior to commencing any work in the City Right-of-Way, the applicant must obtain a road-opening permit from the Public Services Department.
 10. Prior to release of the performance guarantee, the site will be in compliance with the approved plan and as-built plan provided in City approved format for the GIS system.
 11. 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.
 12. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.

2nd by Dennis Isherwood

The vote is unanimous in favor 7-0

Rene Daniel move to Workshop

2nd by Dennis Isherwood

The vote is unanimous in favor 7-0

Ed Reidman explained workshop procedure.

WORKSHOP

5. 2018.12 – Land Use Ordinance Amendment - Contract Zone 3 – Hannaford Brothers, Co – Discussion on an amendment to Contract Zone 3 to permit an accessory Clynk structure and clarify the standards of the contract zone. Tax Map: 33 Lot: 57

Ordinance Description:

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

Project History:

April 3, 2018 – Planning Board workshop

Staff Comments:

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

Potential Board Actions for discussion:

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

Darren Stairs Stantec Consulting on behalf of Hannaford Brothers. The property we are talking about is Hannaford off of William Clarke Drive. The reason we are here is the proposal to locate a small accessory structure on the property. This property is Contract Zone #3 that was approved in 2001 so in order for us to locate any new elements on the site we need to request a Contract Zone Amendment.

When we came before Staff to discuss the amendment they legitimately asked if we would consider amending the Zone to allow more of the requirements of the underlying Zone, City Center District. Thereby allowing us more flexibility in the future so every time should we want to move this unit we would come back to Planning Board but would not have to go to City Council every time.

Again, the reason we are here is to locate this three hundred and eighty-four square foot accessory structure to remove the Clynk recycling operation from within the store from the right entrance on the left. Hannaford has been trying to move these operations outside of the store to separate the two uses.

This is a prefabricated small structure that has no utilities, no water no wastewater just power to run the equipment inside. The prefabricated structure sits on top of the pavement.

Impacts to the site are the reduction of five parking spaces for the box itself and the loading and unloading area and designate two spaces to reserve for the clynk users. You can see on the plan that we are proposing to locate it on the South side and the amount of site improvements proposed are limited to that area, some restriping, grind and overlay the pavement underneath the box so it is level, some restriping and signing and of course installing the power to the unit itself.

The amendment to the contract zone basically we are proposing to except and apply the standards of the underlying zone, the City Center District with exception of a few things we would not need in this case for the Hannaford property. Those things are: the lot size. We are proposing to keep the lot size as existing that is 8.3 acres. I will mention that it does include the bank parcel in front of Hannaford as well.

Also, we thought it prudent to include a stipulation that in the City Center District the setbacks are zero, we are proposing to keep a twenty-five-foot setback along this boundary from the residential area. We are also proposing to keep our existing building height. We also have some sign square footage included in your documents that shows the update of the signage on the site.

Basically, that is the extent of our proposal. But we also have some building façade changes going to be making. The clynk structure is proposed to have the same coloring to the façade of the building as well.

Ed Reidman procedurally we are in workshop and cannot vote tonight. We will come back, go to Public Hearing then make a recommendation to the Council. The Council will be the one that makes the modification to the Contract Zone.

Jennie Franceschi correct.

Ed Reidman questions or comments? Just a personal comment, I am not happy with the way that they run the Clynk at the Hannaford Store in Falmouth, they park the Clynk truck in the Fire Lane in front of the store.

Darren Stairs Stantec Consulting, we are actually proposing a building relocation that has been approved. So, if you shop at the Falmouth Store, the Clynk building will be to the right of the store, down the drive isle that is behind the store. It will be out of the way.

Ed Reidman it is not the location of the Clynk building, it is where the truck stops in the Fire Lane.

Robin Tannenbaum you raise a good point. Don't the huge trucks pull up and isn't that going to block that parking lane?

Darren Stairs Stantec Consulting, yes, they are a box truck and they will be there twice a day in this location. When they are in this unit it is easier to get the bottles in and out of the building, maybe ten or fifteen minutes, if that.

Robin Tannenbaum to me, this is a consumer comment I would not be pleased to be parked there coming and going and have that truck parked in my lane. The truck will block cars for a while. I would rather have it further away from where I am parking and walking.

JM Lord, one of the reason we are taking these Clynk units out of the building is the exact reason the Chairman just stated. Right now, the truck pulls right up in front and blocks the entrance. With this configuration they have two big carts that they put in and out that takes about ten or fifteen minutes. This is the furthest away from the main entrance.

Robin Tannenbaum a lot of people seek that isle out especially in the summer because it is shaded. The only isle that is shaded. Also, when people bring their bottles back, they will be pulling up in front of the Clynk too, correct?

JM Lord, we have two reserve spots here.

Robin Tannenbaum in the middle of the parking isle?

JM Lord, like Portland as it is off to the side of the store. I hear you, nothing is perfect in this world and this may not be, but I think trying to get it out of the building, this is the best location we could put this.

Ed Reidman questions or comments?

Joe Marden with your proposal will the whole site revert to the underling zone or is the majority going to stay in the Contract Zone?

Jennie Franceschi this will still be a contract zone. When this particular Zone was created it was more of a conditional zoning. There were eight conditions that were put upon the project. It was not set up like a typical contract zone where the zone has its own density and setbacks. It does not have the components of what a zone needs. What it was previously was Industrial then City Center District and then Contract Zone.

We felt that it best mimics City Center District as far as location, but we were sensitive to the fact that this was a heightened project by the neighbor's standpoint and we didn't just want to arbitrarily say that this goes back to a City Center District, so that is why we created a twenty five foot offset from any residential zoned parcels. There are certain limitations that we have put on the project but the majority of the structure of the Zone should follow the City Center District therefore we can regulate better going forward.

Joe Marden so the previous Contract Zone, did it have those conditions? Was it the setbacks?

Jennie Franceschi it was on the plan, the actual setbacks were not included in the eight conditions but were included on the plan.

Joe Marden my concern is if they were to expand the building to the South, with the proposed changes would that be possible now?

Jennie Franceschi right now the pavement line is essentially twenty-five feet. This is as far as development should go towards the neighbors. Could Hannaford build across the access way? The Fire Department probably would not allow that.

Joe Marden landscaping, is there any additional trees that will be planted along the Clynk building?

Darren Stairs Stantec, it is all treed now and we are not proposing additional plantings. There is dense wood stockade fencing there.

Robin Tannenbaum, I do not think a center isle of proposed bank is there, is that new? That would be wonderful.

Dennis Isherwood those are carriage returns

Robin Tannenbaum are there trees there?

****Editor's note** no trees that the applicant is aware of.

Robin Tannenbaum I am giving you a hard time now, since you are taking away six nice shady spots that I can park at are you going to plant the trees shown?

Darren Stairs we are not proposing any new landscaping.

Robin Tannenbaum then you should get them off the drawing because then they become record.

Rene Daniel there is no landscaping there that is where the carts are. There are trees at the end of each row.

JM Lord, if they are gone we will replace the trees.

Rene Daniel that is now part of the record, did you record that Linda?

Linda Gain yes that is documented.

Ed Reidman questions or comments

Rene Daniel when are you coming back?

Jennie Franceschi May 1st for a Public Hearing

6. 2018.11 - Land Use Ordinance Amendment – Adult Use/Retail Marijuana – To include all the definitions necessary associated with the Adult Use/Retail Marijuana State Regulations and to include language on prohibiting all of the 5 Marijuana related Adult Use/Retail uses provided in the state regulations, as per the recommendations of the City Council.

Ordinance Description:

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

Project History:

Xx xx, 2018 – City Council Review
March 6, 2018 – Planning Board Workshop

Staff Comments:

1. The proposed Ordinance prohibits any use associated with Adult-Use/Retail Marijuana within City limits.
2. Ordinance language has been reviewed by Staff and legal

Potential Board Actions for discussion:

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

Jennie Franceschi Staff has been working with the City Council the direction which the Community is looking at this time in regulating Retail or hoping to call Adult use Marijuana. On January 8th we held a workshop with the City Council to solicit the feedback from the City Council as to the direction that they wished Staff to move forward as we need to solidify our response in this process.

We need to come up with language, one way or another to what exactly we want to regulate within our community. The feedback we received from the Coty Council was that there is too much ambiguity at the State at this time regarding where the regulations are going, who is going to be truly regulating them, what is the impact to the community and the Council felt it would be in the City’s best interest at this time to prohibit all of the allowed uses that were afforded in the language from Retail Marijuana.

The document you have before you is a merge of several communities that have already gone through the effort of doing the prohibition. What you have is the definitions all of the uses and any terminology that is specific to marijuana that we should include in our Ordinance. Each one of those has a blanket statement to be used as prohibited in the City of Westbrook.

Additionally, we are looking under the General Provisions, Section 206 specific to Adult Use Retail Marijuana to call out that this use is not permitted in this community. These components have been reviewed by legal and have provided us with comments and now is at the Board level to review and ultimately provide a recommendation back to the City Council.

Ed Reidman questions or comments?

Robin Tanenbaum I am trying to understand this, basically the City is saying that we are not ready because there is too much ambiguity at the State level, let's make it clear that you cannot do it. Will this make it harder, just say the State figures it out and comes up with clear guidelines in a year and that Cities are ready to go, is this going to make it harder to do that? Then suddenly there is a repeal of something that is in the Ordinance and Citizens will say, we have already said this, done it as opposed to treading water. Is this getting us in a more permanent place?

Jennie Franceschi at this time I think it is the only direction we can go in because we are under moratorium and we have extended the moratorium twice. What I have been told this is the last moratorium that the City Council wants to continue and extend so we need to move forward on some language.

We cannot continue to stay in a state of moratorium, even though at the State level they are under a moratorium because they have not completed their process by which they put together their regulations. They are hoping by December of this year looking for the guidance as to what department will take the lead, who will take the process of actually enforcing these regulations.

So, at this time we need to do something. Again, this would be another Ordinance Amendment. To your point it is in the Ordinance and we do not want to change it we can deal with that. Based on the guidance we have been given by the City Council we at least need to formally do something to at least protect the City from what we think could be regulations that we are not quite ready for.

Ed Reidman other comments from the Board?

Dennis Isherwood I am very against prohibition of anything, I do not like the word. Many regulations for alcohol, cigarettes, etc. have changed over the years. I find the word very unappealing.

Jennie Franceschi I just want to clarify for anyone over the age of 21 to use marijuana that is a State Law, you are allowed to do it. You have regulations as to how much you can hold on your person how much you can have in your house. Those regulations have nothing to do with the document you have before you.

The document before you have to do with the sale component of marijuana if you wanted to have a retail store that sold marijuana, or you wanted to have marijuana growing facility specifically for retail marijuana, the marijuana social clubs that has been discussed quite frequently where instead of a bar there would be a social club specifically for marijuana.

Those are the components we are talking about prohibiting from a use category. From a personal use category, we are not talking at all about that. People that wish to partake and are of an age still have that ability.

Dennis Isherwood, I see the word prohibition and adult use marijuana it is almost like you can come into someone's house and regulate

Jennie Franceschi it is because of the terminology that the State using. We have been calling up to this point "retail marijuana". The State is changing the terminology because I think that they want to insure whoever is using is an adult, so they are using the term, adult use marijuana which previously has been called retail. I know it sounds confusing as to how the wording is set up but this is strictly talking about sale components of marijuana or growing facilities for the Social Club aspect. People are still protected by State Law that they are allowed to utilize marijuana.

Ed Reidman Public Hearing May 1st?

Rebecca Dillon, I have been involved with other Municipalities dealing with facilities that create the product and I know the State Fire Marshall Office is having challenges because it does not fall neatly under manufacturing or retail with a lot of fire hazards within the process. I know they are working internally how to figure out how we put this into the Building Code, so people are protected, the workers are protected.

The other challenge too is that it is a very smelly procedure, so now you have owned your business for twenty-five years and the facility next to you starts processing and manufacturing and there is an odor that is really strong, so it effects people around them.

I think that is what the State is trying to do to make this legal but how to protect the people who do not want to smell it. I agree I am all about personal freedom as long as you are not hurting someone.

John Turcotte, I think exactly what was just said but also, it is marijuana. It is still a mess or holding pattern. This is a temporary stop, this will come right back to us and we will eventually have to do a retail marijuana, adult use marijuana section within our Ordinance. It is going to happen; the dye has been cast.

Everyone is in such disarray because no one knows how it is going to land yet. I do agree that we just cannot continue with a moratorium forever. Until we know where this will land, this is what we are stuck with. We will have a public hearing and probably do the prohibition and then it will come back here within two years.

Ed Reidman can anyone remember what a green front was? Talk about changes. The only place you could buy liquor was in a State-run store and the fronts of them we all painted green. This was sixty years ago. That is all gone, that is how much of a change has happened. The only way you could buy liquor was with cash or check, there was no credit cards, they did not take them in those days. I digress, is there anymore comments?

Jennie Franceschi if you are wrapped up on this item, I do have one other thing I wanted to ask of the Board relating to a potential project on 33 Elmwood. Am I okay to proceed?

Ed Reidman go ahead

Jennie Franceschi if you have not been to 33 Elmwood, you are missing out on a location that is very special and very cool. What the owner is looking to do is on the back side of the building he is looking to put in a massive patio area, that will have outdoor bar area and a really nice landscaped area to enhance their business operations in the summertime. In the summertime where his current operation is enclosed they are seeing a substantial decrease in their customers. If they created an outdoor space that they could attract people that hopefully this will balance their customer base throughout the year.

The project's total footprint requires the project to come to the Planning Board for review. Because of the nature of it, we are not talking about a new structure, we are talking about an outdoor patio area, we would like to propose that we move this forward to a public hearing in May.

I wanted to get an idea from the Board whether or not that you would be enable to moving this forward without a workshop and whether you felt strongly about holding a Site Walk.

Joe Marden go to the North to show how close to the abutting neighborhood.

Jennie Franceschi yes, Wildwood abuts that project.

Robin Tannenbaum is that the area of the building, or just the lower part?

Jennie Franceschi just the back area of the current building that they are looking to expand and create the patio area. They are looking to relocate the septic as well.

Robin Tannenbaum the goal would be to vote that night?

Jennie Franceschi the goal would be to vote on it that night if the Board was so inclined. There would be the potential for the Public to participate at that meeting by holding a Public Hearing, we are going to have the applicant hold a neighborhood meeting in advance of that meeting as well, so they will have that input. We needed to get an idea from the Board as to whether or not that you would be comfortable to move immediately to a Public Hearing and whether you felt a Site Walk would be required.

Ed Reidman does anyone on the Board have objections to Staff's proposal?

Rene Daniel are we setting a precedent that people will no longer have to come the Board for workshops and just go to your department and the project is moved to the Planning Board for a Public Hearing and we vote on it that night?

Jennie Franceschi again, the vote is going to be at the discretion of the Board. It would be that staff would have things prepped for that night if a vote was to take place. If items came out of the meeting, the conditions could be amended or have the project tabled to have the items addressed.

Joe Marden, I have no objection to moving it directly to a Public Hearing, but I would like a Site Walk because of the increased noise and it is near a residential area. I would think a site walk would be appropriate.

Rene Daniel I would think a Site Walk would be appropriate.

Jennie Franceschi based on what we have heard, we will move the project in May to a Workshop at which time you will have the opportunity taking a vote of a Site Walk at that meeting and the hope would be the return in June for a Public Hearing and a final vote. We will provide the applicant with that schedule.

Ed Reidman comments from the Board?

No comments

Adjourn

THANK YOU, respectfully submitted by Linda Gain lgain@westbrook.me.us