

**WESTBROOK PLANNING BOARD
TUESDAY, MAY 5, 2020
TELECONFERENCE
MINUTES**

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.

Chairman Rene Daniel opened the Planning Board meeting.

In accordance with Public Law Chapter 617 adopted as emergency legislation by the Maine State Legislature on March 17, 2020 and signed into effect by Governor Mills, 1 MRSA § 403-A permits public proceedings through remote access during the declaration of state of emergency due to COVID-19.

1. Call to Order

Rene Daniel (At-Large) – Planning Board Chair	Present
Rebecca Dillon (Ward 1) – Planning Board Vice Chair	Present
Jason Frazier (Ward 2)	Present
Joseph Marden (Ward 3)	Absent
Robin Tannenbaum (Ward 4)	Present
Ed Reidman (Ward 5)	Absent
John Turcotte (At-Large)	Absent
Nancy Litrocapes (Alternate)	Present
Larry McWilliams (Alternate)	Present

For the record, the following Staff are in attendance:

Jennie Franceschi, Planning and Code Director
Rebecca Spitella, Assistant Planner
David Finocchietti, Code Enforcement Officer

2. Approval of March 3, 2020 & April 7, 2020 Minutes

Rebecca Dillon move to approve March 3, 2020 & April 7, 2020 Minutes

2nd by **Larry McWilliams**

Roll Call Vote:

Rene Daniel (At-Large) – Planning Board Chair	Yes
Rebecca Dillon (Ward 1) – Planning Board Vice Chair	Yes
Jason Frazier (Ward 2)	Yes

Joseph Marden (Ward 3)	Absent
Robin Tannenbaum (Ward 4)	Yes
Ed Reidman (Ward 5)	Absent
John Turcotte (At-Large)	Absent
Nancy Litrocapes (Alternate)	Yes
Larry McWilliams (Alternate)	Yes

NEW BUSINESS

Rebecca Spitella introduced item:

- 2019.03 – Site Plan Approval Extension Request – 15 Saunders Way – J.B. Brown & Sons: The applicant is requesting an extension on the April 2, 2019 approval for a 40,000 sf warehouse/office building. Tax Map: 042B Lot: 013 Zone: Industrial Park District**

Vin Veroneau - with J.B. Brown & Sons, requested an extension on 15 Saunders Way.

Rene Daniel Staff comments?

Jennie Franceschi Staff supports the request.

Planning Memo:

Project Description:

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

Project History:

*March 5, 2019 – Planning Board Workshop
 March 26, 2019 – Neighborhood Meeting
 April 2, 2019 – Public Hearing
 May 5, 2020 – Request for extension on approval*

Staff Comments:

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

Rene Daniel Board comments?

No comments

Rene Daniel I would entertain a motion.

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

2nd by Jason Frazier

Roll Call Vote:

Rebecca Spitella introduced item: Rene Daniel (At-Large) – Planning Board Chair	Yes
Rebecca Dillon (Ward 1) – Planning Board Vice Chair	Yes
Jason Frazier (Ward 2)	Yes
Joseph Marden (Ward 3)	Absent
Robin Tannenbaum (Ward 4)	Yes
Ed Reidman (Ward 5)	Yes (just arrived to meeting)
John Turcotte (At-Large)	Absent
Nancy Litrocapes (Alternate)	Yes
Larry McWilliams (Alternate)	Yes

4. 2020.03 – Site Plan - Subdivision – 35 Seavey Street – RMC Properties, LLC – Public Hearing: The applicant is proposing a 4-lot subdivision to create 3-duplex lots with frontage along Seavey Street. Tax Map: 040 Lot: 135 Zone: City Center District

Nancy Litrocapes asked to be recused as she has conflicting work on this project.

Robin Tanenbaum move to recuse **Nancy Litrocapes**

2nd by Larry McWilliams

Rene Daniel (At-Large) – Planning Board Chair	Yes
Rebecca Dillon (Ward 1) – Planning Board Vice Chair	Yes
Jason Frazier (Ward 2)	Yes
Joseph Marden (Ward 3)	Absent
Robin Tannenbaum (Ward 4)	Yes
Ed Reidman (Ward 5)	Yes
John Turcotte (At-Large)	Absent
Nancy Litrocapes (Alternate)	N/A
Larry McWilliams (Alternate)	Yes

Dustin Roma on behalf of RMC Properties presented the development of 35 Seavey Street.

- Split three lots that has frontage on Seavey Street
- Each lot 5,000 square feet in area
- Leave a larger lot in back that is about 90,000 square feet of area
- There is an initial plan to develop the larger parcel but are separating the development

- Leave as two phases
- Showed three Seavey St lots site plan on screen
- Parking in the rear
- Showed landscaping plan
- Sidewalk on three sides of the buildings
- Rebuild sidewalk on Seavey Street
- Utilities tied from Seavey Street with underground electrical
- Stormwater maintained by soil filter
- Showed architectural plan of buildings
- Will fit the multi-family neighborhood
- Did read the Conditions of Approval and we are agreeable to all

I am happy to answer any question the Board may have.

Rene Daniel Staff comments?

Jennie Franceschi Staff has reviewed the re-submittal and the applicant has addressed all the comments.

One call from an abutter expressing concern about how many units can be placed on lot four (4). That is an Ordinance requirement that we need to show what a lot can bare. It does not mean that the lot is permitted thirty-five (35) units at this time. Lot four (4) at this time is a vacant lot. Whenever lot four is brought back for development to the Board, that is when the specifics of the site will be reviewed as what impacts it could be to the neighborhood.

Planning Memo:

Project Description

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

Project History

February 29, 2020 – Neighborhood Meeting

March 3, 2020 – Planning Board Workshop

March 14, 2020 – Site Walk

May 5, 2020 – Public Hearing

Staff Comments

1. *Fees due - Open Space Fee - \$10,068.00*
2. *Ability to Serve letters from Sewer*
3. *Survey stamp required on subdivision plan*
4. *The Site and Subdivision plans will both need to be recorded post approval.*
5. *Subdivision Plan Notes 12 & 1-, State those notes on Site Plan as well for reference.*
6. *Include post-condition size and bulk standards and parking standard on site plan.*
7. *Areas intended to be grassed should be indicated as such on-site plan*
8. *Grading Plan*
 - a. *Concern of potential ponding - low point at mailbox location*

- b. *Provide greater grading detail at the street line*
 - c. *Show silt sacks in all CBs in street*
 - d. *Southerly edge of mill and overlay limit is too close to trench line for Lot 1 sewer services. Mill area required a minimum of 1-foot beyond edge of trench.*
9. *Location of trees – do not locate on property line.*
 10. *Provide trees on both sides of the access drive*
 11. *Consider residential light posts at walkway entrances for light sight lighting*
 12. *Clarity needed - What is the vegetation or stabilization of the pond to be?*
 13. *Final revised plans with condition of approval (to be provided by Staff no later than Thursday, 4/30) and signature block (one full set mylar, one full set paper 2 additional paper of sheets SB-1 and S-1 for recording) due by Monday, May 4th.*

Rene Daniel open Public Hearing

Jennie Franceschi recognized Douglas

Rene Daniel asked three times for Douglas to speak

Technical audio difficulties from caller

Tabled caller

Jennie Franceschi Rebecca are there any questions that have been provided?

Rebecca Spitella none have been provided.

Jennie Franceschi no other comments on this application.

Public Hearing closed

Rene Daniel Board comments or discussion?

Jason Frazier near the storm basin, I would like to see more native species of landscaping around the ground level.

Rene Daniel anyone else from the Board?

Robin Tannenbaum I have a general question, I noticed the project will be using heat pumps. I am wondering where the outdoor condensing units are going to go, mounted on the building and what elevation they will be at.

Rene Daniel Dustin, could you answer the question?

Dustin Roma the heat pumps will be located on the sides of the building in the rear. Not on the side facing the parking area, as we have windows and decks on that side. Basically, adjacent to the decks but on the rear corner.

Rene Daniel Dustin, Jason asked a question, could you answer his question?

Dustin Roma the storm water filter basin is located directly behind the existing garage that is adjacent to the property. It will be shielded from view on the Seavey Street side from the garage and we are leaving the large trees on lot four (4) which surrounds the pond on the other two sides. A paved driveway on one side, garage on another and then existing forest land on the other two sides. It will be shielded from view. The ground surface itself will be planted with grass.

Jason Frazier I think that just grass that will be maintained annually will look shabby. I think some shrubs in between the parking lot and the basin area will blend into the wooded area behind it. I think it will soften the look more and improve the aesthetics a lot.

Rene Daniel Dustin do you have a response?

Dustin Roma we did get some initial comments from the City, the storm basing runs as a swale along the side of the driveway which drains into the basin. The Planning Office had us plant the trees on the right-hand side coming in. I think Staff wants us to try to dress up that side with additional landscaping. We added the three trees on the edge of the swale that drains into the basin. We wanted to leave that area open to allow drainage.

Rene Daniel any other questions or comments?

Larry McWilliams I do not see the trees in my packet. Are the trees going to impede on the garage side? Has that ever been straightened out? Has the driveway location been moved and been resolved?

Dustin Roma the owner of the adjacent property where the driveway is currently on our lot, they are agreeable to moving their driveway most likely be on the other side of their building. We have been communicated with the abutter and are agreeable to not use the driveway they will not have access to their garage and are in the process of moving their driveway now. It is my understanding that it has been resolved.

Rene Daniel may I hear a motion?

Rebeca Dillon I noticed that the gentleman that could not be heard earlier has a couple of follow-up statements. Should then need to be read aloud?

Jennie Franceschi Douglas that had difficulty with his audio earlier. Statement for the record; He has been advised by his Title Attorney to get it on the record that things have not been finalized and the developer and I have discussed the Deed plot and the garage and again things are not finalized.

Rene Daniel any other comments?

No Comments

Rene Daniel I would entertain a motion.

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

Site Plan – Finding of Fact

Standard	Finding
Utilization of the site	Plan meets the intent of the Ordinance.
Handicap Access	Site is in compliance with ADA standards. Sidewalk tip downs are provided at all intersection points.
Appearance Assessment	The plan’s layout is consistent with the abutting properties and maintains the existing streetscape of Seavey Street by located the parking to the rear of the structures. Building sizes and scale are in line with the neighborhood. A landscape plan is provided with the application. No additional lighting or signage is proposed. The applicant has satisfied criteria 1-5. Criteria 6 is not applicable as the site is not located within the Village Review Overlay Zone.
Landscape Plan	The applicant has provided a landscaping plans that includes trees along Seavey Street and a tree lined access drive to Lot 4. Vegetated gardens are provided in front of each unit.
Odors	The operations should create no odor issues, outside of proper maintenance of trash disposal.
Noise	The project is a residential use within a residential neighborhood. No adverse impact is known or anticipated.
Technical and Financial Capacity	Applicant has provided a letter from Gorham Savings Bank dated February 4, 2020 to demonstrate proof of Financial Capacity. The applicant has retained the services of DM Roma Consulting Engineers which demonstrates technical capacity.
Solid Waste	Public waste removal will be provided for all units. A location for toter storage is provided to the rear of each structure with a paved sidewalk to Seavey Street for waste collection.
Historic, Archaeological and Botanical Resources or Unique Features	None known
Hazardous Matter	None known.
Vibrations	None known or anticipated.

Parking & Loading Design and Site Circulation	The plan meets the minimum parking requirement of 2 spaces per unit. The applicant has provided a parking easement for all spaces that are located on adjacent lots. Easements will be recorded and are referenced in the deeds for new lots, 1, 2 and 3.
Adequacy of Road System	Adequate
Vehicular Access	Site ingress and egress is provided via Seavey Street at a location that has been reviewed by and is deemed acceptable by Public Services.
Pedestrian and Other Modes of Transportation	Paved pathways are provided from the parking locations to each unit within the Seavey St Association subdivision. Additionally, a paved sidewalk is provided within the development to connect to the existing sidewalk infrastructure
Utility Capacity	Public utilities are accessible and located within the Seavey Street right-of-way.
Stormwater Management, Groundwater Pollution	Stormwater management is provided
Erosion and sedimentation Control	Adequate erosions and sedimentation control measures are provided on the plan

Conclusions

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

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

Subdivision – Finding of Fact

Standard	Finding
Pollution	Disposal of the sewage from the project will be via the City Public Sewer system.
Sufficient Water	Water services are accessible from Seavey Street. Ability to serve letters from Portland Water District and City of Westbrook will be provided to the City upon receipt
Municipal Water Supply	Water services are accessible from Seavey Street. Ability to serve letters from Portland Water District and City of Westbrook will be provided to the City upon receipt
Erosion	The applicant has provided a plan to adequately address erosion control. On-site inspections will occur during construction to ensure compliance.
Traffic	The road systems have adequate capacity to accept the traffic generate by this project.
Sewage Disposal	Project will be serviced by public sewer system.
Municipal Solid Waste Disposal	Public waste removal is available for all single-family and duplex units. The applicant has provided a toter storage location for each unit to the rear of the structures and a paved pathway to Seavey Street for waste removal.
Aesthetic, Cultural and Natural Values	Not Applicable
Conformity with City Ordinances and Plans	Proposal is in conformance with City Ordinances & Comprehensive Plan.
Financial and Technical Capacity	Applicant has provided a letter from Gorham Savings Bank dated February 4, 2020 to demonstrate proof of Financial Capacity. The applicant has retained the services of DM Roma Consulting Engineers which demonstrates technical capacity.
Surface Waters; Outstanding River Segments	Not Applicable
Ground Water	Ground water will not be adversely impacted by this project.
Flood Areas	The property is not located within a flood zone.
Freshwater Wetlands	Freshwater wetlands have been identified on site.
Farmland	No farmland has been identified on site.

River, Stream or Brook	The proposed subdivision is not located near or along a river, stream or brook.
Stormwater	Applicant has provided an adequate plan for addressing stormwater flows from the project.
Spaghetti Lots Prohibited	No lots within the proposed subdivision have shore frontage. N/A
Lake Phosphorus Concentration	The proposed subdivision is not located near or along a great pond.
Impact on Adjoining Municipality	The proposed subdivision does not cross municipal boundaries
Lands subject to Liquidation Harvesting	Not Applicable

Conclusions:

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

19. The long-term cumulative effects of the proposed subdivision **will not** unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
20. The proposed subdivision **will not** cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.
21. Timber on the parcel being subdivided **has not** been harvested in violation of rules adopted pursuant to 12 M.R.S.A. Section 8869, subsection 14.

Conditions :

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated February 6, 2020 and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the City Planner or the Planning Board.
2. Consistent with Section 504.3, the Code Enforcement Officer shall not issue any permits until a site plan has been approved by the Planning Board and a Mylar signed by the Planning Board. Mylars must be submitted to the City within 90 days of Planning Board approval or the approval shall be null and void.
3. Prior to any site disturbance or building permits being issued for the project:
 - a. All Staff comments must be addressed.
 - b. Copy of Recorded Site and Subdivision plans provided to the Planning Office.
 - c. Review of building elevations to be consistent with submitted documentation or testimony.
 - d. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.
 - e. Open Space Fees shall be made payable to the City of Westbrook in the amount of \$10,068.00
 - f. An inspection fee shall be made payable to the City of Westbrook for inspection of site improvements made by the Code Enforcement Officer and/or other appropriate City staff. \$1,830.80
 - g. The applicant shall file a performance guarantee with the City of Westbrook. The amount of the guarantee shall be agreed upon in advance with the City of Westbrook and shall be of an amount to ensure completion of all on- and off-site improvements necessary to support the proposed project. \$91,540.00
 - h. A pre-construction meeting must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate.
 - i. Coordinate with the E911 Coordinator on addressing of the buildings.
 - j. Best management practices shall be adhered to during all ground disturbance operations.
4. Prior to the first Occupancy Permit issuance:
 - a. A site inspection of the required improvements by the City to ensure public health & safety is addressed and compliance with the approval. (This includes all paving, striping, sidewalks, directional signage, off-site improvements, etc.)
 - b. Verification of site lighting by City Staff. Additional site lighting in the form of residential scale light posts may be required to provide safe access from parking area to units.

- c. All other site improvements must be installed, unless a performance guarantee amount is held in the amount of those remaining improvements.
- d. Provide copy to Planning Office of recorded Homeowners association by laws & Declaration of Covenants and Restrictions.
- 5. Prior to the First Lot Sold:
 - a. Provide copy to Planning Office of recorded Homeowners association by laws & Declaration of Covenants and Restrictions
- 6. Prior to release of the performance guarantee:
 - a. The site will be in compliance with the approved plan and as-built plan provided in City approved format for the GIS system (paper, mylar, dwg & pdf formats).
 - b. Any recorded easement documentation associated with the project.
- 7. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.
- 8. Utilities shall be installed in compliance with ability to serve letters from the applicable Utility.
- 9. The applicant shall comply with Chapter 37, the local Post Construction Stormwater Management Ordinance. A copy of the maintenance log for the previous year for the stormwater treatment features associated with this project needs to be provided to the Planning Office in accordance with Chapter 37 requirements.

2nd by Jason Frazier

Ren Daniel any comments?

No comments

Roll Call Vote:

Rene Daniel (At-Large) – Planning Board Chair	Yes
Rebecca Dillon (Ward 1) – Planning Board Vice Chair	Yes
Jason Frazier (Ward 2)	Yes
Joseph Marden (Ward 3)	Absent
Robin Tannenbaum (Ward 4)	Yes
Ed Reidman (Ward 5)	Inaudible
John Turcotte (At-Large)	Absent
Nancy Litrocapes (Alternate)	Yes
Larry McWilliams (Alternate)	Yes

Motion Carried 6 in favor

Rebecca Spitella introduced item:

- 5. **2019.07 – Subdivision Amendment – Elmable Estates – STJ, Inc – Public Hearing: The applicant is proposing an amendment to the boundary lines of lot 10 within a 36-lot residential subdivision located at Elmable Drive, previously 477 Saco Street. Tax Map: 004 Lot: 018 & 019 Zone: Residential Growth Area 2**

Technical difficulties connecting with Shawn Frank from Sebago Technics.

Jennie Franceschi I will start the presentation.

Project Description

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

Project History

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

Rene Daniel Staff Comments?

Jennie Franceschi the applicant has met all the comments mentioned in the memo and have no problem moving this forward with the conditions stated in the proposed motion.

Planning Memo:

Staff Comments

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

Rene Daniel open Public Hearing

Jennie Franceschi we have one individual that has asked to speak.

Shawn Frank from Sebago Technics, I thank Jennie Franceschi for the presentation. We had a right-of-way that encumbered Elmaple subdivision to the lot behind us. The gentleman would like to build a home and the only way to do it at this time is to purchase lot 10 on Elmaple Drive, combine the twenty-two acres behind lot 10 so he is now a lot within the subdivision. Then once the road is built and

accepted we would diverse the lot so he has his single-family house on his lot out back accessed through the right of way and then Lot 10 would be a separate house lot.

Rene Daniel Staff do you have any questions?

Jennie Franceschi no questions

Rene Daniel Planning Board any questions?

No questions

Public Hearing closed

Rene Daniel could the Smith Trust further develop the twenty-two acre lot?

Jennie Franceschi utilizing lot ten that is a possibility. There has been discussion that the Smith family wants only one house lot back there and once Elmaple is an accepted lot, the Smith family is looking to acquire land to the left of lot 10 shown as an access easement on the plan, then sell lot 10 back to the subdivision and they would have a flag lot. That is what has been relayed to us but there is a possibility that off of lot ten there could be some level of development. It would need to be reviewed at that time.

Shawn Frank it is the applicant's intention to build a single family house back there. We have looked at options of further development but in terms of a road off a road, Eric Dudley says we cannot do a dead end off of a dead end, so we could not extend the roadway from this. The second means of egress would mean we would have to cross the river, cross CMP land and the applicant has looked at the options and is convinced it is going to be a big single family house lot for him and his family.

As Jennie did say, if plans change he would need to come back before the Board for further review.

Rene Daniel I would entertain a motion.

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

Subdivision – Finding of Fact

Standard	Finding
Pollution	Disposal of the sewage from the project will be via the City Public Sewer system.
Sufficient Water	The subdivision will be served by public water for fire protection and domestic use. Water services are accessible from

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

	entire shoreline frontage is remaining with Lot #10 and based upon the dimensions of the lot will not create a spaghetti lot.
Lake Phosphorus Concentration	The lot is not located on or near a great pond.
Impact on Adjoining Municipality	The lot does not cross municipal boundaries.
Lands subject to Liquidation Harvesting	Not Applicable

Conclusions:

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

20. The proposed subdivision **will not** cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.
21. Timber on the parcel being subdivided **has not** been harvested in violation of rules adopted pursuant to 12 M.R.S.A. Section 8869, subsection 14.

Conditions:

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated July 11, 2019 and amended March 12, 2020 and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the City Planner or the Planning Board.
2. Consistent with Section 504.3, the Code Enforcement Officer shall not issue any permits until a site plan has been approved by the Planning Board and a Mylar signed by the Planning Board. *Mylars must be submitted to the City within 90 days of Planning Board approval or the approval shall be null and void.*
3. Prior to any site disturbance, lot sales or building permits being issued for the project:
 - a. Copy of Recorded subdivision plan must be provided to the Planning Office and documentation of all lot transferences.
 - b. Provide Draft Deeds for lots with DEP deed restriction included regarding Stormwater Management structures and referencing DEP order.
 - c. Provide copy of recorded deed related to DEP deed restriction on the project.
 - d. DEP - Documentation for securing an Engineer to oversee construction of the stormwater management system. (Reports copied to the City.)
 - e. All Staff comments must be addressed or are considered conditions of approval.
 - f. A pre-construction meeting must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate.
 - g. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.
 - h. Open Space in-lieu-of fee to be paid in the amount of \$118,331.
 - i. An inspection fee shall be made payable to the City of Westbrook, for inspection of road/site improvements conducted by the appropriate City staff. This fee is required per Section 500.8 of the Land Use Ordinances in order to cover the costs of inspection of project related improvements -\$29,834
 - j. The applicant shall file a performance guarantee with the City of Westbrook. The amount of the guarantee shall be agreed upon in advance with the City of Westbrook and shall be of an amount to ensure completion of all on- and off-site improvements necessary to support the proposed project. A performance guarantee in the amount of \$1,491,684 is required.
 - k. Coordinate with the E911 Coordinator on addressing.
 - l. Best management practices shall be adhered to during all ground disturbance operations. All Street Catch basins in the vicinity of earthwork operations shall have silt sacks installed & maintained for the duration of the work.
4. Prior to building permits being issued:
 - a. Road system must be constructed to a vehicular passable standard for Codes, and Public Safety access. (Base gravel.)

- b. Final design of the Post Office delivery box and parking area to be approved of by the Delivery Postmaster for the area.
5. Prior to the First Lot Sold:
 - a. Provide copy to Planning Office of recorded Homeowners association by laws & Declaration of Covenants and Restrictions
 6. Prior to first Occupancy Permit issuance:
 - a. Conditions applicable to First Lot Sold must be addressed.
 - b. A site inspection of the required improvements by the City to ensure public health & safety is addressed and compliance with the approval.
 - c. Road system must be base paved.
 - d. All offsite improvements must be installed.
 - e. Documentation of private curbside trash hauling service to be provided for all lots unless the Street is accepted by the City as a public street.
 - f. Documentation of private plowing services to be provided for all lots unless the Street is accepted by the City as a public street.
 - g. Documentation of maintenance contractor for Stormwater Best Management Practices.
 - h. All site improvements must be installed, unless a performance guarantee amount is held in the amount of the remaining improvements.
 - i. All traffic/street related improvements in Saco Street shall be completed.
 - j. Street signs, stop signs, an any other signage as stated in the outstanding comments and stop bars at all intersections as well as all pedestrian/ADA amenities.
 7. Prior to commencing any work in the City Right-of-Way, the applicant must obtain a road-opening permit from the Public Works Department.
 8. Prior to release of the performance guarantee:
 - a. The site will be in compliance with the approved plan and as-built plan provided in City approved format for the GIS system in paper, mylar, dwg & pdf formats.
 - b. Any recorded easement documentation associated with the project.
 - c. All Catch basins in the project as well as those in Saco Street downstream of the project will need to be vacuumed and documentation provided.
 - d. Delineation of the HOA access easements over lot 1 and beside lot 9 needs to be addressed to the satisfaction of the City in working with the applicant.
 - e. All conditions of the DEP order L-28332-NJ-A-N must be addressed.
 9. Night work may be required for work in the Saco Street right of way.
 10. Plowing of Elmaple Drive and trash pickup for residential lots in this subdivision will be the responsibility of the owner or the Homeowners Association unless the streets are accepted by the City as public streets.
 11. The City Council may require a majority of the homes to be built before the City accepts the street, or an increase in the performance guarantee may be required for damages created by home construction.
 12. Any future changes to Lot 10 will need to be reviewed and approved by the Planning Board as an amendment to the approved subdivision. As stated in the recorded Homeowners Association and By-Law, any lots with frontage and access to Elmaple Drive, shall be a party to the Homeowners and Road Associations.
 - a. No more than one (1) principle structure is permitted on Lot 10 if the lot intends to convert at a later date to a flag lot utilizing the 50-foot access easement following the acceptance of Elmaple Drive as a public street.

13. The applicant shall comply with Chapter 37, the local Post Construction Stormwater Management Ordinance. On January 15th every year, a copy of the maintenance log for the previous year for the stormwater treatment features associated with this project needs to be provided to the Planning Office.
14. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.
15. Any requirements of the Portland Water District or the Westbrook Sewer Department in their ability to serve letters are conditions of this approval.

2nd by Rebecca Dillon

Roll Call Vote:

Rene Daniel (At-Large) – Planning Board Chair	Yes
Rebecca Dillon (Ward 1) – Planning Board Vice Chair	Yes
Jason Frazier (Ward 2)	Yes
Joseph Marden (Ward 3)	Absent
Robin Tannenbaum (Ward 4)	Yes
Ed Reidman (Ward 5)	Inaudible
John Turcotte (At-Large)	Absent
Nancy Litrocapes (Alternate)	Yes
Larry McWilliams (Alternate)	Yes

Motion carries Six (6) in favor

Rebecca Spitella introduced item:

6. **2020.06 – Site Plan Amendment – 91 Spiller Drive – ReVision Energy – Public Hearing: The applicant is proposing the expansion of the existing solar farm, Wishcamper Solar Array. Tax Map 004 Lot 303 Zone: Manufacturing District**

Ashton Ireland presented aspects of the expansion system.

- Wishcamper Solar Array is the owner if the property
- 240 KW expansion on lot 303
- Duplication of existing array

I can answer any questions that Board may have

Rene Daniel staff comments?

Jennie Franceschi the applicant has addressed all the outstanding items and is ready for approvals if the Board so chooses with conditions as stated in the Staff Memo.

Planning Memo:

Staff Comments

1. *Include Conditions of Approval and signature block on Sheet C-103*

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

Rene Daniel open Public Hearing

No comments

Rene Daniel closed Public Hearing

Board comments?

Larry McWilliams thank you to Revision Energy for your expansion.

Rene Daniel we have an attendee that wishes to speak, and this will be allowed after the Public Hearing is closed.

Amy Butts & Daryl Berry 25 Seavey Street not a lot of comment, just waiting to see what happens.

Rene Daniel comments from the Board?

No comments

Rene Daniel may I entertain a motion?

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

Site Plan – Finding of Fact

Standard	Finding
Utilization of the site	Applicant’s plan meets the intent of the Ordinance
Handicap Access	No buildings or public access that require ADA accommodations are proposed with project
Appearance Assessment	The proposed project is an expansion of the exiting operational solar farm and is keeping in line with the current layout and topography of the site. The solar panels will be enclosed with fencing to protect infrastructure from abutting properties. No additional lighting or signage to the

	site is warranted or proposed. The application meets criteria 1-5. Criteria 6 is not applicable as the site is not located within the Village Review Overlay Zone.
Landscape Plan	The applicant is maintaining the existing vegetation along Saco Street that provides a continuous visual buffer for the abutting RGA2 district. Due to the limited impact of the project, additional landscaping is not warranted.
Odors	The operations should create no odor issues
Noise	No adverse impact known or anticipated
Technical and Financial Capacity	Applicant has provided a letter from Bangor Savings Bank dated March 27, 2020 to demonstrate proof of Financial Capacity. The applicant has retained the services of Sevee & Maher Engineers which demonstrates technical capacity.
Solid Waste	The project will not generate solid waste. Waste removal services are not necessary.
Historic, Archaeological and Botanical Resources or Unique Features	None known.
Hazardous Matter	None known.
Vibrations	The project will not create any vibration issues for abutting properties
Parking & Loading Design and Site Circulation	The operations do not provide for public access or an on-site employee presence. No buildings are proposed with the project. Parking for maintenance can be accommodated by the driveway providing two parking spaces with street parking on Spiller Drive for overflow, if needed.
Adequacy of Road System	Adequate.
Vehicular Access	None required or proposed
Pedestrian and Other Modes of Transportation	The operations do not provide for public access or an on-site employee presence. There are no buildings or parking areas proposed. Therefore, a pedestrian pathway is not applicable
Utility Capacity	Underground electric utilities are provided from existing infrastructure located within the Spiller Drive right-of-way. No other utility connection is required.
Stormwater Management, Groundwater Pollution	Stormwater runoff is within the limits of the existing infrastructure for the Westbrook Heights Business Park as approved June 7, 2005.
Erosion and sedimentation Control	Adequate erosion and sedimentation control is shown on the Site Plan.

Conclusions

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

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

18. Conditions

19. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated February 28, 2020 and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the City Planner or the Planning Board.
1. 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.*
2. Prior to any site disturbance or building permits being issued for the project:
 - a. All Staff comments must be addressed.
 - b. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.
 - c. An inspection fee shall be made payable to the City of Westbrook for inspection of site improvements made by the Code Enforcement Officer and/or other appropriate City staff. \$610

- d. The applicant shall file a performance guarantee with the City of Westbrook. The amount of the guarantee shall be agreed upon in advance with the City of Westbrook and shall be of an amount to ensure completion of all on- and off-site improvements necessary to support the proposed project. \$30,500
- e. Best management practices shall be adhered to during all ground disturbance operations.
- 3. 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.
- 4. 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
- 5. The applicant shall comply with the requirements of local and state authorities for life and safety requirements.

2nd by Jason Frazier

Rene Daniel comments from the Board?

No Comments

Rene Daniel I concur with Larry McWilliams, thank you for the expansion and this is a good use for this property.

Roll Call Vote:

Rene Daniel (At-Large) – Planning Board Chair	Yes
Rebecca Dillon (Ward 1) – Planning Board Vice Chair	Yes
Jason Frazier (Ward 2)	Yes
Joseph Marden (Ward 3)	Absent
Robin Tannenbaum (Ward 4)	Yes
Ed Reidman (Ward 5)	Yes
John Turcotte (At-Large)	Absent
Nancy Litrocapes (Alternate)	Yes
Larry McWilliams (Alternate)	Yes

Motion carries seven (7) in favor.

Rebecca Spitella introduced item:

- 7. **2020.05 – REFERRAL FROM CITY COUNCIL – Land Use Ordinance Amendment – 404 Sign Regulations – Public Hearing: The proposed amendment reorganizes Section 404 Sign Regulations to**

provide clarity and remove inconsistencies and establishes standards for temporary noncommercial signage on public property and within the public rights-of-way.

Jennie Franceschi presented the proposed reorganization of Section 404, Sign Regulations from Planning Memo.

Ordinance Description

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

Ordinance History

February 3, 2020 – Referral from City Council

March 3, 2020 – Planning Board Workshop

May 5, 2020 – Planning Board Public Hearing

Staff Comments

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

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

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

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

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

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

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

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

404.3 – General Provisions

A. Relocated standard from City Center District (404.3.1.1.D.) to General Provisions as this standard applies to all signs.

B-D. Relocated from 404.4 – 404.6. These standards apply to all signs in the City. The amendment relocates these regulations from the end of the Sign section, where they can be missed by applicants who are reading the Ordinance, to the General Provisions Section. No changes in standard were made, other than retitling previous section 404.4 “Light Source Regulated” to “Illumination” to be consistent with wording throughout the section.

E. New Section. The intent of this section is to regulate noncommercial signage, including political or campaign signage, on public property. Per state law, commercial signage is prohibited from public property as it is considered off-premises signage (standard G.1). The intent of the Ordinance is to allow temporary signage that does not impede pedestrian or vehicular safety or pose a threat to public or private property due to staking of signs or damage of falling signs that are made from heavy materials. This is achieved by limiting the sign size to 2’x3’ in size (state law permits noncommercial signage to be up to 8’ x 4’ in size), prohibiting illumination due to the proximity of signs to/within public rights-of-way, and restricting signs from specific parks, facilities and intersections that are areas of concern for public safety or welfare.

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

F. Banners within the public right-of-way are currently regulated within the City Center District 404.3.1.3.H (Temporary Community Event Signs) and Section 404.7 (Temporary Community Event Signs). Although these are titled the same, one is referring to banner signs that are hung on light poles and the other is regulating banners across the public right-of-way. The proposed amendment relocates and consolidates these standards to General Provisions section as well as amends the reviewing authority for banners across a public way to the Director of Public Services instead of the Code Enforcement Officer. Banners across the public way must meet DOT standards and are currently subject to the approval of the

Director of Public Services. Some revisions to the language were made for clarity, however the standards were not altered.

- G. Nonconforming Signs. Nonconformance and discontinuance is addressed within the Residential Districts, City Center District and as a general standard (404.8). This amendment consolidates those existing standards of nonconformance and now applies them uniformly across all districts.*

Currently, nonconforming signs in the Highway Services, Gateway Commercial, Industrial Park, Prides Corner Smart Growth Area and Manufacturing Districts are not afforded the ability to alter or relocate their nonconforming signs without bringing the sign into full compliance with current standards. Signs in the rest of the City may alter or relocate their signs, provided they are reduced in size a minimum of 25%, lessening the nonconformity. As this provision is currently provided to the majority of the City, Staff felt it was overly restricting to prohibit this allowance to signs in commercial districts and have included it in this amendment.

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

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

404.4 – Residential Districts

Amendments within this section were made for the following reasons:

- 1. Revision to section title for clarity*
- 2. Reorganization of section by General, Sign Type, Illumination and Material*
- 3. Reorganized sign type as Ground Mounted, Temporary and Building Mounded to be consistent with other sections within the Ordinance.*
- 4. Removed ‘occupant and street number’ as this is redundant. Commercial signage would be regulated by the building mounted signage regulation and residential occupant/street number signs are noncommercial signage and therefore not regulated.*
- 5. Added clarification to temporary subdivision signs that the subdivision must be an approved subdivision prior to sign installation. The Ordinance is clear that the intent of this provision is to allow signs during the construction of the subdivision. Added a max sign square footage on a permanent sign that is consistent with the Business sign in this district size of 16 sq. ft.*

6. *Removal of size restriction for nonconforming and conditional uses (current 404.2.D). Legally Nonconforming and Conditional Use operations are permitted and should be afforded the same signage as all other legally existing buildings.*
7. *Added clarity that temporary signs do not require a permit from CEO*
8. *Retitling Business Sign to “Building Mounted” as the district does not permit freestanding signs other than what was previously outlined. General reorganization of section*
 - a. *Language to Sign Allowance 3.a moved from previous H. (1). b with slight wording revision for clarity. No changes were made to the standard.*
 - b. *Message Boards – New Language. Message Boards are currently permitted within residential districts and are held to the standards outlined in Section 404.G (Signs in Highway Services District, Gateway Commercial District, Industrial Park Zoning District, Manufacturing District and Prides Corner SGA). The proposed amendment added the City-Wide message board standards in this section rather than having to reference another section of the Ordinance. No changes were made to the standards. Clarity has been provided for the intent of the message board is to maintain an unlit background with lettering or text to prevent glare in the public rights-of-way.*
9. *Remove language identifying business signs as temporary (existing 404.2.H.(1). a). The current wording of this provisions is confusing and unclear. Differentiation is not provided as to which signs are temporary vs permanent therefore this section was removed.*
10. *Previous H. (1). b. Business Signs: Stationary - Provision is separated to differentiate sign and lighting standards in the proposed sections ‘Sign Allowance’ and ‘Illumination’*
11. *Nonconforming sign provisions removed – relocated to the new General Provisions section.*
12. *Illumination – language moved from previous H. (1). b. No changes were made to these standards.*
13. *Materials – New Section. Standards are consistent with provisions of other districts*

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

Amendments within this section are as follows:

1. *Reorganization of section for clarity, readability, and sign type classification.*
2. *Changeable Message Boards – Changeable message boards are currently permitted within these districts under the Illumination provision (existing 404.3.E). The proposed amendment relocates the message board standards from the Illumination provision to be included as a permitted sign type. No changes to the standards were made. Clarity was provided that the intent of the message board is to maintain an unlit background with lettering or text to prevent glare in the public rights-of-way.*
3. *Revising “Informational” signs to “Directional” signs to remain consistent throughout Ordinance.*
4. *Relocated “Time and Temp Sign” to be included within the header of Sign Type*
5. *New Sections – Awning Signs and Temporary Signs*

- a. *Awning signs – this type of signage is not expressly included within the commercial districts and is therefore regulated as a general “building mounted” sign. The standards proposed were modeled from the standards outlined in the City Center District.*
- b. *Temporary signs are not currently addressed within the Commercial Districts. The standards proposed are modeled from the standards outlined in the City Center District*
6. *New Standard – Prohibited materials clarified to be consistent with materials permitted in other districts as well as the general standards to address public safety (i.e. signs intended to distract motoring vehicles).*

404.6 – Signs in the City Center District

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

1. *Preambles should not be in ordinance and is replaced with the purpose statement.*
2. *Reorganization and renumbering of section to consolidate standards to General Provisions, Sign Types, Illumination and Materials sections, in the order that is consistent with the provisions of the other districts*
3. *Section 404.3.1.1.B Traffic safety and Illumination – section separated. Illumination standards moved to Illumination section. Statement on district setbacks do not apply to signs removed as there are no setbacks in the CCD, so this provision is unnecessary.*
4. *Sign Permits (404.3.1.1.D – E) – Provision relocated to 404.1 General Provisions as this process is applicable to all sign applications in the City, with the exception of the insurance requirement which is specific to signs that are only permitted in the CCD.*
5. *Sections 404.3.1.1.G – H are standards that pertain to building mounted signage. Relocated to proposed 404.6.C.1*
6. *Section 404.3.1.1.I are standards related to temporary signage. Provision relocated to proposed 404.6.C.11, Sign Types Allowed)*
7. *Section 404.3.1.1.J - K is stricken as nonconforming sign discontinuance and alterations are addressed in the General Provisions, 404.1.*
8. *Section 404.3.1.1.L – Definitions. Staff is recommending to relocate definitions for ‘Commercial Message’, ‘Nonconforming Sign’ and ‘Signs’ to Section 201, Definitions, and removing ‘Animated Sign’, ‘Temporary Community Events’, ‘Public Way’, ‘Visible’ and ‘Window Sign’ as these terms are either not utilized within the Ordinance or are vernacular in nature and are not necessary in the ordinance.*
9. *404.3.1.2 – Illumination. Illumination is addressed throughout the City Center District Standards. The proposed consolidates all Illumination Standards with slight rewording to eliminate duplicative language. No changes are proposed to the lighting standards from what they currently are. At the direction of the Code Enforcement Officer, the proposed amendment also broadens the current requirements to Nationally Registered Testing Laboratory listed rather than specifying Underwriters Laboratory.*
10. *404.3.1.3 – Sign Types Allowed.*

- a. *Building Mounted – relocation of standards from general section (as stated in comment 4 above.)*
- b. *Message Board - Clarity was provided that the intent of the message board is to maintain an unlit background with lettering or text to prevent glare in the public rights-of-way.*
- c. *Temporary Community Event Signs – Provision moved to General Provision (proposed 404.1.H.1, Banners within the Public Right-of-Way)*
- d. *Temporary Signs located on Private Property – relocation of standards from general section (as stated in comment 5 above)*

11. Sign Materials – Reorganized and clarified materials to be of solid construction.

Sections 404.5 – 404.8

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

Rene Daniel open Public Hearing

No Public Comments

Rene Daniel closed Public Hearing

Nancy Litrocapes I am acknowledging how much work Staff has done reorganizing this language and how much better this is for the businesses and people that come into the City and to access our Ordinance to apply for a sign.

Do we have something in our Ordinance that talks about Artwork signage?

Jennie Franceschi I can ask David if he wants to chime in on this. To my knowledge we do not have anything in the Ordinance that speaks to artwork that does not have advertising in its nature.

David Finocchietti I know we are allowed to put up holiday banners along Wayside on the light poles. I have not had anyone come forward with anything like artwork. I have not had to deal with that.

Jennie Franceschi Nancy to your point, if there was a situation that did occur that is something we could look at. We have had murals that wanted to be created in some areas and have conducted that murals in a way that does not contain any advertising for the business, so it technically would not be considered signage. It is restrained within the City Center District on how many colors you can have that creates a limitation on artwork. We can look at artwork to see if the Ordinance supports that in the future. Would they be allowed to put that up on the business façade?

Jennie Franceschi typically we ask for a mock-up of what they are looking to propose. We have another applicant that is in this process as well. We would look at the mock-up as to the components of what they would put into the mural. We will review if the mural meets the test of a sign or just a mural.

We will work with applicants that wish to beautify their building and not run a fowl of the Sign Ordinance.

Rene Daniel anyone else?

No comments

Rene Daniel I would like to entertain a motion.

Larry McWilliams I would like to ask about the murals that could beautify the downtown. Would this Ordinance cover that? If it is a mural or a sign, you need to take a certain percentage of the building for either, is that correct?

Jennie Franceschi the components of the mural that would be designated as signage and a portion of the mural had someone's logo on it or if there were components of the mural that had advertising those would have to be counted to the allotment of signage.

Larry McWilliams which is 10% of the building size? How is that calculated?

Jennie Franceschi it depends on the zoning district that you are in and how much signage you are allotted and what size.

Larry McWilliams I am interested in the City Center District.

Jennie Franceschi I do not have a specific application in front of me to be able to calculate. I will follow up with you on that.

David Finocchietti actually it is 5% in the City Center District.

Rene Daniel thank you David. Is there anyone else?

No comments

Rene Daniel I need to have a motion.

Jason Frazier move to recommend the proposed ordinance amendment for adoption by the City Council.

2nd by **Rebecca Dillon**

Roll Call Vote:

Rene Daniel (At-Large) – Planning Board Chair	Yes
Rebecca Dillon (Ward 1) – Planning Board Vice Chair	Yes
Jason Frazier (Ward 2)	Yes
Joseph Marden (Ward 3)	Absent
Robin Tannenbaum (Ward 4)	Yes
Ed Reidman (Ward 5)	Yes
John Turcotte (At-Large)	Absent
Nancy Litrocapes (Alternate)	Yes
Larry McWilliams (Alternate)	Yes

Motion carries 7 in favor

Rene Daniel I need a motion to enter workshop.

Rebecca Dillon move to enter to Workshop

2nd by Larry McWilliams

Roll Call Vote:

Rene Daniel (At-Large) – Planning Board Chair	Yes
Rebecca Dillon (Ward 1) – Planning Board Vice Chair	Yes
Jason Frazier (Ward 2)	Yes
Joseph Marden (Ward 3)	Absent
Robin Tannenbaum (Ward 4)	Yes
Ed Reidman (Ward 5)	Yes
John Turcotte (At-Large)	Absent
Nancy Litrocapes (Alternate)	Yes
Larry McWilliams (Alternate)	Yes

WORKSHOP

Rebecca Spitella introduced item:

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

Nancy Litrocapes Mr. Chair I ask to be recused from this item as I have done project work on this item.

Rene Daniel I need a motion to allow Nancy Litrocapes to be recused.

Ed Reidman so moved

2nd by Larry McWilliams

Roll Call Vote:

Rene Daniel (At-Large) – Planning Board Chair	Yes
Rebecca Dillon (Ward 1) – Planning Board Vice Chair	Yes
Jason Frazier (Ward 2)	Yes
Joseph Marden (Ward 3)	Absent
Robin Tannenbaum (Ward 4)	Yes
Ed Reidman (Ward 5)	Yes
John Turcotte (At-Large)	Absent
Nancy Litrocapes (Alternate)	N/A
Larry McWilliams (Alternate)	Yes

Motion carries Six (6) in favor

Wayne Morrill with Jones & Beach introduced James Katsiaficas and Josh Levy.

James Katsiaficas with Perkins and Thompson representing Dirigo Center Developers - Waterstone Properties Group on this matter. We are here in a workshop on an application to amend Site Plan approval that was granted for this project.

- Reorientation and reconfiguration of building 1 B, Lot 2
- Large scale commercial development
- Engaged with the City and environmental approvals that are necessary
- 2016 plan approved for Site Plan and Subdivision
- 2018 we came back and changed things for Phase One
- Leases were not in place at that time
- Second level are the tenants needs
- Leases are in place now
- We are hearing from the potential tenants for what their needs are to make space work for them
- We have received the approvals from this Board and the State of Maine
- Now we need to reconfigure the site and space to work for the tenants and that is where this request is coming from
- That is what is driving this item, to make sure the space works for the tenants on the site
- In doing this we understand that Staff has concerns
 - Internal motor vehicle circulation
 - Pedestrian circulation with modes of transportation
 - Landscaping
- We believe that plan that has been submitted meets those standards

- We are trying to satisfy the regulatory standards while having a marketable project for tenants that may require some changes

I will turn this over to Josh Levy and I will be available for any questions the Board may have.

Josh Levy with Waterstone Properties Group, Rock Row, Dirigo Center Developers LLC.

- Thank you to the Board, Shaw Brothers and Seppala Construction, Jones and Beach, S W Cole, Sebago, City Staff and many others that are plowing forward during these crazy times that are on site every day
- The number one, single requested tenant has been Chick Fil A
 - They are ready to move forward
- Market Basket is anticipating opening next month
- I know in a perfect world, Staff and the Board wanted the building to be parallel to the road blocking the frontage
- But negotiations are moving forward and we do not make this request lightly
 - A lot of reasons with Chick Fil A with their canopy and their drive thru, visibility and corridors, Market Basket, Paper Store and another tenant next to Market Basket that all tie together
- This is a very weighted request that we cannot change the orientation on this
- I hope you like what we are doing on the landscaping
 - Far exceeded what we have done on any other project on the landscaping package, lighting
- Setting the tone when you come into the Rock Row project
- We are on the front door of the City of Westbrook and we take that seriously
- We are creating the best flow and guest experience and meeting the needs of all the tenants

We appreciate your consideration for this request.

Wayne Morrill with Jones and Beach showed the site plan for building one B Chick Fil A

- One thing different from other drive thru is they have a double drive thru to a canopy to a single drive thru with a pull off area
- Chick Fil A employees will take orders from cars within the drive thru to make it move as efficiently as possible
- Then to a single lane and if your order is not ready, you pull over into the waiting lane
- Why this is in this lot is they like to control their operation
- They like one way traffic flow
 - We have worked with staff to remove some parking spaces but have 39 or 40 spots at the front door
- Worked with Staff to make sure that Chick Fil A had its own sidewalks
 - Showed and explained sidewalk and ADA access
- They need to have a counter clock wise flow on the site
- That is the reason we have the site shown the way it is
- We went through many different plans for this site
- It is a tenant driven request to have the canopy up front so the visibility from the road and Market Basket is not impacted by the drive thru and allows them to control their operation
- We have worked on circulation and parking spaces, pedestrian circulation

And now I would like to turn it over to David Floyd to talk about how we are shielding this and the landscaping to make sure this is beautiful.

Technical difficulties connecting with David Floyd

Wayne Morrill with Jones and Beach.

I am going to try to walk through David's presentation but as soon as David is able to talk, I will let him take over so we do not take up more of the Board's time this evening.

- Explained what the different views for the Chick Fil A site
- Continued similar landscaping as previously presented
- Added more landscaping in front of building 1B
- Front location has bus stop with ten (10) foot wide sidewalks
- Showed dumpster area in front that is screened with same cement type material as the Chick Fil A and shielded with enhanced landscaping to hide dumpster from the road

I will try to answer any questions the Board may have.

David Floyd with Site Solutions, the Landscape Architect discussed the Chick Fil A orientation and the dumpster enclosure with proximity to Main Street.

- Showed views of Chick Fil A plans
- Designed from the Crime Design Guidebook and maintain visibility to tenants
- Described the location of salt tolerant 4" caliper evergreens to screen the dumpster from Main Street view

That was a quick tour, does anyone have any questions?

Rene Daniel staff comments?

Jennie Franceschi I concur with Josh that this is the most asked question that I get on a daily basis as to what restaurant is coming into Rock Row. The restaurant area was approved in the beginning of Phase One but was not named at the time.

This was planned following the Ordinance trying to keep the structure line on Main Street to the best we could.

- Canopy system and reorientation of the property was not included on the previous plan
- The dumpsters were not located out on Main Street

Those are the concerns Staff has raised back to the applicant as the plan has changed significantly. We would like to continue conversation with the applicant as it pertains to Site circulation. We feel there is a conflict at the drive thru and the main access to the site at the Chick Fil A. There is innate issues with the flow of traffic.

We have given our comments to the applicant and provided a potential layout. We are not trying to dictate the actual location of it but just more to putting the canopy more to the rear of the building as well as the dumpster.

Those were the comments that Staff had provided and at this point we leave it to the Board to provide their comments.

Staff Comments from Memo:

1. *Pedestrian Circulation*
 - a. *Walkways are not continuous along Rock Row private drive entryway and through the Chick-fil-A parcel.*
 - b. *Sidewalk from the Southwest side of the Chick-fil-A needs to connect into the Chick-fil-A site and to the front door*
2. *Traffic Circulation*
 - a. *Concern on conflicts created by integrating drive-thru and parking lot – previous plan these elements were completely separated.*
 - b. *The bypass lane does not fit with the site and creates a two-lane right-turn only situation at the exit point. If necessary, consider an exit directly to the internal drive to the west of the CFA parcel, rather than wrapping entirely around building 1-B.*
 - c. *Access ways through the southeasterly parking pad from the Rock Row private drive creates a cut through slip lane to Chick-fil-A versus using the main access (parking lot) drive around this parking pod. This should be curbed off.*
 - i. *With removal of access point by market basket, stop lines can be removed internally in that parking pod.*
 - d. *Access into all building needs to be a clear path and cannot be via an ADA van access space as shown on buildings 1-A and 1-B.*
 - e. *The ingress and egress areas have many points of conflict. Parking spaces at end of rows near ingress of the parking area to the Chick-fil-A site should be removed to avoid conflict with entrance. (Use these points for pulling sidewalks through the site to connect with sidewalk along Rock Row Drive.*
 - f. *Remove three parking spaces located within the drive aisle, beyond the entrance to CFA site – conflict with travelling vehicles.*
 - g. *Remove the first parking space located at the intersection of the slip lane*
3. *Emergency Access*
 - a. *Concern over fire truck maneuverability. Turns are tight and could be difficult to achieve in emergency event.*
 - b. *Location of hydrant on Main Street is not feasible for buildings 1-A, 1-B and 1-C. Two additional hydrants internal to site required – one on island directly across from slip lane entrance to parking lot to serve buildings 1-B and 1-C, and one located next to the dumpster pad for building 1-A.*
 - c. *Front facing sprinkler system required, building 1-A*
4. *Elevations*
 - a. *White area shown on architectural renderings is a glass window*
 - b. *Main Street elevation should not look like the rear of a building. Elements should be added to soften the façade and give an appearance of forward facing*
 - c. *Concern of placement of drive-thru canopy along Main Street.*
 - d. *Canopy system not legible in elevation views.*
 - e. *Provide rendering of menu board system*
 - f. *Provide clarity on which door is the primary entrance to the building.*
5. *Other*

- a. *Dumpster location. Staff is not in favor of the current placement with the visual proximity to Main Street and conflict with pedestrian pathways is not ideal. Provide detail on dumpster enclosure/screening.*
 - b. *Update Plan Not 3 to state “339 spaces waived on 7/19/2016. 251 spaces utilized on Phase 1. 88 spaces remaining on waiver as of (this date)”.*
6. *Staff sees the reconfiguration provided creates more potential conflicts related to vehicular and pedestrian circulation, in addition to the placement of the dumpsters and canopy on Main St. Consider alternatives to site layout, as shown below which reduces conflicts by separating the drive thru traffic and hiding the canopy and dumpster. Example is not intended to be a final design but for pictorial purposes only.*

Board Action:

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

Rene Daniel opened Public Comment period

No comments

Rene Daniel closed Public Comment period

Any Board comments or discussion?

Robin Tannenbaum in general I appreciate all the thought that you are putting into this. I do see a lot of comments in the memo that Staff put forward. I understand you may not be able to flip the building, but moving the dumpster to the rear holds a lot of appeal to me.

I have a few questions,

1. The heavy, heavy landscaping within is beautiful, but where is the piling up of snow removal consideration?
2. Pier review of the plantings and I want to make sure that what is shown is appropriate to our climate.
3. With such a high profile tenant, how long is the lease typically?

Josh Levy the lease is anywhere from fifteen to twenty years for base term plus additional options.

We have a great operations plan for snow removal, we have another eighty acres behind us as it phases, the larger concern is as our project builds out to make sure the operation plan works for snow removal. On full build out we will have more of a concern.

I will turn it over to David Floyd to discuss the landscaping.

David Floyd we reviewed this landscaping plan with local landscaping companies, nurseries and a horticulturalist to go over the plant list to make sure the plants can handle the weather conditions. It is our desire to raise the bar for landscaping in this area and for this project as the entrance to the Rock Row development and the entrance to the City of Westbrook.

Rene Daniel someone else from the Board?

Rebecca Dillon thank you for the presentation. I always struggled with the previous plan of the buildings with the front/back relationship because when the building was turned the way you originally had it the back of the building was on Main Street. That is always a tough thing to handle architecturally to make it look good. I personally do not have an issue from the proposed building perspective having it turned. I think it opens it up to Main Street a little better.

If it does have to be 90 degrees as proposed, I think it is nice that the back it towards Market Basket rather than having the back towards Main Street.

I personally do not have an issue with the reorientation of the building. The dumpsters, that is tough in that location. I hope there is another location for the dumpsters that may work a little better.

I have a question of the evergreens along Main Street. What is the caliper when planted and how long will the growth take to get to the taller, fuller size that you are showing in the renderings?

David Floyd we are proposing a mix of evergreens, arborvitae and juniper and a pine. Those will be installed at seven to ten feet at installation. The three pines will be smaller and will go in at four feet but the other evergreens are going in between seven and ten feet.

The street trees will be 4" caliper will be twenty-four to twenty-six feet tall at installation, with the other shrubs being twenty-four to thirty-six inches at installation.

Rene Daniel another Board member?

Larry McWilliams I also want to echo some of the plantings I have seen going in at Market Basket. They are a good size. I do not have any issues with this orientation. I did have initial concerns of traffic flow but when I heard the presentation and description of the site it shows that you have this well thought out and are putting in a top notch project for all of Westbrook to enjoy.

Rene Daniel anyone else from the Board?

No Board comments

Rene Daniel I had concerns when I saw the placement of the building, then I lost concern after the presentation. However I still maintain my concern of the trash location. I have been on the Board for a long time and have never seen a trash area that has stayed pristine for any length of time. I do have a concern that the holding area is on the Main Street side.

I also concur with what has previously been said, if there is any other way to be able to move that from as close as it is to the sidewalk onto Main Street, I would appreciate you looking at it one more time.

Robin is correct, you have put a lot of time and effort into the landscaping plan, but I ask one more step be taken and review of the location of the trash area.

Any other comments?

No comments

Rene Daniel if nothing else, I would like to go to a motion to adjourn.

Rebecca Dillon move to adjourn

2nd by Nancy Litrocapes

Roll Call Vote:

Rene Daniel (At-Large) – Planning Board Chair	Yes
Rebecca Dillon (Ward 1) – Planning Board Vice Chair	Yes
Jason Frazier (Ward 2)	Yes
Joseph Marden (Ward 3)	Absent
Robin Tannenbaum (Ward 4)	Yes
Ed Reidman (Ward 5)	Inaudible
John Turcotte (At-Large)	Absent
Nancy Litrocapes (Alternate)	Yes
Larry McWilliams (Alternate)	Yes

Motion carries 6 in favor

Rene Daniel thanked the Developer, Presenters, Planning Board Members and Planning Staff

Adjourn

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