

**WESTBROOK PLANNING BOARD
TUESDAY, JULY 2, 2019, 7:00 P.M.
MINUTES**

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

Absent: Nancy Litrocapes (Alternate)

Staff: Jennie Franceschi

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.

Ed Reidman introduced a new member, Jason Frazier, Ward Two and explained the procedure for a Public Hearing.

PUBLIC HEARING

1. **2019.12 - 380 Main Street – Zoning Map Amendment – H.A. Mapes, Inc: The applicant is requesting an amendment to the Zoning Map to rezone the parcel located at the corner of Main Street and Lamb Street from Residential Growth Area 1 to City Center District. Tax Map: 040 Lot: 089 Zone: Residential Growth Area 1**

Ordinance Description

The applicant is requesting an amendment to the Zoning Map to rezone the parcel located at the corner of Main Street and Lamb Street from Residential Growth Area 1 to City Center District

Ordinance History

June 4, 2019 – Planning Board Workshop

July 2, 2019 – Public Hearing

Staff Comments

At the meeting on December 4th, 2018 the Planning Board approved a site plan for a self-service gas station and neighborhood grocery store located at 380 Main Street. Following the approval the development was determined to be too costly and the applicant has informed Staff of a decision not to proceed in the direction of the approved plan. After reviewing the list of permitted and conditional uses within the current RGA1 Zone, the applicant is requesting an amendment to the zoning map to extend the City Center Zone to cover the 380 Main Street parcel. This amendment would allow the property additional uses which would make the property more marketable.

Attached to the applicant's letter and application are two maps of the subject area. The first map shows the area with the current zoning showing the limits of the Residential Growth Area 1 and the City Center District. The second map shows the surrounding 2 or more unit-multifamily commercial units within the vicinity of the subject parcel.

Staff finds the proposed zoning map amendment to be consistent with the comprehensive plan, the area and the historical use of the parcel. (Purple Lines below show change of new CCD line.)

As part of the map amendment process, the Village Review “Downtown District” line (Blue Line below) would also be amended to include the 380 Main St parcel in the Downtown District line, as the 396 Main Street parcel (opposite side of Lamb St) is the current eastern boundary of the CCD shown by the Blue Line below. With the expansion of the CCD across Lamb Street, Staff feel it would be consistent to amend the Downtown District Line to include this parcel (which is shown in orange below) where if the 380 Main St parcel had been previously included in the CCD this Downtown District line would have included this parcel.

Jonathan Mapes H.A. Mapes explained the change of zone it allows additional uses to make the parcel more marketable.

Ed Reidman your project was before us previously.

Jonathan Mapes H.A. Mapes, that is correct.

Ed Reidman comments from the Staff?

Jennie Franceschi City Center District does continue across the street, down Main Street and is currently across the street on Lamb Street. The zoning line on the plan would now be the purple line, in addition to that because of the Village Review Overlay Zone the Downtown District line is the blue line and we recommend that the Downtown District line also encompass this parcel so it will comply with the architectural standards of the district.

Ed Reidman Public comments?

Matthew Coyne Does the City Center District go up the other side to Forest Street?

Jennie Franceschi the City center District line continues on the opposite side of the street up to Forest Street.

Matthew Coyne would it make more sense to put it on both sides to Forest Street?

Jennie Franceschi the applicant has asked for their specific property to be re-zoned at this time.

Matthew Coyne instead of chopping it up, wouldn't it make more sense to go up to the light on both sides?

Jennie Franceschi that is a possible recommendation that could come from the Board if they so choose. The only issue is we did not notice the properties of a potential zone change and it would require a re-notifications. The property owners may or may not wish to participate in a re-zone change.

Matthew Coyne thank you for your time.

Ed Reidman any others?

Public Hearing Closed

- 2. 2018.48 – Site Plan, Subdivision & Conditional Use - Cumberland Woods – Graiver Family Holdings, LLC - The applicant is proposing to develop a 72-unit multifamily subdivision on an existing vacant lot located at 425 Cumberland Street. Tax Map: 010 Lot: 028B Zone: Residential Growth Area 1**

Project Description

The applicant is proposing to develop a 72-unit multifamily subdivision on an existing vacant lot located at 425 Cumberland Street.

Project History

November 1, 2018 – Neighborhood Meeting
November 6, 2018 – Planning Board Workshop
December 1, 2018 – Site Walk
May 7, 2019 – Public Hearing
June 6, 2019 – Workshop
July 2, 2019 – Public Hearing

Staff Comments:

Lighting – Updated photometrics is needed addressing this following:

1. Plan shows areas of no lighting along driveway - additional lighting needed along driveway into site after entering from Cumberland Street.
2. Last building – no lighting proposed on side and rear of the building where there is a walkway proposed.
3. Lighting of all building entrances and along all pedestrian walkways required. (Including walkways to the side and rear of buildings C, E and F)
4. Rear of parking areas that abut City Forest land is too dim, additional wall mounts may be required to extend lighting.
5. Staff is in support of the basketball area being a day use only court

Utilities

6. Stormwater – Replace cover with grate for DMH-3 per
7. Stormwater – Change CB-10 to field inlet and reduce size of outlet pipe to main per direction from Staff meeting.
8. City reserves the right to request the addition of check dams in riprap swales along driveway if erosion should occur.
9. Provide CB analysis for CB's along driveway for the 25 year storm.
10. Additional CB at entrance to Cumberland St may be required depending on final sidewalk design for CB-1.
11. CB-2 – to SD-6 – no forebay for this discharge is shown. At a minimum, a small forebay should be installed to keep sediment out of filter bed.

Construction within the Cumberland Street ROW

12. If a lane closure is required, work hours are limited to 9a – 3p
13. Night work is required in the event work requires the closure of both lanes
14. Coordination with PD required regarding other project within the Cumberland Street ROW
15. Replace with full pavement depth

Miscellaneous

16. Survey-Subdivision plan – Final plan must be stamped by a licensed surveyor. Final plan needs to show final project boundaries as amended, clean up lines around Wilson Parcel 43/115A.
17. What is the easement area to abutter? – please be more specific.

18. Update the public access easement in accordance with the changes proposed by legal review.
19. Retaining wall will need barrier guardrail and potentially safety railings for fall protections along the top of wall.
20. Offsite sidewalk plan provided was a conceptual level. Final sidewalk plan to be reviewed and approved of by City prior to issuance of first building permit.
21. Provide Landscaping plan with Stamp from a Landscape architect.
22. Provide Cost Estimate
23. One Knox box on each building to be located next to the mechanical room
24. Provide 3 names to the E911 coordinator for review for driveway
25. Provide updated plan set in mylar and paper form, with an additional mylar and paper of the subdivision signature sheet by noon on Tuesday July 2, 2019.

Dustin Roma with DM Roma Civil Engineers on behave of Graiver Homes LLC. We have had one public hearing already on this project. Some items left to address primarily revolved around to make sure we had our DEP permits in place, which we have and the Portland Water District approval and have met with Maine Department of Inland Fisheries and Wildlife and received their approval and Westbrook Rec and Conservation Commission and have their approval as well.

Some additional information that we have prepared for this project is we did have a determination that the pond is not regulated as a vernal pool and have made adjustments to the plan in that aspect. We have provided documentation for the City's Legal Counsel for the public access easement over the internal sidewalk. We have included a couple of comments to be included in the final document that will be signed that we are agreeable to.

We updated photo metric plan which included four more pole mounted light fixtures to the access drive coming in.

We have revised the building color pallet and have three different colors and have provided the color samples in your packet.

We have also have done a small modification to the parking area on the rear to relocate the dumpster and changed parking spaces on the corner.

Another significant piece is the inclusion of sidewalk on Cumberland Street.

**showed the sidewalk plan

The construction of the sidewalk will be included in our project and covered in the Performance Guarantee.

We have reviewed the staff memo and have provided written responses and have addressed each of the comments.

We believe the project is complete and are looking for final approval and will be happy to answer any questions the Board may have.

Jennie Franceschi of the comments we received, the only item we will include in the Conditions of approval is a final public access easement that is currently being worked on by legal. They did receive legal staff comments late and will provide the easement at the pre-construction meeting. Staff would like to have the lighting reviewed a little bit more in the field to make sure to make sure we have sufficient lighting in the parking lot. What we have on the photometric plan we feel will be sufficient for safe passage.

Ed Reidman Public comments?

Andrew Warren 517 Cumberland Street I am thrilled about sidewalk that will be added but it is a drop on the bucket as to what needs to be done in terms of the infrastructure that needs to be done to accept this many residents. I support this development, but I wish the City would improve the infrastructure for the entire neighborhood.

Elizabeth Naber 433 Cumberland Street expressed concerns on the impact to the neighborhood in general, the addition of lights, noise and 108 cars trying to get out on to Cumberland Street when it is backed up well beyond Pierce Street.

Ed Reidman anyone else?

Public Hearing Closed

REGULAR MEETING

3. **Call to Order.**

4. **Approval of Minutes.**

Rene Daniel move the December 4, 2018 minutes be approved as presented as well as the May 7, 2019 be accepted as presented.

2nd by **Kim Fickett**

The vote is unanimous in favor 6-0

NEW BUSINESS

5. **2018.27 – Site Plan - 36 Patrick Drive – Bethel Christian Center – The applicant is requesting a one-year extension on the August 7, 2018 approval for a 3,136 sf expansion to an existing building. Tax Map 042B Lot: 004D Zone: Gateway Commercial**

Project Description:

The applicant is requesting a one-year extension on the August 7, 2018 approval for a 3.136 sf expansion to an existing building.

Project History:

June 22, 2018 – Neighborhood meeting

July 3, 2018 – Planning Board Workshop

July 21, 2018 – Site Walk (Building location was staked following the site walk for independent review by the Planning Board)

August 7, 2018 - Public Hearing

July 2, 2019 – Extension Request

Staff Comments (from previous approval – for reference):

1. The egress path from Southwest corner door of expansion needs to have a paved surface to the sidewalk and plowed in winter.
2. Knox box to be obtained from the Fire Department
3. The final location of the relocated shed must conform with setbacks
4. Building elevations for the expansion will match the materials and colors of what is existing. A photo of the existing building is included with the 7/27/2018 submission.

Staff takes no issues with the one-year extension of this project to allow the applicant additional time for completion

Mutima Peter requests the one extension to finish the project expansion as Unitil needs time to finish work.

Ed Reidman questions from the Board

No questions

Rene Daniel review, the construction has begun?

Mutima Peter no, Unitil is working around the property and will be done around July 12th.

Rene Daniel the only problem we have is Unitil has not completed their project?

Mutima Peter correct

Rene Daniel move to grant an extension of one-year for the Site Plan application for the 3,136sf expansion to an existing building located at 36 Patrick Drive, Tax Map: 042B Lot: 004D Zone: Gateway Commercial is **approved with conditions**. All previously approved findings of fact and conclusions and conditions are still applicable.

2nd by Joseph Marden

The vote is unanimous in favor 6-0

6. **2019.12 - 380 Main Street – Zoning Map Amendment – H.A. Mapes, Inc: The applicant is requesting an amendment to the Zoning Map to rezone the parcel located at the corner of Main Street and Lamb Street from Residential Growth Area 1 to City Center District. Tax Map: 040 Lot: 089 Zone: Residential Growth Area 1**

Ed Reidman the Board has had Public Hearing and is now before us to make a recommendation to the Council.

Rene Daniel is this just a request of a Zone Change?

Jennie Franceschi yes from RGA 1 to City Center District.

Rene Daniel so they are no longer going to build the project that came before us?

Jennie Franceschi as of this time they are withdrawing the approved site plan.

Rene Daniel is there something that we should be looking for to put the site back to where it looks to be presentable?

Jonathan Mapes it was not presentable in the beginning, but we disturbed the soils and have been talking to the Staff about bringing it back to a presentable site.

The idea was assuming you vote favorable that use would be an office building.

Rene Daniel you are not looking to dispose of the property, or are you looking to build something different?

Jonathan Mapes it depends on whether the building can be renovated or not. It is not pretty, but we could improve upon that. We are looking to see the outcome of this meeting.

Robin Tannenbaum backing up on Rene's question, regardless of what happens tonight, is the City going to ask to either pave or seed it, asap?

Jennie Franceschi yes, we already have

Ed Reidman other questions or comments?

Joseph Marden move to recommend the proposed zoning map amendment for adoption to the City Council.

2nd by Rebecca Dillon

The vote is unanimous in favor 6-0

7. **2018.48 – Site Plan, Subdivision & Conditional Use - Cumberland Woods – Graiver Family Holdings, LLC - The applicant is proposing to develop a 72-unit multifamily subdivision on an existing vacant lot located at 425 Cumberland Street. Tax Map: 010 Lot: 028B Zone: Residential Growth Area 1**

Ed Reidman any questions from the Board?

Joseph Marden on the sidewalk on Cumberland Street, will it be over the existing paved shoulder or on the lawn area?

Dustin Roma explained the location of the sidewalk

Rene Daniel Dustin, at the previous public hearing, I agreed with most of what you said. However, we are asked tonight to look at your project, not to the whole scheme to the Windham line. My personal opinion mirrors what a public member said but being ethical that is not your responsibility.

For the public to know, I would like to have the City Planner answer one question, is it publicly known that Cumberland Street from the four corners where Severinos Store, all the way to Windham, is that not a State Road?

Jennie Franceschi yes

Rene Daniel is it not at some point in time going to be repaired?

Jennie Franceschi looking to be repaved within the window of pavement is currently out there.

Rene Daniel hopefully the public knows now.

Rene Daniel explain what type of lighting

Dustin Roma access pole mounted lights directs lighting downward not out and illuminate the roadway.

Rene Daniel I liked the parking spaces in the corner and what you did with the dumpsters.

Rebecca Dillon regarding Cumberland Street and MDOT having control over that, it is not unique. This street is not unique in the City of Westbrook, we have a lot of streets in Westbrook where traffic is an issue. We are not keeping up with the traffic and keeping pedestrians safe. So, if MDOT is planning on doing some paving, what can the City do to find out if they are willing to put in a sidewalk? I know they are difficult to deal with but what can the City do to advocate or that neighborhood to try to get the sidewalk extended. I agree I do not feel it is up to the applicant to upgrade the entire neighborhood that significantly. I do think if there is a way the City can advocate for the neighborhood with MDOT, but I do not know what avenue that is.

Jennie Franceschi the funding that is being utilized for the paving of Cumberland Street is coming through a program that is specific to improving the existing surfaces that road system. If the City was to apply for additional funding to increase the capacity to a use of a sidewalk it would have to be through an additional funding resource. I do know that these specific project funding have exceeded budgets by 50 to 70 percent. Right now, MDOT is having difficulties with their projects as originally specked out. But that is not to say we couldn't look at that, we can have a conversation with the City Engineer.

Ed Reidman questions or comments?

Rene Daniel move The Site Plan / Subdivision Plan and Conditional Use application for Graiver Family Holdings, LLC for a 72-unit multifamily subdivision on an existing vacant lot located at 425 Cumberland Street, Tax Map: 010 Lot: 028B Zone: Residential Growth Area 1 is **approved with conditions** and the following findings of fact, conclusions and conditions as stated on pages **4 through 5** of this Staff Memo dated June 28, 2019 are adopted in support of that approval.

Site Plan – Finding of Fact:

Utilization of the Site – *Adequate*.

Adequacy of Road System - *Adequate*.

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*

Financial and Technical Capacity – *Adequate. The applicant has provided a letter of financial capacity from Ion Bank dated March 26, 2019. Applicant has retained the services of DM Roma Consulting Engineers which demonstrates technical capacity.*

Solid Waste – *Adequate.*

Historic, Archaeological and Botanical Resources – *Adequate*

Landscape Plan – *Adequate.*

Subdivision – Finding of Fact:

Pollution and Sewer Disposal – *Adequate. Disposal of the Sewage from the project will be via the City Public Sewer system, and therefore will not cause a pollution issue.*

Water - *Adequate.*

Soil Erosion - *Adequate.*

Traffic – *Adequate.*

Sewage - *Adequate. The applicant has received an ability to serve from the Westbrook Sewer Department.*

Solid Waste – *Adequate. The applicant will be responsible for all solid waste generated by the project for trash disposal.*

Aesthetics

1. *Project to Site – Adequate.*
2. *Project to Surrounding Property – Adequate.*
3. *Landscape Design – Adequate.*
4. *Lighting – Adequate.*
5. *Signs – Adequate.*

Conformity with Local Plans and Ordinances – *Adequate.*

1. *The proposal is in conformance with the Comprehensive Plan.*
2. *Subdivision Plan meets requirements of the Land Use Ordinance*

Financial and Technical Capacity – *Adequate. The applicant has provided a letter of financial capacity from Ion Bank dated March 26, 2019. Applicant has retained the services of DM Roma Consulting Engineers which demonstrates technical capacity.*

Conditional Use – Findings of Fact:

- A. Certain Requirements Met. That the use requested meets the dimension, parking, loading, and sign requirements of this Ordinance. - *Adequate*
- B. Value. That the use requested will not significantly devalue abutting property or property across public or private way. - *Adequate*
- C. Effects of Land Use. That the use granted will:
 - (1) Maintain safe and healthful conditions,
 - (2) Not cause water pollution, erosion, or sedimentation
 - (3) Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat,
 - (4) Conserve shared tree cover and visual, as well as actual, access to water bodies,
 - (5) Not burden on-site septic or off-site waste disposal,
 - (6) Not burden existing public ways.
Adequate as to C) (1) through (6)
- D. Performance Standards. That the use granted is compatible with adjacent land uses and that it meets the following performance standards:
 - (1) Landscape Environment and Enhancement. The landscape must be preserved in its natural state insofar as practicable. It must be designed so as to stabilize the slopes and buffer the site, where necessary,
 - (2) Surface Water Drainage. Surface water drainage must not have an adverse effect on surrounding properties, downstream water quality, soil stability, or the storm drainage system,
 - (3) Water, Air, Soil Pollution. The development will not cause unreasonable water, air, or soil pollution,
 - (4) Soil Integrity. The development will not cause unreasonable soil erosion or reduction in the capacity of the soil to hold water,
 - (5) Natural Environment. The development must not have an unreasonably adverse effect on a historic site or irreplaceable natural areas,
 - (6) Nuisance Factor. The development must not cause unreasonable noise, odors, dust, gas, fumes, smoke, light or other annoying or dangerous emissions,
 - (7) Special Features. Exposed storage areas, machinery installation, service and loading areas, and similar facilities must be set back, screened, or buffered so as to minimize any possible adverse effect on the surrounding uses,
 - (8) Vehicular Access. The site layout must provide for safe vehicular access and egress, including that for emergency vehicles,
 - (9) Parking and Circulation. The layout of vehicular and pedestrian traffic patterns must provide for safe interior circulation, separation of pedestrian and vehicular traffic, and storage of plowed snow and the parking shall comply with the parking requirements set forth in Section 505.1 A-D, regardless of whether the conditional use requires site plan review, and
 - (10) Public Services. The development must not impose an unreasonable burden on the water supply and sewage disposal systems, fire or police services, public ways, schools, recreational facilities, and other public services or facilities.
- Adequate as to D) (1) through (10)

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 October 15, 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 site disturbance or building permits being issued for the project:
 - a. All Staff comments must be addressed.

- b. Review of building elevations to be consistent with submitted documentation or testimony.
 - c. Copy of the recorded subdivision plan provided to Planning Office.
 - d. A pre-construction meeting must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate.
 - e. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.
 - f. An inspection fee shall be made payable to the City of Westbrook for inspection of site improvements made by the Code Enforcement Officer and/or other appropriate City staff. 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.
 - h. Coordinate with the E911 Coordinator on addressing of the Units.
 - i. 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. Final design of the sidewalk system along Cumberland St shall be reviewed and approved of by the Engineering Department prior to any building permits being issued.
5. Prior to the first Occupancy Permit issuance:
- a. A site inspection for the required site improvements by the City to ensure public health & safety is addressed and compliance with the approval. These include all improvements needed for the safe access of those accessing the structure.
 - b. A performance guarantee amount must be held in the amount of the remaining improvements.
 - c. Provide documentation of maintenance contractor for Stormwater Best Management Practices.
 - d. Sign design and E911 requirements shall be addressed to the satisfaction of the Codes Department.
6. Prior to release of the performance guarantee:
- a. The sites will be in compliance with the approved plan and as-built plan provided in City approved format for the GIS system
7. The applicant shall comply with the requirements of local and state authorities for life and safety requirements. (Hydrant maintenance is the responsibility of the property owner.)

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.

2nd by John Turcotte

The vote is unanimous 6-0

Ed Reidman do I have a motion to go into workshop?

Rene Daniel so moved

2nd by John Turcotte

The vote is unanimous in favor 6-0

WORKSHOP

8. **2019.19 – Site Plan, Subdivision, Village Review - 660 Main Street – MTR Development, LLC – The applicant is proposing the demolition of an existing residential building and construction of a two-story multi-use building with first floor commercial space and three residential units on the second floor. Tax Map: 033 Lot: 028 Zone: City Center District, Village Review Overlay Zone**

Project Description:

The applicant is proposing the demolition of an existing residential building and construction of a two-story multi-use building with first floor commercial space and three residential units on the second floor.

Project History:

July 2, 2019 – Planning Board Workshop

July 10, 2019 – Village Review Overlay Committee (scheduled)

Staff Comments:

Site Plan

1. Building must be sprinkled with full fire alarm system
2. Provide documentation of neighborhood meeting (sign in sheet and minutes) to planning office.
3. Parking layout – need to address how to ensure one-way circulation is achieved. Possibility of different layout (angled parking; parallel parking; etc.) Location of proposed directional arrows and/or signage must be shown on the final plan. Sign renderings must be included with final application
4. Narrow/define entrance to discourage vehicular exit to Main Street
5. Standard boundary survey required
6. ADA space required
7. Show dumpster location on final plan or provide how trash disposal will be addressed. Screening required for all dumpsters/trash receptacles.
8. Stormwater treatment required prior to utilization of city storm system
9. Show all new utilities on final plan – Storm/Sewer/Gas
10. Underground electrical service required
11. Show Snow storage on final plan.

Elevations

12. Appreciating the mixed-use nature of the building and added density in the down town – Staff does not feel the proposed design captures the desired façade of a “Main Street”. Barring the first-floor picture windows, the building has an entirely residential appearance. Staff recommends a commercial front to the building. The building entrance should be defined with a recessed door and have other features (awning (canvas material – dark based colors), lighting, signs, larger first floor window scale etc.) to indicate a commercial entity rather than residential. Remove the second-floor deck.
13. Windows appear small in proportion to the building scale
14. What are the proposed materials for the siding? Note – vinyl siding is not permitted in the Downtown District.
15. 70% of the building façade facing Main and Giles Street must be articulated with windows, signs, cornices and other coordinated architectural features – Please be prepared to verify this standard is met
16. Applicant is scheduled to meet with the Village Review Overlay Committee on July 10, 2019

Board Action:

1. Site Walk
2. Public Hearing

Dustin Roma explained the aspects of the project. The building is proposed to be a two-story mixed-use building with a 2100 square ft. foot print with commercial use on the first floor and three residential units on the second floor.

Currently we are putting together some architectural drawings for the building. There were some preliminary drawings that were provided to City Staff to get initial feedback from staff. We do have a Village Review Board scheduled for July 10th and the applicant has retained an architect to review elevations drawings to address the comments that have been brought to our attention to date and will work closely with the Village Review Board to make sure this building fits in and has a commercial look and not too residential looking.

We will hold a neighborhood meeting prior to coming back in for our formal site plan application. We are looking to extend the drive from Main Street to Giles Street. Currently the driveway comes in off of Main Street and has a shared drive with the adjacent property with angled spaces. I believe that is a five-unit building. This will be continued to be a shared access driveway into the site and would like to extend that by exiting the property would occur on Giles Street.

We have been working with City Staff as to how we would discourage use of this as an exit onto Main Street. The parking does not support two-way parking there. We are looking to narrow up that entrance with addition of signage to discourage through traffic.

We are proposing a sidewalk along the driveway coming in.

We are working through the details on utilities. The property is being surveyed.

At this point we would like to hear from the Board as to what you would be looking for on this application and any feedback that would help us form the site plan as we go through this process in preparation of the detailed plans.

Ed Reidman as I recall originally the building was to be torn down and is that still the plan?

Dustin Roma correct

Ed Reidman you will tear down the garage also?

Dustin Roma correct

Robin Tannenbaum I want to thank you because I believe it was going to be torn down and replaced with a parking lot. I was on Village Review at that time and it was incredibly painful. The parcel is directly across from Riverbank Park. I am really happy that we are not putting a parking lot there.

I do have a number of concerns about the massing and the articulation of what you have shown. Part of me wants to wait as you have brought an architect in and will be meeting with Village Review Board who will give you some feedback. I am going out on a limb and say that in my personal and professional opinion the most successful building built in the area in downtown Westbrook is the Roots Café building and I would hope you would use the quality materials, detailed and scaled as nicely with the same attention would be given to this project in the Downtown District and I will be looking for that.

I would like to see 100 feet on either side looking for roof pitches, heights and masses that tells an important story about how a building fits in. I do not know if we can accommodate some variation thereof.

Jennie Franceschi We can talk to the applicants architect to see how we can incorporate your request.

Robin Tannenbaum I would like to wait and see what you come back with.

Rebecca Dillon I agree with what Robin said and am sure that you will receive similar comments from the Village Review Board. It is great that you will have an architect on board to address all those concerns.

I think narrowing the street entrance makes sense and is a good suggestion to reduce pavement and help with the traffic. I will look forward to seeing what the building looks like next time.

Ed Reidman anyone from the Public like to speak?

No comments

Rene Daniel 99% percent the things I was going to bring up, my two Board Members already stated them. Did I misunderstand you, is it a one way from Main Street to Giles Street?

Dustin Roma you won't be able to come into the site from Giles Street enter from Maine Street an exit through Giles Street.

Rene Daniel with signage.

Dustin Roma correct with a fire lane there so we will make sure that there is no parallel parking along the driveway.

Rene Daniel thank you for tearing down the building and rebuilding instead of having a parking lot. Also pay attention to the landscaping, like the duplex on Spring Street that you brought to this Board, it was out of the box and looks attractive. I am excited that you are going before the Village Review and am excited to see you when you come back.

Dustin Roma thank you

Ed Reidman questions from the Board?

No questions

Ed Reidman we will see you

Jennie Franceschi was there any need to have a site walk

Ed Reidman we approved the tear down previously and saw it then, the newer Board Members can drive by and take a look at the site.

9. **2019.20 – Site Plan - 959 Spring Street – A and C Builders, LLC – The applicant is requesting to construct a car wash, coffee shop and associated parking and site improvements. Tax Map: 002 Lot: 015 Zone: Highway Services**

Project Description:

The applicant is requesting to construct a car wash, coffee shop and associated parking and site improvements

Project History:

June 27, 2019 – Neighborhood Meeting
July 2, 2019 – Planning Board Workshop

Staff Comments:

1. Spring Street is under moratorium until August 2022. No pavement disturbance within the public right-of-way is permitted.
 - a. Applicant will need to verify peak flow rate of the car wash and existing capacity of service. May need to supplement if not sufficient.
 - b. Possible private connection with abutters? Easements from abutters would be necessary and must be shown on final plan. Draft easement language must be included with final submission for legal review.
 - c. Existing conditions show two curb cuts. Only one curb cut is permitted. Verify with public works this is possible under moratorium
2. Site is located within the Long Creek Watershed and will have to meet the applicable standards

3. Final plan should include buffering from residential abutters
4. Landscaping plan required with final submission
5. Provide documentation of the neighborhood meeting (sign-in sheet and minutes) to the Planning Department
6. Determination of industrial pretreatment plan required
7. O/W separator required – include as a plan note on final plan (maintenance plan?).
8. Fire safety measures to be determined based on final building design and building separation
9. Vacuums are not permitted within setbacks
10. Traffic study required with final application
11. Indicate type and location of all signage on final plan
12. Dumpster enclosed – staff recommends vinyl wrapped chain link with privacy slats
13. Show lighting on final plan – photometric plan may be required
14. Building elevations required with final submissions

Board Action:

1. Site Walk
2. Public Hearing

Travis Letellier Northeast Civil Solutions representing A & C Builders with their proposal. We are at the preliminary stage and are looking for the Boards' comments on the site plan. We do have Staff comments and we are still in the process of looking into the flow rates, the existing utility services on site. As you know Spring Street is under a moratorium so we will not be able to extend new services to the site. The initial inspection of the site, it appears that we will be able to use the existing utilities on site.

The proposal is for a four-bay carwash that will be self-service. They will also incorporate a dog wash station in the middle and a coffee shop as well.

Questions, comments or recommendations from the Board?

Ed Reidman the Board will ask questions, at this time the public can participate.

Cliff McKinley 967 Spring Street and my house is right beside this proposal. I have a few questions that we asked at the neighborhood meeting the other night.

1. What are the setbacks for buildings? I believe it is thirty feet.
2. What are the setbacks for asphalt?
3. Light distribution, as it is it is still residential in that area, even though the way it is zoned with houses on both sides and a house across the street. So, when you talk about a car wash, day light hours will be the highest it is going to be.
4. Are the ours of operation is going to be twenty-four seven? The lights from cars will not be what people are used to. It is a busy place and the traffic between seven and nine in the morning and four to six in the evening is the busiest times.
5. What are the hours of the coffee shop?

Just a little background I was actually born in Westbrook and have lived on that street for fifty-three years, so I have seen all the changes that have gone on there.

The people in the neighborhood is concerned about the traffic. Since the day care was put in there has been more accidents on Spring Street. Spring Street from the corner to South Portland is thirty miles and then in South Portland it is forty miles an hour. But since the Police are not in the area it is more like forty-five miles an hour all the way through. We are concerned about more accidents on the street.

We noticed that the coffee shop is not connected to the building and I did not know if the coffee shop could be connected to leave more space on the either side to give us buffer. I also thought of asking for a nice-looking fence where the houses are right now on either side of the project to help with lighting from the vehicles as they pull in and out.

Right now, it shows two-hundred and twenty feet from front to the back and I did some measurements with their pins and it is over two-hundred and thirty feet from pins on site, instead of two-hundred and twenty from the pins that are on site. The original pin is shown here, and their line needs to come down a little bit, actually two-hundred and twenty-three feet from the original pin.

I would ask at least at this point to this on hold until the true border is determined.

Ed Reidman can you address the existing survey pins.

Travis Letellier we did do a boundary professional survey provided by NCS. The original cut out of the and some time in between the original survey was done and the back-lot survey there was an error made and we did go back further to locate the issue. I am not a surveyor so I cannot explain it but certainly our office can explain the issue.

Ed Reidman you are aware that there is a problem.

Travis Letellier we are aware that there is a difference what is shown on some maps and what we found on our boundary survey.

Ed Reidman you heard his comments about the building.

Travis Letellier certainly there will be consideration to lighting on the site, especially with the headlights. We will not be shining headlights into anyone's yard.

Ed Reidman anyone else

Roger Mapili 947 Spring Street to begin with I do believe there will be headlights going directly into the bedroom where I live. I am worried about property damage during construction.

I wonder why anyone would want to put a carwash there in the middle of all these homes. Would you want a carwash next to your house? I am just hearing that the hours will be twenty-four seven. Daytime was already to much in my opinion.

Air pollution, litter, decrease of property values, noise, lighting, we have lived there for thirty-three years my mother is 76 years old, this is an investment, this is our home and it feels like it is going to

be taken away from us. If we did not like it after it was built and we wanted to move, then what because who wants to buy a house next to a car wash?

I do not know about the Highway Service Zone as the road is so narrow, it is so full of traffic that you are aware of. We will definitely be suffering with the carwash there. We are all paying the price to have this project there.

Ed Reidman other comments?

Cliff McKinley the other thing I forgot to mention is the vacuum cleaners that will be out there. With the vacuums that could be running twenty-four seven, at least if those could be down to a daylight hour limitation, that could help as they are noisy.

What he mentioned about the back lot, I actually have a warranted deed that tells how much land I own back there, and I provided the developer with a copy to let them know and hopefully help straighten things up of what property I own.

Ed Reidman anyone else have any comments.

Rene Daniel I remember that area has always had a water problem, so when you add pavement where there is a water problem, water will go away from the pavement to the easiest resistance. My second problem is not the same sketch provided in the packet is not the same as what you are showing the Board, there is a lot of pavement there. I understand historically that there have been homes there and I do have concerns about the four or five vacuums. I believe there is a statute that prohibits noise creating businesses to be open twenty-four seven. Am I correct?

Jennie Franceschi we will look into that.

Rene Daniel I am perplexed as to why there? Also, will there be future development on the flag lot?

Travis Letellier no there is no plans for future development at this time.

Rene Daniel when you come back make sure to remember the landscaping and make sure you keep communications open with all the neighbors. I have grave concerns about this business and where it is located.

Robin Tannenbaum Mr. Daniel has covered most of my concerns. I have never asked an applicant this but, why a car wash?

Adam Latorno owner of A and C Builders, the reason for the car wash is driven by a lot of the area residential customers that could come here and also the traffic counts are a big factor to having a profit on a car wash. That is the main factors.

Robin Tannenbaum did your company purchase the lot to put a car wash there or did you already own it?

Adam Latorno we are under contract contingent of Planning approval of this project.

Robin Tannenbaum do you have another car wash property?

Adam Latorno I do not.

Joe Marden can you clarify the hours of operation?

Adam Latorno hours of operation for the car wash ideally would be twenty-four seven with situations in the winter that it would be closed. In regards to the coffee shop we have no set hours at this point. I can tell you that it would not be twenty-four hours a day.

Joe Marden are the vacuums operational twenty-four hours a day?

Travis Letellier the initial intent is to have them twenty-four hours a day. I will speak to a partner and we could discuss that they go on a timer that at ten pm they can shut off.

Joe Marden are you anticipating a traffic movement permit from MDOT?

Travis Letellier we have only looked initially at the traffic.

Joe Marden to the planner, pavement setback?

Jennie Franceschi we do not have a pavement setback

Robin Tannenbaum will there be staff there at all times when the facility is open?

Adam Latorno we will have an attendant there, whether it will be all hours of the day we will have to see how the facility operates. Nothing that has been defined yet.

Robin Tannenbaum through the Chair to Jennie, is there any requirement to have a staff person there? Lots of concerns if there is not, things can go wrong, noise, litter etc.

Jennie Franceschi as part of the planning process, keeping the site clean and orderly, I believe that is something that we can be putting into the approval.

We do not have anything in the Ordinance that requires the attendant be on site all the time.

Robin Tannenbaum have you considered any pervious pavement or alternative water treatment? It is a lot of pavement and a lot of water coming off of it.

Travis Letellier the soapy water will not be allowed to drain off the site. It will have to be collected and treated on site. Any storm water on site we will be making considerations for the amount of flow. That has not been worked out yet.

Jason Frazier I have concerns about traffic impacts especially without a dedicated turn lane or a shared center lane. A traffic study will offer the best-case scenario.

Travis Letellier we are planning on a full study for that.

Rebecca Dillon a lot of my comments and concerns have been stated by other members, there is a lot of pavement. I think buffering for the neighbors will be critical and the noise is a bug factor and I think our Ordinance addresses noise when building a commercial project abutting a residence and can the Planning Board have any control of hours of operation.

Jennie Franceschi Highway Services does not allow noise to exceed the lot line.

Ed Reidman you are saying the majority of the noise is going to come onto the property and will be from the traffic rather than common off the property. With the vacuums, you will have noise coming off the property. It has already been mentioned that traffic is a problem there and traffic creates noise.

Jennie Franceschi the one comment that David Finocchietti mentioned is that residential housing in this district is not permitted. These are nonconforming uses currently and existed prior to zoning. As Chairman Reidman has stated, traffic does have an element noise and additional ambient noise and already an element of noise can add to the neighborhood and the applicant needs to cognoscente of that.

Kim Fickett when I looked at this and even though it is an outdated use it is a residential area and I have concerns in addition to everything else said, an industrial looking building being plopped down in between the houses. I think it would be a break in the flow of the eye and so if this does go forward, I would like to see some conformity there, so we do not have this cement block building of a car wash building next to all these houses.

Travis Letellier we have provided a rendering to staff.

**Showed rendering on overhead screen

Robin Tanenbaum the dog wash, dogs could run off, the applicant needs to have consideration of keeping the dogs on the site.

John Turcotte all my comments have been addressed earlier. The buffering from the existing residences, I am curious as to what you will be proposing.

Ed Reidman that is it, thank you.

10. **2019.21 – Ordinance Amendment – Chapter II Section 203 Nonconforming Use Provisions: The proposed amendment establishes and clarifies standards for the alteration, reconstruction and expansion of existing nonconforming uses, structures and lots.**

Ordinance Description:

The proposed amendment establishes and clarifies standards for the alteration, reconstruction and expansion of existing nonconforming uses, structures and lots.

Ordinance History:

July 2, 2019 – Planning Board Workshop

Staff Comments:

The existing Ordinance for nonconformance within the City is limited and unclear in nature and can be overly restrictive in terms of the maintenance and repair of nonconforming structures. Upon review of the existing Ordinance, neighboring municipalities and discussions with the Code Enforcement Officer, Staff has provided the Board with a draft Ordinance that clearly addresses nonconforming uses, structures and lots within the City. The intent of the Ordinance is to encourage those in nonconformance within the City to comply with existing standards while still affording the flexibility of property and business owners to maintain existing structures and uses.

Nonconforming Uses

- The draft Ordinance allows for the expansion of existing residential nonconforming uses, including the addition of accessory structures, such as an unattached garage or shed. While the intent of the Ordinance is to discourage nonconforming uses within the City, Staff did not want to overburden a residential home which became non-conforming due to an amendment to the zoning map or district.
- The draft language for nonconforming extractive industry is consistent with the existing Ordinance
- All other expansions of nonconforming uses are prohibited.

Nonconforming Structures

- The existing Ordinance does not permit for the replacement of a nonconforming structure within the same footprint. Through conversations with the Code Enforcement Officer, it became apparent that this was creating a safety concern due to property owners who would not be able to obtain the size or density that their existing nonconforming structures provide if that structure were required to meet current standards and therefore are unable to provide necessary building upkeep if that maintenance involves the removal of any part of the building. The proposed Ordinance would allow the restoration or replacement of a nonconforming structure, provided the new structure does not increase the nonconformance, the restoration or replacement is necessary as a result of a cause other than the willful act of an owner or their agent and the restoration or replacement occurs within a specified time frame from the date of damage.

Nonconforming Lots

- Although the proposed amendment is a repeal and replace, the draft language for nonconforming lots is consistent with the existing Ordinance with the following exceptions:
 - Staff revised the language from “substandard lots” to “nonconforming lots” to remain consistent throughout the Ordinance
 - Slight reorganization within the Design Standards subsection for clarity.

Board Action:

1. Consider public comment and provide feedback to Staff
2. Public Hearing

Ed Reidman anytime you put something like this before the Board, it scares me, because it makes someone else non-conforming. I will suggest that we have everyone take this home, read it, make your comments and we will put it on the agenda for another workshop.

Adjourn